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

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

California Department of Transportation
Gallegos Room
4050 Taylor Street
San Diego, CA 92110
I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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

IV. Administration

A. Fiscal Year 2021/22 Budget Report

V. Legislation

A. 2022 Legislative Calendar
B. Discussion of Legislation for 2022 (Possible Action)
   1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
   2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
   3. AB 1733 (Quirk) State bodies: open meetings.
   4. SB 189 (Committee on Budget and Fiscal Review) State Government {Chapter 89, Statutes of 2022}.
   5. SB 1120 (Jones) Engineering, land surveying, and geology.
   8. SB 1443 (Roth) The Department of Consumer Affairs.
   9. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.
C. Proposed Legislation regarding Public Resources Code section 677 relating to the State Geologist from the Department of Conservation, California Natural Resources Agency (Possible Action)
VI. Enforcement
A. Enforcement Statistical Reports
   1. Fiscal Year 2022/23 Update

VII. Exams/Licensing
A. Examination/Licensing Updates
   1. 2022 Examination Update – First and Second Quarter Examination Results

VIII. Executive Officer’s Report
A. Rulemaking Status Report
B. Update on Board’s Business Modernization Project
C. Personnel
D. ABET
E. Association of State Boards of Geology (ASBOG)
   1. 2022 Annual Meeting Update – Board Voting Delegate (Possible Action)
F. National Council of Examiners for Engineering and Surveying (NCEES)
   1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions (Possible Action)
   2. Introduction of Jason Gamble, PE, NCEES Chief Officer of Examinations
G. Update on Outreach Efforts
H. Future Meeting Logistics

IX. President’s Report/Board Member Activities

X. Approval of Meeting Minutes (Possible Action)
A. Approval of the Minutes of the June 23, 2022, Board Meeting

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

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

XIII. Open Session to Announce the Results of Closed Session

XIV. Adjourn
I. Roll Call to Establish a Quorum
II. Pledge of Allegiance
III. Public Comment for Items Not on the Agenda

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

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

The Board’s Budget Authority for fiscal year FY 2020-21 was $13,319,000 which included an adjustment for the 9.23% reduction in staff compensation.
GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

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

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

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

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

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

Fiscal Month
Identifies the expenditures up to October 2021.

Fiscal Year
Identifies the current year.

Run Date
Identifies the date this report was pulled from QBIRT.

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>REVENUE CATEGORY</th>
<th>PRIOR YEAR FY 2020-21 FM 11</th>
<th>CURRENT YEAR FY 2021-22 FM 11</th>
<th>CURRENT YEAR PROJECTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquent Fees</td>
<td>$106,574</td>
<td>$133,365</td>
<td>$150,076</td>
</tr>
<tr>
<td>Other Regulatory Fees</td>
<td>$87,960</td>
<td>$123,215</td>
<td>$102,138</td>
</tr>
<tr>
<td>Other Regulatory Licenses &amp; Permits</td>
<td>$1,329,556</td>
<td>$1,896,218</td>
<td>$1,743,588</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>$50,436</td>
<td>$27,775</td>
<td>$51,328</td>
</tr>
<tr>
<td>Renewal Fees</td>
<td>$6,645,820</td>
<td>$10,098,691</td>
<td>$10,269,519</td>
</tr>
<tr>
<td>Total</td>
<td>$8,220,347</td>
<td>$12,279,264</td>
<td>$12,316,649</td>
</tr>
</tbody>
</table>

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

Total Revenue for FY 2020-21 was $8,559,000 (92% of total revenue booked by FM 10). Current year FM 11 revenue is 99% of current year projections.

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

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

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

### OPERATING EXPENSES & EQUIPMENT

<table>
<thead>
<tr>
<th>Notes</th>
<th>Fiscal Code</th>
<th>PY 20-21 FM 11 YTD + Encumbrance</th>
<th>CY 21-22 FM 11 YTD + Encumbrance</th>
<th>Governor's Budget</th>
<th>Percent of Governor's Budget Spent</th>
<th>Projections to Year End</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>5301 GENERAL EXPENSE</td>
<td>$54,545</td>
<td>$73,725</td>
<td>$32,000</td>
<td>230%</td>
<td>$78,411</td>
</tr>
<tr>
<td>3</td>
<td>5302 PRINTING</td>
<td>$44,218</td>
<td>$88,633</td>
<td>$26,000</td>
<td>341%</td>
<td>$79,377</td>
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<tr>
<td></td>
<td>5304 COMMUNICATIONS</td>
<td>$18,180</td>
<td>$14,031</td>
<td>$15,000</td>
<td>94%</td>
<td>$17,393</td>
</tr>
<tr>
<td></td>
<td>5306 POSTAGE</td>
<td>$25,058</td>
<td>$25,399</td>
<td>$36,000</td>
<td>71%</td>
<td>$26,512</td>
</tr>
<tr>
<td></td>
<td>5308 INSURANCE</td>
<td>$93</td>
<td>$83</td>
<td>$0</td>
<td>0%</td>
<td>$100</td>
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<tr>
<td></td>
<td>53202-204 IN STATE TRAVEL</td>
<td>$543</td>
<td>$5,196</td>
<td>$22,000</td>
<td>24%</td>
<td>$5,900</td>
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<tr>
<td></td>
<td>53206-208 OUT OF STATE TRAVEL</td>
<td>$0</td>
<td>$1,199</td>
<td>$0</td>
<td>0%</td>
<td>$1,370</td>
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<tr>
<td></td>
<td>5322 TRAINING</td>
<td>$0</td>
<td>$2,000</td>
<td>$15,000</td>
<td>13%</td>
<td>$2,000</td>
</tr>
<tr>
<td>4</td>
<td>5324 FACILITIES*</td>
<td>$722,242</td>
<td>$478,507</td>
<td>$377,000</td>
<td>127%</td>
<td>$563,286</td>
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<tr>
<td>5</td>
<td>53402-53403 C/P SERVICES (INTERNAL)</td>
<td>$681,585</td>
<td>$548,953</td>
<td>$696,000</td>
<td>79%</td>
<td>$534,139</td>
</tr>
<tr>
<td>6</td>
<td>53404-53405 C/P SERVICES (EXTERNAL)</td>
<td>$2,231,022</td>
<td>$1,719,548</td>
<td>$3,324,000</td>
<td>52%</td>
<td>$1,791,926</td>
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<tr>
<td>7</td>
<td>5342 DEPARTMENT PRORATA</td>
<td>$1,562,916</td>
<td>$1,939,000</td>
<td>$1,935,000</td>
<td>100%</td>
<td>$1,935,000</td>
</tr>
<tr>
<td>8</td>
<td>5342 DEPARTMENTAL SERVICES</td>
<td>$16,102</td>
<td>$19,420</td>
<td>$27,000</td>
<td>72%</td>
<td>$27,000</td>
</tr>
<tr>
<td></td>
<td>5344 CONSOLIDATED DATA CENTERS</td>
<td>$14,167</td>
<td>$11,359</td>
<td>$22,000</td>
<td>52%</td>
<td>$22,000</td>
</tr>
<tr>
<td></td>
<td>5346 INFORMATION TECHNOLOGY</td>
<td>$110,587</td>
<td>$170,271</td>
<td>$166,000</td>
<td>103%</td>
<td>$141,050</td>
</tr>
<tr>
<td></td>
<td>5362-5368 EQUIPMENT</td>
<td>$24,385</td>
<td>$53,080</td>
<td>$0</td>
<td>0%</td>
<td>$84,279</td>
</tr>
<tr>
<td>9</td>
<td>5390 OTHER ITEMS OF EXPENSE</td>
<td>$0</td>
<td>$0</td>
<td>$3,000</td>
<td>0%</td>
<td>$0</td>
</tr>
<tr>
<td>54</td>
<td>SPECIAL ITEMS OF EXPENSE</td>
<td>$0</td>
<td>$2,586</td>
<td>$0</td>
<td>0%</td>
<td>$1,490</td>
</tr>
<tr>
<td></td>
<td>OPERATING EXPENSES &amp; EQUIPMENT</td>
<td>$5,505,644</td>
<td>$5,152,990</td>
<td>$6,696,000</td>
<td>77%</td>
<td>$5,311,233</td>
</tr>
<tr>
<td></td>
<td>OVERALL TOTALS</td>
<td>$9,768,653</td>
<td>$10,069,293</td>
<td>$12,329,000</td>
<td>82%</td>
<td>$10,809,325</td>
</tr>
</tbody>
</table>

*Includes additional $75k Architecture Revolving Fund Expenses

SURPLUS/(DEFICIT): 12%
Expenditure Report Notes

1 **Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 3.0 SSA/AGPA.

2 **General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 11 are $61,691.

3 **Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months. New DCA wide printing contract bills timely and there will be expenses recorded in FY 21-22 for both contracts.

4 **Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.

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

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

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

8 **Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.

9 **Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and majority of the costs will be new modular furniture procurement that has been moved over to Facilities Operations.
## Analysis of Fund Condition
(Dollars in Thousands)

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

<table>
<thead>
<tr>
<th></th>
<th>PY 2020-21</th>
<th>CY 2021-22</th>
<th>BY 2022-23</th>
<th>BY+1 2023-24</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BEGINNING BALANCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Year Adjustment</td>
<td>$36</td>
<td>$171</td>
<td>-</td>
<td>$-</td>
</tr>
<tr>
<td>Adjusted Beginning Balance</td>
<td>$4,879</td>
<td>$2,522</td>
<td>$2,859</td>
<td>$512</td>
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</tbody>
</table>

**REVENUES AND TRANSFERS**

<table>
<thead>
<tr>
<th>Source</th>
<th>PY 2020-21</th>
<th>CY 2021-22</th>
<th>BY 2022-23</th>
<th>BY+1 2023-24</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquent fees</td>
<td>$122</td>
<td>$150</td>
<td>$152</td>
<td>$152</td>
</tr>
<tr>
<td>Renewal fees</td>
<td>$6,707</td>
<td>$10,270</td>
<td>$9,081</td>
<td>$10,584</td>
</tr>
<tr>
<td>Other regulatory fees</td>
<td>$104</td>
<td>$102</td>
<td>$103</td>
<td>$103</td>
</tr>
<tr>
<td>Other regulatory licenses and permits</td>
<td>$1,571</td>
<td>$1,744</td>
<td>$1,761</td>
<td>$1,761</td>
</tr>
<tr>
<td>Income from surplus money investments</td>
<td>$32</td>
<td>-</td>
<td>-</td>
<td>$0</td>
</tr>
<tr>
<td>Escheat of unclaimed checks and warrants</td>
<td>$21</td>
<td>$21</td>
<td>$21</td>
<td>$21</td>
</tr>
<tr>
<td>Miscellaneous revenues</td>
<td>-</td>
<td>$1</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td>Settlements and Judgments - Other</td>
<td>$2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Totals, Revenues</strong></td>
<td>$8,559</td>
<td>$12,288</td>
<td>$11,119</td>
<td>$12,622</td>
</tr>
<tr>
<td><strong>Totals, Revenues and Transfers</strong></td>
<td>$8,559</td>
<td>$12,288</td>
<td>$11,119</td>
<td>$12,622</td>
</tr>
<tr>
<td><strong>Totals, Resources</strong></td>
<td>$13,438</td>
<td>$14,810</td>
<td>$13,978</td>
<td>$13,134</td>
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**EXPENDITURES**

Disbursements:

<table>
<thead>
<tr>
<th>Source</th>
<th>PY 2020-21</th>
<th>CY 2021-22</th>
<th>BY 2022-23</th>
<th>BY+1 2023-24</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Consumer Affairs (State Operations)</td>
<td>$10,243</td>
<td>$10,701</td>
<td>$12,408</td>
<td>$12,780</td>
</tr>
<tr>
<td>Chapter 16, Statutes of 2020 (AB 84)</td>
<td>$-</td>
<td>$385</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Supplemental Pension Payments (State Operations)</td>
<td>$209</td>
<td>$209</td>
<td>$209</td>
<td>$209</td>
</tr>
<tr>
<td>Statewide Admin. (State Operations)</td>
<td>$635</td>
<td>$656</td>
<td>$849</td>
<td>$849</td>
</tr>
<tr>
<td>Less funding provided by General Fund (State Operations)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Disbursements</strong></td>
<td>$11,087</td>
<td>$11,951</td>
<td>$13,466</td>
<td>$13,838</td>
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**FUND BALANCE**

<table>
<thead>
<tr>
<th>Source</th>
<th>PY 2020-21</th>
<th>CY 2021-22</th>
<th>BY 2022-23</th>
<th>BY+1 2023-24</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve for economic uncertainties</td>
<td>$2,351</td>
<td>$2,859</td>
<td>$512</td>
<td>$-704</td>
</tr>
</tbody>
</table>

**NOTES:**

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1
C. ASSUMES INTEREST RATE AT 1.5%.
D. CY PY ADJUSTMENT IS ESTIMATED REIMBURSEMENT FOR COVID EXPENSES, CONTACT TRACING EMPLOYEES.
V. Legislation
A. 2022 Legislative Calendar
B. Discussion of Legislation for 2022 (Possible Action)
   1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
   2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
   3. AB 1733 (Quirk) State bodies: open meetings.
   4. SB 189 (Committee on Budget and Fiscal Review) State Government {Chapter 89, Statutes of 2022}.
   5. SB 1120 (Jones) Engineering, land surveying, and geology.
   7. SB 1443 (Roth) The Department of Consumer Affairs.
   8. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.
C. Proposed Legislation regarding Public Resources Code section 677 relating to the State Geologist from the Department of Conservation, California Natural Resources Agency (Possible Action)
MAY  May  13
Last day for policy committees to meet prior to May 31 (J.R. 61(b)(7)).

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

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

Apr. 1 Cesar Chavez Day observed
Apr. 7 Spring Recess begins upon adjournment of this day’s session (J.R. 51(b)(1)).
Apr. 18 Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
Apr. 29 Last day for policy committees to hear and report to fiscal Committees fiscal bills introduced in their house (J.R. 61(b)(5)).

May 6 Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house (J.R. 61(b)(6)).
May 13 Last day for policy committees to meet prior to May 31 (J.R. 61(b)(7)).
May 20 Last day for fiscal committees to hear and report to the Floor bills introduced in their house (J.R. 61(b)(8)). Last day for fiscal committees to meet prior to May 31 (J.R. 61(b)(9)).
May 23-27 Floor Session only. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
May 27 Last day for bills to be passed out of the house of origin (J.R. 61(b)(11)).
May 30 Memorial Day.
May 31 Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee
### JUNE

<table>
<thead>
<tr>
<th>S</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>TH</th>
<th>F</th>
<th>S</th>
</tr>
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<td></td>
</tr>
<tr>
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**June 15**  Budget Bill must be passed by midnight (Art. IV, Sec. 12 (c)).

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

### JULY

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**July 1**  Last day for policy committees to meet and report bills (J.R. 61(b)(13)).

**July 4**  Independence Day.

### AUGUST

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

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

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

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

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

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

### IMPORTANT DATES OCCURRING DURING FINAL RECESS

**2022**

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

**Nov. 8**  General Election.

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

**Dec. 5**  12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

**2023**

**Jan. 1**  Statutes take effect (Art. IV, Sec. 8(c)).
AB 646 (Low, D-Campbell; Coauthors: Assembly Members Cunningham, R-San Luis Obispo, and Gipson, D-Gardena; Senator Roth, D-Riverside)
Department of Consumer Affairs: boards: expunged convictions.

Status/History: 8/5/2022 – Referred to Senate Committee on Appropriations suspense file; hearing set for 8/11/2022.
Location: 8/5/2022 – Senate Committee on Appropriations
Introduced: 2/12/2021
Last Amended: 1/24/2022
Board Position: Watch (as of 3/7/2022)
Board Staff Analysis: 8/5/2022

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

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

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

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

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

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

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

This bill, which is sponsored by the author, passed out of its house of origin before the deadline in January 2022. The bill is now in the Senate and was referred to the suspense file by the Appropriations Committee on August 2, 2022. It is scheduled for hearing in the Committee on August 11, 2022.

**Staff Recommendation:** No action needed.
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 online license search system that a person’s license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplys for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board’s internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website online license search system that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee of $25 to the person, not to exceed the cost person to cover the reasonable regulatory cost of administering the bill’s provisions, unless there is no associated cost. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.


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 online license search system 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 90 days 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 reapplys for licensure or has been relicensed, post notification of the expungement order and the date thereof on its internet website online license search system.

2. If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its internet website online license search system that the person’s license was revoked.
and information previously posted regarding arrests, charges, and
convictions.

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

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

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

(4) 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 1662 (Gipson, D-Gardena)
Licensing boards: disqualification from licensure: criminal conviction.

Status/History: 8/8/2022 – Referred to Senate Committee on Appropriations Suspense File; set for hearing on 8/11/2022.
Location: 8/5/2022 – Senate Committee on Appropriations
Introduced: 1/18/2022
Last Amended: 4/27/2022
Board Position: Watch (as of 5/2/2022)
Board Staff Analysis: 8/10/2022

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

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

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

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

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

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

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

At its May 2, 2022, meeting, the Board voted to take a position of “Watch” on AB 1662, as amended on April 27, 2022. The bill has passed the Assembly and is now in the Senate. It is scheduled to be heard by the Committee on Appropriations on August 8, 2022.

**Staff Recommendation:** No action needed.
An act to amend Section 480 of, and add Section 480.7 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

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

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

This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant. The bill would require a board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the board. The bill
would provide that the preapplication determination, among other things, may be requested by the prospective applicant at any time prior to the submission of an application and would require the board to include specified written information regarding the criteria used to evaluate criminal history and how the prospective applicant may challenge a denial by the board. The bill would provide that a preapplication determination does not constitute a denial or disqualification of an application and would prohibit requiring a preapplication determination for licensure or for participation in any education or training program. The bill would require a board to publish information regarding its process for requesting a preapplication determination on its internet website and authorize a board to charge a fee, as specified, to be deposited by the board into the appropriate fund and available only upon appropriation by the Legislature.


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

SECTION 1. Section 480.7 is added to the Business and Professions Code, to read:

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

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

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

(2) Prospective applicants seeking a preapplication determination shall be considered applicants for purposes of Section 144.
(3) A board that receives criminal history information as part of a preapplication determination is not required to request subsequent arrest notification service from the Department of Justice pursuant to Section 11105.2 of the Penal Code.

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

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

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

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

2. The processes for the applicant to request a copy of the applicant’s complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127, inclusive, of the Penal Code.

3. That the applicant would have the right to appeal the board’s decision.

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

(g) A board shall publish information regarding its process for requesting a preapplication determination on its internet website.
(h) A preapplication determination shall not be a requirement for licensure or for participation in any education or training program.

(i) Pursuant to this section, a board may charge a fee to a prospective applicant in an amount not to exceed the lesser of fifty dollars ($50) or 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.

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

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

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

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

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

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:
(i) Chapter 6 (commencing with Section 6500) of Division 3.
(ii) Chapter 9 (commencing with Section 7000) of Division 3.
(iii) Chapter 11.3 (commencing with Section 7512) of Division 3.
(iv) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.
(v) Division 4 (commencing with Section 10000).

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

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

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

(d) Notwithstanding any provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.
(e) A board may deny a license regulated by this code on the
ground that the applicant knowingly made a false statement of fact
that is required to be revealed in the application for the license. A
board shall not deny a license based solely on an applicant’s failure
to disclose a fact that would not have been cause for denial of the
license had it been disclosed.

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

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

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

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

(A) The denial or disqualification of licensure;

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

(C) That the applicant has the right to appeal the board’s
decision.

(D) The processes for the applicant to request a copy of the
applicant’s complete conviction history and question the accuracy
or completeness of the record pursuant to Sections 11122 to 11127
of the Penal Code.
(g) (1) A prospective applicant that has been convicted of a
crime may submit to a board, by mail or email, and at any time;
including before obtaining any training or education required for
licensure by that board or before paying any application fee, a
request for a preapplication determination that includes information
provided by the prospective applicant regarding their criminal
conviction.

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

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

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

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

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

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

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

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

(B) A report pursuant to subparagraph (A) shall be submitted
in compliance with Section 9795 of the Government Code.
“(i) “Conviction” as used in this section shall have the same meaning as defined in Section 7.5.

(j) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.”
AB 1733 (Quirk, D-Hayward)
State bodies: open meetings.

Status/History: 4/20/2022 – Hearing postponed by the Assembly Committee on Governmental Organization.
Location: 8/5/2022 – Committee on Governmental Organization
Introduced: 1/31/2022
Board Position: Support (as of 3/7/2022)
Board Staff Analysis: 8/5/2022

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

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

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

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

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

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

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

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

AB 1733 was scheduled to be heard in the Assembly Committee on Governmental Organization on April 20, 2022. However, the hearing was postponed. Since the bill contains an urgency clause, it does not have to meet the same deadlines as other legislation. Based on the passage of SB 189 extending the provisions of Government Code section 11133 until July 1, 2023, AB 1733 is not moving forward this session. It is likely that a bill will be introduced next session relating to amending the Bagley-Keene Open Meeting Act to address virtual meetings.

**Staff Recommendation:** No action needed.
An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location
from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified. If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

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

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

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

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

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

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

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

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

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


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

SECTION 1. Section 101.7 of the Business and Professions Code is amended to read:

101.7. (a) Notwithstanding any other provision of law, boards shall meet at least two times each calendar year. Boards shall meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees, unless the board’s meetings are held entirely by teleconference.

(b) The director has discretion to exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least two times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester’s chosen form or forms of notice.

(e) An agency that plans to webcast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board’s intent to webcast the meeting. An agency may webcast a meeting even if the agency fails to include that statement of intent in the notice.

SEC. 2. Section 11122.5 of the Government Code is amended to read:
1122.5. (a) As used in this article, “meeting” includes any
congregation of a majority of the members of a state body at the
same time and place, including one held entirely by
teleconference, to hear, discuss, or deliberate upon any item that
is within the subject matter jurisdiction of the state body to which
it pertains.
(b) (1) A majority of the members of a state body shall not,
outside of a meeting authorized by this chapter, use a series of
communications of any kind, directly or through intermediaries,
to discuss, deliberate, or take action on any item of business that
is within the subject matter of the state body.
(2) Paragraph (1) shall not be construed to prevent an employee
or official of a state agency from engaging in separate
conversations or communications outside of a meeting authorized
by this chapter with members of a legislative body in order to
answer questions or provide information regarding a matter that
is within the subject matter jurisdiction of the state agency, if that
person does not communicate to members of the legislative body
the comments or position of any other member or members of the
legislative body.
(c) The prohibitions of this article do not apply to any of the
following:
(1) Individual contacts or conversations between a member of
a state body and any other person that do not violate subdivision
(b).
(2) (A) The attendance of a majority of the members of a state
body at a conference or similar gathering open to the public that
involves a discussion of issues of general interest to the public or
to public agencies of the type represented by the state body, if a
majority of the members do not discuss among themselves, other
than as part of the scheduled program, business of a specified
nature that is within the subject matter jurisdiction of the state
body.
(B) Subparagraph (A) does not allow members of the public
free admission to a conference or similar gathering at which the
organizers have required other participants or registrants to pay
fees or charges as a condition of attendance.
(3) The attendance of a majority of the members of a state body
at an open and publicized meeting organized to address a topic of
state concern by a person or organization other than the state body,
if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

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

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

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

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

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

(b) (1) This article requires a state body to hold open or closed meetings by teleconference for the benefit of the public and state body, and allows for use of teleconference in closed sessions. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including all of the following:

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

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

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and shall conduct teleconference meetings
in a manner that protects the rights of any party or member of the
public appearing before the state body. The state body shall provide
a means by which the public may remotely hear audio of the
meeting or remotely hear and observe the meeting, and a means
by which the public may remotely address the state body, as
appropriate, via either a two-way audio-visual platform or a
two-way telephonic service. Should the state body elect to use a
two-way telephonic service only, it must also provide live
webcasting of the open meeting. The applicable teleconference
phone number or internet website, or other information indicating
how the public can access the meeting remotely, shall be specified
in any notice required by this article. Each teleconference location
shall be identified in the notice and agenda of the meeting or
proceeding, and each teleconference location shall be accessible
to the public. The agenda shall provide an opportunity for members
of the public to remotely address the state body directly pursuant
to Section 11125.7 at each teleconference location. 11125.7.
(D) The state body shall provide members of the public with a
physical location at which the public may hear, observe, and
address the state body. Each physical location shall be identified
in the notice of the meeting.
(E) Members of the public shall be entitled to exercise their
right to directly address the state body during the teleconferenced
meeting without being required to submit public comments prior
to the meeting or in writing.
(F) The members of the state body may remotely participate in
a meeting. The members of the state body may also be physically
present and participate at a designated physical meeting location,
but no member of the state body shall be required to be physically
present at any physical meeting location designated in the notice
of the meeting in order to be deemed present at the meeting. All
votes taken during a teleconferenced meeting shall be by rollcall.
(G) The portion of the teleconferenced meeting that is closed
to the public may not include the consideration of any agenda item
being heard pursuant to Section 11125.5.
(F) At least one member of the state body shall be physically
present at the location specified in the notice of the meeting.
(G) This section does not affect the requirement prescribed by
this article that the state body post an agenda of a meeting in
accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings. The state body shall post the agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The notice and agenda shall not disclose information regarding any remote location from which a member is participating.

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

(2) For the purposes of this subdivision, “teleconference” all of the following definitions shall apply:

(A) “Teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, including by telephone, an internet website, or other online platform, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional physical locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(B) “Remote location” means a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.
(C) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute participation remotely.

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

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

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

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

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

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

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

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

11123.5. (a) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123,
any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section’s requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article.

(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section’s requirements shall be listed in the minutes of the meeting:

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

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

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

(f) When a member of a state body described in subdivision (a) participates remotely in a meeting subject to this section’s requirements, the state body shall provide a means by which the
public may remotely hear audio of the meeting or remotely observe
the meeting, including, if available, equal access equivalent to
members of the state body participating remotely. The applicable
teleconference phone number or Internet Web site, or other
information indicating how the public can access the meeting
remotely, shall be in the 24-hour notice described in subdivision
(a) that is available to the public.

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

(h) For purposes of this section:
(1) “Participate remotely” means participation in a meeting at
a location other than the physical location designated in the agenda
of the meeting:
(2) “Remote location” means a location other than the primary
physical location designated in the agenda of a meeting:
(3) “Teleconference” has the same meaning as in Section 11123.
(i) This section does not limit or affect the ability of a state body
to hold a teleconference meeting under another provision of this
article:

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

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

(b) If an attendance list, register, questionnaire, or other similar
document is posted at or near the entrance to the room where the
meeting is to be held, or electronically posted, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

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

SEC. 6. 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 state body’s 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. The notice shall specify the means by which a meeting may be accessed by teleconference in accordance with the requirements of subparagraph (C) of paragraph (1) of subdivision (b) of Section 11123, including sufficient information necessary to access the teleconference. The notice shall also specify any designated physical meeting location at which the public may observe and address the state body.

(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) 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.

(d) 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.

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

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

11125.4. (a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or when immediate action is required to protect the public interest:
1. (1) To consider “pending litigation” as that term is defined in subdivision (e) of Section 11126.
2. (2) To consider proposed legislation.
3. (3) To consider issuance of a legal opinion.
4. (4) To consider disciplinary action involving a state officer or employee.
5. (5) To consider the purchase, sale, exchange, or lease of real property.
6. (6) To consider license examinations and applications.
7. (7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
8. (8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.
9. (9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.
10. (10) To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the internet website where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary.
of the state body a written waiver of notice. The waiver may be
given by telegram, facsimile transmission, or similar means. The
written notice may also be dispensed with as to any member who
is actually present at the meeting at the time it convenes. Notice
shall be required pursuant to this section regardless of whether any
action is taken at the special meeting.

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

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

11128.5. The state body may adjourn any regular, adjourned
regular, special, or adjourned special meeting to a time and place,
including by teleconference, specified in the order of
adjournment. Less than a quorum may so adjourn from time to
time. If all members are absent from any regular or adjourned
regular meeting, the clerk or secretary of the state body may declare
the meeting adjourned to a stated time and place, including
by teleconference, and he or she the clerk or the secretary shall
cause a written notice of the adjournment to be given in the same
manner as provided in Section 11125.4 for special meetings, unless
that notice is waived as provided for special meetings. A copy of
the order or notice of adjournment shall be conspicuously posted
on the state body's internet website, and if applicable, on or near
the door of the place where the regular, adjourned regular, special,
or adjourned special meeting was held within 24 hours after the
time of the adjournment. When a regular or adjourned regular
meeting is adjourned as provided in this section, the resulting
adjourned regular meeting is a regular meeting for all purposes.

When an order of adjournment of any meeting fails to state the
hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

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

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

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

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

In order to protect public health, expand access to government participation by the public, and increase transparency in state government operations during the COVID-19 pandemic, it is necessary that this act take effect immediately.
SB 189 (Committee on Budget and Fiscal Review)  
Chapter 48, Statutes of 2022  
State government.

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

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

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting. Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

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

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

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

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

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

**Staff Recommendation:** No action needed.
An act relating to the Budget Act of 2021. An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making
an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL’S DIGEST


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

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

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

(2) Existing law, the Gambling Control Act, establishes the California Gambling Control Commission, which is responsible for licensing and regulating various gambling activities and establishments. Existing law requires the Department of Justice to investigate any violations of, and to enforce, the act. Existing law requires a person who deals, operates, carries on, conducts, maintains, or exposes for play any controlled game in this state, or who receives any compensation or reward, or any
of taxes levied by or for the state, exclusive of, among other things, state subventions for the use and operation of local government, except as specified. The California Constitution defines “appropriations subject to limitation” of an entity of local government to mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity, except as specified, exclusive of refunds of taxes.

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

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

(20) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

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

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

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

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

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

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

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

(23) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
(b) shall commit a sufficient portion of its budget to repay any interim financing.

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and
(e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

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

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

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

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

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

2. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but
need not be limited to, posting such means on the state body’s internet website.

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

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

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

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

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

11343. Every state agency shall:

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

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

(c) (1) Within 15 days of the office filing a state agency’s regulation with the Secretary of State, post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation
SB 1120 (Jones, R-El Cajon)
Engineering, land surveying, and geology.

Status/History: 8/10/2022 – In Senate. Concurrence in Assembly amendments pending.
Location: 8/10/2022 – Senate Unfinished Business, File Date 8/10/2022
Introduced: 2/16/2022
Amended: 6/15/2022
Board Position: Support (as of 6/23/2022)
Board Staff Analysis: 8/10/2022

Bill Summary: As amended March 2, March 15, and June 15, 2022:
Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors’ Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. This bill would require an applicant for certification or licensure with a valid email address to report their email address to the Board at the time of application, require a license or certificate holder with a valid email address to report their email address at the time of renewal, and require applicants and licensees to notify the Board of any change to an email address, as specified. The bill would, in the interest of protecting the privacy of applicants and licensees, prohibit from disclosure all email addresses provided by applicants or licensees.

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

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

Existing law (the Public Resources Code) prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the “California Coordinate System of 1983.” Existing law requires any survey that uses or establishes California Coordinate System of 1983 (CCS83) values to meet specified requirements, including that the survey be referenced to and have field-observed statistically independent connections to one or more horizontal reference stations, as specified. This bill would, starting January 1, 2023, instead require any survey that establishes a CCS83 value to be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations.
Affected Laws: An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and Section 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

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

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

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

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

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

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

Staff Recommendation: No action needed.
An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and to amend Sections 8801 and Section 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

LEGISLATIVE COUNSEL’S DIGEST

SB 1120, as amended, Jones. Engineering, land surveying, and geology.  
(1) Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors’ Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. Existing law makes any violation of those acts a misdemeanor.

This bill would require an applicant for licensure as an engineer, land surveyor, geologist, or geophysicist, or an applicant for certification as an engineer-, land surveyor-, or geologist-in-training, with a valid email address to report their email address to the board at the time of application, require a license or certificate holder to report their email address at the time of renewal, and require applicants and certificate or
license holders to notify the board of any change to an email address, as specified. The bill, in the interest of protecting the privacy of applicants and certificate or license holders, would prohibit the public disclosure of their email addresses pursuant to specified law, except as provided.

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

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

This bill would repeal that provision.

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

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

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

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

(5) Existing

Existing law requires any survey that uses or establishes California Coordinate System of 1983 (CCS83) values to meet specified requirements, including that the survey be referenced to and have field-observed statistically independent connections to one or more horizontal reference stations, as specified.
This bill would, starting January 1, 2023, instead require any survey that establishes a CCS83 value to be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations. The bill would make conforming and nonsubstantive changes.

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

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


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

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

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

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

(2) All civil, electrical, or mechanical engineering services are performed by, or under the responsible charge of, a professional engineer licensed in the appropriate branch of professional engineering.
(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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

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

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

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).
(f) A business engaged in rendering civil, electrical, or mechanical engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

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

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

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

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

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

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

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

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

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

6738. (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their license civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:
(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

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

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

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

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

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. This section does not permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.
(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

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

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

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

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

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

6767. (a) Each applicant for licensure or certification who has a valid email address shall report to the board that email address at the time of application.
(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Violates any provision of this chapter.

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

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

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

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

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

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

SEC. 7. Section 8729 of the Business and Professions Code, as amended by Section 3 of Chapter 150 of the Statutes of 2018, is amended to read:
8729. (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state before 1982 (hereinafter called civil engineers) from practicing or offering to practice, within the scope of their licensure, land surveying as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

1. A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.
2. All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.
3. If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A person not licensed under this chapter or licensed as a civil engineer in this state before 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. This section does not permit a person who is not licensed under this chapter or licensed as a civil engineer in this state before 1982 to be the sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.
(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

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

1. The person’s name had been used in the name of the business, or a predecessor in interest of the business, before the death or retirement of the person.
2. The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.
3. The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.
4. The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use their name as the name of a new or purchased business, if that business is not identical in every respect to that person’s name as used in the former business.
5. The business shall be subject to paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.
(c) Each applicant or certificate or license holder shall notify the board within 30 days of any change to their email address on file with the board.

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

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

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

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

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

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

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

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

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

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

(h) Uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that the person is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.
(i) Unless appropriately licensed, manages, or conducts as
manager, proprietor, or agent, any place of business from which
land surveying work is solicited, performed, or practiced, except
as authorized pursuant to Section 6731.2.

(j) Violates any provision of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) “GPS” means Global Positioning System and includes
other, similar space-based systems.

(11) “FGDC” means the Federal Geographic Data Committee
or its successor.
(d) The California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 (SPCS2002) as established by NGS and maintained by either NGS or CSRC shall be known as the “California Coordinate System of 2022.”

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

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

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

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

(A) CSRN station.

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

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

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

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

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

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

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

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

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

(2) On and after January 1, 2023, for purposes of a survey that establishes a CCS83 value or values, the survey shall be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations.
(b) If an accuracy is to be claimed for the CCS83 value or values established, the claimed accuracy shall be an accuracy standard published by FGDC or FGCS.

SEC. 12. 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.

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

This act balances the public’s right to access records of the Board for Professional Engineers, Land Surveyors, and Geologists with the need to protect the privacy of applicants and licensees.
SB 1237 (Newman, D-Fullerton)
Licenses: military service.

Status/History: 8/4/2022 – Referred to Assembly Consent Calendar.
Location: 8/10/2022 – Assembly Consent Calendar 2nd Day-Senate Bills, file date 8/10/2022
Introduced: 2/17/2022
Amended: 3/30/2022
Board Position: Watch (as of 5/2/2022)
Board Staff Analysis: 8/10/2022

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

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

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

Staff Comment: Business and Professions Code section 114.3 requires the licensing boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. As introduced, this bill would have added a new subdivision to Section 114.3 that would require the Board to waive the renewal fees of a licensee called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee is stationed outside of California. Since Section 114.3 was enacted in 2013, the Board has received a few requests to waive the renewal fees pursuant to this section, which have been granted upon receipt of the required documentation. These waivers have been granted whether the person was stationed inside or outside of California. (The Board does not have continuing education or other renewal requirements beyond payment of the fee.)
SB 1237 was amended March 30, 2022, to remove the new subdivision described above relating to the addition of the phrase “stationed outside of California.” The bill was amended to instead provide a definition of “called to active duty,” as used in the bill. SB 1237 specifies that the phrase “called to active duty” the same meaning as “active duty” as defined in Section 101 of Title 10 of the United States Code and shall also apply to those on active duty with the California National Guard.

The bill has passed out of the Senate and is in the Assembly. It has been placed on the Assembly Consent Calendar for August 8, 2022.

Staff Recommendation: No action needed.
An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee’s or registrant’s license without examination or penalty if certain requirements are met.
Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.
This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.
“called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified. This bill would also make nonsubstantive changes to those provisions.


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

SECTION 1. Section 114.3 of the Business and Professions Code is amended to read:

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

1. The licensee or registrant possessed a current and valid license with the board at the time the licensee or registrant was called to active duty.
2. The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.
3. Written documentation that substantiates the licensee or registrant’s active duty service is provided to the board.

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

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

(2) If the licensee or registrant will provide services for which the licensee or registrant is licensed while on active duty, the board
shall convert the license status to military active and no private
practice of any type shall be permitted.

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

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

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

(g) This section shall not apply to any board that has a similar
license renewal waiver process statutorily authorized for that board.
SB 1443 (Roth, D-Riverside)
The Department of Consumer Affairs.

Status/History: 8/3/2022 – Referred to the Assembly Committee on Appropriations Suspense File; hearing set for 8/11/2022.
Location: 8/5/2022 – Assembly Committee on Appropriations
Introduced: 2/18/2022
Amended: 6/21/2022
Board Position: Support (as of 6/23/2022)
Board Staff Analysis: 8/5/2022

Bill Summary: Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations. This bill would continue in existence several of these boards, bureaus, and commissions until January 1, 2025, and make related conforming changes.

Affected Laws: An act to amend Sections 1601.1, 1616.5, 2456.1, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 7573.5, 7576, 7588.8, 7593.1, 7593.5, 7599.80, 7599.345, 7602, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 8000, 8005, 8030.2, 8030.4, 8030.6, 8030.8, 8050, 8051, 8710, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 9873, and 18602 of, and to add Section 7729.11 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefore.

Staff Comment: The Board’s current sunset date specified in the Professional Engineers Act and the Professional Land Surveyors’ Act is January 1, 2024. This bill would extend that date to January 1, 2025. (There is no sunset date in the Geologist and Geophysicist Act.) Due to the pandemic, the sunset hearings originally scheduled for 2020 were postponed, and the boards and bureaus up for hearing that year were given extensions. However, that created a burdensome hearing calendar for the Legislature the following year. As such, the Legislature has been adjusting the sunset dates of various boards and bureaus each year in order to achieve a more uniform and workable schedule of boards and bureaus subject to review each year. Extending the Board’s sunset date to 2025 means that the Board’s report will be due at the end of 2023/beginning of 2024, with the sunset review hearing held in 2024.

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

Staff Recommendation: No action needed.
An act to amend Sections 1601.1, 1616.5, 2456.1, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 7573.5, 7576, 7588.8, 7593.1, 7593.5, 7599.80, 7599.345, 7602, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 8000, 8005, 8030.2, 8030.4, 8030.6, 8030.8, 8050, 8051, 8710, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 9873, 18602, and 18613 of, and to add Section 7729.11 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefore.

LEGISLATIVE COUNSEL’S DIGEST

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

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

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.
Existing law specifies that all osteopathic physician’s and surgeon’s certificates shall expire at midnight on the last day of the birth month of the licensee during the 2nd year of a 2-year term. Existing law requires the Osteopathic Medical Board of California to establish by regulation procedures for the administration of a birth date renewal program.

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

Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services and makes violations of those provisions a crime. Existing law, until January 1, 2024, authorizes the bureau to issue a private investigator license to a limited liability company.

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

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

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

Existing law, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel. Existing law authorizes the bureau to set the amount, within specified parameters, of various fees and regulatory charges under the act.
including fees and charges relating to a certificate of authority, a crematory license, a funeral director’s license, a funeral establishment’s license, an embalmer’s license, a cemetery broker’s license, a cemetery salesperson’s license, a cremated remains disposer, a crematory manager license, a cemetery manager license, a cemetery authority operating a cemetery, and a hydrolysis facility license.

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

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

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

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

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

Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, unless the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one
of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor. Existing law, on and after July 1, 2022, and until January 1, 2024, authorizes an entity that is not a shorthand reporting corporation to engage in specified acts if the entity is approved for registration by the board, as specified.

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

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

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024. The bill would extend the fee schedule and provisions applicable to an out-of-state service contractor until January 1, 2024. Because the bill would continue the operation of provisions that require service contractors to pay fees that are deposited into a continuously appropriated fund, the Electronic and Appliance Repair Fund, this bill would make an appropriation.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


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

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

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

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

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

(d) This section shall remain in effect only until January 1, 2025, 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. 2. Section 1616.5 of the Business and Professions Code is amended to read:

1616.5. (a) The board, by and 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 the executive officer by this chapter.

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

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

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

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

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

SEC. 4.

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

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

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

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

(d) 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 reports or studies specified in this chapter and those issues identified by the appropriate policy committees of the Legislature and the board regarding the implementation of new licensing requirements.

SEC. 4.

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

5015.6. 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 the executive officer by this chapter.

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

SEC. 5.

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

5510. There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members. Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.

This section shall remain in effect only until January 1, 2025, 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. 6.

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

5517. 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 the executive officer by this chapter.

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

SEC. 7.

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

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

(a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3 of Division 3. Whenever in this chapter “board” is used, it refers to the California Architects Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors, or the Board for Professional Engineers and Land Surveyors, is deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.
(c) This section shall remain in effect only until January 1, 2025, 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. 11.

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

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

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

SEC. 12.

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

6981. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, 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, 2025.

SEC. 13.

SEC. 14. 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, 2025, and as of that date is repealed.

SEC. 14.

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

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

(b) The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to the registrar by the board.
(c) For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer, and, subject to Section 159.5, other assistants and subordinates as may be necessary.

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

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

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

7511.5. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, 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, 2025.

SEC. 17. Section 7512.3 of the Business and Professions Code, as amended by Section 76 of Chapter 312 of the Statutes of 2020, 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, 2025, and as of that date is repealed.

SEC. 18. Section 7512.3 of the Business and Professions Code, as amended by Section 77 of Chapter 312 of the Statutes of 2020, 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, 2025.

SEC. 19. 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, 2025, and as of that date is repealed.

SEC. 19.

SEC. 20. 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, 2025, and as of that date is repealed.

SEC. 21.

SEC. 20.

SEC. 21. 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, 2025,
and as of that date is repealed.
SEC. 21.

SEC. 22. Section 7525.1 of the Business and Professions Code, as amended by Section 81 of Chapter 312 of the Statutes of 2020, 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.

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

SEC. 23. Section 7525.1 of the Business and Professions Code, as amended by Section 82 of Chapter 312 of the Statutes of 2020, 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.
(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, 2025.

SEC. 23.

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

Section 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, 2025, and as of that date is repealed.

SEC. 24.

SEC. 25. Section 7529 of the Business and Professions Code, as amended by Section 84 of Chapter 312 of the Statutes of 2020, 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, 2025.

SEC. 25.

SEC. 26. Section 7533.5 of the Business and Professions Code, as amended by Section 85 of Chapter 312 of the Statutes of 2020, 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.
(b) 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, 2025, and as of that date is repealed.

SEC. 26.
SEC. 27. Section 7533.5 of the Business and Professions Code, as amended by Section 86 of Chapter 312 of the Statutes of 2020, 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, 2025.

SEC. 27.
SEC. 28. Section 7538 of the Business and Professions Code, as amended by Section 87 of Chapter 312 of the Statutes of 2020, 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, 2025, and as of that date is repealed.

SEC. 28.
SEC. 29. Section 7538 of the Business and Professions Code, as amended by Section 88 of Chapter 312 of the Statutes of 2020, 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, 2025.

SEC. 29. Section 7538.5 of the Business and Professions Code, as amended by Section 89 of Chapter 312 of the Statutes of 2020, 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, 2025, and as of that date is repealed.

SEC. 30. Section 7538.5 of the Business and Professions Code, as amended by Section 90 of Chapter 312 of the Statutes of 2020, 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, 2025.

SEC. 31.

SEC. 32. Section 7539 of the Business and Professions Code, as amended by Section 91 of Chapter 312 of the Statutes of 2020, 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, 2025, and as of that date is repealed.

SEC. 33.

Section 7539 of the Business and Professions Code, as amended by Section 92 of Chapter 312 of the Statutes of 2020, 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.
(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 become operative on January 1, 2025.

SEC. 33. Section 7573.5 of the Business and Professions Code is amended to read:

7573.5. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, 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, 2025.

SEC. 34. Section 7576 of the Business and Professions Code is amended to read:

7576. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, 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, 2025.

SEC. 35. Section 7588.8 of the Business and Professions Code is amended to read:

7588.8. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, 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, 2025.

SEC. 36. Section 7593.1 of the Business and Professions Code, as amended by Section 23 of Chapter 376 of the Statutes of 2021, is amended to read:

7593.1. (a) Each individual applicant, partner of a partnership, designated officer of a corporation, member, officer, or manager of a limited liability company, and a qualified manager shall submit with the application one personal identification form provided by the chief, 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, and personal description of each such person, respectively. The identification form shall include
residence addresses and employment history for the previous five years.
(b) 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.
(c) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 38.
SEC. 38. Section 7593.1 of the Business and Professions Code, as amended by Section 24 of Chapter 376 of the Statutes of 2021, is amended to read:
7593.1. (a) Each individual applicant, partner of a partnership, designated officer of a corporation, and a qualified manager shall submit with the application, one personal identification form provided by the chief, 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, and personal description of each such person, respectively. The identification form shall include residence addresses and employment history for the previous five years.
(b) 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.
(c) This section shall become operative on January 1, 2025.

SEC. 39.
SEC. 39. Section 7593.5 of the Business and Professions Code is amended to read:
7593.5. (a) If the applicant for a license is a limited liability company, the application shall state the true names and complete residence addresses of each member, manager, and any other officer who will be active in the business to be licensed. A copy of the articles of organization issued by the Secretary of State shall be supplied to the bureau upon request. 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 member of the applicant under penalty of perjury.
(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

**SEC. 39.** Section 7599.80 of the Business and Professions Code is amended to read:

7599.80. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, 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, 2025.

**SEC. 40.** Section 7599.345 of the Business and Professions Code is amended to read:

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

**SEC. 41.** Section 7602 of the Business and Professions Code is amended to read:

7602. (a) (1) There is in the department the Cemetery and Funeral Bureau, under the supervision and control of the director. (2) The director may appoint a chief at a salary to be fixed and determined by the director, with the approval of the Director of Finance. The duty of enforcing and administering this chapter is vested in the chief, and the chief is responsible to the director. The chief shall serve at the pleasure of the director. (3) Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy director or by the chief, subject to conditions and limitations the director may prescribe.

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

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

7653. (a) The bureau shall adopt, and may from time to time amend, rules and regulations prescribing standards of knowledge and experience and financial responsibility for applicants for
certificates of authority. In reviewing an application for a certificate of authority, the bureau may consider acts of incorporators, officers, directors, and stockholders of the applicant, which shall constitute grounds for the denial of a certificate of authority under Division 1.5 (commencing with Section 475).

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

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

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

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

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

(b) Upon receipt of an application for a crematory license, the bureau may cause an investigation to be made of the physical status, plans, specifications, and financing of the proposed crematory, the character of the applicant, including, if applicable, its officers, directors, shareholders, or members, and any other qualifications required of the applicant under this article, and for this purpose may subpoena witnesses, administer oaths, and take testimony.
(c) At the time of the filing of the application required by this article, the applicant shall pay to the Cemetery and Funeral Fund the sum fixed by the bureau at not in excess of four hundred dollars ($400) of seven hundred fifty dollars ($750) to defray the expenses of investigation. In the event the sum shall be insufficient to defray all of the expenses, the applicant shall, within five days after request therefor, deposit an additional sum sufficient to defray such expenses, provided that the total sum shall not exceed nine hundred dollars ($900).

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

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

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

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

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

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

(a) The application fee for a funeral director’s license shall be not less than one hundred dollars ($100) and not more than two hundred dollars ($200); three hundred eighty dollars ($380).

(b) The application fee for change of location of a funeral establishment’s license shall be not less than one hundred fifty dollars ($150) and not more than two hundred fifty dollars ($250); four hundred seventy dollars ($470).

(c) The application fee for permission to assign a funeral establishment’s license shall be not less than two hundred dollars
($200) and not more than three hundred dollars ($300). five hundred sixty dollars ($560).

d) The license renewal fee payable by a licensed funeral director shall be not less than one hundred dollars ($100) and not more than two hundred dollars ($200). three hundred eighty dollars ($380). The fee for a delinquent renewal of a funeral director’s license shall be 150 percent of the timely renewal fee.

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

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

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

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

i) The application fee for a funeral director’s examination shall be not less than seventy-five dollars ($75) and not more than one hundred dollars ($100). one hundred ninety dollars ($190).

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

k) The application fee for permission to change the name appearing on a funeral establishment’s license shall be not less than one hundred dollars ($100) and not more than two hundred dollars ($200), three hundred dollars ($300), and for permission to change the name on any other license or certificate, not less than
twenty dollars ($20) and not more than forty dollars ($40: shall
be twenty-five dollars ($25).
(l) The application fee for a duplicate funeral director’s license,
a duplicate funeral establishment’s license, a duplicate embalmer’s
license, or a duplicate certificate of registration as an apprentice
embalmer, shall be not less than twenty dollars ($20) and not more
than forty dollars ($40). fifty dollars ($50).
(m) The fee for filing a report of a change of corporate officers,
managers, or preneed trust fund trustees shall be not less than
twenty-five dollars ($25) and not more than fifty dollars ($50).
(n) The application fee for a funeral establishment license shall
be not less than three hundred dollars ($300) and not more than
four hundred dollars ($400). seven hundred fifty dollars ($750).
o) The license renewal fee for a licensed funeral establishment
shall be not less than three hundred dollars ($300) nor more than
four hundred dollars ($400): seven hundred fifty dollars ($750).
The fee for a delinquent renewal of a funeral establishment license
shall be 150 percent of the timely renewal fee.
SEC. 47. Section 7729.3 of the Business and Professions Code
is amended to read:
7729.3. The original cemetery broker’s license fee shall be
fixed by the bureau at not more than four hundred dollars ($400).
seven hundred fifty dollars ($750).
SEC. 48. Section 7729.4 of the Business and Professions Code
is amended to read:
7729.4. (a) The original cemetery broker’s license fee is
payable at the time of the filing of an application for an original
cemetery broker’s license.
(b) If the applicant fails the required written examination, he or
she may be permitted to take another examination upon the
filing of an application for reexamination and the payment of a
reexamination fee. This reexamination fee shall be fixed by the
bureau at not more than one hundred dollars ($100). one hundred
ninety dollars ($190).
(c) No part of any original cemetery broker’s license fee or
reexamination fee is refundable. It is deemed earned upon receipt
by the bureau, whether the accompanying application for a license
is complete or incomplete.
SEC. 49. Section 7729.5 of the Business and Professions Code
is amended to read:
7729.5. The annual renewal fee for a cemetery broker’s license shall be fixed by the bureau at not more than three hundred dollars ($300), five hundred sixty dollars ($560).

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

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

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

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

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

7729.8. The cemetery salesperson’s license fee shall be fixed by the bureau at not more than thirty dollars ($30): sixty dollars ($60).

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

7729.10. The annual renewal fee for a cemetery salesperson’s license shall be fixed by the bureau at not more than twenty-five dollars ($25): fifty dollars ($50).

SEC. 54. Section 7729.11 is added to the Business and Professions Code, to read:
7729.11. The fee for a timely filing of an annual report on the
endowment care fund and special care fund by a certificate of
authority shall be five hundred dollars ($500). The fee for a late
filing of an annual report on the endowment care fund and special
care fund shall be 150 percent of the applicable timely fee.

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

7730. For a branch office broker’s license, the fee shall be fixed
by the bureau at not more than one hundred dollars ($100); one
hundred ninety dollars ($190).

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

7730.1. The cremated remains disposer registration fee shall
be one hundred ninety dollars ($190).

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

7730.2. The renewal fee for a cremated remains disposer
registration shall be fifty dollars ($50); one hundred dollars ($100).

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

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

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

7730.4. For transfer of a salesperson’s license on change of
employer, the fee shall be fixed by the bureau at not more than
twenty-five dollars ($25); fifty dollars ($50).

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

7730.5. For a duplicate license the fee shall be fixed by the
bureau at not more than twenty-five dollars ($25); fifty dollars
($50).

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

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

(b) As used in this section, “reinstatement of a license” means
the reissuance of a canceled cemetery broker’s license, or a
cemetery salesperson’s license which was canceled during the year for which it was issued upon the salesperson’s withdrawal from the employ of a cemetery broker.

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

7730.7. (a) The fee for a crematory manager examination and reexamination may not exceed five hundred dollars ($500), shall be six hundred eighty dollars ($680).

(b) The license fee to obtain a crematory manager license may not exceed one hundred dollars ($100), shall be one hundred thirty dollars ($130).

(c) The renewal fee for a crematory manager license may not exceed one hundred dollars ($100), shall be one hundred fifty dollars ($150).

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

7730.8. (a) The fee for a cemetery manager examination and reexamination may not exceed nine hundred dollars ($900), shall be eight hundred dollars ($800).

(b) The license fee to obtain a cemetery manager license may not exceed one hundred dollars ($100), shall be one hundred thirty dollars ($130).

(c) The renewal fee for a cemetery manager license may not exceed one hundred dollars ($100), shall be one hundred fifty dollars ($150).

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

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

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

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

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

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

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

SEC. 42.

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

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

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

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

SEC. 43.

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

8005. (a) The Court Reporters Board of California is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary of an executive officer. Except as provided by Section 159.5, the board may also employ other employees as may be necessary, subject to civil service and other law.
(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

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

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

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

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

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

(d) (1) Applicants who have been reimbursed pursuant to this chapter for services provided to litigants and who are awarded
court costs or attorney’s fees by judgment or by settlement agreement shall refund the full amount of that reimbursement to the fund within 90 days of receipt of the award or settlement.

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

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

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

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

SEC. 45.

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

8030.4. As used in this chapter:

(a) “Applicant” means a qualified legal services project, qualified support center, other qualified project, or pro bono attorney applying to receive funds from the Transcript Reimbursement Fund established by this chapter. The term “applicant” includes an indigent person appearing pro se to represent themself at any stage of the case and applying to receive funds from the Transcript Reimbursement Fund established in Section 8030.2.

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

(c) “Certified shorthand reporter” means a shorthand reporter certified pursuant to Article 3 (commencing with Section 8020) performing shorthand reporting services pursuant to Section 8017.
(d) “Developmentally Disabled Assistance Act” means the
Developmentally Disabled Assistance and Bill of Rights Act of
1975 (Public Law 94-103), as amended.
(e) “Fee-generating case” means any case or matter that, if
undertaken on behalf of an eligible client by an attorney in private
practice, reasonably may be expected to result in payment of a fee
for legal services from an award to a client, from public funds, or
from an opposing party. A reasonable expectation as to payment
of a legal fee exists wherever a client enters into a contingent fee
agreement with the client’s lawyer. If there is no contingent fee
agreement, a case is not considered fee generating if adequate
representation is deemed to be unavailable because of the
occurrence of any of the following circumstances:
(1) If the applicant has determined that referral is not possible
because of any of the following:
(A) The case has been rejected by the local lawyer referral
service, or if there is no such service, by two private attorneys who
have experience in the subject matter of the case.
(B) Neither the referral service nor any lawyer will consider the
case without payment of a consultation fee.
(C) The case is of the type that private attorneys in the area
ordinarily do not accept, or do not accept without prepayment of
a fee.
(D) Emergency circumstances compel immediate action before
referral can be made, but the client is advised that, if appropriate
and consistent with professional responsibility, referral will be
attempted at a later time.
(2) If recovery of damages is not the principal object of the case
and a request for damages is merely ancillary to an action for
equitable or other nonpecuniary relief or inclusion of a
counterclaim requesting damages is necessary for effective defense
or because of applicable rules governing joinder of counterclaims.
(3) If a court appoints an applicant or an employee of an
applicant pursuant to a statute or a court rule or practice of equal
applicability to all attorneys in the jurisdiction.
(4) In any case involving the rights of a claimant under a
public-supported benefit program for which entitlement to benefit
is based on need.
(f) (1) “Indigent person” means any of the following:
(A) A person whose income is 125 percent or less of the current poverty threshold established by the United States Office of Management and Budget.

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

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

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

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

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

(g) “Lawyer referral service” means a lawyer referral program authorized by the State Bar of California pursuant to the rules of professional conduct.

(h) “Legal Services Corporation” means the Legal Services Corporation established under the Legal Services Corporation Act of 1974 (Public Law 93-355), as amended.

(i) “Older Americans Act” means the Older Americans Act of 1965 (Public Law 89-73), as amended.

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

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

(l) “Qualified legal services project” means a nonprofit project, incorporated and operated exclusively in California, that provides as its primary purpose and function legal services without charge to indigent persons, has a board of directors or advisory board
composed of both attorneys and consumers of legal services, and
provides for community participation in legal services
programming. A legal services project funded, either in whole or
in part, by the Legal Services Corporation or with the federal Older
Americans Act funds is presumed to be a qualified legal services
project for the purposes of this chapter.

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

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

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

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

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

SEC. 46.
SEC. 70. Section 8030.6 of the Business and Professions Code
is amended to read:

8030.6. (a) The board shall disburse funds from the Transcript
Reimbursement Fund for the costs, exclusive of per diem charges
by official reporters, of preparing either an original transcript and
one copy thereof, or where appropriate, a copy of the transcript,
of court or deposition proceedings, or both, incurred as a
contractual obligation between the shorthand reporter and the
applicant, for litigation conducted in California. If there is no
deposition transcript, the board may reimburse the applicant or the
certified shorthand reporter designated in the application for per
diem costs. The rate of per diem for depositions shall not exceed
seventy-five dollars ($75) for one-half day, or one hundred
twenty-five dollars ($125) for a full day. If a transcript is ordered
within one year of the date of the deposition, but subsequent to
the per diem having been reimbursed by the Transcript
Reimbursement Fund, the amount of the per diem shall be deducted
from the regular customary charges for a transcript. Reimbursement
may be obtained pursuant to the following provisions:

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

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

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

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

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

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

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

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

(4) A vexatious litigant shall be ineligible to receive funds from
the Transcript Reimbursement Fund. However, a vexatious litigant
may become eligible to receive funds if the vexatious litigant is
no longer subject to the provisions of Title 3A (commencing with
Section 391) of Part 2 of the Code of Civil Procedure pursuant to
Section 391.8 of Code of Civil Procedure.
(5) Disbursements to cover the costs of providing transcripts to all applicants appearing pro se pursuant to this section shall not exceed two thousand five hundred dollars ($2,500) per case.

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

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

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

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

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

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

SEC. 47. SEC. 71. Section 8030.8 of the Business and Professions Code is amended to read:

8030.8. (a) For purposes of this chapter, documentation accompanying an invoice is sufficient to establish entitlement for
reimbursement from the Transcript Reimbursement Fund if it is filed with the executive officer on an application form prescribed by the board that is complete in all respects, and that establishes all of the following:

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

2. The applicant is qualified under the provisions of this chapter.

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

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

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

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

7. The certified shorthand reporter’s invoice for transcripts shall include separate itemizations of charges claimed, as follows:

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

   B. Total charges and rates for expedited deposition transcripts.

   C. Total charges and rates in connection with transcription of court proceedings.

   b. For an applicant claiming to be eligible pursuant to subdivision (j), (l), or (m) of Section 8030.4, a letter from the director of the project or center, certifying that the project or center meets the standards set forth in one of those subdivisions and that the litigant or litigants are indigent persons, is sufficient documentation to establish eligibility.
(c) For an applicant claiming to be eligible pursuant to subdivision (k) of Section 8030.4, a letter certifying that the applicant meets the requirements of that subdivision, that the case is not a fee-generating case, as defined in subdivision (e) of Section 8030.4, and that the litigant or litigants are indigent persons, together with a letter from the director of a project or center defined in subdivision (j), (l), or (m) of Section 8030.4 certifying that the litigant or litigants had been referred by that project or center to the applicant, is sufficient documentation to establish eligibility.

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

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

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

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

SEC. 48.

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

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

(b) This section shall apply to an individual or entity that does any of the following:
(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 49.
SEC. 73.  Section 8050 of the Business and Professions Code, as added by Section 3 of Chapter 214 of the Statutes of 2021, is amended to read:

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

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

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

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.
(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

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

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

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

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

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

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

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

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

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or
judicial proceeding in contracts that are subject to laws related to shorthand reporting.
(f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars ($10,000) per violation.
(g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney’s fees.
(h) This section shall become operative on January 1, 2025.
SEC. 50.
SEC. 74. Section 8051 of the Business and Professions Code is amended to read:
8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:
(1) The entity pays an annual registration fee to the board, in an amount determined by the board, not to exceed five hundred dollars ($500). The fee shall not exceed the board’s cost of administering this section.
(2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified shorthand reporter where the certificate holder has no restrictions on their license and is not subject to a pending board accusation or investigation at the time of the entity’s application for registration. The reporter-in-charge shall be responsible to the board for an entity’s compliance with all state laws and regulations pertaining to and within the scope of the practice of certified shorthand reporting and any acts of the entity pertaining to and within the scope of the practice of a certificate holder shall be deemed acts of the reporter-in-charge. Nothing in this paragraph shall be construed as permitting the board to restrict, suspend, or revoke the license of a reporter-in-charge for conduct committed or directed by another person unless the reporter-in-charge had knowledge of or knowingly participated in such conduct.
(3) The entity agrees in the registration to abide by the laws, regulations, and standards of practice applicable to businesses that render shorthand reporting services pursuant to Section 13401 of the Corporations Code, except for the requirements of Sections 8040 and 8044.

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

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

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

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

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

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

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

(e) A registered entity shall notify the board in writing within 30 days of the date when a reporter-in-charge ceases to act as the reporter-in-charge and propose another certificate holder to take over as the reporter-in-charge. The proposed replacement
reporter-in-charge shall be subject to approval by the board. If
disapproved, the entity shall propose another replacement within
15 days of the date of disapproval and shall continue to name
proposed replacements until a reporter-in-charge is approved by
the board.

(f) The board shall revoke the registration of an entity if the
board determines the entity:
(1) Engaged, in whole or in part, through officers, employees,
or independent contractors that are not certificate holders, in acts
that are within the scope of practice of a certificate holder, unless
otherwise permitted by law.
(2) Directed or authorized the reporter-in-charge to violate state
laws or regulations pertaining to shorthand reporting or offering
financial incentives to the reporter-in-charge for engaging in acts
that violate state law.

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

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

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

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

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

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

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

SEC. 51.

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

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

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

(c) This section shall remain in effect only until January 1, 2025,
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. 52.

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

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

This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.
SEC. 53.

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

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

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

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

SEC. 54.

SEC. 78. Section 9832.5 of the Business and Professions Code is amended to read:
9832.5. (a) Registrations issued under this chapter shall expire no more than 12 months after the issue date. The expiration date of registrations shall be set by the director in a manner to best distribute renewal procedures throughout the year.

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

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

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

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

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

SEC. 55.

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

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

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

SEC. 56.

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

9849. (a) The expiration of a valid registration shall not deprive the director of jurisdiction to proceed with any investigation or hearing on a cease and desist order against a service dealer or
service contractor or to render a decision to suspend, revoke, or
place on probation a registration.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.

**SEC. 57.**

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

9849. (a) The expiration of a valid registration shall not deprive
the director of jurisdiction to proceed with any investigation or
hearing on a cease and desist order against a service dealer or to
render a decision to suspend, revoke, or place on probation a
registration.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.

**SEC. 58.**

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

9851. (a) The superior court in and for the county wherein any
person carries on, or attempts to carry on, business as a service
dealer or service contractor in violation of the provisions of this
chapter, or any regulation thereunder, shall, on application of the
director, issue an injunction or other appropriate order restraining
that conduct.
(b) The proceedings under this section shall be governed by
Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
the Code of Civil Procedure, except that the director shall not be
required to allege facts necessary to show or tending to show lack
of an adequate remedy at law or irreparable injury.
(c) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.

**SEC. 59.**

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

9851. (a) The superior court in and for the county wherein any
person carries on, or attempts to carry on, business as a service
dealer in violation of the provisions of this chapter, or any
regulation thereunder, shall, on application of the director, issue
an injunction or other appropriate order restraining that conduct.
(b) The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

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

SEC. 60.

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

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

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

SEC. 61.

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

9853. (a) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a service dealer is deemed to be a conviction within the meaning of this article. The director may suspend, revoke, or place on probation a registration, or may deny registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
guilty and to enter a plea of not guilty, or setting aside the verdict
of guilty, or dismissing the accusation, information, or indictment.
(b) This section shall become operative January 1, 2024.

SEC. 86. Section 9855.9 of the Business and Professions Code
is amended to read:
9855.9. This article shall remain in effect only until January
1, 2024, and as of that date is repealed.

SEC. 87. Section 9860 of the Business and Professions Code,
as amended by Section 22 of Chapter 578 of the Statutes of 2018,
is amended to read:
9860. (a) The director shall establish procedures for accepting
complaints from the public against any service dealer or service
contractor.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.

SEC. 88. Section 9860 of the Business and Professions Code,
as amended by Section 23 of Chapter 578 of the Statutes of 2018,
is amended to read:
9860. (a) The director shall establish procedures for accepting
complaints from the public against any service dealer.
(b) This section shall become operative on January 1, 2024.

SEC. 89. Section 9862.5 of the Business and Professions Code
is amended to read:
9862.5. (a) If a complaint indicates a possible violation of this
chapter or of the regulations adopted pursuant to this chapter, the
director may advise the service contractor of the contents of the
complaint and, if the service contractor is so advised, the director
shall make a summary investigation of the facts after the service
contractor has had reasonable opportunity to reply thereto.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.

SEC. 90. Section 9863 of the Business and Professions Code,
as amended by Section 25 of Chapter 578 of the Statutes of 2018,
is amended to read:
9863. (a) If, upon summary investigation, it appears probable
to the director that a violation of this chapter, or the regulations
thereunder, has occurred, the director, in their discretion, may
suggest measures that in the director’s judgment would compensate
the complainant for the damages they suffered as a result of the
alleged violation. If the service dealer or service contractor accepts
the director’s suggestions and performs accordingly, the director
shall give that fact due consideration in any subsequent disciplinary
proceeding. If the service dealer or service contractor declines to
abide by the suggestions of the director, the director may
investigate further and may institute disciplinary proceedings in
accordance with the provisions of this chapter.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.

SEC. 67. 
SEC. 91. Section 9863 of the Business and Professions Code,
as amended by Section 26 of Chapter 578 of the Statutes of 2018,
is amended to read:
9863. (a) If, upon summary investigation, it appears probable
to the director that a violation of this chapter, or the regulations
thereunder, has occurred, the director, in their discretion, may
suggest measures that in the director’s judgment would compensate
the complainant for the damages they suffered as a result of the
alleged violation. If the service dealer accepts the director’s
suggestions and performs accordingly, the director shall give that
fact due consideration in any subsequent disciplinary proceeding.
If the service dealer declines to abide by the suggestions of the
director, the director may investigate further and may institute
disciplinary proceedings in accordance with the provisions of this
chapter.
(b) This section shall become operative on January 1, 2024.

SEC. 68. 
SEC. 92. Section 9873 of the Business and Professions Code,
as added by Section 3 of Chapter 29 of the Statutes of 2019, is
amended to read:
9873. The fees prescribed by this chapter shall be set by the
director by regulation, according to the following schedule:
(a) (1) The initial registration fee for an electronic repair
industry service dealer or for an appliance repair industry service
dealer is not more than two hundred five dollars ($205) for each
place of business in this state. The initial registration fee for a service contractor is not more than ninety-five dollars ($95) for each place of business in this state.

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

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

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

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

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

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

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

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

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

SEC. 69.

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

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

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

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

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

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

SEC. 70.

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

18602. (a) Except as provided in this section, there is in the Department of Consumer Affairs the State Athletic Commission, which consists of seven members. Five members shall be appointed by the Governor, one member shall be appointed by the Senate
Committee on Rules, and one member shall be appointed by the Speaker of the Assembly.

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

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

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

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

(2) Financial management.

(3) Public safety.

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

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

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

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

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

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

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

(2) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.
SEC. 71. Section 18613 of the Business and Professions Code is amended to read:

18613. (a) (1) The commission shall 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 commission and vested in the executive officer by this chapter. The appointment of the executive officer is subject to the approval of the Director of Consumer Affairs.

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

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

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

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

SEC. 72.

SEC. 95. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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.
SB 1495 (Senate Committee on Business, Professions and Economic Development)
Professions and vocations

Status/History: 8/4/2022 – Ordered to Assembly Third Reading, file date 8/10/2022.
Location: 8/10/2022 – Assembly
Introduced: 3/15/2022
Last Amended: 6/29/2022
Board Position: Support (as of 5/2/2022)
Board Staff Analysis: 8/10/2022

Bill Summary: This bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA), including to Business and Professions Code section 7841.2 relating to Geologist-in-Training certificate applications.

Affected Laws: An act to amend Sections 205, 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2023.5, 2240, 2401, 2435.1, 2516, 2746.55, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4170, 4175, 4846.5, 4883, 4980.03, 4980.396, 4996.20, 4999.12, 6534, 6538, 6560, 6561, 7086.10, 7506.1, 7520.3, 7523, 7583.10, 7583.30, 7585.8, 7841.2, 9888.5, 10083.2, 10140.6, 10153.2, 10153.3, 10153.4, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, to amend and repeal Section 10151 of, and to repeal Section 7583.15 of, the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill is the Senate Committee on Business, Professions and Economic Development’s omnibus bill for this legislative session. It includes the Board’s proposal to amend Business and Professions Code section 7841.2 relating to Geologist-in-Training certificate applications.

At its May 2, 2022, meeting, the Board took a position of “Support” on SB 1495. The bill was amended on June 21 and 29, 2022, to add sections relating to the other boards and bureaus that do not affect the Board. However, since the bill has been amended since the Board took a position, staff recommends that the Board take a position of “Support” on SB 1495, as amended June 29, 2022.

SB 1495 has been ordered to the Assembly Third Reading for August 8, 2022.

Staff Recommendation: Staff recommends the Board take a position of “Support” on SB 1495, as amended June 29, 2022.
Introducing the Business, Professions and Economic Development (Senators Roth (Chair), Archuleta, Bates, Becker, Dodd, Eggman, Hurtado, Jones, Leyva, Melendez, Min, Newman, Ochoa Bogh, and Pan)

March 15, 2022

An act to amend Sections 205, 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2023.5, 2240, 2401, 2435.1, 2516, 2725.4, 2746.55, 2786.3, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4170, 4175, 4846.5, 4883, 4980.03, 4980.396, 4996.20, 4999.12, 6534, 6538, 6560, 6561, 7086.10, 7506.1, 7520.3, 7523, 7583.10, 7583.30, 7585.8, 7841.2, 9888.5, 10083.2, 10140.6, 10153.2, 10153.3, 10153.4, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, to amend and repeal Section 10151 of, and to repeal Section 7583.15 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

SB 1495, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Chapter 143 of the Statutes of 2021 renamed the Office of Statewide Health Planning and Development as the Department of Health Care Access and Information, and requires any reference to the office to be deemed a reference to the department.

This bill would update the name of the department in provisions relating to healing arts that reference the office.
(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California within the Department of Consumer Affairs for the licensure and regulation of dental hygienists. Under existing law, a licensee is required, as a condition of license renewal, to submit, and certify under penalty of perjury, assurances satisfactory to the board that they will, during the succeeding 2-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses, as specified.

Under this bill, the assurances required as a condition of license renewal would be that the licensee had, during the preceding 2-year period, informed themselves of those developments, as specified. By changing what assurances a licensee is required to submit to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(3) Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board for the licensure and regulation of physician assistants. Existing law creates the Physician Assistant Fund and makes all money in the fund available, upon appropriation of the Legislature, to carry out the provisions of the act. Existing law requires the Medical Board of California to report to the Controller the amount and source of all collections made under the act and to pay all those sums into the State Treasury, where they are required to be credited to the fund. Chapter 649 of the Statutes of 2021 removed the provision that placed the Physician Assistant Board within the jurisdiction of the Medical Board of California.

This bill would remove those reporting and payment requirements from the Medical Board of California, and would, instead, impose them on the Physician Assistant Board.

Chapter 332 of the Statutes of 2012, among other things, renamed the Physician Assistant Committee as the Physician Assistant Board.

This bill would update the name of the Physician Assistant Board in provisions relating to healing arts that reference the board.

(4) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board in the Department of Consumer Affairs for the licensure and regulation of veterinarians. Existing law requires a licensee to biennially apply for renewal of their license, and requires the board to issue renewal to those applicants that have completed a minimum of 36 hours of continuing education in the preceding 2 years. Existing law generally requires continuing education hours to be earned
by attending courses relevant to veterinary medicine and sponsored or
cosponsored by certain entities.

This bill would delete an obsolete provision relating to continuing
education hours earned by attending courses sponsored or cosponsored
by those entities between January 1, 2000, and January 1, 2001.

The Veterinary Medicine Practice Act authorizes the board to deny,
revoke, or suspend a licensee or registrant or assess a fine if a licensee
or registrant makes a statement, claim, or advertisement that they are
a veterinary specialist or board certified unless they are certified by a
specified organization.

This bill would add an additional organization to certify a licensee
or registrant for this purpose.

(5) Existing law establishes the Board of Behavioral Sciences within
the Department of Consumer Affairs, and requires the board to regulate
various registrants and licensees under prescribed acts, including the
Licensed Marriage and Family Therapist Act, the Clinical Social Worker
Practice Act, the Licensed Professional Clinical Counselor Act, and the
Educational Psychologist Practice Act. Under the Licensed Marriage
and Family Therapist Act, the Clinical Social Worker Practice Act, and
the Licensed Professional Clinical Counselor Act, applicants for
licensure are required to complete a certain amount of supervised
experience and direct supervisor contact. Existing law defines
“supervisor” for purposes of those acts to mean an individual who meets
certain requirements, including, among others, having, for at least 2
years within the 5-year period immediately preceding any supervision,
practiced psychotherapy, provided psychological counseling pursuant
to a provision of the Educational Psychologist Practice Act, or provided
specified direct clinical supervision of psychotherapy.

This bill would correct erroneous cross-references to the provision
of the Educational Psychologist Practice Act mentioned above.

(6) Existing law, the Geologist and Geophysicist Act, requires the
Board for Professional Engineers, Land Surveyors, and Geologists,
which is within the Department of Consumer Affairs, to administer its
provision relating to the licensure and regulation of geologists and
geophysicists. Existing law requires an applicant for certification as a
geologist-in-training to meet certain requirements, including either of
2 education requirements fulfilled at a school or university whose
curricula whose curricula meet criteria established by the board.

Under the bill, the board would not be required to verify an applicant’s
eligibility for certification as a geologist-in-training except that an
applicant for certification as a geologist-in-training would be required
to sign or acknowledge a statement of eligibility at the time of
submission of the application attesting to the completion of the
above-described education requirements and the rules of the board. By
requiring an applicant to submit an attestation to the board, the bill
would expand the scope of the crime of perjury, thereby imposing a
state-mandated local program.

(7) Existing federal law, the Secure and Fair Enforcement for
Mortgage Licensing Act of 2008 (“SAFE Act”), encourages states to
establish a Nationwide Mortgage Licensing System and Registry for
the residential mortgage industry to increase uniformity, reduce
regulatory burden, enhance consumer protection, and reduce fraud, as
specified.

Existing state law, the Real Estate Law, governs the licensing and
regulation of real estate licensees, as defined, as administered by the
Real Estate Commissioner. Existing law, the California Residential
Mortgage Lending Act, regulates the business of making residential
mortgage loans and servicing residential mortgage loans, and prohibits
a person from engaging in these activities without first obtaining a
license from the Commissioner of Financial Protection and Innovation.
Existing law, the California Financing Law, provides for the licensure
and regulation of finance lenders, brokers, and specified program
administrators by the Commissioner of Financial Protection and
Innovation.

Existing law requires certain licensees under the Real Estate Law,
the California Financing Law, and the California Residential Mortgage
Lending Act, including mortgage loan originators, to also be licensed
and registered through, and regulated by, the Nationwide Mortgage
Licensing System and Registry. Existing law requires the Real Estate
Commissioner and the Commissioner of Financial Protection and
Innovation to regularly report violations of specified state law provisions
implementing the SAFE Act and specified enforcement actions to the
Nationwide Mortgage Licensing System and Registry. Existing law
authorizes those commissioners to establish relationships or contracts
with the Nationwide Mortgage Licensing System and Registry or other
entities designated by the Nationwide Mortgage Licensing System and
Registry to collect and maintain records and process certain fees.

This bill would instead refer to the Nationwide Mortgage Licensing
System and Registry in the provisions of the Real Estate Law as the
“Nationwide Multistate Licensing System and Registry.”
Existing law requires an applicant for an original real estate broker license examination to successfully complete courses of study in specified subjects, including real estate practice and legal aspects of real estate. Existing law also requires an applicant for a real estate salesperson license examination or for both the examination and license to successfully complete courses of study in specified subjects, including real estate principles and real estate practice. Existing law, beginning January 1, 2023, revises the real estate practice course for an applicant for a real estate broker or salesperson license to include a component on implicit bias, as specified, and revises the legal aspects of real estate course for that applicant to include a component on state and federal fair housing laws, as specified.

This bill would include the component on state and federal fair housing laws in the real estate practice course instead of the legal aspects of real estate course, and would further delay the revision to the real estate practice course until January 1, 2024. The bill would make clarifying changes to the educational requirement provisions.

(8) Under existing law, the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law authorizes the department to establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the Secretary of Food and Agriculture to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

Existing law requires that the state standards of weights and measures by which all state and county standards of weights and measures are required to be tried, proved, and sealed include, among other specified standards, metrological standards in the possession of laboratories certified to perform measurement services pursuant to the above-described law.

This bill would update the cross-reference to the law governing certification of laboratories to perform measurement services in the above-described provision.

(9) Existing law, the Professional Fiduciaries Act, created the Professional Fiduciaries Bureau in the Department of Consumer Affairs and requires the bureau to license and regulate professional fiduciaries, as specified. Existing law requires the bureau to maintain specific records concerning its licensees on file, including the names of trusts and decedent’s estates currently administered by the licensee and the
case names, court locations, and case numbers of all conservatorship, guardianship, or trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, or personal representative. Existing law also requires that the bureau maintain information on whether the licensee has ever resigned as a conservator, guardian, trustee, personal representative, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances, in a specific case.

This bill would specify that the bureau is required to maintain the above-described information relating to the names of trusts and decedent’s estates currently administered by a licensee and the case names, court locations, and case numbers of all conservatorship, guardianship, or trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, or personal representative regardless of whether the case is court supervised or court appointed. The bill would also require that the bureau maintain the case names, court locations, and case numbers of conservatorships, guardianships, or trusts or other estate administration cases that are closed for which the licensee served as agent under durable power of attorney for finance or health care. The bill would also require that the bureau maintain information on whether the licensee has settled a matter in which a complaint has been filed with the court in a specific case.

Existing law provides that a license issued under the Professional Fiduciaries Act expires one year after it was issued on the last day of the month in which it was issued and authorizes a licensee to renew a license, as provided. Existing law requires that a licensee complete 15 hours of approved continuing education courses each year, including at least two hours in ethics or cultural competency, as specified, in order to renew a license or restore a license from retired status to active status.

This bill would, instead, require that the above-described 15 hours of approved continuing education courses, as specified, be completed each annual renewal cycle.

Existing law requires licensees under the Professional Fiduciaries Act to maintain client records and to make those records available for audit by the bureau.

This bill would specify that a licensee is required to make client records available for audit or review by the bureau upon request.

Existing law requires licensees under the Professional Fiduciaries Act to annually submit to the bureau a statement under penalty of perjury containing specified information, including the case names, court
locations, and case numbers for all matters where the licensee has been appointed by the court.

This bill would, instead, require that the above-described statement include the case names, court locations, and case numbers of all conservatorship, guardianship, trust, and other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, agent under a durable power of attorney for finance or health care, and personal representative of a decedent’s estate. The bill would additionally require that the annual statement include the names of the licensee’s current conservatees, wards, principals under a durable power of attorney for health care, or principals under a durable power of attorney for finances, and the names of trusts and decedent’s estates currently administered by the licensee, as provided. By requiring that a licensee provide this information under penalty of perjury, the bill would impose a state-mandated local program.

(10) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators and makes violations of those provisions a crime. Existing law requires limited liability companies licensed as private investigators to maintain an insurance policy against liability imposed against it arising out of the private investigator services it provides and requires the licensee to report any paid or pending claim against its insurance to the bureau. Existing law requires the bureau to post a notice of the claim on the Department of Consumer Affairs BreEZe License Verification internet webpage.

This bill would instead require the licensee to report annually, on and after March 1, 2023, any claim paid during the prior calendar year, and would require the bureau to create a form for that purpose, and would remove the requirement that the bureau post a notice of the claim. Because a violation of these provisions is a misdemeanor, the bill would impose a state-mandated local program by expanding the scope of a crime.

(11) Existing law, the Private Security Services Act, provides for the licensure and regulation of private security services, including private patrol operators. Existing law requires security guards to carry a security guard registration card while on duty and carry a firearms permit while carrying a firearm on duty, except as specified. Existing law requires a security guard, who in the course of business or employment carries a firearm, to take a course in the power to arrest and, on and after January 1, 2023, a course in the appropriate use of force. Existing law requires a security guard registration application to include the expiration
date of the license or certification of the course provider for those courses. Existing law requires an applicant to pay a $10 certification fee for the replacement of a certified firearms qualification card.

This bill would repeal the requirement that the expiration date of the license or certification of the course provider be included in the security guard registration application. The bill would repeal the requirement that the applicant pay a $10 certification fee and would instead require the applicant to pay a fee as otherwise prescribed for the replacement of a certified firearms qualification card.

Existing law authorizes the Director of Consumer Affairs to require a licensed private patrol operator to suspend a security guard from employment if the director determines they may present an undue hazard to the public safety.

This bill would repeal that provision.

(12) Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair in the Department of Consumer Affairs. Existing law requires the Director of Consumer Affairs to issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repairs to, safety systems of vehicles. Existing law requires the director to develop inspection criteria and standards for specific safety systems and to adopt regulations as specified, including to develop a certification process for vehicles and a form for a certificate of compliance that contains, among other things, the name of the owner of the vehicle.

This bill would remove the requirement that the form contain the name of the owner of the vehicle.

(13) Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law establishes the Solar Energy System Restitution Program for the purpose of providing restitution to certain consumers with a solar energy system installed by a contractor on a single-family residence, as specified. Existing law requires the board to display a notice, as specified, that a licensee was the subject of a payment from the program if the licensee caused a payment of an award to a consumer pursuant to the program.

This bill would specify that the board is required to display this notice for a licensee whose license is revoked or pending revocation and who caused a payment of an award to a consumer pursuant to the program.
(14) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of reposition agencies by the Bureau of Security and Investigative Services under the supervision and control of the Director of Consumer Affairs.

This bill would remove an obsolete reference in the act.

This bill would additionally make various nonsubstantive changes in the above-mentioned provisions.

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

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


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

SECTION 1. Section 205 of the Business and Professions Code, as amended by Section 8.5 of Chapter 312 of the Statutes of 2020, 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. (1) Accountancy Fund.
2. (2) California Architects Board Fund.
3. (3) Athletic Commission Fund.
4. (4) Barbering and Cosmetology Contingent Fund.
5. (5) Cemetery and Funeral Fund.
6. (6) Contractors License Fund.
7. (7) State Dentistry Fund.
8. (8) Home Furnishings and Thermal Insulation Fund.
10. (10) Contingent Fund of the Medical Board of California.
11. (11) Optometry Fund.
12. (12) Pharmacy Board Contingent Fund.
15. (15) Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund.
(17) Behavioral Sciences Fund.
(18) Licensed Midwifery Fund.
(19) Court Reporters’ Fund.
(20) Veterinary Medical Board Contingent Fund.
(21) Vocational Nursing and Psychiatric Technicians Fund.
(22) Electronic and Appliance Repair Fund.
(23) Acupuncture Fund.
(24) Physician Assistant Fund.
(25) Board of Podiatric Medicine Fund.
(26) Psychology Fund.
(27) Respiratory Care Fund.
(28) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
(29) Board of Registered Nursing Fund.
(30) Animal Health Technician Examining Committee Fund.
(31) State Dental Hygiene Fund.
(32) Structural Pest Control Fund.
(33) Structural Pest Control Education and Enforcement Fund.
(34) Structural Pest Control Research Fund.
(35) 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.

SEC. 2. Section 1753.55 of the Business and Professions Code is amended to read:

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

1. Is licensed on or after January 1, 2010.
2. Is licensed before January 1, 2010, and has successfully completed a board-approved course in the additional procedures specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of subdivision (b) of Section 1753.5.
(b) (1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental assistant in extended functions shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:
   (A) In a dental office setting.
   (B) In public health settings, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics, under the general supervision of a dentist.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:
   (A) In either of the following settings:
      (i) In a dental office setting, under the direct or general supervision of a dentist as determined by the dentist.
      (ii) In public health settings, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics, under the general supervision of a dentist.
   (B) After the diagnosis, treatment plan, and instruction to perform the procedure provided by a dentist.

(c) The functions described in subdivision (b) may be performed by a registered dental assistant in extended functions only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the board, of having completed a board-approved course in those functions.
(d) No later than January 1, 2018, the board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Department of Health Care Access and Information. The board shall submit to the committee proposed regulatory language for the curriculum for the Interim Therapeutic Restoration to the committee for the purpose of promulgating regulations for registered dental hygienists and registered dental hygienists in alternative practice as described in Section 1910.5. The language submitted by the board shall mirror the instructional curriculum for the registered dental assistant in extended functions. Any subsequent amendments to the regulations that are promulgated by the board for the Interim Therapeutic Restoration curriculum shall be submitted to the committee.

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

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

SEC. 3. Section 1910.5 of the Business and Professions Code is amended to read:

1910.5. (a) In addition to the duties specified in Section 1910, a registered dental hygienist is authorized to perform the following additional duties, as specified:

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

(A) In a dental office setting.

(B) In a public health setting, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics.
(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office setting.

(ii) In a public health setting, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics.

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

(b) The functions described in subdivision (a) may be performed by a registered dental hygienist only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the dental hygiene board, of having completed a dental hygiene board-approved course in those functions.

(c) No later than January 1, 2018, the dental hygiene board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental hygienist and registered dental hygienist in alternative practice pursuant to Sections 1910.5 and 1926.05, using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Department of Health Care Access and Information. The dental hygiene board shall use the curriculum submitted by the board pursuant to Section 1753.55 to adopt regulatory language for approval of courses of instruction for the interim therapeutic restoration. Any subsequent amendments to the regulations for the interim therapeutic restoration curriculum that are promulgated by the dental hygiene board shall be agreed upon by the board and the dental hygiene board.
(d) This section shall become operative on January 1, 2018.

SEC. 4. 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 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 Department of Health Care Access and Information pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

SEC. 5. Section 1926 of the Business and Professions Code is amended to read:

1926. In addition to practices authorized in Section 1925, a registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivision (a) of Section 1907.
subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910 in the following settings:
(a) Residences of the homebound.
(b) Schools.
(c) Residential facilities and other institutions and medical settings that a residential facility patient has been transferred to for outpatient services.
(d) Dental health professional shortage areas, as certified by the Department of Health Care Access and Information in accordance with existing office guidelines.
(e) Dental offices.

SEC. 6. Section 1926.01 of the Business and Professions Code is amended to read:
1926.01. (a) In addition to practices authorized in Section 1925, a registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivisions (a) and (b) of Section 1909 with documented consultation with a collaborating dentist in the following settings:
(1) Residences of the homebound.
(2) Residential facilities and other institutions and medical settings that a residential facility patient has been transferred to for outpatient services.
(3) Dental health professional shortage areas, as certified by the Department of Health Care Access and Information in accordance with existing office guidelines.
(4) Dental offices.
(b) The registered dental hygienist in alternative practice shall have all of the following immediately available when services authorized in this section are being performed:
(1) One additional individual trained in basic life support qualified to administer cardiopulmonary resuscitation during an emergency.
(2) Equipment and supplies for emergency response, including oxygen.

SEC. 7. Section 1926.05 of the Business and Professions Code is amended to read:
1926.05. (a) In addition to the duties specified in Section 1926, a registered dental hygienist in alternative practice is authorized to perform the duties pursuant to Section 1910.5, in the following settings:
(1) Residences of the homebound.
(2) Schools.
(3) Residential facilities and other institutions.
(4) Dental or medical settings.
(5) Dental health professional shortage areas, as certified by the
   Department of Health Care Access and Information in accordance
   with existing office guidelines.
(b) A registered dental hygienist in alternative practice is
   authorized to perform the duties pursuant to paragraph (2) of
   subdivision (a) of Section 1910.5 in the settings specified in this
   section after there has been a diagnosis, treatment plan, and
   instruction to perform the procedure provided by a dentist.

SEC. 8. Section 1936.1 of the Business and Professions Code
   is amended to read:
   1936.1. (a) The dental hygiene board shall require, as a
   condition of license renewal, that licensees submit assurances
   satisfactory to the dental hygiene board that they had, during the
   preceding two-year period, informed themselves of the
   developments in the practice of dental hygiene occurring since the
   original issuance of their licenses by pursuing one or more courses
   of study satisfactory to the dental hygiene board, or by other means
   deemed equivalent by the dental hygiene board. The dental hygiene
   board shall adopt, amend, and revoke regulations providing for
   the suspension of the licenses at the end of the two-year period
   until compliance with the assurances provided for in this section
   is accomplished. The dental hygiene board shall conduct random
   audits of at least 5 percent of the licensee population each year to
   ensure compliance of the continuing education requirement.
   (b) The dental hygiene board shall also, as a condition of license
   renewal, require licensees to successfully complete a portion of
   the required continuing education hours in specific areas adopted
   in regulations by the dental hygiene board. The dental hygiene
   board may prescribe this mandatory coursework within the general
   areas of patient care, health and safety, and law and ethics. The
   mandatory coursework prescribed by the dental hygiene board
   shall not exceed seven and one-half hours per renewal period. Any
   mandatory coursework required by the dental hygiene board shall
   be credited toward the continuing education requirements
   established by the dental hygiene board pursuant to subdivision
   (a).
(c) The providers of courses referred to in this section shall be approved by the dental hygiene board. Providers approved by the dental board shall be deemed approved by the dental hygiene board.

SEC. 9. Section 2023.5 of the Business and Professions Code is amended to read:

2023.5. (a) The board, in conjunction with the Board of Registered Nursing, and in consultation with the Physician Assistant Board and professionals in the field, shall review issues and problems surrounding the use of laser or intense light pulse devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants. The review shall address, but need not be limited to, all of the following:

1. The appropriate level of physician supervision needed.
2. The appropriate level of training to ensure competency.
3. Guidelines for standardized procedures and protocols that address, at a minimum, all of the following:
   A. Patient selection.
   B. Patient education, instruction, and informed consent.
   C. Use of topical agents.
   D. Procedures to be followed in the event of complications or side effects from the treatment.
   E. Procedures governing emergency and urgent care situations.

(b) Nothing in this section shall be construed to modify the prohibition against the unlicensed practice of medicine.

SEC. 9.

SEC. 10. Section 2240 of the Business and Professions Code is amended to read:

2240. (a) A physician and surgeon who performs a medical procedure outside of a general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, that results in the death of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon’s orders or supervision, shall report, in writing on a form prescribed by the board, that occurrence to the board within 15 days after the occurrence.

(b) A physician and surgeon who performs a scheduled medical procedure outside of a general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, that results in the transfer to a hospital or emergency center for
medical treatment for a period exceeding 24 hours, of any patient
on whom that medical treatment was performed by the physician
and surgeon, or by a person acting under the physician and
surgeon’s orders or supervision, shall report, in writing, on a form
prescribed by the board that occurrence, within 15 days after the
occurrence. The form shall contain all of the following information:

(1) Name of the patient’s physician in the outpatient setting.
(2) Name of the physician with hospital privileges.
(3) Name of the patient and patient identifying information.
(4) Name of the hospital or emergency center where the patient
was transferred.
(5) Type of outpatient procedures being performed.
(6) Events triggering the transfer.
(7) Duration of the hospital stay.
(8) Final disposition or status, if not released from the hospital,
of the patient.
(9) Physician’s practice specialty and ABMS certification, if
applicable.

(c) The form described in subdivision (b) shall be constructed
in a format to enable the physician and surgeon to transmit the
information in paragraphs (5) to (9), inclusive, to the board in a
manner that the physician and surgeon and the patient are
anonymous and their identifying information is not transmitted to
the board. The entire form containing information described in
paragraphs (1) to (9), inclusive, shall be placed in the patient’s
medical record.

(d) The board shall aggregate the data and publish an annual
report on the information collected pursuant to subdivisions (a)
and (b).

(e) On and after January 1, 2002, the data required in subdivision
(b) shall be sent to the Department of Health Care Access and
Information instead of the board. The Department of Health Care
Access and Information may revise the reporting requirements to
fit state and national standards, as applicable. The board shall work
with the Department of Health Care Access and Information in
developing the reporting mechanism to satisfy the data collection
requirements of this section.

(f) The failure to comply with this section constitutes
unprofessional conduct.
SEC. 10.

SEC. 11. Section 2401 of the Business and Professions Code is amended to read:

2401. (a) Notwithstanding Section 2400, a clinic operated primarily for the purpose of medical education by a public or private nonprofit university medical school, which is approved by the board or the Osteopathic Medical Board of California, may charge for professional services rendered to teaching patients by licensees who hold academic appointments on the faculty of the university, if the charges are approved by the physician and surgeon in whose name the charges are made.

(b) Notwithstanding Section 2400, a clinic operated under subdivision (p) of Section 1206 of the Health and Safety Code may employ licensees and charge for professional services rendered by those licensees. However, the clinic shall not interfere with, control, or otherwise direct the professional judgment of a physician and surgeon in a manner prohibited by Section 2400 or any other law.

(c) Notwithstanding Section 2400, a narcotic treatment program operated under Section 11876 of the Health and Safety Code and regulated by the State Department of Health Care Services, may employ licensees and charge for professional services rendered by those licensees. However, the narcotic treatment program shall not interfere with, control, or otherwise direct the professional judgment of a physician and surgeon in a manner prohibited by Section 2400 or any other law.

(d) Notwithstanding Section 2400, a hospital that is owned and operated by a licensed charitable organization, that offers only pediatric subspecialty care, that, before January 1, 2013, employed licensees on a salary basis, and that has not charged for professional services rendered to patients may, commencing January 1, 2013, charge for professional services rendered to patients, provided the following conditions are met:

(1) The hospital does not increase the number of salaried licensees by more than five licensees each year.

(2) The hospital does not expand its scope of services beyond pediatric subspecialty care.

(3) The hospital accepts each patient needing its scope of services regardless of the patient’s ability to pay, including whether the patient has any form of health care coverage.
(4) The medical staff concur by an affirmative vote that the licensee’s employment is in the best interest of the communities served by the hospital.

(5) The hospital does not interfere with, control, or otherwise direct a physician and surgeon’s professional judgment in a manner prohibited by Section 2400 or any other law.

(e) (1) Notwithstanding Section 2400, until January 1, 2024, a federally certified critical access hospital may employ licensees and charge for professional services rendered by those licensees to patients, provided both of the following conditions are met:

(A) The medical staff concur by an affirmative vote that the licensee’s employment is in the best interest of the communities served by the hospital.

(B) The hospital does not interfere with, control, or otherwise direct a physician and surgeon’s professional judgment in a manner prohibited by Section 2400 or any other law.

(2) (A) On or before July 1, 2023, the Department of Health Care Access and Information shall provide a report to the Legislature containing data about the impact of paragraph (1) on federally certified critical access hospitals and their ability to recruit and retain physicians and surgeons between January 1, 2017, and January 1, 2023, inclusive. This report shall be submitted in compliance with Section 9795 of the Government Code. The requirement for submitting a report imposed under this subparagraph is inoperative on July 1, 2027.

(B) The Department of Health Care Access and Information shall determine the format of the report, as well as the methods and data elements to be utilized in the development of the report.

(C) On and after July 1, 2017, a federally certified critical access hospital that is employing licensees and charging for professional services rendered by those licensees to patients under this section shall submit to the office, on or before July 1 of each year, a report for any year in which that hospital has employed or is employing licensees and charging for professional services rendered by those licensees to patients. The report shall include data elements as required by the office and shall be submitted in a format as required by the Department of Health Care Access and Information. The requirement for submitting reports imposed under this subparagraph shall be inoperative on July 1, 2023.
SEC. 11.

SEC. 12. Section 2435.1 of the Business and Professions Code is amended to read:

2435.1. (a) In addition to the fees charged for the initial issuance or biennial renewal of a physician and surgeon’s certificate pursuant to Section 2435, and at the time those fees are charged, the board shall charge each applicant or renewing licensee an additional twenty-five dollar ($25) fee for the purposes of this section.

(b) Payment of this twenty-five dollar ($25) fee shall be voluntary, paid at the time of application for initial licensure or biennial renewal, and due and payable along with the fee for the initial certificate or biennial renewal.

(c) The board shall transfer all funds collected pursuant to this section, on a monthly basis, to the Department of Health Care Access and Information to augment the local assistance line item of the annual Budget Act in support of the Song-Brown Family Physician Training Act (Article 1 (commencing with Section 128200) of Chapter 4 of Part 3 of Division 107 of the Health and Safety Code).

SEC. 13.

SEC. 13. Section 2516 of the Business and Professions Code is amended to read:

2516. (a) Each licensed midwife who assists, or supervises a student midwife in assisting, in childbirth that occurs in an out-of-hospital setting shall annually report to the Department of Health Care Access and Information. The report shall be submitted no later than March 30, for the prior calendar year, in a form specified by the board and shall contain all of the following:

1. The midwife’s name and license number.
2. The calendar year being reported.
3. The following information with regard to cases in California in which the midwife, or the student midwife supervised by the midwife, assisted during the previous year when the intended place of birth at the onset of care was an out-of-hospital setting:
   A. The total number of clients served as primary caregiver at the onset of care.
   B. The number by county of live births attended as primary caregiver.
(C) The number, by county, of cases of fetal demise, infant deaths, and maternal deaths attended as primary caregiver at the discovery of the demise or death.

(D) The number of women whose primary care was transferred to another health care practitioner during the antepartum period, and the reason for each transfer.

(E) The number, reason, and outcome for each elective hospital transfer during the intrapartum or postpartum period.

(F) The number, reason, and outcome for each urgent or emergency transport of an expectant mother in the antepartum period.

(G) The number, reason, and outcome for each urgent or emergency transport of an infant or mother during the intrapartum or immediate postpartum period.

(H) The number of planned out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting.

(I) The number of planned out-of-hospital births completed in an out-of-hospital setting that were any of the following:
   (i) Twin births.
   (ii) Multiple births other than twin births.
   (iii) Breech births.
   (iv) Vaginal births after the performance of a cesarean section.

(J) A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate.

(K) Any other information prescribed by the board in regulations.

(b) The Department of Health Care Access and Information shall maintain the confidentiality of the information submitted pursuant to this section, and shall not permit any law enforcement or regulatory agency to inspect or have copies made of the contents of any reports submitted pursuant to subdivision (a) for any purpose, including, but not limited to, investigations for licensing, certification, or regulatory purposes.

(c) The Department of Health Care Access and Information shall report to the board, by April 30, those licensees who have met the requirements of subdivision (a) for that year.

(d) The board shall send a written notice of noncompliance to each licensee who fails to meet the reporting requirement of subdivision (a). Failure to comply with subdivision (a) will result
in the midwife being unable to renew their license without first
submitting the requisite data to the Department of Health Care
Access and Information for the year for which that data was
missing or incomplete. The board shall not take any other action
against the licensee for failure to comply with subdivision (a).

(e) The board, in consultation with the Department of Health Care
Access and Information and the Midwifery Advisory Council,
shall devise a coding system related to data elements that require
coding in order to assist in both effective reporting and the
aggregation of data pursuant to subdivision (f). The Department
of Health Care Access and Information shall utilize this coding
system in its processing of information collected for purposes of
subdivision (f).

(f) The Department of Health Care Access and Information shall
report the aggregate information collected pursuant to this section
to the board by July 30 of each year. The board shall include this
information in its annual report to the Legislature.

(g) The board, with input from the Midwifery Advisory Council,
may adjust the data elements required to be reported to better
coordinate with other reporting systems, including the reporting
system of the Midwives Alliance of North America (MANA),
while maintaining the data elements unique to California. To better
capture data needed for the report required by this section, the
concurrent use of systems, including MANA’s, by licensed
midwives is encouraged.

(h) Notwithstanding any other law, a violation of this section
shall not be a crime.

SEC. 13. Section 2725.4 of the Business and Professions Code
is amended to read:

2725.4. Notwithstanding this chapter, the following shall apply:
(a) In order to perform an abortion by aspiration techniques
pursuant to Section 2253, a person with a license or certificate to
practice as a nurse practitioner or a certified nurse-midwife shall
complete training recognized by the Board of Registered Nursing.
Beginning January 1, 2014, and until January 1, 2016, the
competency-based training protocols established by Health
Workforce Pilot Project (HWPP) No. 171 through the Department
of Health Care Access and Information shall be used.
(b) In order to perform an abortion by aspiration techniques
pursuant to Section 2253, a person with a license or certificate to
practice as a nurse practitioner or a certified nurse-midwife shall adhere to standardized procedures developed in compliance with subdivision (c) of Section 2725 that specify all of the following:

1. The extent of supervision by a physician and surgeon with relevant training and expertise.
2. Procedures for transferring patients to the care of the physician and surgeon or a hospital.
3. Procedures for obtaining assistance and consultation from a physician and surgeon.
4. Procedures for providing emergency care until physician assistance and consultation are available.
5. The method of periodic review of the provisions of the standardized procedures.

(c) A nurse practitioner or certified nurse-midwife who has completed training and achieved clinical competency through HWPP No. 171 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253, in adherence to standardized procedures described in subdivision (b).

(d) It is unprofessional conduct for any nurse practitioner or certified nurse-midwife to perform an abortion by aspiration techniques pursuant to Section 2253 without prior completion of training and validation of clinical competency.

SEC. 14. Section 2746.55 of the Business and Professions Code is amended to read:

2746.55. (a) For all maternal or neonatal transfers to the hospital setting during labor or the immediate postpartum period, for which the intended place of birth was an out-of-hospital setting at the onset of labor, or for any maternal, fetal, or neonatal death that occurred in the out-of-hospital setting during labor or the immediate postpartum period, and for which the intended birth care provider is a certified nurse-midwife in the out-of-hospital setting, the department shall collect, and the certified nurse-midwife shall be required to submit, within 90 days of the transfer or death, the following data in the form determined by the department. The data shall include all of the following:

1. Attendant’s name, for the certified nurse-midwife who attended the patient at the time of transfer, or who attended the patient at the time of maternal, fetal, or neonatal death.
1 (2) Attendant’s license number, for the certified nurse-midwife
2 who attended the patient at the time of transfer, or who attended
3 the patient at the time of maternal, fetal, or neonatal death.
4 (3) The child’s date of delivery for births attended by the
5 nurse-midwife.
6 (4) The sex of the child, for births attended by the
7 nurse-midwife.
8 (5) The date of birth of the parent giving birth.
9 (6) The date of birth of the parent not giving birth.
10 (7) The residence ZIP Code of the parent giving birth.
11 (8) The residence county of the parent giving birth.
12 (9) The weight of the parent giving birth (prepregnancy weight
13 and delivery weight of parent giving birth).
14 (10) The height of the parent giving birth.
15 (11) The race and ethnicity of the genetic parents, unless the
16 parent declines to disclose.
17 (12) The obstetric estimate of gestation (completed weeks), at
18 time of transfer.
19 (13) The total number of prior live births.
20 (14) The principal source of payment code for delivery.
21 (15) Any complications and procedures of pregnancy and
22 concurrent illnesses up until time of transfer or death.
23 (16) Any complications and procedures of labor and delivery
24 up until time of transfer or death.
25 (17) Any abnormal conditions and clinical procedures related
26 to the newborn up until time of transfer or death.
27 (18) Fetal presentation at birth, or up until time of transfer.
28 (19) Whether this pregnancy is a multiple pregnancy (more than
29 one fetus this pregnancy).
30 (20) Whether the patient has had a previous cesarean section.
31 (21) If the patient had a previous cesarean, indicate how many.
32 (22) The intended place of birth at the onset of labor, including,
33 but not limited to, home, freestanding birth center, hospital, clinic,
34 doctor’s office, or other location.
35 (23) Whether there was a maternal death.
36 (24) Whether there was a fetal death.
37 (25) Whether there was a neonatal death.
38 (26) Hospital transfer during the intrapartum or postpartum
39 period, including, who was transferred (mother, infant, or both)
and the complications, abnormal conditions, or other indications that resulted in the transfer.

(27) The name of the transfer hospital, or other hospital identification method as required, such as the hospital identification number.

(28) The county of the transfer hospital.

(29) The ZIP Code of the transfer hospital.

(30) The date of the transfer.

(31) Other information as prescribed by the State Department of Public Health.

(b) In the event of a maternal, fetal, or neonatal death that occurred in an out-of-hospital setting during labor or the immediate postpartum period, a certified nurse-midwife shall submit to the department, within 90 days of the death, all of the following data in addition to the data required in subdivision (a):

(1) The date of the maternal, neonatal, or fetal death.

(2) The place of delivery, for births attended by the nurse-midwife.

(3) The county of the place of delivery, for births attended by the nurse-midwife.

(4) The ZIP Code of the place of delivery, for births attended by the nurse-midwife.

(5) The APGAR scores, for births attended by the nurse-midwife.

(6) The birthweight, for births attended by the nurse-midwife.

(7) The method of delivery, for births attended by the nurse-midwife.

(c) The data submitted pursuant to subdivisions (a) and (b) shall be in addition to the certificate of live birth information required pursuant to Sections 102425 and 102426 of the Health and Safety Code.

(d) For those cases that involve a hospital transfer, the department shall link the data submitted by the certified nurse-midwife, pursuant to subdivision (a), to the live birth data reported by hospitals to the department, pursuant to Sections 102425 and 102426 of the Health and Safety Code, and to the patient discharge data that reflects the birth hospitalization and reported by hospitals to the Department of Health Care Access and Information, so that additional data reflecting the outcome can
be incorporated into the aggregated reports submitted pursuant to subdivision (i).

(e) The department may adjust, improve, or expand the data elements required to be reported pursuant to subdivisions (a) and (b) to better coordinate with other data collection and reporting systems, or in order to collect more accurate data, as long as the minimum data elements in subdivisions (a) and (b) are preserved. (f) The department shall treat the information and data gathered pursuant to this section, for the creation of the reports described in subdivision (i), as confidential records, and shall not permit the disclosure of any patient or certified nurse-midwife information to any law enforcement or regulatory agency for any purpose, including, but not limited to, investigations for licensing, certification, or regulatory purposes. This subdivision shall not prevent the department from responding to inquiries from the Board of Registered Nursing as to whether a licensee has reported pursuant to this section.

(g) The information collected by the department pursuant to this section, and not otherwise subject to current confidentiality requirements, shall be treated as confidential records and shall only be made available for use consistent with paragraph (1) of, paragraph (4) of, and subparagraph (A) of paragraph (8) of, subdivision (a) of Section 102430 of the Health and Safety Code and pursuant to the application, review, and approval process established by the department pursuant to Section 102465 of the Health Safety Code.

(h) At the time of each certified nurse-midwife’s license renewal, the Board of Registered Nursing shall send a written notification to the certified nurse-midwife notifying them of the mandated vital records reporting requirements for out-of-hospital births pursuant to subdivisions (a) and (b) and Section 102415 of the Health and Safety Code and that a violation of this section shall subject the certified nurse-midwife to disciplinary or administrative action by the board.

(i) (1) The department shall report to the Legislature on the data collected pursuant to this section. The report shall include the aggregate information, including, but not limited to, birth outcomes of patients under the care of a certified nurse-midwife in an out-of-hospital setting at the onset of labor, collected pursuant to
(2) The first report, to reflect a 12-month period of time, shall be submitted no later than four and one-half years after the State Department of Public Health receives an appropriation as specified in subdivision (m) and each subsequent report reflecting a 12-month reporting period shall be submitted annually to the Legislature every year thereafter.

(3) A report required under this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(j) All reports, including those submitted to the Legislature or made publicly available, shall utilize standard public health reporting practices for accurate dissemination of these data elements, specifically in regards to the reporting of small numbers in a way that does not risk a confidentiality or other disclosure breach. No identifying information in regards to the patient or the nurse-midwife shall be disclosed in the reports submitted pursuant to subdivision (i).

(k) A violation of this section shall subject the certified nurse-midwife to disciplinary or administrative action by the Board of Registered Nursing.

(l) For purposes of this section, “department” means the State Department of Public Health.

(m) This section shall become operative only upon the Legislature making an appropriation to implement the provisions of this section.

SEC. 15. Section 2786.3 of the Business and Professions Code is amended to read:

2786.3. (a) Until the end of the 2021–22 academic year, and whenever the Governor declares a state of emergency for a county in which an agency or facility used by an approved nursing program for direct patient care clinical practice is located and is no longer available due to the conditions giving rise to the state of emergency, the director of the approved nursing program may submit to a board nursing education consultant requests to do any of the following:

(1) Utilize a clinical setting during the state of emergency or until the end of the academic term without the following:

(A) Approval by the board.

(B) Written agreements with the clinical facility.
(C) Submitting evidence of compliance with board regulations relating to the utilization of clinical settings, except as necessary for a board nursing education consultant to ensure course objectives and faculty responsibilities will be met.

(2) Utilize preceptorships during the state of emergency or until the end of the academic term without having to maintain written policies relating to the following:

(A) Identification of criteria used for preceptor selection.

(B) Provision for a preceptor orientation program that covers the policies of the preceptorship and preceptor, student, and faculty responsibilities.

(C) Identification of preceptor qualifications for both the primary and the relief preceptor.

(D) Description of responsibilities of the faculty, preceptor, and student for the learning experiences and evaluation during preceptorship.

(E) Maintenance of preceptor records that includes names of all current preceptors, registered nurse licenses, and dates of preceptorships.

(F) Plan for an ongoing evaluation regarding the continued use of preceptors.

(3) Request that the approved nursing program be allowed to reduce the required number of direct patient care hours to 50 percent in geriatrics and medical-surgical and 25 percent in mental health-psychiatric nursing, obstetrics, and pediatrics if all of the following conditions are met:

(A) No alternative agency or facility has a sufficient number of open placements that are available and accessible within 25 miles of the approved nursing program for direct patient care clinical practice hours in the same subject matter area. An approved nursing program shall submit, and not be required to provide more than, the following:

(i) The list of alternative agencies or facilities listed within 25 miles of the impacted approved nursing program, campus, or location, as applicable, using the facility finder on the Department of Health Care Access and Information’s internet website.

(ii) The list of courses impacted by the loss of clinical placements due to the state of emergency and the academic term the courses are offered.
(iii) Whether each of the listed alternative agencies or facilities would meet the course objectives for the courses requiring placements.

(iv) Whether the approved nursing program has contacted each of the listed alternative agencies or facilities about the availability of clinical placements. The approved nursing program shall not be required to contact a clinical facility that would not meet course objectives.

(v) The date of contact or attempted contact.

(vi) The number of open placements at each of the listed alternative agencies or facilities that are available for the academic term for each course. If an alternative agency or facility does not respond within 48 hours, the approved nursing program may list the alternative agency or facility as unavailable. If the alternative agency or facility subsequently responds before the submission of the request to a board nursing education consultant, the approved nursing program shall update the list to reflect the response.

(vii) Whether the open and available placements are accessible to the students and faculty. An open and available placement is accessible if there are no barriers that otherwise prohibit a student from entering the facility, including, but not limited to, the lack of personal protective equipment or cost-prohibitive infectious disease testing. An individual’s personal unwillingness to enter an alternative agency or facility does not make a placement inaccessible.

(viii) The total number of open and available placements that are accessible to the students and faculty compared to the total number of placements needed.

(B) The substitute clinical practice hours not in direct patient care provide a learning experience, as defined by the board consistent with Section 2708.1, that is at least equivalent to the learning experience provided by the direct patient care clinical practice hours.

(C) Once the applicable state of emergency has terminated pursuant to Section 8629 of the Government Code, the temporary reduction provided in paragraph (3) shall cease as soon as practicable or by the end of the academic term, whichever is sooner.

(D) The substitute clinical practice hours not in direct patient care that are simulation experiences are based on the best practices published by the International Nursing Association for Clinical
Simulation and Learning, the National Council of State Boards of Nursing, the Society for Simulation in Healthcare, or equivalent
standards approved by the board.

(E) A maximum of 25 percent of the direct patient care hours
specified in paragraph (3) in geriatrics and medical-surgical may
be completed via telehealth.

(4) Request that the approved nursing program allow theory to
precede clinical practice if all of the following conditions are met:

(A) No alternative agency or facility located within 25 miles of
the impacted approved nursing program, campus, or location, as
applicable, has a sufficient number of open placements that are
available and accessible to the approved nursing program for direct
patient care clinical practice hours in the same subject matter area.
An approved program shall not be required to submit more than
required under subparagraph (A) of paragraph (3).

(B) Clinical practice takes place in the academic term
immediately following theory.

(C) Theory is taught concurrently with clinical practice not in
direct patient care if no direct patient care experiences are available.

(b) If the conditions in paragraphs (1), (2), (3), or (4) of
subdivision (a), as applicable to the request, are met, a board
nursing education consultant shall approve the request. If an
approved program fails to submit information satisfactory
to the board nursing education consultant, or fails to meet the
conditions specified, the board nursing education consultant shall
deny the request. If the request is not approved or denied on or
before 5:00 p.m. on the date seven business days after receipt of
the request, the request shall be deemed approved.

(c) (1) Within 30 days of the effective date of this section, the
board’s executive officer shall develop a uniform method for
evaluating requests and granting approvals pursuant to this section.

(2) The executive officer may revise the uniform method
developed pursuant to this subdivision from time to time, as
necessary. The development or revision of the uniform method
shall be exempt from the requirements of the Administrative
Procedure Act (Chapter 3.5 (commencing with Section 11340) of

(3) The board’s nursing education consultants shall use the
uniform method to evaluate requests and grant approvals pursuant
to this section.
SEC. 15. Section 3502.4 of the Business and Professions Code is amended to read:

3502.4. (a) In order to receive authority from the physician assistant’s supervising physician and surgeon to perform an abortion by aspiration techniques pursuant to Section 2253, a physician assistant shall complete training either through training programs approved by the board pursuant to Section 3513 or by training to perform medical services that augment the physician assistant’s current areas of competency pursuant to Section 1399.543 of Title 16 of the California Code of Regulations. Beginning January 1, 2014, and until January 1, 2016, the training and clinical competency protocols established by Health Workforce Pilot Project (HWPP) No. 171 through the Department of Health Care Access and Information shall be used as training and clinical competency guidelines to meet this requirement.

(b) In order to receive authority from the physician assistant’s supervising physician and surgeon to perform an abortion by aspiration techniques pursuant to Section 2253, a physician assistant shall comply with protocols developed in compliance with Section 3502 that specify:

(1) The extent of supervision by a physician and surgeon with relevant training and expertise.

(2) Procedures for transferring patients to the care of the physician and surgeon or a hospital.

(3) Procedures for obtaining assistance and consultation from a physician and surgeon.

(4) Procedures for providing emergency care until physician assistance and consultation are available.

(5) The method of periodic review of the provisions of the protocols.

(c) The training protocols established by HWPP No. 171 shall be deemed to meet the standards of the board. A physician assistant who has completed training and achieved clinical competency through HWPP No. 171 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253, in adherence to protocols described in subdivision (b).

(d) It is unprofessional conduct for any physician assistant to perform an abortion by aspiration techniques pursuant to Section
2253 without prior completion of training and validation of clinical
competency.

SEC. 17.

SEC. 16. Section 3520 of the Business and Professions Code
is amended to read:

3520. Within 10 days after the beginning of each calendar
month, the board shall report to the Controller the amount and
source of all collections made under this chapter and at the same
time pay all those sums into the State Treasury, where they shall
be credited to the Physician Assistant Fund, which fund is hereby
created. All money in the fund shall be available, upon
appropriation of the Legislature, to carry out the purpose of this
chapter.

SEC. 18.

SEC. 17. Section 3537.10 of the Business and Professions Code
is amended to read:

3537.10. (a) Subject to the other provisions of this article, the
Department of Health Care Access and Information, hereafter in
this article referred to as the department, shall coordinate the
establishment of an international medical graduate physician
assistant training program, to be conducted at an appropriate
educational institution or institutions. The goal of the program
shall be to place as many international medical graduate physician
assistants in medically underserved areas as possible in order to
provide greater access to care for the growing population of
medically indigent and underserved. The method for accomplishing
this goal shall be to train foreign medical graduates to become
licensed as physician assistants at no cost to the participants in
return for a commitment from the participants to serve full time
in underserved areas for a four-year period.

(b) By February 1, 1994, or one month after federal funds to
implement this article become available, whichever occurs later,
the department shall establish a training program advisory task
force. The task force shall be comprised of representatives from
all of the following groups:

(1) Physician assistant program directors.
(2) Foreign medical graduates.
(3) The California Academy of Physician Assistants.
(4) Nonprofit community health center directors.
(5) Physicians.
(6) The board, at the board’s option.
The department may, instead, serve solely as a consultant to the
task force.
(c) The task force shall do all of the following:
(1) Develop a recommended curriculum for the training program
that shall be from 12 to 15 months in duration and shall, at a
minimum, meet curriculum standards consistent with the board’s
regulations. The program shall be subject to the board’s approval.
By April 1, 1994, or three months after federal funds to implement
this article become available, whichever occurs later, the
curriculum shall be presented by the department to the Committee
on Allied Health Education and Accreditation of the American
Medical Association, or its successor organization, for approval.
(2) Develop recommended admission criteria for participation
in the pilot and ongoing program.
(3) Assist in development of linkages with academic institutions
for the purpose of monitoring and evaluating the pilot program.

SEC. 18.
Section 3537.15 of the Business and Professions Code
is amended to read:
3537.15. (a) Before establishing an ongoing international
medical graduate physician assistant training program, the
Department of Health Care Access and Information shall coordinate
the establishment of a pilot program commencing September 1,
1994, or eight months after federal funds to implement this article
become available, whichever occurs later, to test the validity and
effectiveness of the recommended training curriculum developed
by the task force. The task force shall, with the advice and
assistance of the academic institutions offering the pilot program
curriculum, and subject to their approval, select 10 international
medical graduates to participate in the pilot program.
(b) After two classes have graduated from the pilot program,
the task force, with the advice and assistance of the academic
institutions, shall evaluate the results of the pilot program, to
determine whether a permanent program should be established.
The department may modify curriculum as needed and make
appropriate revisions in order to ensure program integrity and
compliance with established standards. Any permanent
international medical graduate physician assistant training program
shall commence at the beginning of the year following the
completion of the evaluation.

SEC. 19. Section 3537.25 of the Business and Professions Code
is amended to read:

3537.25. Both the pilot and the ongoing training program shall
provide training at no cost to the participants in return for a written,
enforceable agreement by the participants to, upon obtaining
licensure under this article, serve a minimum of four years as a
full-time physician assistant in an area of California designated
by the Department of Health Care Access and Information as a
medically underserved area pursuant to Section 3537.35.

SEC. 20. Section 3537.30 of the Business and Professions Code
is amended to read:

3537.30. (a) The Legislature recognizes that the goal of this
program would be compromised if participants do not observe
their commitments under this program to provide the required
service in a medically underserved area. The goal of this program
would not be met if all that it accomplished was merely to license
physician assistants that served populations that are not medically
underserved.

(b) Since damages would be difficult or impossible to ascertain
in the event of default by the participant, this section shall set forth
the extent of liquidated damages that shall be recoverable by the
program in the case of default.

(c) In the case of default by a participant who has successfully
completed the program and has obtained licensure under this
article, the program shall collect the following damages from the
participant:

(1) The total cost expended by the program for the training of
the applicant, and interest thereon from the date of default.

(2) The total amount needed for the program to seek cover as
set forth in subdivision (b) of Section 3537.35.

(3) The costs of enforcement, including, but not limited to, the
costs of collecting the liquidated damages, the costs of litigation,
and attorney’s fees.

(d) The Attorney General may represent the department, or the
board, or both in any litigation necessitated by this article, or, if
the Attorney General declines, the department, or the board, or both may hire other counsel for this purpose.

(e) Funds collected pursuant to subdivision (c) shall be allocated as follows:

(1) Costs of training recovered pursuant to paragraph (1) of subdivision (c) shall be allocated to the department to be used upon appropriation for the continuing training program pursuant to this article.

(2) Costs of seeking cover recovered pursuant to paragraph (2) of subdivision (c) shall be deposited in the Physician Assistant Training Fund established pursuant to Section 3537.40 for the purposes of providing grants pursuant to subdivision (c) of Section 3537.35.

(3) Costs of enforcement recovered pursuant to paragraph (3) of subdivision (c) shall be allocated between the department, and the Attorney General, or other counsel, according to actual costs.

SEC. 22. SEC. 21. Section 3537.35 of the Business and Professions Code is amended to read:

3537.35. The Department of Health Care Access and Information shall, in addition to other duties described in this article, do all of the following:

(a) Determine those areas of the state that are medically underserved in that they have a higher percentage of medically underserved and indigent persons and would benefit from the services of additional persons licensed as physician assistants.

(b) Determine the total cost of seeking cover as specified in paragraph (2) of subdivision (c) of Section 3537.30. To determine the cost, the department shall study the market forces that are at work creating the scarcity of these physician assistants in these medically underserved areas, and determine the annual level of additional funding that would be required by a health facility, clinic, or other health care provider in those areas to motivate a physician assistant to serve full-time in those underserved areas. This amount shall be calculated so that when added to the prevailing rate for these services in the underserved area, would make these positions so attractive that physician assistants would be motivated to serve in those areas. This amount, which shall equal the cost to the department to place a qualified physician
assistant in the underserved area, times four years shall be the total cost of seeking cover.

(c) Provide grants, as funds become available in the Physician Assistant Training Fund, to applicant health care providers that provide services in medically underserved areas for the purpose of funding additional full-time physician assistant positions in those areas to provide services in lieu of defaulting physician assistants. Participating providers shall use these grants to attract physician assistants that are from outside the area and shall demonstrate that the grant actually increases the number of physician assistants serving the underserved population. The grantee shall demonstrate that the grant did not merely shift a physician assistant from one medically underserved area to another, but rather, resulted in a net increase in the number of physician assistants serving the underserved population as a whole. Licensees under this article shall not directly or indirectly receive grants under this section.

SEC. 22. Section 3537.40 of the Business and Professions Code is amended to read:

3537.40. The Physician Assistant Training Fund is hereby created in the State Treasury for the purpose of receipt of funds collected pursuant to paragraph (2) of subdivision (c) of Section 3537.30. The Physician Assistant Training Fund shall be available to the Department of Health Care Access and Information for the purpose of providing grants pursuant to subdivision (c) of Section 3537.35, upon appropriation by the Legislature.

SEC. 23. Section 3537.50 of the Business and Professions Code is amended to read:

3537.50. No General Fund revenues shall be expended to carry out this article. The implementation of the pilot program and, if applicable, the permanent program established by this article shall be contingent upon the availability of federal funds, which do not divert or detract from funds currently utilized to underwrite existing physician assistant training programs or to fund existing functions of the board. The new funding shall be sufficient to cover the full additional cost to the educational institution or institutions that establish the program or programs, the cost of tuition and attendance for the students in the program or programs, and any
additional costs, including enforcement costs, that the department
or the board incurs as a result of implementing this article. This
article does not impose any obligations upon the department, the
board, or any physician assistant training program in the absence
of adequate funding as described in this section. This article does
not preclude applicants for the program established by this article
from seeking state or federal scholarship funds, or state and federal
loan repayment funds available to physician assistant students, or
require any applicants be granted preference in the award of those
funds. This article does not impair the autonomy of any institution
that offers a physician assistant training program.

SEC. 24. Section 4170 of the Business and Professions Code
is amended to read:

4170. (a) No prescriber shall dispense drugs or dangerous
devices to patients in his or her the prescriber’s office or place of
practice unless all of the following conditions are met:

(1) The dangerous drugs or dangerous devices are dispensed to
the prescriber’s own patient, and the drugs or dangerous devices
are not furnished by a nurse or physician attendant.

(2) The dangerous drugs or dangerous devices are necessary in
the treatment of the condition for which the prescriber is attending
the patient.

(3) The prescriber does not keep a pharmacy, open shop, or
drugstore, advertised or otherwise, for the retailing of dangerous
drugs, dangerous devices, or poisons.

(4) The prescriber fulfills all of the labeling requirements
imposed upon pharmacists by Section 4076, all of the
recordkeeping requirements of this chapter, and all of the packaging
requirements of good pharmaceutical practice, including the use
of childproof containers.

(5) The prescriber does not use a dispensing device unless he
or she the prescriber personally owns the device and the contents
of the device, and personally dispenses the dangerous drugs or
dangerous devices to the patient packaged, labeled, and recorded
in accordance with paragraph (4).

(6) The prescriber, prior to dispensing, offers to give a written
prescription to the patient that the patient may elect to have filled
by the prescriber or by any pharmacy.

(7) The prescriber provides the patient with written disclosure
that the patient has a choice between obtaining the prescription
from the dispensing prescriber or obtaining the prescription at a
pharmacy of the patient’s choice.

(8) A certified nurse-midwife who functions pursuant to a
standardized procedure or protocol described in Section 2746.51,
a nurse practitioner who functions pursuant to a standardized
procedure described in Section 2836.1, or protocol, a physician
assistant who functions pursuant to Section 3502.1, or a
naturopathic doctor who functions pursuant to Section 3640.5,
may hand to a patient of the supervising physician and surgeon a
properly labeled prescription drug prepackaged by a physician and
surgeon, a manufacturer as defined in this chapter, or a pharmacist.

(b) The Medical Board of California, the California State Board
of Optometry, the Bureau of Naturopathic Medicine, the Dental
Board of California, the California Board of Podiatric Medicine,
the Osteopathic Medical Board of California, the Board of
Registered Nursing, the Veterinary Medical Board, and the
Physician Assistant Committee Board shall have authority with
the California State Board of Pharmacy to ensure compliance with
this section, and those boards are specifically charged with the
enforcement of this chapter with respect to their respective
licensees.

(c) “Prescriber,” as used in this section, means a person, who
holds a physician’s and surgeon’s certificate, a license to practice
optometry, a license to practice naturopathic medicine, a license
to practice dentistry, a license to practice veterinary medicine, or
a certificate to practice podiatry, and who is duly registered by the
Medical Board of California, the Osteopathic Medical Board of
California, the California State Board of Optometry, the Bureau
of Naturopathic Medicine, the Dental Board of California, the
Veterinary Medical Board, or the California Board of Podiatric
Medicine.

SEC. 25. Section 4175 of the Business and Professions Code
is amended to read:

4175. (a) The California State Board of Pharmacy shall
promptly forward to the appropriate licensing entity, including the
Medical Board of California, the Veterinary Medical Board, the
Dental Board of California, the California State Board of
Optometry, the California Board of Podiatric Medicine, the
Osteopathic Medical Board of California, the Board of Registered
Nursing, the Bureau of Naturopathic Medicine, or the Physician
Assistant Committee, Board, all complaints received related to
dangerous drugs or dangerous devices dispensed by a prescriber,
certified nurse-midwife, nurse practitioner, naturopathic doctor,
or physician assistant pursuant to Section 4170.
(b) All complaints involving serious bodily injury due to
dangerous drugs or dangerous devices dispensed by prescribers,
certified nurse-midwives, nurse practitioners, naturopathic doctors,
or physician assistants pursuant to Section 4170 shall be handled
by the Medical Board of California, the Dental Board of California,
the California State Board of Optometry, the California Board of
Podiatric Medicine, the Osteopathic Medical Board of California,
the Bureau of Naturopathic Medicine, the Board of Registered
Nursing, the Veterinary Medical Board, or the Physician Assistant
Committee as a case of greatest potential harm to a patient.

SEC. 25.
SEC. 26. Section 4846.5 of the Business and Professions Code
is amended to read:
4846.5. (a) Except as provided in this section, the board shall
issue renewal licenses only to those applicants that have completed
a minimum of 36 hours of continuing education in the preceding
two years.
(b) (1) Notwithstanding any other law, continuing education
hours shall be earned by attending courses relevant to veterinary
medicine and sponsored or cosponsored by any of the following:
(A) American Veterinary Medical Association (AVMA)
accredited veterinary medical colleges.
(B) Accredited colleges or universities offering programs
relevant to veterinary medicine.
(C) The American Veterinary Medical Association.
(D) American Veterinary Medical Association recognized
specialty or affiliated allied groups.
(E) American Veterinary Medical Association’s affiliated state
Veterinary Medical Association.
(F) Nonprofit annual conferences established in conjunction
with state veterinary medical associations.
(G) Educational organizations affiliated with the American
Veterinary Medical Association or its state affiliated veterinary
medical associations.
(H) Local veterinary medical associations affiliated with the
California Veterinary Medical Association.
(I) Federal, state, or local government agencies.

(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Notwithstanding paragraph (1), a total of six hours or less of the required 36 hours of continuing education may be earned by doing either of the following, or a combination thereof:

(A) Up to six hours may be earned by taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings.

(B) Up to four hours may be earned by providing pro bono spaying or neutering services under the supervision of a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group. The services shall be administered at a facility that is appropriately equipped and staffed to provide those services. The service shall be provided to a household with a demonstrated financial need for reduced-cost services.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).

(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).

(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(c) A person renewing their license issued pursuant to Section 4846.4, or a person applying for relicensure or for reinstatement of their license to active status, shall submit proof of compliance with this section to the board certifying that the person is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.
(d) This section shall not apply to a veterinarian’s first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty pursuant to Section 4883.

(h) The board, in its discretion, may exempt from the continuing education requirement any veterinarian who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a form provided by the board.

(i) The administration of this section may be funded through professional license and continuing education provider fees. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(j) For those continuing education providers not listed in paragraph (1) of subdivision (b), the board or its recognized national approval agent shall establish criteria by which a provider of continuing education shall be approved. The board shall initially
review and approve these criteria and may review the criteria as needed. The board or its recognized agent shall monitor, maintain, and manage related records and data. The board may impose an application fee, not to exceed two hundred dollars ($200) biennially, for continuing education providers not listed in paragraph (1) of subdivision (b).

(k) (1) Beginning January 1, 2018, a licensed veterinarian who renews their license shall complete a minimum of one credit hour of continuing education on the judicious use of medically important antimicrobial drugs every four years as part of their continuing education requirements.

(2) For purposes of this subdivision, “medically important antimicrobial drug” means an antimicrobial drug listed in Appendix A of the federal Food and Drug Administration’s Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended.

SEC. 26. SEC. 27. Section 4883 of the Business and Professions Code is amended to read:

4883. The board may deny, revoke, or suspend a license or registration or assess a fine as provided in Section 4875 for any of the following:

(a) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.

(b) For having professional connection with, or lending the licensee’s or registrant’s name to, any illegal practitioner of veterinary medicine and the various branches thereof.

(c) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.

(d) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.

(e) Employment of anyone but a veterinarian licensed in the state to demonstrate the use of biologics in the treatment of animals.

(f) False or misleading advertising.

(g) Unprofessional conduct, that includes, but is not limited to, the following:
(1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances. The record of the conviction is conclusive evidence thereof. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license or registration to be suspended or revoked, or assess a fine, or decline to issue a license or registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(2) (A) The use of, or prescribing for or administering to oneself, any controlled substance.

(B) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration.

(C) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section or any combination thereof, and the record of the conviction is conclusive evidence.

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license or registration to be suspended or revoked or assess a fine, or may decline to issue a license or registration, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
(3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.
(h) Failure to keep the licensee’s or registrant’s premises and all equipment therein in a clean and sanitary condition.
(i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.
(j) Aiding or abetting in any acts that are in violation of any of the provisions of this chapter.
(k) The employment of fraud, misrepresentation, or deception in obtaining the license or registration.
(l) The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.
(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.
(n) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician.
(o) Violation, or the assisting or abetting violation, of any regulations adopted by the board pursuant to this chapter.
(p) Accepting, soliciting, or offering any form of remuneration from or to a cannabis licensee if the veterinarian or the veterinarian’s immediate family have a financial interest with the cannabis licensee. For purposes of this subdivision, the following definitions shall apply:
(1) “Cannabis licensee” shall have the same meaning as “licensee” in Section 26001.
(2) “Financial interest” shall have the same meaning as in Section 650.01.
(q) Discussing medicinal cannabis with a client while the veterinarian is employed by, or has an agreement with, a cannabis licensee. For purposes of this subdivision, “cannabis licensee” shall have the same meaning as “licensee” in Section 26001.
(r) Distributing any form of advertising for cannabis in California.
(s) Making any statement, claim, or advertisement that the licensee or registrant is a veterinary specialist or board certified unless they are certified by an American Veterinary Medical
(t) Exercising control over, interfering with, or attempting to influence the professional judgment of another California-licensed veterinarian or registered veterinary technician through coercion, extortion, inducement, collusion, or intimidation through any means, including, but not limited to, compensation, in order to require the other California-licensed veterinarian or registered veterinary technician to perform veterinary services in a manner inconsistent with current veterinary medical practice in this state.

SEC. 27.

SEC. 28. Section 4980.03 of the Business and Professions Code is amended to read:

4980.03. (a) “Board,” as used in this chapter, means the Board of Behavioral Sciences.

(b) “Associate,” as used in this chapter, means an unlicensed person who has earned a master’s or doctoral degree qualifying the person for licensure and is registered with the board as an associate.

(c) “Trainee,” as used in this chapter, means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify the person for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(d) “Applicant for licensure,” as used in this chapter, means an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

(e) “Advertise,” as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation are not advertising within the meaning of this chapter.

(f) “Experience,” as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family
therapy, direct clinical counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family therapist.

(g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as any of the following:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist, issued by the board.
(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).
(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.
(6) Is not a spouse, domestic partner, or relative of the supervisee.
(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.
(h) “Client centered advocacy,” as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.
(i) “Accredited,” as used in this chapter, means a school, college, or university accredited by either the Commission on Accreditation for Marriage and Family Therapy Education or a regional or national institutional accrediting agency that is recognized by the United States Department of Education.
(j) “Approved,” as used in this chapter, means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

SEC. 28.
SEC. 29. Section 4980.396 of the Business and Professions Code is amended to read:

4980.396. (a) On or after January 1, 2021, an applicant for licensure as a marriage and family therapist shall show, as part of the application, that they have completed a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention. This requirement shall be met in one of the following ways:
(1) Obtained as part of their qualifying graduate degree program. To satisfy this requirement, the applicant shall submit to the board a written certification from the registrar or training director of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution’s curriculum required for graduation at the time the applicant graduated, or within the coursework that was completed by the applicant.
(2) Obtained as part of their applied experience. Applied experience can be met in any of the following settings: practicum or associateship that meets the requirement of this chapter, formal postdoctoral placement that meets the requirements of Section 2911, or other qualifying supervised experience. To satisfy this requirement, the applicant shall submit to the board a written certification from the director of training for the program or primary supervisor where the qualifying experience has occurred stating that the training required by this section is included within the applied experience.

(3) By taking a continuing education course that meets the requirements of Section 4980.54. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

(b) As a one-time requirement, a licensee prior to the time of their first renewal after January 1, 2021, or an applicant for reactivation or reinstatement to an active license status on or after January 1, 2021, shall have completed a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention, using one of the methods specified in subdivision (a). Proof of compliance with this section shall be certified under penalty of perjury that they are in compliance with this section and shall be retained for submission to the board upon request.

SEC. 29.

SEC. 30. Section 4996.20 of the Business and Professions Code is amended to read:

4996.20. (a) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state
(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by associate clinical social workers, associate marriage and family therapists or trainees, or associate professional clinical counselors. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(6) Is not a spouse, domestic partner, or relative of the supervisee.

(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(b) As used in this chapter, the term “supervision” means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.

“Supervision” includes, but is not limited to, all of the following:

1. Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

2. Monitoring and evaluating the supervisee’s assessment, diagnosis, and treatment decisions and providing regular feedback.
(3) Monitoring and evaluating the supervisee’s ability to provide services at the site or sites where the supervisee is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee’s compliance with laws and regulations governing the practice of clinical social work.

(6) Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.

SEC. 30. SEC. 31. Section 4999.12 of the Business and Professions Code is amended to read:

4999.12. For purposes of this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Behavioral Sciences.

(b) “Accredited” means a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(c) “Approved” means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

(d) “Applicant for licensure” means an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

(e) “Licensed professional clinical counselor” or “LPCC” means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) “Associate” means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.

(g) “Clinical counselor trainee” means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, that is designed to
qualify the person for licensure and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) “Supervisor” means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).
(C) A physician and surgeon who is certified in psychiatry by
the American Board of Psychiatry and Neurology.
(6) Is not a spouse, domestic partner, or relative of the
supervisee.
(7) Does not currently have or previously had a personal,
professional, or business relationship with the supervisee that
undermines the authority or effectiveness of the supervision.
   (i) “Client centered advocacy” includes, but is not limited to,
researching, identifying, and accessing resources, or other activities,
related to obtaining or providing services and supports for clients
or groups of clients receiving psychotherapy or counseling services.
   (j) “Advertising” or “advertise” includes, but is not limited to,
the issuance of any card, sign, or device to any person, or the
causing, permitting, or allowing of any sign or marking on, or in,
any building or structure, or in any newspaper or magazine or in
any directory, or any printed matter whatsoever, with or without
any limiting qualification. It also includes business solicitations
communicated by radio or television broadcasting. Signs within
church buildings or notices in church bulletins mailed to a
congregation are not advertising within the meaning of this chapter.
   (k) “Referral” means evaluating and identifying the needs of a
client to determine whether it is advisable to refer the client to
other specialists, informing the client of that judgment, and
communicating that determination as requested or deemed
appropriate to referral sources.
   (l) “Research” means a systematic effort to collect, analyze, and
interpret quantitative and qualitative data that describes how social
characteristics, behavior, emotion, cognitions, disabilities, mental
disorders, and interpersonal transactions among individuals and
organizations interact.
   (m) “Supervision” means responsibility for, and control of, the
quality of mental health and related services provided by the
supervisee. Consultation or peer discussion shall not be considered
supervision and shall not qualify as supervised experience.
   (1) Ensuring the extent, kind, and quality of counseling
performed is consistent with the education, training, and experience
of the supervisee.
   (2) Monitoring and evaluating the supervisee’s assessment,
diagnosis, and treatment decisions and providing regular feedback.
(3) Monitoring and evaluating the supervisee’s ability to provide services at the site or sites where the supervisee is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee’s compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(6) Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.

(n) “Clinical setting” means any setting that meets both of the following requirements:

1. Lawfully and regularly provides mental health counseling or psychotherapy.
2. Provides oversight to ensure that the associate’s work meets the experience and supervision requirements set forth in this chapter and in regulation and is within the scope of practice of the profession.

SEC. 32. Section 6534 of the Business and Professions Code is amended to read:

6534. (a) The bureau shall maintain the following information in each licensee’s file, shall make this information available to a court for any purpose, including the determination of the appropriateness of appointing or continuing the appointment of, or removing, the licensee as a conservator, guardian, trustee, personal representative of a decedent’s estate, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances, and shall otherwise keep this information confidential, except as provided in subdivisions (b) and (c) of this section:

1. The names of the licensee’s current conservatees, wards, principals under a durable power of attorney for health care, or
principals under a durable power of attorney for finances, and the
names of the trusts or estates currently administered by the licensee,
whether the case is court supervised or non-court supervised.
(2) The aggregate dollar value of all assets currently under the
licensee’s supervision as a professional fiduciary.
(3) The licensee’s current addresses and telephone numbers for
their place of business and place of residence.
(4) Whether the licensee has ever been removed for cause as a
conservator, guardian, trustee, personal representative of a
decedent’s estate, agent under a durable power of attorney for
health care, or agent under a durable power of attorney for finances,
or has ever resigned or settled a matter in which a complaint against
the licensee has been filed with the court as a conservator, guardian,
trustee, personal representative of a decedent’s estate, agent under
a durable power of attorney for health care, or agent under a durable
power of attorney for finances, in a specific case, the circumstances
causing that removal or resignation, and the case names, court
locations, and case numbers associated with the removal or
resignation.
(5) The case names, court locations, and case numbers of all
conservatorship, guardianship, or trust or other estate
administration cases that are closed for which the licensee served
as the conservator, guardian, trustee, agent under a durable power
of attorney for finance or health care, or personal representative
of a decedent’s estate, whether the case is court supervised or
non-court supervised.
(6) Information regarding any discipline imposed upon the
licensee by the bureau.
(7) Whether the licensee has filed for bankruptcy or held a
controlling financial interest in a business that filed for bankruptcy
in the last 10 years.
(b) The bureau shall make the information in paragraphs (2),
(4), (6), and (7) of subdivision (a) available to the public.
(c) The bureau shall also publish information regarding licensees
on the Internet as specified in Section 27. The information shall
include, but shall not be limited to, information regarding license
status and the information specified under subdivision (b).
SEC. 32.
SEC. 33. Section 6538 of the Business and Professions Code
is amended to read:
6538. (a) (1) To qualify for licensure, an applicant shall have completed 30 hours of prelicensing education courses provided by an educational program approved by the bureau.

(2) Beginning January 1, 2023, the prelicensing education courses shall include at least one hour of instruction in cultural competency.

(b) (1) To renew a license, or to restore a license from retired status to active status, a licensee shall complete 15 hours of approved continuing education courses each annual renewal cycle.

(2) Beginning January 1, 2023, as part of the approved continuing education courses required by paragraph (1), a licensee shall complete at least two hours of instruction in ethics, two hours of instruction in cultural competency, or two hours of instruction in both ethics and cultural competency every annual renewal cycle.

(c) The cost of any educational course required by this chapter shall not be borne by any client served by a licensee.

(d) For purposes of this section, “cultural competency” means understanding and applying cultural and ethnic data to the process of providing services that includes, but is not limited to, information on the appropriate services for the lesbian, gay, bisexual, transgender, and intersex communities, ethnic communities, and religious communities.

SEC. 33.

SEC. 34. Section 6560 of the Business and Professions Code is amended to read:

6560. A licensee shall keep complete and accurate client records, and shall make those records available for audit or review by the bureau upon request.

SEC. 35. Section 6561 of the Business and Professions Code is amended to read:

6561. (a) A licensee shall initially, and annually thereafter, file with the bureau a statement under penalty of perjury containing the following:

(1) The licensee’s business address, telephone number, and facsimile number.

(2) Whether or not the licensee has been removed for cause as a conservator, guardian, trustee, personal representative of a decedent’s estate, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances.
The licensee may file an additional statement of the issues and facts pertaining to the case.

(3) The names of the licensee’s current conservatees, wards, principals under a durable power of attorney for health care, or principals under a durable power of attorney for finances, and the names of trusts and decedent’s estates currently administered by the licensee, whether the cases are court supervised or non-court supervised, and including court names, court locations, and case numbers where applicable.

(4) The case names, court locations, and case numbers of all conservatorship, guardianship, trust and other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, agent under a durable power of attorney for finance or health care, and personal representative of a decedent’s estate, whether the case is court supervised or non-court supervised.

(5) Whether the licensee has been found by a court to have breached a fiduciary duty.

(6) Whether the licensee has resigned or settled a matter in which a complaint against the licensee has been filed with the court, along with the case number and a statement of the issues and facts pertaining to the allegations.

(7) Any licenses or professional certificates held by the licensee.

(8) Any ownership or beneficial interests in any businesses or other enterprises held by the licensee or by a family member that receives or has received payments from a client of the licensee.

(9) Whether the licensee has filed for bankruptcy or held a controlling financial interest in a business that filed for bankruptcy in the last ten years.

(10) The name of any persons or entities that have an interest in the licensee’s professional fiduciary business.

(11) Whether the licensee has been convicted of a crime.

(b) The statement by the licensee required by this section may be filed electronically with the bureau, in a form approved by the bureau. However, any additional statement filed under paragraph (2) of subdivision (a) shall be filed in writing.

SEC. 36. Section 7086.10 of the Business and Professions Code is amended to read:
7086.10. (a) For any licensee whose license is revoked or pending revocation whose actions have caused the payment of an award to a consumer pursuant to the program, the board shall display a notice on the public license detail on the board’s internet website stating that the licensee was the subject of a payment pursuant to the program.

(b) The notice specified in subdivision (a) shall remain on the board’s internet website until seven years after the date of the payment.

(c) This section shall operate independently of, and is not subject to, Section 7124.6.

SEC. 36.

SEC. 37. Section 7506.10 of the Business and Professions Code is amended to read:

7506.10. (a) Every initial registration shall expire one year following the date of issuance, unless renewed as provided in this section. A renewal registration shall expire two years following the date of renewal, unless renewed as provided in this section.

(b) At least 60 days prior to the expiration, the bureau shall mail a renewal form to the registrant at the licensee’s place of business. A registrant who desires to renew their registration shall forward to the bureau for each registration the properly completed renewal form obtained from the bureau, with the renewal fee prescribed by this chapter, for renewal of their registration. Until the registration renewal certificate is issued, a registrant may continue to work with a temporary registration renewal certificate on a secure form prescribed by the chief and issued by the qualified certificate holder that has been embossed by the bureau with the state seal for a period not to exceed 120 days from the date of expiration of the registration.

(c) A licensee shall provide to their registrants information regarding procedures for renewal of registration.

(d) A registration that is not renewed within 60 days after its expiration may not be renewed. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and also pay the delinquency fee prescribed in this chapter. Registrants working with expired registrations shall pay all accrued fees and penalties prior to renewal or reregistration.
(e) Upon renewal, evidence of renewal, as the director may prescribe, shall be issued to the registrant. If evidence of renewal has not been delivered to the registrant prior to the date of expiration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 60 days after the date of expiration or a temporary registration renewal certificate, as described in subdivision (b).

(f) A registration shall not be renewed until any and all fines assessed pursuant to this chapter and not resolved in accordance with this chapter have been paid.

SEC. 37.
SEC. 38. 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 March 1, 2023, a licensee organized as a limited liability company shall report annually to the bureau the date and amount of any claims paid during the prior calendar year from any general liability insurance policy held pursuant to this section, using a form provided by the bureau. The creation of the form shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(h) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.
SEC. 38.  
SEC. 39. Section 7523 of the Business and Professions Code is amended to read:

7523. (a) Unless specifically exempted by Section 7522, no person shall engage in the business of private investigator, as defined in Section 7521, unless that person has applied for and received a license to engage in that business pursuant to this chapter.

(b) Any person who violates any provision of this chapter or who conspires with another person to violate any provision of this chapter, relating to private investigator licensure, or who knowingly engages a nonexempt unlicensed person is guilty of a misdemeanor punishable by a fine of five thousand dollars ($5,000) or by imprisonment in the county jail not to exceed one year, or by both that fine and imprisonment.

(c) A proceeding to impose the fine specified in subdivision (b) may be brought in any court of competent jurisdiction in the name of the people of the State of California by the Attorney General or by any district attorney or city attorney, or with the consent of the district attorney, the city prosecutor in any city or city and county having a full-time city prosecutor for the jurisdiction in which the violation occurred. If the action is brought by the district attorney, the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If the action is brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered and one-half to the treasurer of the county in which the judgment was entered. If the action is brought by the Attorney General, all of the penalties collected shall be deposited in the Private Security Services Fund.

(d) Any person who: (1) acts as or represents themselves to be a private investigator licensee under this chapter when they are not a licensee under this chapter; (2) falsely represents that they are employed by a licensee under this chapter when they are not employed by a licensee under this chapter; (3) carries a badge, identification card, or business card, indicating that they are a licensee under this chapter when they are not a licensee under this chapter; (4) uses a letterhead or other written or electronically generated materials indicating that they are a licensee under this chapter when they are not a licensee under this chapter; or (5)
advertises that they are a licensee under this chapter when they are not a licensee, is guilty of a misdemeanor that is punishable by a fine of ten thousand dollars ($10,000) or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

(e) A proceeding to impose the fine specified in subdivision (d) may be brought in any court of competent jurisdiction in the name of the people of the State of California by the Attorney General or by any district attorney or city attorney, or with the consent of the district attorney, the city prosecutor in any city or county and county having a full-time city prosecutor for the jurisdiction in which the violation occurred. If the action is brought by the district attorney, the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If the action is brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered and one-half to the treasurer of the county in which the judgment was entered. If the action is brought by the Attorney General, all of the penalty collected shall be deposited in the Private Security Services Fund.

(f) Any person who is convicted of a violation of the provisions of this section shall not be issued a license under this chapter, within one year following that conviction.

(g) Any person who is convicted of a violation of subdivision (a), (b), or (d) shall not be issued a license for a period of one year following a first conviction and shall not be issued a license for a period of five years following a second or subsequent conviction of subdivision (a), (b), or (d), or any combination of subdivision (a), (b), or (d).

(h) The chief shall gather evidence of violations of this chapter and of any rule or regulation established pursuant to this chapter by persons engaged in the business of private investigator who fail to obtain a license and shall gather evidence of violations and furnish that evidence to prosecuting officers of any county or city for the purpose of prosecuting all violations occurring within their jurisdiction.

(i) The prosecuting officer of any county or city shall prosecute all violations of this chapter occurring within their jurisdiction.
SEC. 39.  
SEC. 40. Section 7583.10 of the Business and Professions Code, as added by Section 14 of Chapter 697 of the Statutes of 2021, is amended to read:

7583.10. The application shall be verified and shall include all of the following:
(a) The full name, residence address, telephone number, and date of birth of the applicant.
(b) The name of the entity that administered the course in the exercise of the power to arrest and the appropriate use of force to the applicant.
   (1) If the course provider is a licensee, the bureau-issued license number.
   (2) If the course provider is a certified firearms training facility or baton training facility, the bureau-issued facility certificate number.
   (3) If the course provider is an approved trainer in the exercise of the power to arrest and the appropriate use of force, the approved trainer number issued by the bureau.
(c) The name of the person who taught the course in the exercise of the power to arrest and the appropriate use of force completed by the applicant.
(d) The serial number on the certificate of completion the course provider issued to the applicant upon completion of the course in the exercise of the power to arrest and the appropriate use of force.
(e) A statement that the applicant has completed the training course in the exercise of the power to arrest and the appropriate use of force, as specified in Section 7583.7.
(f) A statement as to whether the applicant has been convicted of a misdemeanor, excluding minor traffic violations.
(g) A statement as to whether the applicant has been convicted of a felony.
(h) The application fee provided for in this chapter or the regulations adopted pursuant thereto, except as provided in Section 7583.9.
(i) This section shall become operative on January 1, 2023.

SEC. 41. Section 7583.15 of the Business and Professions Code is repealed.
Section 7583.30 of the Business and Professions Code is amended to read:

> 7583.30. The firearms qualification card, if issued, shall be mailed to the applicant at the address which appears on the application. In the event of the loss or destruction of the card, the cardholder may apply to the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay the fee prescribed in this chapter, whereupon the bureau shall issue a certified replacement of the card.

Section 7585.8 of the Business and Professions Code is amended to read:

> 7585.8. (a) Each firearm training facility shall, before allowing any person to participate in the course of training in the carrying and usage of firearms, verify and certify on the firearms qualification application that they have seen documentation verifying that the person to whom they are providing firearms training is a citizen of the United States or possesses permanent legal immigration status in the United States in accordance with Sections 7583.23 and 7596.3.

> (b) Each firearm training facility shall, before allowing any person to participate in the requalification course in the carrying and usage of firearms, verify and certify on the firearm requalification application that the firearm training facility has seen documentation verifying that the person to whom they are providing firearms training is a citizen of the United States or possesses permanent legal immigration status in the United States in accordance with Sections 7583.32 and 7596.7.

Section 7841.2 of the Business and Professions Code is amended to read:

> 7841.2. (a) An applicant for certification as a geologist-in-training shall comply with all of the following:

> (1) Not have committed acts or crimes constituting grounds for denial of certification under Section 480.

> (2) Successfully pass the Fundamentals of Geology examination.

> (3) Meet either of the following education requirements fulfilled at a school or university whose curricula meet criteria established by the rules of the board:
(A) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(B) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

(b) (1) The board shall require an applicant for certification as a geologist-in-training to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to the completion of the education requirements established by this section and the rules of the board.

(2) Except as required by paragraph (1), the board is not required to verify an applicant’s eligibility for certification as a geologist-in-training.

SEC. 45. Section 9888.5 of the Business and Professions Code is amended to read:

9888.5. (a) The director shall develop inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components.

(b) The director shall issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repairs to, safety systems of vehicles. The director may electronically issue these licenses.

(c) By January 1, 2024, the director shall adopt the 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), including, but not limited to, all of the following:

(1) Inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components.

(2) The application fee and process for applicants, including any specialized application process for those licensees licensed pursuant to Article 5 (commencing with Section 9887.1) and Article 6 (commencing with Section 9888.1).
(3) The certificate of compliance fee and certification process for vehicles, including any specialized certification process for those vehicles certified pursuant to Article 8 (commencing with Section 9889.15). The director shall prescribe a form for the certificate of compliance that contains, at a minimum, the date of issuance, the make and registration number of the vehicle, and the official license of the station.

(d) The vehicle safety systems inspection license shall replace licenses issued pursuant to Article 5 (commencing with Section 9887.1) and Article 6 (commencing with Section 9888.1). Licenses issued in accordance with those articles shall remain valid until six months after the director adopts regulations pursuant to subdivision (c). A licensee with a license issued pursuant to Article 5 (commencing with Section 9887.1) or Article 6 (commencing with Section 9888.1) shall thereafter be regulated under this article and shall apply for and be issued a vehicle safety systems inspection license under this article.

(e) The vehicle safety systems inspection certificate shall replace certificates issued pursuant to Article 8 (commencing with Section 9889.15). Certificates issued in accordance with that article shall remain valid until six months after the director adopts regulations pursuant to subdivision (c).

SEC. 45.

SEC. 46. Section 10083.2 of the Business and Professions Code is amended to read:

10083.2. (a) (1) The commissioner shall provide information on the internet regarding the status of every license issued by the department 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).

(2) The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the department and accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) relative to persons or businesses subject to licensure or regulation by the department.
(3) The public information shall not include personal information, including home telephone number, date of birth, or social security number. The commissioner shall disclose a licensee’s address of record. However, the commissioner 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 the commissioner 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 department’s internal administrative use and not for disclosure as the licensee’s address of record or disclosure on the internet.

(4) The public information shall also include whether a licensee is an associate licensee within the meaning of subdivision (a) of Section 2079.13 of the Civil Code and, if the associate licensee is a broker, identify each responsible broker with whom the licensee is contractually associated as described in Section 10032 of this code or Section 2079.13 of the Civil Code.

(b) For purposes of this section, “internet” has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

(c) Upon petition by a licensee accompanied by a fee sufficient to defray costs associated with consideration of a petition, the commissioner may remove from the posting of discipline described in subdivision (a) an item that has been posted on the department’s internet website for no less than 10 years and for which the licensee provides evidence of rehabilitation indicating that the notice is no longer required in order to prevent a credible risk to members of the public utilizing licensed activity of the licensee. In evaluating a petition, the commissioner shall take into consideration other violations that present a credible risk to the members of the public since the posting of discipline requested for removal.

(d) The department may develop, through regulations, the amount of the fee and the minimum information to be included in a licensee’s petition, including, but not limited to, a written justification and evidence of rehabilitation pursuant to Section 482.

(e) “Posted” for purposes of this section is defined as the date of disciplinary action taken by the department.
(f) The department shall maintain a list of all licensees whose disciplinary records are altered as a result of a petition approved under subdivision (c). The department shall make the list accessible to other licensing bodies. The department shall update and provide the list to other licensing bodies as often as it modifies the records displayed on its internet website in response to petitions approved under subdivision (c).

SEC. 46.

SEC. 47. Section 10140.6 of the Business and Professions Code is amended to read:

10140.6. (a) A real estate licensee shall not publish, circulate, distribute, or cause to be published, circulated, or distributed in any newspaper or periodical, or by mail, any matter pertaining to any activity for which a real estate license is required that does not contain a designation disclosing that the licensee is performing acts for which a real estate license is required.

(b) (1) A real estate licensee shall disclose their name, license identification number and unique identifier assigned to that licensee by the Nationwide Multistate Licensing System and Registry, if that licensee is a mortgage loan originator, and responsible broker’s identity, as defined in Section 10015.4, on all solicitation materials intended to be the first point of contact with consumers and on real property purchase agreements when acting in a manner that requires a real estate license or mortgage loan originator license endorsement in those transactions. The commissioner may adopt regulations identifying the materials in which a licensee must disclose a license identification number and unique identifier assigned to that licensee by the Nationwide Multistate Licensing System and Registry, and responsible broker’s identity.

(2) A real estate licensee who is a natural person and who legally changes the surname in which their license was originally issued may continue to utilize their former surname for the purpose of conducting business associated with their license so long as both names are filed with the department. Use of a former surname shall not constitute a fictitious name for the purposes of Section 10159.5.

(3) For purposes of this section, “solicitation materials” include business cards, stationery, advertising flyers, advertisements on television, in print, or electronic media, “for sale,” rent, lease, “open house,” and directional signs, and other materials designed
to solicit the creation of a professional relationship between the licensee and a consumer.

(4) This section does not limit or change the requirement described in Section 10236.4 as applicable to real estate brokers.

(c) This section shall not apply to “for sale,” rent, lease, “open house,” and directional signs that do either of the following:

(1) Display the responsible broker’s identity, as defined in Section 10015.4, without reference to an associate broker or licensee.

(2) Display no licensee identification information.

(d) “Mortgage loan originator,” “unique identifier,” and “Nationwide Multistate Licensing System and Registry” have the meanings set forth in Section 10166.01.

SEC. 47.

SEC. 48. Section 10151 of the Business and Professions Code, as amended by Section 6.1 of Chapter 431 of the Statutes of 2021, is amended to read:

10151. (a) Application for the real estate salesperson license examination shall be made in writing to the commissioner. The commissioner may prescribe the format and content of the salesperson examination application. The application for the salesperson examination shall include valid contact information at which the department may contact the applicant and shall be accompanied by the real estate salesperson license examination fee.

(b) Persons who have been notified by the commissioner that they passed the real estate salesperson license examination may apply for a real estate salesperson license. A person applying for the salesperson examination may also apply for a real estate salesperson license. However, a license shall not be issued until the applicant passes the real estate salesperson license examination. If there is any change to the information contained in a real estate salesperson license application after the application has been submitted and before the license has been issued, the commissioner may require the applicant to submit a supplement to the application listing the changed information.

(c) (1) The commissioner may prescribe the format and content of the real estate salesperson license application. The application for the real estate salesperson license shall include valid contact information at which the department may contact the applicant.
(2) An application for the real estate salesperson license
examination or for both the examination and license that is received
by the commissioner on or after October 1, 2007, shall include
evidence or certification, satisfactory to the commissioner, of
successful completion at an accredited institution of a
three-semester unit course, or the quarter equivalent thereof, or
successful completion of an equivalent course of study as defined
in Section 10153.5 in real estate principles as well as the successful
completion at an accredited institution of a course in real estate
practice as set forth in Section 10153.2, and one additional course
as set forth in Section 10153.2, other than real estate principles,
real estate practice, advanced legal aspects of real estate, advanced
real estate finance, or advanced real estate appraisal. The applicant
shall provide this evidence or certification to the commissioner
prior to taking the real estate salesperson license examination.

(d) The commissioner shall waive the requirements of this
section for the following applicants:

(1) An applicant who is a member of the State Bar of California.

(2) An applicant who has qualified to take the examination for
an original real estate broker license by satisfying the requirements
of Section 10153.2.

(e) Application for endorsement to act as a mortgage loan
originator, as defined in Section 10166.01, shall be made either
electronically or in writing as directed by the commissioner. The
commissioner may prescribe the format and the content of the
mortgage loan originator endorsement application, which shall
meet the minimum requirements for licensing of a mortgage loan
originator, pursuant to the Secure and Fair Enforcement for
Mortgage Licensing Act of 2008 (Public Law 110-289).

SEC. 48.

SEC. 49. Section 10151 of the Business and Professions Code,
as added by Section 6.2 of Chapter 431 of the Statutes of 2021, is
repealed.

SEC. 49.

SEC. 50. Section 10153.2 of the Business and Professions
Code, as amended by Section 3 of Chapter 361 of the Statutes of
2021, is amended to read:

10153.2. (a) An applicant to take the examination for an
original real estate broker license shall also submit evidence,
satisfactory to the commissioner, of successful completion, at an accredited institution, of:

1. A three-unit semester course, or the quarter equivalent thereof, in each of the following:
   (A) Real estate practice.
   (B) Legal aspects of real estate.
   (C) Real estate appraisal.
   (D) Real estate financing.
   (E) Real estate economics or accounting.

2. A three-unit semester course, or the quarter equivalent thereof, in three of the following:
   (A) Advanced legal aspects of real estate.
   (B) Advanced real estate finance.
   (C) Advanced real estate appraisal.
   (D) Business law.
   (E) Escrows.
   (F) Real estate principles.
   (G) Property management.
   (H) Real estate office administration.
   (I) Mortgage loan brokering and lending.
   (J) Computer applications in real estate.

   (K) On and after July 1, 2004, California law that relates to common interest developments, including, but not limited to, topics addressed in the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code) and in the Commercial and Industrial Common Interest Development Act (Part 5.3 (commencing with Section 6500) of Division 4 of the Civil Code).

(b) The commissioner shall waive the requirements of this section for an applicant who is a member of the State Bar of California and shall waive the requirements for which an applicant has successfully completed an equivalent course of study as determined under Section 10153.5.

(c) The commissioner shall extend credit under this section for any course completed to satisfy requirements of Section 10153.3 or 10153.4.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.
SEC. 50.

SEC. 51. Section 10153.2 of the Business and Professions Code, as added by Section 4 of Chapter 361 of the Statutes of 2021, is amended to read:

10153.2. (a) An applicant to take the examination for an original real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion, at an accredited institution, of:

(1) A three-unit semester course, or the quarter equivalent thereof, in each of the following:

(A) Real estate practice, which shall include both of the following:
   (i) A component on implicit bias, including education regarding the impact of implicit bias, explicit bias, and systemic bias on consumers, the historical and social impacts of those biases, and actionable steps students can take to recognize and address their own implicit biases.
   (ii) A component on federal and state fair housing laws as those laws apply to the practice of real estate. The fair housing component shall include an interactive participatory component, during which the applicant shall roleplay as both a consumer and real estate professional.

(B) Legal aspects of real estate.

(C) Real estate appraisal.

(D) Real estate financing.

(E) Real estate economics or accounting.

(2) A three-unit semester course, or the quarter equivalent thereof, in three of the following:

(A) Advanced legal aspects of real estate.

(B) Advanced real estate finance.

(C) Advanced real estate appraisal.

(D) Business law.

(E) Escrows.

(F) Real estate principles.

(G) Property management.

(H) Real estate office administration.

(I) Mortgage loan brokering and lending.

(J) Computer applications in real estate.

(K) On and after July 1, 2004, California law that relates to common interest developments, including, but not limited to, topics
addressed in the Davis-Stirling Common Interest Development
Act (Part 5 (commencing with Section 4000) of Division 4 of the
Civil Code) and in the Commercial and Industrial Common Interest
Development Act (Part 5.3 (commencing with Section 6500) of
Division 4 of the Civil Code).

(b) The commissioner shall waive the requirements of this
section for an applicant who is a member of the State Bar of
California and shall waive the requirements for which an applicant
has successfully completed an equivalent course of study as
determined under Section 10153.5.

(c) The commissioner shall extend credit under this section for
any course completed to satisfy requirements of Section 10153.3
or 10153.4.

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

SEC. 51.

SEC. 52. Section 10153.3 of the Business and Professions Code
is amended to read:

10153.3. (a) This section shall apply to an application for the
real estate salesperson license examination, the real estate
salesperson license, and for both the examination and license
received by the commissioner prior to October 1, 2007.

(b) Application for the real estate salesperson license
examination pursuant to this section shall be made in writing to
the commissioner. The commissioner may prescribe the format
and content of the salesperson examination application. The
application for the salesperson examination shall be accompanied
by the real estate salesperson license examination fee.

(c) In order to take the examination for a real estate salesperson
license, an applicant under this section shall submit evidence or
certification satisfactory to the commissioner of enrollment in, or
successful completion at, an accredited institution of a three-unit
semester course or the quarter equivalent thereof, or successful
completion of an equivalent course of study as defined in Section
10153.5, in real estate principles. Evidence of enrollment
satisfactory to the commissioner may include a statement from the
applicant made under penalty of perjury.

(d) An applicant under this section may take the real estate
salesperson license examination within two years of the date their
application was received by the commissioner. Notwithstanding
subdivision (c), if the applicant fails to schedule an examination
or to obtain a passing score on it within that time period, they shall be required to submit evidence or certification satisfactory to the commissioner of satisfactory completion at an accredited institution of the courses described in subdivision (c) of Section 10151 or satisfactory completion of an equivalent course of study as defined in Section 10153.5, before taking the examination.

(e) An applicant under this section shall, prior to issuance of the real estate salesperson license, submit evidence or certification satisfactory to the commissioner of successful completion of the real estate principles course as described in subdivision (c) and of successful completion at an accredited institution or successful completion of an equivalent course of study as defined in Section 10153.5, of a course in real estate practice and one additional course set forth in Section 10153.2 other than real estate principles, real estate practice, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal.

(f) The commissioner shall waive the requirements of this section for an applicant who is a member of the State Bar of California, or who has completed an equivalent course of study, as determined under Section 10153.5, or who has qualified to take the examination for an original real estate broker license by satisfying the requirements of Section 10153.2.

SEC. 52.

SEC. 53. Section 10153.4 of the Business and Professions Code is amended to read:

10153.4. (a) This section shall apply to an application for the real estate salesperson license examination, the real estate salesperson license, and for both the examination and license received by the commissioner prior to October 1, 2007, if the applicant obtains a passing score on the real estate salesperson license examination and submits a license application prior to October 1, 2007.

(b) Application for the real estate salesperson license examination pursuant to this section shall be made in writing to the commissioner. The commissioner may prescribe the format and content of the salesperson examination application. The application for the salesperson examination shall be accompanied by the real estate salesperson license examination fee.
(c) An applicant under this section shall comply with the requirements of subdivision (c) of Section 10153.3 in order to take the real estate salesperson license examination.

(d) An applicant under this section who obtains a passing score on the real estate salesperson license examination prior to October 1, 2007, shall, prior to the issuance of the real estate salesperson license, submit evidence or certification satisfactory to the commissioner of successful completion at an accredited institution of a three-unit semester course, or the quarter unit equivalent thereof, or successful completion of an equivalent course of study as defined in Section 10153.5, in real estate principles as described in subdivision (c) of Section 10153.3. An applicant for an original real estate salesperson license under this section shall also, prior to the issuance of the license, or within 18 months after issuance, submit evidence or certification satisfactory to the commissioner of successful completion at an accredited institution or a private vocational school, as specified in Section 10153.5, of a course in real estate practice and one additional course set forth in Section 10153.2, other than real estate principles, real estate practice, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal.

(e) A salesperson who qualifies for a license pursuant to this section shall not be required for the first license renewal thereafter to complete the continuing education pursuant to Article 2.5 (commencing with Section 10170), except for the courses specified in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 10170.5 or, on and after July 1, 2007, except for the courses specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 10170.5.

(f) The salesperson license issued to an applicant who has satisfied only the requirements of subdivision (c) at the time of issuance shall be automatically suspended effective 18 months after issuance if the licensee has failed to satisfy the requirements of subdivision (d). The suspension shall not be lifted until the suspended licensee has submitted the required evidence of course completion and the commissioner has given written notice to the licensee of the lifting of the suspension.

(g) The original license issued to a salesperson shall clearly set forth the conditions of the license and shall be accompanied by a
notice of the provisions of this section and of any regulations adopted by the commissioner to implement this section.

(h) The commissioner shall waive the requirements of this section for any person who presents evidence of admission to the State Bar of California, and the commissioner shall waive the requirement for any course for which an applicant has completed an equivalent course of study as determined under Section 10153.5.

SEC. 54. Section 10159.5 of the Business and Professions Code is amended to read:

10159.5. (a) (1) Every person applying for a license under this chapter who desires to have the license issued under a fictitious business name shall file with the application a certified copy of their fictitious business name statement filed with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

(2) A responsible broker may, by contract, permit a salesperson to do all of the following:

(A) File an application on behalf of a responsible broker with a county clerk to obtain a fictitious business name.

(B) Deliver to the department an application, signed by the responsible broker, requesting the department’s approval to use a county approved fictitious business name that shall be identified with the responsible broker’s license number.

(C) Pay for any fees associated with filing an application with a county or the department to obtain or use a fictitious business name.

(D) Maintain ownership of a fictitious business name, as defined in paragraph (1) of subdivision (a) of Section 10159.7, that may be used subject to the control of the responsible broker.

(b) (1) A salesperson using a fictitious business name authorized by subdivision (a), shall use that name only as permitted by the responsible broker.

(2) This section does not change a real estate broker’s duties under this division to supervise a salesperson.

(c) A person applying to a county for a fictitious business name pursuant to subdivision (a) may file the application in the county or counties where the fictitious business name will be used.

(d) Advertising and solicitation materials, including business cards, print or electronic media and “for sale” signage, using a
fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall include the responsible broker’s identity, as defined in Section 10015.4, in a manner equally as prominent as the fictitious business name.

(e) Notwithstanding subdivision (b) of Section 10140.6, advertising and solicitation materials, including print or electronic media and “for sale” signage, containing a fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall include the name and license number of the salesperson who is using the fictitious business name.

(f) Notwithstanding Section 10185, a violation of this section is not a misdemeanor.

SEC. 55. Section 10165 of the Business and Professions Code is amended to read:

10165. For a violation of Section 10161.8, 10162, 10163, or subdivision (b) of Section 10164, the commissioner may temporarily suspend or permanently revoke the license of the real estate licensee in accordance with this part relating to hearings.

SEC. 56. Section 10166.01 of the Business and Professions Code is amended to read:

10166.01. For purposes of this article, the following definitions shall apply:

(a) “SAFE Act” means the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Public Law 110-289).

(b) (1) “Mortgage loan originator” means an individual who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) Mortgage loan originator does not include any of the following:

(A) An individual who performs purely administrative or clerical tasks on behalf of a person meeting the definition of a mortgage loan originator, except as otherwise provided in subdivision (c) of Section 10166.03. The term “administrative or clerical tasks” means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.
(B) An individual that only performs real estate brokerage services, as defined in subdivision (a) or (b) of Section 10131, unless that person is compensated by a lender, other mortgage loan originator, or by any agent of any lender or other mortgage loan originator.

(C) An individual who solely renegotiates terms for existing mortgage loans held or serviced by their employer and who does not otherwise act as a mortgage loan originator, unless the United States Department of Housing and Urban Development or a court of competent jurisdiction determines that the SAFE Act requires such an employee to be licensed as a mortgage loan originator under state laws implementing the SAFE Act.

(D) An individual that is solely involved in extensions of credit relating to timeshare plans, as that term is defined in Section 101(53D) of Title 11 of the United States Code.

(E) An individual licensed or registered as a mortgage loan originator pursuant to the Financial Code and the SAFE Act.

(c) “Nationwide Multistate Licensing System and Registry” means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators.

(d) “Residential mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, or residential real estate upon which is constructed or intended to be constructed a dwelling. “Dwelling” means a residential structure that contains one to four units, whether or not that structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobilehome, or trailer, if it is used as a residence.

(e) “Unique identifier” means a number or other identifier assigned by protocols established by the Nationwide Multistate Licensing System and Registry.

(f) “Loan processor or underwriter” means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a mortgage loan originator.
SEC. 56.

SEC. 57. Section 10166.02 of the Business and Professions Code is amended to read:

10166.02. (a) A real estate broker who acts pursuant to Section 10131 or subdivision (d) or (e) of Section 10131, and who makes, arranges, or services loans secured by real property containing one to four residential units, and any salesperson who acts in a similar capacity under the supervision of that broker, shall notify the department by January 31, 2010, or within 30 days of commencing that activity, whichever is later. The notification shall be made in writing, as directed, on a form that is acceptable to the commissioner.

(b) No individual may engage in business as a mortgage loan originator under this article without first doing both of the following:

(1) Obtaining and maintaining a real estate license pursuant to Article 2 (commencing with Section 10150).

(2) Obtaining and maintaining a real estate license endorsement pursuant to this article identifying that individual as a licensed mortgage loan originator.

(c) License endorsements shall be valid for a period of one year and shall expire on December 31 each year.

(d) Applicants for a mortgage loan originator license endorsement shall apply in a form prescribed by the commissioner. Each form shall contain content as set forth by rule, regulation, instruction, or procedure of the commissioner.

(e) In order to fulfill the purposes of this article, the commissioner may establish relationships or contracts with the Nationwide Multistate Licensing System and Registry or other entities designated by the Nationwide Multistate Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this article.

(f) A real estate broker or salesperson who fails to notify the department pursuant to subdivision (a), or who fails to obtain a license endorsement required pursuant to paragraph (2) of subdivision (b), shall be assessed a penalty of fifty dollars ($50) per day for each day written notification has not been received or a license endorsement has not been obtained, up to and including the 30th day after the first day of the assessment penalty. On and
after the 31st day, the penalty is one hundred dollars ($100) per
day, not to exceed a total penalty of ten thousand dollars ($10,000),
regardless of the number of days, until the department receives
the written notification or the licensee obtains the license
endorsement. Penalties for violations of subdivisions (a) and (b)
shall be additive.
(g) The commissioner may suspend or revoke the license of a
real estate broker or salesperson who fails to pay a penalty imposed
pursuant to this section. In addition, the commissioner may bring
an action in an appropriate court of this state to collect payment
of that penalty.
(h) All penalties paid or collected under this section shall be
deposited into the Consumer Recovery Account of the Real Estate
Fund and shall, upon appropriation by the Legislature, be available
for expenditure for the purposes specified in Chapter 6.5
(commencing with Section 10470).
SEC. 57.
SEC. 58. Section 10166.03 of the Business and Professions
Code is amended to read:
10166.03. (a) A loan processor or underwriter who does not
represent to the public, through advertising or other means of
communicating or providing information, including the use of
business cards, stationery, brochures, signs, rate lists, or other
promotional items, that the individual can or will perform any of
the activities of a mortgage loan originator shall not be required
to obtain a license endorsement as a mortgage loan originator.
(b) An individual engaging solely in loan processor or
underwriter activities shall not represent to the public, through
advertising or other means of communicating or providing
information including the use of business cards, stationery,
brochures, signs, rate lists, or other promotional items, that the
individual can or will perform any of the activities of a mortgage
loan originator.
(c) An independent contractor who is employed by a mortgage
loan originator may not engage in the activities of a loan processor
or underwriter for a residential mortgage loan unless the
independent contractor loan processor or underwriter obtains and
maintains an endorsement as a mortgage loan originator under this
article. Each independent contractor loan processor or underwriter
who obtains and maintains an endorsement as a mortgage loan
originator under this article shall have and maintain a valid unique
identifier issued by the Nationwide Multistate Licensing System
and Registry.

SEC. 58.
SEC. 59. Section 10166.04 of the Business and Professions
Code is amended to read:

10166.04. (a) In connection with an application to the
commissioner for a license endorsement as a mortgage loan
originator, every applicant shall furnish to the Nationwide
Multistate Licensing System and Registry information concerning
the applicant’s identity, including the following:

(1) Fingerprint images and related information, for purposes of
performing a federal, or both a state and federal, criminal history
background check.

(2) Personal history and experience in a form prescribed by the
Nationwide Multistate Licensing System and Registry, including
the submission of authorization for the Nationwide Multistate
Licensing System and Registry and the commissioner to obtain
both of the following:

(A) An independent credit report from a consumer reporting
agency.

(B) Information related to any administrative, civil, or criminal
findings by any governmental jurisdiction.

(b) The commissioner may ask the Nationwide Multistate
Licensing System and Registry to obtain state criminal history
background check information on applicants described in
subdivision (a) using the procedures set forth in subdivisions (c)
and (d).

(c) If the Nationwide Multistate Licensing System and Registry
electronically submits fingerprint images and related information,
as required by the Department of Justice, for an applicant for a
mortgage loan originator license endorsement, to the Department
of Justice for the purposes of obtaining information as to the
existence and content of a record of state convictions and state
arrests, and as to the existence and content of a record of state
arrests for which the Department of Justice establishes that the
person is free on bail or on their recognizance pending trial or
appeal, the Department of Justice shall provide an electronic
response to the Nationwide Multistate Licensing System and
Registry pursuant to paragraph (1) of subdivision (p) of Section
11105 of the Penal Code, and shall provide the same electronic
response to the department.
(d) The Nationwide Multistate Licensing System and Registry
may request from the Department of Justice subsequent arrest
notification service, as provided pursuant to Section 11105.2 of
the Penal Code, for persons described in subdivision (a). The
Department of Justice shall provide the same electronic response
to the department.
(e) The Department of Justice shall charge a fee sufficient to
cover the cost of processing the requests described in this section.

SEC. 59.
SEC. 60. Section 10166.06 of the Business and Professions
Code is amended to read:
10166.06. (a) In addition to the requirements of Section 10153,
an applicant for a license endorsement as a mortgage loan
originator shall complete at least 20 hours of education courses,
which shall include at least the following:
(1) Three hours of federal law and regulations.
(2) Three hours of ethics, which shall include instruction on
fraud, consumer protection, and fair lending issues.
(3) Two hours of training related to lending standards for the
nontraditional mortgage product marketplace.
(b) For purposes of this section, education courses are only
acceptable if they have been reviewed and approved, or otherwise
deemed acceptable, by the Nationwide Multistate Licensing System
and Registry, in accordance with the SAFE Act. Education may
be offered in a classroom, online, or by any other means approved
by the Nationwide Multistate Licensing System and Registry, in
accordance with the SAFE Act.
(c) A person who successfully completes the education
requirements approved by the Nationwide Multistate Licensing
System and Registry in any state other than California shall be
granted credit by the commissioner toward completion of the
education requirements of this section.
(d) Before being issued a license endorsement to act as a
mortgage loan originator, an individual shall pass a qualified
written test developed or otherwise deemed acceptable by the
Nationwide Multistate Licensing System and Registry and
administered by a test provider approved or otherwise deemed
acceptable by the Nationwide Multistate Licensing System and Registry.

(e) A written test shall not be treated as a qualified written test for purposes of this section, unless the test adequately measures the applicant’s knowledge and comprehension in the following subject areas: ethics, federal law and regulation pertaining to mortgage origination, state law and regulation pertaining to mortgage origination, and federal and state law and regulation relating to fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(f) This section does not prohibit a test provider approved by the Nationwide Multistate Licensing System and Registry from providing a test at the location of the employer of the applicant or any subsidiary or affiliate of the employer of the applicant, or any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

(g) An individual shall not be considered to have passed a qualified written test administered pursuant to this section unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(h) An individual who fails the qualified written test may retake the test, although at least 30 days must pass between each retesting, except as provided in subdivision (i).

(i) An applicant who fails three consecutive tests shall wait at least six months before retesting.

(j) A mortgage loan originator who fails to maintain a valid license endorsement for a period of five years or longer or who fails to register as a mortgage loan originator shall retake the qualified written test.

SEC. 60.

SEC. 61. Section 10166.07 of the Business and Professions Code is amended to read:

10166.07. (a) A real estate broker who acts pursuant to Section 10131.1 or subdivision (d) or (e) of Section 10131, and who makes, arranges, or services one or more loans in a calendar year that are secured by real property containing one to four residential units, shall annually file a business activities report, within 90 days after the end of the broker’s fiscal year or within any additional time as the commissioner may allow for filing for good cause. The report shall contain within its scope all of the following information for
the fiscal year, relative to the business activities of the broker and
those of any other brokers and real estate salespersons acting under
that broker’s supervision:

1. Name and license number of the supervising broker and
names and license numbers of the real estate brokers and
salespersons under that broker’s supervision. The report shall
include brokers and salespersons who were under the supervising
broker’s supervision for all or part of the year.

2. A list of the real estate-related activities in which the
supervising broker and the brokers and salespersons under the
supervising broker’s supervision engaged during the prior year.
This listing shall identify all of the following:

(A) Activities relating to mortgages, including arranging,
making, or servicing,

(B) Other activities performed under the real estate broker’s or
salesperson’s license.

(C) Activities performed under related licenses, including, but
not limited to, a license to engage as a finance lender or a finance
broker under the California Financing Law (Division 9
(commencing with Section 22000) of the Financial Code), or a
license to engage as a residential mortgage lender or residential
mortgage loan servicer under the California Residential Mortgage
Lending Act (Division 20 (commencing with Section 50000) of
the Financial Code).

3. A list of the forms of media used by the broker and those
under the broker’s supervision to advertise to the public, including
print, radio, television, the internet, or other means.

4. For fixed rate loans made, brokered, or serviced, all of the
following:

(A) The total number, aggregate principal amount, lowest
interest rate, highest interest rate, and a list of the institutional
lenders of record. If the loan was funded by any lender other than
an institutional lender, the broker shall categorize the loan as
privately funded.

(B) The total number and aggregate principal amount of covered
loans, as defined in Section 4970 of the Financial Code.

(C) The total number and aggregate principal amount of loans
for which Department of Real Estate form RE Form 885 or an
equivalent is required.
(5) For adjustable rate loans made, brokered, or serviced, all of
the following:
(A) The total number, aggregate principal amount, lowest
beginning interest rate, highest beginning interest rate, highest
margin, and a list of the institutional lenders of record. If the loan
was funded by any lender other than an institutional lender, the
broker shall categorize the loan as privately funded.
(B) The total number and aggregate principal amount of covered
loans, as defined in Section 4970 of the Financial Code.
(C) The total number and aggregate principal amount of loans
for which Department of Real Estate form RE Form 885 or an
equivalent is required.

(6) For all loans made, brokered, or serviced, the total number
and aggregate principal amount of loans funded by institutional
lenders, and the total number and aggregate principal amount of
loans funded by private lenders.

(7) For all loans made, brokered, or serviced, the total number
and aggregate principal amount of loans that included a prepayment
penalty, the minimum prepayment penalty length, the maximum
prepayment penalty length, and the number of loans with
prepayment penalties whose length exceeded the length of time
before the borrower’s loan payment amount could increase.

(8) For all loans brokered, the total compensation received by
the broker, including yield spread premiums, commissions, and
rebates, but excluding compensation used to pay fees for third-party
services on behalf of the borrower.

(9) For all mortgage loans made or brokered, the total number
of loans for which a mortgage loan disclosure statement was
provided in a language other than English, and the number of forms
provided per language other than English.

(10) For all mortgage loans serviced, the total amount of funds
advanced to be applied toward a payment to protect the security
of the note being serviced.

(11) For purposes of this section, an institutional lender has the
meaning specified in paragraph (1) of subdivision (c) of Section
10232.
(b) A broker subject to this section and Section 10232.2 may
file consolidated reports that include all of the information required
under this section and Section 10232.2. Those consolidated reports
shall clearly indicate that they are intended to satisfy the requirements of both sections.

(c) If a broker subject to this section fails to timely file the report required under this section, the commissioner may cause an examination and report to be made and may charge the broker one and one-half times the cost of making the examination and report. In determining the hourly cost incurred by the commissioner for conducting an examination and preparing the report, the commissioner may use the estimated average hourly cost for all department audit staff performing audits of real estate brokers. If a broker fails to pay the commissioner’s cost within 60 days of the mailing of a notice of billing, the commissioner may suspend the broker’s license or deny renewal of that license. The suspension or denial shall remain in effect until the billed amount is paid or the broker’s right to renew a license has expired. The commissioner may maintain an action for the recovery of the billed amount in any court of competent jurisdiction.

(d) The report described in this section is exempted from any requirement of public disclosure by paragraph (2) of subdivision (d) of Section 6254 of the Government Code.

(e) The commissioner may waive the requirement to submit certain information described in paragraphs (1) to (10), inclusive, of subdivision (a) if the commissioner determines that this information is duplicative of information required by the Nationwide Multistate Licensing System and Registry, pursuant to Section 10166.08.

SEC. 62. Section 10166.08 of the Business and Professions Code is amended to read:

10166.08. Each mortgage loan originator shall submit reports of condition to the Nationwide Multistate Licensing System and Registry reports of condition, and those reports shall be in the form and shall contain information as the Nationwide Multistate Licensing System and Registry may require.

SEC. 63. Section 10166.10 of the Business and Professions Code is amended to read:

10166.10. (a) A mortgage loan originator shall complete at least eight hours of continuing education annually, which shall include at least three hours relating to federal law and regulations,
two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues, and two hours related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of subdivision (a), continuing education courses and course providers shall be reviewed and approved by the commissioner and the Nationwide Multistate Licensing System and Registry.

(c) The commissioner shall have the authority to substitute any of the courses described in subdivision (a) for the course requirements of Section 10170.5, subject to a finding that the course requirements in subdivision (a) and the course completion standards in subdivision (g) of Section 10166.06 are substantially equivalent to, and meet the intent of, Section 10170.5.

(d) This section does not preclude any education course, as approved by the commissioner and the Nationwide Multistate Licensing System and Registry, that is provided by the employer of the mortgage loan originator or an entity that is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of the employer or entity.

(e) Continuing education may be offered either in a classroom, online, or by any other means approved by the commissioner and the Nationwide Multistate Licensing System and Registry.

(f) A mortgage loan originator may only receive credit for a continuing education course in the year in which the course is taken.

(g) A mortgage loan originator may not take the same approved course in the same or successive years to meet the requirements of this section for continuing education.

(h) A mortgage loan originator who is an instructor of an approved continuing education course may receive credit for their own annual continuing education requirement at the rate of two hours credit for every one hour taught.

(i) A person who successfully completes the education requirements approved by the Nationwide Multistate Licensing System and Registry in any state other than California shall be granted credit by the commissioner towards completion of continuing education requirements in this state.

(j) A mortgage loan originator whose license endorsement lapses, expires, or is suspended or revoked, and who wishes to
reign their license endorsement, shall complete continuing
education requirements for the last year in which the endorsement
was held, before issuance of a new or renewed endorsement.

SEC. 63.
SEC. 64. Section 10166.15 of the Business and Professions
Code is amended to read:
10166.15. (a) The commissioner shall regularly report
violations of this article, as well as enforcement actions taken
against any mortgage loan originator to whom an endorsement has
been issued, and enforcement actions taken against any individual
for failure to obtain an endorsement as a mortgage loan originator,
to the Nationwide Multistate Licensing System and Registry.
(b) The commissioner shall establish a process that may be used
by mortgage loan originators to challenge information entered into
the Nationwide Multistate Licensing System and Registry by the
commissioner.
(c) The commissioner is authorized to promulgate regulations
specifying (1) the recordkeeping requirements that mortgage loan
originators shall satisfy and (2) the penalties that shall apply to
mortgage loan originators for violations of this article.

SEC. 64.
SEC. 65. Section 10166.16 of the Business and Professions
Code is amended to read:
10166.16. (a) Except as otherwise provided in Section 1512
of the SAFE Act, the requirements under any federal or state law
regarding the privacy or confidentiality of any information or
material provided to the Nationwide Multistate Licensing System
and Registry, and any privilege arising under federal or state law,
including the rules of any federal or state court, with respect to
that information or material, shall continue to apply to the
information or material after the information or material has been
disclosed to the Nationwide Multistate Licensing System and
Registry. The information and material may be shared with all
state and federal regulatory officials with mortgage industry
oversight authority without the loss of privilege or the loss of
confidentiality protections provided by federal or state law.
(b) For these purposes, the commissioner is authorized to enter
agreements or sharing arrangements with other governmental
agencies, the Conference of State Bank Supervisors, the American
Association of Residential Mortgage Regulators, or other
associations representing governmental agencies as established by
rule, regulation or order of the commissioner.
(c) Information or material that is subject to a privilege or
confidentiality under subdivision (a) shall not be subject to either
of the following:
(1) Disclosure under any federal or state law governing the
disclosure to the public of information held by an officer or an
agency of the federal government or the state.
(2) Subpoena or discovery, or admission into evidence, in any
private civil action or administrative process, unless with respect
to any privilege held by the Nationwide Multistate Licensing
System and Registry with respect to the information or material,
the person to whom the information or material pertains waives,
in whole or in part, in the discretion of the person, that privilege.
(d) This section shall not apply with respect to the information
or material relating to the employment history of, and publicly
adjudicated disciplinary and enforcement actions against, mortgage
loan originators that is included in the Nationwide Multistate
Licensing System and Registry for access by the public.

SEC. 65.
SEC. 66. Section 10166.17 of the Business and Professions
Code is amended to read:
10166.17. In addition to any other duties imposed upon the
commissioner by law, the commissioner shall require mortgage
loan originators to be licensed and registered through the
Nationwide Multistate Licensing System and Registry. In order
to carry out this requirement the commissioner is authorized to
participate in the Nationwide Multistate Licensing System and
Registry. For this purpose, the commissioner may establish by
rule, regulation, or order, requirements as necessary, including,
but not limited to, the following:
(a) Background checks for the following:
(1) Criminal history through fingerprint or other databases.
(2) Civil or administrative records.
(3) Credit history.
(4) Any other information as deemed necessary by the
Nationwide Multistate Licensing System and Registry.
(b) The payment of fees to apply for or renew licenses through
the Nationwide Multistate Licensing System and Registry.
(c) The setting or resetting as necessary of renewal or reporting dates.
(d) Requirements for amending or surrendering a license or any other activities as the commissioner deems necessary for participation in the Nationwide Multistate Licensing System and Registry.

SEC. 66.

SEC. 67. Section 10235.5 of the Business and Professions Code is amended to read:
10235.5. (a) A real estate licensee or mortgage loan originator shall not place an advertisement disseminated primarily in this state for a loan unless there is disclosed within the printed text of that advertisement, or the oral text in the case of a radio or television advertisement, the Department of Real Estate number and the unique identifier assigned to that licensee by the Nationwide Multistate Licensing System and Registry under which the loan would be made or arranged.
(b) “Mortgage loan originator,” “unique identifier,” and “Nationwide Multistate Licensing System and Registry” have the meanings set forth in Section 10166.01.

SEC. 68.

SEC. 68. Section 10236.4 of the Business and Professions Code is amended to read:
10236.4. (a) In compliance with Section 10235.5, every licensed real estate broker shall also display their license number on all advertisements where there is a solicitation for borrowers or potential investors. Every mortgage loan originator, as defined in Section 10166.01, shall also display the unique identifier assigned to that individual by the Nationwide Multistate Licensing System and Registry on all advertisements where there is a solicitation for borrowers.
(b) The disclosures required by Sections 10232.4 and 10240 shall include the licensee’s license number, the mortgage loan originator’s unique identifier, if applicable, and the department’s license information telephone number.
(c) “Mortgage loan originator,” “unique identifier,” and “Nationwide Multistate Licensing System and Registry” have the meanings set forth in Section 10166.01.
SEC. 68.
SEC. 69. Section 12303 of the Business and Professions Code is amended to read:

12303. The state standards of weights and measures by which all state and county standards of weights and measures shall be tried, proved, and sealed include the following standards, provided the standards have been certified relative to national standards under the direction of the National Institute of Standards and Technology:
(a) Metrological standards provided by the United States.
(b) Metrological standards procured by the state.
(c) Metrological standards in the possession of county sealers.
(d) Metrological standards in the possession of laboratories certified to perform measurement services pursuant to Section 12314.

SEC. 69.
SEC. 70. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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.
VI. **Enforcement**  
   A. Enforcement Statistical Reports  
      1. Fiscal Year 2022/23 Update
Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month
12-Month Cycle

NOTE: FY22/23 statistics are through July 31, 2022
Complaint Investigation Phase

Number of Open (Pending) Complaint Investigations
(at end of FY or month for current FY)

<table>
<thead>
<tr>
<th></th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>239</td>
<td>285</td>
<td>271</td>
<td>235</td>
</tr>
</tbody>
</table>

Average Days from Opening of Complaint Investigation to Completion of Investigation

<table>
<thead>
<tr>
<th></th>
<th>FY19/20</th>
<th>FY20/21</th>
<th>FY21/22</th>
<th>FY22/23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>277</td>
<td>274</td>
<td>279</td>
<td>249</td>
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</tbody>
</table>

NOTE: FY22/23 statistics are through July 31, 2022
Complaint Investigation Phase
Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle
Complaint Investigation Phase
Outcome of Completed Investigations

NOTE: FY22/23 statistics are through July 31, 2022
Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.
Cite = Referred for Issuance of Citation
FDA = Referred for Formal Disciplinary Action
Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Number of Citations Issued and Final

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

NOTE: FY22/23 statistics are through July 31, 2022
Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

<table>
<thead>
<tr>
<th>Year</th>
<th>Referred</th>
<th>Final</th>
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</thead>
<tbody>
<tr>
<td>FY19/20</td>
<td>38</td>
<td>36</td>
</tr>
<tr>
<td>FY20/21</td>
<td>30</td>
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<td>FY21/22</td>
<td>23</td>
<td>35</td>
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<tr>
<td>FY22/23</td>
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<td>2</td>
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</table>

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY19/20</td>
<td>600</td>
</tr>
<tr>
<td>FY20/21</td>
<td>490</td>
</tr>
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<td>FY21/22</td>
<td>500</td>
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<tr>
<td>FY22/23</td>
<td>450</td>
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</table>

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Days</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>FY20/21</td>
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<tr>
<td>FY21/22</td>
<td>743</td>
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<tr>
<td>FY22/23</td>
<td>840</td>
</tr>
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</table>

NOTE: FY22/23 statistics are through July 31, 2022
### Complaint Investigation Phase

#### 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>
</tr>
</thead>
<tbody>
<tr>
<td>August 2021</td>
<td>46</td>
<td>30</td>
</tr>
<tr>
<td>September 2021</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>October 2021</td>
<td>39</td>
<td>18</td>
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<tr>
<td>November 2021</td>
<td>41</td>
<td>35</td>
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<tr>
<td>December 2021</td>
<td>23</td>
<td>30</td>
</tr>
<tr>
<td>January 2022</td>
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<td>41</td>
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<tr>
<td>February 2022</td>
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<td>52</td>
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<td>March 2022</td>
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<td>32</td>
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<td>April 2022</td>
<td>34</td>
<td>32</td>
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<tr>
<td>May 2022</td>
<td>27</td>
<td>36</td>
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<tr>
<td>June 2022</td>
<td>28</td>
<td>25</td>
</tr>
<tr>
<td>July 2022</td>
<td>23</td>
<td>58</td>
</tr>
</tbody>
</table>

#### Complaint Investigations Opened and Completed

**Total by Fiscal Year**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Complaint Investigations Opened</th>
<th>Complaint Investigations Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>331</td>
<td>335</td>
</tr>
<tr>
<td>2020/21</td>
<td>363</td>
<td>315</td>
</tr>
<tr>
<td>2021/22</td>
<td>336</td>
<td>350</td>
</tr>
<tr>
<td>2022/23</td>
<td>23</td>
<td>58</td>
</tr>
</tbody>
</table>

*Current Fiscal Year through July 31, 2022*

#### 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>
<tbody>
<tr>
<td>2019/20</td>
<td>239</td>
</tr>
<tr>
<td>2020/21</td>
<td>285</td>
</tr>
<tr>
<td>2021/22</td>
<td>268</td>
</tr>
<tr>
<td>2022/23</td>
<td>235</td>
</tr>
</tbody>
</table>

*Current Fiscal Year through July 31, 2022*
# Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Average Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>277</td>
</tr>
<tr>
<td>2020/21</td>
<td>274</td>
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<tr>
<td>2021/22</td>
<td>278</td>
</tr>
<tr>
<td>2022/23</td>
<td>249</td>
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</tbody>
</table>

Current Fiscal Year through July 31, 2022

## 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>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>219</td>
<td>65%</td>
<td>87</td>
<td>29%</td>
<td>29</td>
<td>9%</td>
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<tr>
<td>2020/21</td>
<td>199</td>
<td>63%</td>
<td>97</td>
<td>31%</td>
<td>19</td>
<td>6%</td>
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<tr>
<td>2021/22</td>
<td>191</td>
<td>55%</td>
<td>102</td>
<td>29%</td>
<td>57</td>
<td>16%</td>
</tr>
<tr>
<td>2022/23</td>
<td>36</td>
<td>62%</td>
<td>16</td>
<td>28%</td>
<td>6</td>
<td>10%</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action
# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases

### 12-Month Cycle

<table>
<thead>
<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>
<th>271-365 Days</th>
<th>1-2 Years</th>
<th>2-3 Years</th>
<th>3-4 Years</th>
</tr>
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<td>3</td>
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<tr>
<td>September 2021</td>
<td>12</td>
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<td>17</td>
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<td>38</td>
<td>71</td>
<td>34</td>
<td>38</td>
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<td>October 2021</td>
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<td>17</td>
<td>57</td>
<td>54</td>
<td>51</td>
<td>37</td>
<td>5</td>
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<tr>
<td>November 2021</td>
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<td>37</td>
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<td>54</td>
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<td>45</td>
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<td>0</td>
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<tr>
<td>December 2021</td>
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<td>12</td>
<td>51</td>
<td>56</td>
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<tr>
<td>March 2022</td>
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<td>53</td>
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<td>37</td>
<td>35</td>
<td>31</td>
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</table>
## Citations (Informal Enforcement Actions)

### 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>2019/20</td>
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<td>105</td>
<td>87</td>
</tr>
<tr>
<td>2022/23</td>
<td>16</td>
<td>12</td>
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</tbody>
</table>

Current Fiscal Year through July 31, 2022

### Number of Citations Issued and Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Issued</th>
<th>Final</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>74</td>
<td>79</td>
</tr>
<tr>
<td>2020/21</td>
<td>87</td>
<td>95</td>
</tr>
<tr>
<td>2021/22</td>
<td>87</td>
<td>85</td>
</tr>
<tr>
<td>2022/23</td>
<td>16</td>
<td>6</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022

### 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>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>138</td>
</tr>
<tr>
<td>2020/21</td>
<td>142</td>
</tr>
<tr>
<td>2021/22</td>
<td>125</td>
</tr>
<tr>
<td>2022/23</td>
<td>292</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022

### 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>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>505</td>
</tr>
<tr>
<td>2020/21</td>
<td>533</td>
</tr>
<tr>
<td>2021/22</td>
<td>475</td>
</tr>
<tr>
<td>2022/23</td>
<td>542</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022
Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

<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>2019/20</td>
<td>38</td>
<td>35</td>
</tr>
<tr>
<td>2020/21</td>
<td>30</td>
<td>38</td>
</tr>
<tr>
<td>2021/22</td>
<td>32</td>
<td>19</td>
</tr>
<tr>
<td>2022/23</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022

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>2019/20</td>
<td>490</td>
</tr>
<tr>
<td>2020/21</td>
<td>358</td>
</tr>
<tr>
<td>2021/22</td>
<td>419</td>
</tr>
<tr>
<td>2022/23</td>
<td>368</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022

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>2019/20</td>
<td>737</td>
</tr>
<tr>
<td>2020/21</td>
<td>541</td>
</tr>
<tr>
<td>2021/22</td>
<td>747</td>
</tr>
<tr>
<td>2022/23</td>
<td>840</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2022
VII. Exams/Licensing
   A. Examination/Licensing Updates
      1. 2022 Examination Update – First and Second Quarter Examination Results
### 2022 Exam Results Statistics

#### 2022-California State Specific Civil Engineer Examination Results

<table>
<thead>
<tr>
<th></th>
<th>First Quarter 2022</th>
<th>Second Quarter 2022</th>
<th>2022 First and Second Quarter Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Number of Candidates</td>
<td>Number Passed</td>
<td>Pass %</td>
</tr>
<tr>
<td><strong>Civil Engineer - Seismic Principles</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>86</td>
<td>50</td>
<td>58%</td>
</tr>
<tr>
<td>February</td>
<td>119</td>
<td>69</td>
<td>58%</td>
</tr>
<tr>
<td>March</td>
<td>222</td>
<td>96</td>
<td>43%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>427</td>
<td>215</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Civil Engineer - Engineering Surveying</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>74</td>
<td>43</td>
<td>58%</td>
</tr>
<tr>
<td>February</td>
<td>125</td>
<td>73</td>
<td>58%</td>
</tr>
<tr>
<td>March</td>
<td>222</td>
<td>108</td>
<td>49%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>421</td>
<td>224</td>
<td>53%</td>
</tr>
</tbody>
</table>
## 2022 Exam Results Statistics

### 2022-California State Specific Exams

<table>
<thead>
<tr>
<th>Professional Geologist California Specific Exam</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>128</td>
<td>58</td>
<td>45%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geotechnical Engineer</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geotechnical Engineer</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Traffic Engineer</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Traffic Engineer</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Professional Geophysicist</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certified Hydrogeologist</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certified Hydrogeologist</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certified Engineering Geologist</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certified Engineering Geologist</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 2022-Geology ASBOG Exams

<table>
<thead>
<tr>
<th>Fundamentals of Geology</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>120</td>
<td>88</td>
<td>73%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Practice of Geology</th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>90</td>
<td>74</td>
<td>82%</td>
</tr>
</tbody>
</table>
## 2022 Exam Results Statistics

### 2022 - NCEES Engineering and Land Surveying National Exams

#### Paper and Pencil Exams - Spring 2022 - California

<table>
<thead>
<tr>
<th></th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural Engineer (Lateral)</td>
<td>121</td>
<td>37</td>
<td>31</td>
</tr>
<tr>
<td>Structural Engineer (Vertical)</td>
<td>124</td>
<td>40</td>
<td>32</td>
</tr>
</tbody>
</table>

#### Computer-Based Exams (CBT) - January-June 2022 - California

<table>
<thead>
<tr>
<th></th>
<th>Total Number of Candidates</th>
<th>Number Passed</th>
<th>Pass %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Chemical Engineer</td>
<td>19</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Civil Engineer</td>
<td>961</td>
<td>478</td>
<td>50</td>
</tr>
<tr>
<td>Control Systems Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Electrical Engineer</td>
<td>218</td>
<td>93</td>
<td>43</td>
</tr>
<tr>
<td>Fire Protection Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Fundamentals of Engineering</td>
<td>2,696</td>
<td>1,369</td>
<td>51</td>
</tr>
<tr>
<td>Fundamentals of Surveying</td>
<td>175</td>
<td>74</td>
<td>42</td>
</tr>
<tr>
<td>Industrial Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Mechanical Engineer</td>
<td>236</td>
<td>138</td>
<td>58</td>
</tr>
<tr>
<td>Metallurgical Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Nuclear Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Petroleum Engineer</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
<td>Fall Exam</td>
</tr>
<tr>
<td>Practice of Surveying</td>
<td>97</td>
<td>47</td>
<td>48</td>
</tr>
</tbody>
</table>
VIII. Executive Officer's Report
A. Rulemaking Status Report
B. Update on Board’s Business Modernization Project
C. Personnel
D. ABET
E. Association of State Boards of Geology (ASBOG)
   1. 2022 Annual Meeting Update – Board Voting Delegate (Possible Action)
F. National Council of Examiners for Engineering and Surveying (NCEES)
   1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions (Possible Action)
   2. Introduction of Jason Gamble, PE, NCEES Chief Officer of Examinations
G. Update on Outreach Efforts
H. Future Meeting Logistics
Rulemaking Status Report

1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)
   - Initial rulemaking package submitted to DCA Legal for review on July 27, 2022.
     - Board approved revised text at the June 23-24, 2022, Board meeting.
     - Staff working with DCA Legal to finalize proposal for notice (April 2022).
     - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
   - Board directed staff to pursue rulemaking proposal on November 8, 2021.

2. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10 427.30, 3021, 3022.2, 3023, and 3032)
   - Staff working on final text for submittal to DCA Legal in September 2022.
     - Staff working with DCA Legal to finalize proposal for notice (April 2022).
     - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
     - Board directed staff to pursue rulemaking proposal on November 8, 2021.

3. Definition of Traffic Engineering (16 CCR 404)
   - Board staff working with DCA Legal to prepare documents for initial notice.
     - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
     - Board directed staff to pursue rulemaking proposal on March 8, 2018.

4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)
   - Board staff working on pre-notice documents on September 3, 2021.
     - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board’s website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.
EXECUTIVE SUMMARY

Narrative Summary of Status

Schedule: GREEN  Budget: GREEN  Issues: GREEN

The Maintenance & Operations (M&O) phase of project began July 2022. Product Increment (PI5) of the project is scheduled to go live early September 2022 and for BPELSG, will consist primarily of bug fixes and requested refinements.

PROJECT MILESTONE STATUS REVIEW

<table>
<thead>
<tr>
<th>Project Milestones</th>
<th>Status</th>
<th>Completion Date</th>
<th>Issues Exist (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Planning Complete – Project Start</td>
<td>Complete</td>
<td>1/13/2020</td>
<td>No</td>
</tr>
<tr>
<td>Go Live – Most Viable Product (MVP1)</td>
<td>Complete</td>
<td>9/16/2020</td>
<td>No</td>
</tr>
<tr>
<td>Go Live - Product Increment 2 (PI2)</td>
<td>Complete</td>
<td>1/20/2021</td>
<td>No</td>
</tr>
<tr>
<td>Go Live - Product Increment 3 (PI3)</td>
<td>Complete</td>
<td>6/16/2021</td>
<td>No</td>
</tr>
<tr>
<td>Go Live Product Increment 3.5 (PI3.5)</td>
<td>Complete</td>
<td>11/10/2021</td>
<td>No</td>
</tr>
<tr>
<td>Go Live Product Increment 4 (PI4)</td>
<td>Complete</td>
<td>4/29/2022</td>
<td>No</td>
</tr>
<tr>
<td>Go Live Product Increment 5 (PI5)</td>
<td>On-going</td>
<td>Sept 2022</td>
<td>No</td>
</tr>
</tbody>
</table>
The following are draft motions for the 2022 NCEES annual meeting. The final motions—as well as full officer, committee, and task force reports—will be included in the 2022 Action Items and Conference Reports, which will be posted online by July 1.

At its May board meeting, the board of directors considered each motion that will come before the Council. The board position and whether the motion was placed on the consent agenda are listed after the motion. In the review of the motion, the board has the following options:

- Endorse the motion and place it on the consent agenda
- Endorse the motion and not place it on the consent agenda
- Not endorse the motion and not place it on the consent agenda
- Take no position and not place it on the consent agenda
Special Committee on Bylaws (4 motions)

Bylaws Motion 1
Move that Bylaws 3.021 be amended as follows:

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor upon approval of the presiding officer at meetings of the Council. Associate Members may serve on any committee or task force to which duly appointed under the Bylaws. Associate Members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

Rationale
The Special Committee on Bylaws received a charge to review changes to Bylaws 3.021 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment that removes "upon approval by the presiding officer." The 2020–21 ACCA rationale was as follows: "Associate members are currently active in the Council and, through their attendance at the annual meeting, have the ability to participate and contribute to the discussion."

The committee added “at meetings of the Council” to the proposed language from ACCA to clarify when an associate member would have the “privilege of the floor.” The phrase matches language used elsewhere in the Bylaws.

Board of directors’ position
Endorses, consent agenda

Bylaws Motion 2
Move that Bylaws 3.022 be amended as follows:

Section 3.022 Emeritus Members. An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members of NCEES shall have the privilege of the floor upon approval of the presiding officer at meetings of the Council. Emeritus Members may serve on any committee or task force to which duly appointed under the Bylaws.

Rationale
The Special Committee on Bylaws received a charge to review changes to Bylaws 3.022 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment that removes "upon approval by the presiding officer." The 2020–21 ACCA rationale was as follows: "As past board members, they [emeritus members] have a knowledge of the Council and some historical perspective. Their best interest should align with the Council’s. If someone who is not a member, associate member, or emeritus member requests to speak, it should be up to the presiding officer to decide if that individual will be allowed the floor."

The committee added “at meetings of the Council” to the proposed language from ACCA to clarify when an emeritus member would have the "privilege of the floor.” The phrase matches language used elsewhere in the Bylaws.

Board of directors’ position
Endorses, consent agenda
Bylaws Motion 3
Move that Bylaws 7.02 be amended as follows:

Section 7.02 Advisory Committee on Council Activities. The Advisory Committee on Council Activities (ACCA) shall consist of a chair and two members from each zone. At least one member shall be a professional engineer, one member a professional surveyor, and one member a member board administrator. The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non-recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the Manual of Policy and Position Statements, in consideration of past and current action of the Council, and present any proposed revisions as needed.

Rationale
The Special Committee on Bylaws received a charge to review changes to Bylaws 7.02 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment to add the language shown above. The 2020–21 ACCA rationale was as follows: “ACCA believes it is important to specify the exact number of members from each zone to be in concert with most of the other NCEES standing committees.”

Board of directors’ position
Endorses, consent agenda

Bylaws Motion 4
Move that Bylaws 6.02 be amended as follows:

Section 6.02 Quorum and Voting. A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the Bylaws.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board’s chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.

Rationale
The Special Committee on Bylaws received a charge to review changes to Bylaws 6.02 as proposed by the 2020–21 NCEES board of directors and approved by the Council at the 2021 annual meeting and to propose an amendment to add the language shown above. The 2020–21 NCEES board of directors’ rationale was as follows: “The board of directors is proposing to have this language removed because each board has one vote; for that board’s vote to make a difference, it needs to be counted as whole vote.”

Board of directors’ position
Endorses, consent agenda
Advisory Committee on Council Activities (10 motions)

ACCA Motion 1
Move that a Special Committee on Bylaws be charged with amending the *Bylaws* to add a past president as a member to each standing committee and task force. This position will have the same rights and responsibilities as other members and will not alter the committee membership requirements as specified in other sections of the *Bylaws*. If a past president is not available to serve on a specific committee or task force, the position will remain unfilled for that year. The past president positions are intended to be limited to past presidents who are still involved in Council activities.

Financial impact
The proposed 2022–23 NCEES budget has $1,351 estimated per committee traveler. Assuming that a past president would be assigned to 10 standing committees and an estimated two task forces, the total financial impact would be approximately $16,500 in the 2023–24 fiscal year.

Rationale
ACCA believes that it is very important to use the knowledge and experience of our past presidents. Adding a past president, if they are willing and able to serve, to each committee and task force will allow the Council to benefit broadly from the experience and knowledge of the past presidents across all committees and task forces. The majority of our past presidents are emeritus members, not current state board members. Creating this new past president position on each committee and task force will not take a committee or task force position away from a current state board member or from another emeritus member in favor of a past president. Making the past president seat on a committee or task force not mandatory will mean that this position can go unfilled if there are not enough past presidents available to serve. This motion does not preclude the president-elect from choosing consultants to be part of committees and task forces. The motion also makes it clear that ACCA is adding a new voting member to each committee and task force (to be occupied by a past president) and not a consultant position.

Board of directors’ position
Does not endorse, non-consent agenda

Board of directors’ rationale
The board of directors values the knowledge, expertise, and previous work of all NCEES past presidents. However, the board feels that the *Bylaws* already adequately addresses past presidents’ service on committees and task forces. Making the appointment of a past president mandatory also takes away the incoming president’s freedom to build the committees and task forces that they feel are best suited to serve the Council and address the charges for the year.

As noted last year when ACCA put forward a similar motion, the board of directors recognizes that *Bylaws* 5.01 gives the president the authority to appoint committee and task force members, chairs, vice chairs, and consultants. *Bylaws* 7.01 states that members, associate members, past presidents, and emeritus members are eligible to serve on a committee or task force; thus, adding another prescriptive member to a given committee or task force seems without value.

ACCA Motion 2
Move that Position Statement 21 be amended as follows:

PS 21 International Activities
A. The Council should continue its current involvement in the international arena within the following guidelines: to offer its examinations at foreign sites within the guidelines of EAP 10.
   1. All substantive agreements and model documents shall be approved by the full Council before execution.
   2. Access to non-CBT examinations by either educational institutions or national organizations shall be approved by the full Council before execution.
   3. Access to CBT examinations at an NCEES-approved test site for applicants from an ABET-accredited program or the equivalent as determined by NCEES may be approved by the board of directors.
   4. All agreements and model documents shall be clearly nonbinding on member boards.
   5. Unless specifically provided for in the Council budget, services rendered to other nations shall be funded by the requesting nation to a level that ensures no net loss of Council funds.
B. In identifying the qualifications for the right of licensure to practice engineering and surveying, NCEES shall always inform foreign jurisdictions that the qualifications for licensure in the United States, by and through us, are determined by state and territorial jurisdictions, include based on education, experience, and examination.

C. NCEES shall further emphasize to all national and foreign jurisdictions the importance of licensure in safeguarding the health, safety, and welfare of the public. Constraints such as citizenship, residency, establishment of local office, or similar restrictions shall be discouraged.

C.D. NCEES shall stress to all national and foreign jurisdictions the need for the development of a database of their licensing requirements. All requirements for practice should have a goal of global mutuality.

D.E. NCEES shall work with foreign jurisdictions toward establishment of an international system for evaluation of education, experience, examination, practice, and ethical conduct, encourage the development of globally uniform licensure requirements that meet the international benchmark for independent professional practice established by the International Engineering Alliance Graduate Attributes and Professional Competencies. Constraints such citizenship, residency, establishment of local office, or similar restrictions shall be discouraged.

E.F. NCEES shall function as a resource for other nations that desire to establish or improve their education, experience, examination, and ethics requirements for licensure to practice engineering and surveying.

F.G. NCEES shall work with foreign jurisdictions toward mutual development of international law enforcement compliance procedures for the professional practice of engineering and surveying.

G.H. NCEES shall work with foreign jurisdictions to emphasize the importance of current international intellectual property protection.

Rationale
Paragraph A was modified to have policies regarding the offering of NCEES examinations at foreign sites reside solely in EAP 10. The wording in other paragraphs was added, modified, or deleted to reflect current practice.

Board of directors’ position
Endorses, consent agenda

ACCA Motion 3
Move that Position Statement 26 be deleted.

PS 26 Inclusion of All Engineers by ABET
NCEES encourages ABET to investigate using more inclusive language such as practitioner that all—government and private practice as well as those in industry—may identify with and embrace. ABET’s current use of the term industry alone does not recognize or apply to the entire spectrum of engineering practice.

Rationale
This position statement was originally written to encourage ABET to do more to promote licensure within its accreditation standards. Since it was developed in the early 2000s, positive changes have occurred in this area. For example, the ABET website does promote licensure (see www.abet.org/accreditation/what-is-accreditation/licensure-registration-certification), ABET consistently invites NCEES to its annual symposium to make a presentation on using the FE exam as an outcomes assessment tool, and Criterion 6 of ABET’s Criteria for Accrediting Engineering Programs specifically calls out professional licensure as one method to measure faculty quality.

Board of directors’ position
Endorses, consent agenda

ACCA Motion 4
Move that Position Statement 33 be replaced as shown:

PS 33 Promotion of Licensure
The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public. As such, the Council is committed to promoting and will promote the value of licensure to all audiences.
**PS 33 Promotion of Licensure**

NCEES is committed to promoting the value of licensure in support of its mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

**Rationale**

ACCA supported generally maintaining PS 33 but with a few modifications to more directly connect the promotion of licensure to the NCEES mission. The committee felt that the changes were easier to read when presented as a new position statement than when shown as insertions and deletions in the existing position statement.

**Board of directors’ position**

Endorses, consent agenda

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**ACCA Motion 5**

Move that Position Statement 34 be replaced as shown:

**PS 34 Diversity Within the Engineering and Surveying Professions**

NCEES is committed to advancing licensure to all groups and recognizes the benefits a diverse population of licensed engineers and surveyors provides in shaping the future of professional licensure. NCEES encourages diversity in member boards. Through efforts that promote the value of professional licensure, it strives to create a diverse population of qualified volunteers—without regard to age, race, gender, sexual orientation, religion, color, national origin, or disability—at all levels in order to safeguard the health, safety, and welfare of the public.

**PS 34 Diversity, Equity, and Inclusion**

NCEES is committed to 1) advancing licensure in such a way as to be inclusive of all people for the betterment of engineering and surveying licensure and 2) treating its employees and volunteers of the organization in an equitable and inclusive manner with respect, dignity, and fairness that fosters participation without regard to individual differences. NCEES encourages its member boards to do the same.

**Rationale**

ACCA supported generally maintaining PS 34 but with a few modifications to separately address diversity in the wider professions and within NCEES as an organization. The title was updated to include consideration for equity and inclusion, which is a more comprehensive manner of addressing diversity. The committee felt that the changes were easier to read when presented as a new position statement than when shown as insertions and deletions in the existing position statement.

**Board of directors’ position**

Endorses, consent agenda

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**ACCA Motion 6**

Move that Position Statement 36 be amended as follows:

**PS 36 Sustainability**

NCEES recommends that encourages professional engineers and professional surveyors to incorporate in their work and lives the principles and practices of sustainability to safeguard the health, safety, and welfare of the public—now and in the future.

Sustainability, as defined for this purpose, as-is the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs, through the balanced application of integrated planning and the combination of environmental, social, and economic decision-making processes.

**Rationale**

ACCA supported generally maintaining PS 36 but with a few modifications to make the position statement clearer and to explicitly set parameters for sustainability in both work and personal lives.

**Board of directors’ position**

Endorses, consent agenda
ACCA Motion 7
Move that Exam Administration Policy 10 be amended as follows:

EAP 10 NCEES Examinations Offered to a Foreign Entity Sites

A. Authority of CEO
Upon receiving a request, the chief executive officer may be authorized by the NCEES board of directors to enter into discussions with a foreign entity concerning the administration of NCEES examinations at a foreign site. The discussions will include an assurance that NCEES examinations will be administered in full compliance with all NCEES examination policies and procedures. All costs borne by NCEES to carry out this provision will be reimbursed.

B. Contracting with Foreign Entities
NCEES may contract with the foreign entity to provide administration of its examinations to the foreign entity’s engineering or surveying applicants, upon approval of the Council. A draft agreement that defines areas of responsibility for the foreign entity and NCEES may then be created. The agreement will require, at a minimum, that the foreign entity reimburse all costs borne by NCEES to carry out the provisions of the agreement.

As an exception, the NCEES board of directors is authorized to permit the Fundamentals of Engineering and the Fundamentals of Surveying examinations to be administered at NCEES-approved test sites to applicants from a foreign ABET-accredited engineering or surveying program. At a minimum, all costs borne by NCEES to carry out this provision will be reimbursed.

The chief executive officer is authorized to enter into discussions with foreign entities concerning the administration of NCEES examinations to examinees via computer-based testing (CBT). Any agreement resulting from such discussions requires the approval of the NCEES board of directors.

C. Minimum Criteria for Examinees
For any approved agreement, NCEES will establish minimum criteria for examinees of the foreign entity that are in general conformance with the existing NCEES Model Law and Model Rules. NCEES will retain the score information for examinees of foreign entities and will transmit that information to any member board when requested. Such agreements shall require that any additional costs to NCEES to administer the exams shall be reimbursed by the foreign entity and that CBT examinations shall be administered in accordance with the NCEES examinee testing agreement.

D. Use of Examination Results for Licensure
The Results of the examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board. NCEES makes no representations that passing such exams will qualify the examinee for licensure in any NCEES member board jurisdiction. The results may also be used as well as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system ABET-accredited programs.

However, in the event that the examinee elects to use the results of the examination for the purpose of applying for licensure, the member board may not be precluded from imposing any additional requirements related to state licensure, including but not limited to educational and experience requirements.

E. Restriction on Use of Examination Results
Examinee performance data from examinations provided to a foreign entity shall not be included in exam evaluation or development, used to establish cut scores, or included in exam result statistics for NCEES jurisdictions. Examinee performance data from exams provided to a foreign entity may be evaluated and reported separately.

F. Release of Examinee Performance Data
NCEES may release examinee performance data to an ABET-accredited foreign educational program or to the foreign governing body or professional organization as provided in the contract or as approved by the board of directors.

F. Other Foreign Offerings
The chief executive officer is authorized to approve other foreign sites without foreign entity involvement for use by U.S. military personnel and their spouses and by other individuals approved by the chief executive officer.

Rationale
EAP 10 defines the processes by which NCEES offers its exams at sites outside the United States. Now that all exams except the PE Structural exam have transitioned to CBT, it was necessary to review and update EAP 10. ACCA requested input from NCEES staff who deal directly with offering exams at non-U.S. sites. In consultation
with the EPP Committee, ACCA modified EAP 10 to fit the current methodology that NCEES uses to deal with this issue.

**Board of directors’ position**
Endorses, consent agenda

**ACCA Motion 8**
Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.05:

**Section 4.05 Qualifications.** Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired during their term as NCEES Treasurer or Vice-President may run for President-Elect if
- Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;
- They have obtained emeritus standing within the Council; and
- They have the approval of their state Member Board; and
- It is their zone’s rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

**Rationale**
This motion does not change the intent of this section of *Bylaws* Article 4 but does make the language clearer.

**Board of directors’ position**
Endorses, consent agenda

**ACCA Motion 9**
Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.02, 4.04, and 4.06:

**Section 4.02 Board Membership.** The Board of Directors shall consist of the President, the President-Elect, the Immediate Past President, the Treasurer, and the four Vice Presidents (one from each zone), and one At-Large Member who shall be a public member of a Member Board.

**Section 4.04 Elections and Terms of Office.** The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The President-Elect shall serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President. Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-
numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

At-Large Members shall be elected at the Annual Business Meeting every two years in the manner prescribed in the Bylaws. At-Large Members shall not be eligible for reelection to the same office until at least one full term has elapsed.

New members of the Board of Directors shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

Section 4.06 Vacancies. If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of that term and subsequently serve the full one-year term that he or she was originally elected to serve as President. A vacancy in the office of President-Elect shall remain unfilled until the next NCEES Annual Business Meeting. At that time, the Council will elect a President from the zone of the vacant President-Elect position.

A vacancy in the office of Immediate Past President shall be filled by the most recent available Past President.

A vacancy in the office of Treasurer shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term Treasurer is held at the next Annual Business Meeting.

A vacancy in the office of a Vice President shall be filled by that zone’s Assistant Vice President.

A vacancy in the position of an At-Large Member shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term At-Large Member is held at the next Annual Business Meeting.

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.

Financial impact
The proposed 2022–23 NCEES operating budget includes $15,750 per vice president for travel expenses. Assuming the at-large public member on the board would have similar expenses to a vice president, the same amount specified for a vice president would be added to the budget each year for the at-large public member. The estimated financial impact for fiscal year 2023–24 is $15,750.

Rationale
Public members are active in the Council. They provide different perspectives than professional members, and those perspectives have value to the Council. As an organization dedicated to the advancement of licensure for the protection of the health, safety, and welfare of the public, NCEES should consider those perspectives in all deliberations. Representation from the public has been recognized by nearly all jurisdictions within the Council as an important component for deliberation on licensing boards. Our counterpart organizations in the design professions, such as the Council for Interior Design Qualification, the Council of Landscape Architectural Registration Boards, and the National Council of Architectural Registration Boards (NCARB), include a public member on their boards of directors.

Board of directors’ position
Does not endorse, non-consent agenda

Board of directors’ rationale
Public members are important to NCEES member boards. They provide a different point of view from that of professional engineers, professional surveyors, and/or other professionals who serve on their respective member boards. The board of directors feels that NCEES should provide a pathway for public members to become more involved in NCEES leadership and thus endorses ACCA Motion 10. The board endorses the ability for a public member to be on the board of directors through existing positions without adding a position available only to public members.
ACCA Motion 10
Move that a Special Committee on Bylaws be charged with incorporating the following amendments into Bylaws 4.05:

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed professional engineer, or licensed professional surveyor, or public member; shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the Board of Directors may run for President-Elect if

- Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;
- They have obtained emeritus standing within the Council, they have the approval of their state board;
- It is their zone’s rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer, or licensed professional surveyor, or public member and shall be from the zone that elects him or her.

Rationale
As discussed in Motion 9, public members are active in the Council, they provide different perspectives than professional members, and their perspectives have value to the Council. As an organization dedicated to the advancement of licensure for the protection of the health, safety, and welfare of the public, NCEES should consider those perspectives in all deliberations, including those of Council leadership. Representation from the public has been recognized by nearly all jurisdictions within the Council as an important component for deliberation on licensing boards. Public members are eligible for leadership positions within their respective member board in many jurisdictions. NCARB allows a public member to be president of the board of directors.

ACCA also modified the wording to be consistent in terms of specifying that members of the board of directors must be licensed professional engineers, licensed professional surveyors, or public members. Member board members who represent other professions, such as architecture, geology, etc., are not eligible to hold positions on the NCEES board of directors.

Board of directors’ position
Endorses, non-consent agenda

Committee on Education (9 motions)

Education Motion 1
Move that Position Statement 6 be amended as follows:

PS 6 Examination of Engineering Students
NCEES recommends that all schools with EAC/ABET-accredited engineering programs require students in such programs to take and make a good-faith effort to pass the NCEES Fundamentals of Engineering examination prior to their anticipated date of graduation. Deans, department heads, and faculty members are encouraged to provide FE exam review sessions to assist students in preparing for the exam. NCEES and its member boards should provide resources for the reviews and assist these programs in determining whether students made a good-faith effort to pass the exam.

Rationale
In reviewing PS 6, the committee decided that computer-based testing has altered some aspects of the practices described in this position statement. The member boards are no longer involved with enrolling candidates to sit
for the FE examination and have no means to evaluate student performance. NCEES does provide resources for review—including practice examinations and reference manuals—but does not actively participate in preparing students for the examination; this is deemed a conflict of interest and thus the change noted above.

Board of directors’ position
Endorses, consent agenda

Education Motion 2
Move that Position Statements 7, 8, and 9 be amended as follows:

PS 7 Bachelor of Science Degree in Engineering Technology
NCEES recommends that the boards of licensure, whose statutes do not otherwise prohibit, require any applicant who has a degree in engineering technology, who applies for engineering licensure in any jurisdiction of the United States, and who has not previously been licensed to practice by one of the boards of licensure be required to first demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering technology, acquired through the successful completion of an ETAC/ABET-accredited program or through a board-approved program.

Recognizing that newly ETAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an ETAC/ABET-accredited program if their program is/was accredited within three years after their graduation.

PS 8 Bachelor of Science Degree in Engineering
NCEES recommends that the boards of licensure require any applicant who applies for engineering licensure in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure be required first to demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering, acquired through the successful completion of an EAC/ABET-accredited program or through a board-approved program.

Recognizing that newly EAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an EAC/ABET-accredited program if their program is/was accredited within three years after their graduation.

PS 9 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and Geodesy
NCEES recommends that the boards of licensure require any applicant who applies for licensure to practice surveying in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that in the cases of four-year surveying degrees, such applicant possesses a four-year bachelor of science degree acquired through the successful completion of program for said degree accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or a board-approved program.*

NCEES expects all of its examination preparation to follow current Model Law and Model Rules. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

Recognizing that newly accredited EAC/ABET-, ANSAC/ABET-, or ETAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an EAC/ABET-, ANSAC/ABET-, or ETAC/ABET-accredited program if their program is/was accredited within three years after their graduation.

* Refer to the NCEES position paper “Benefits of a Four-Year Degree Requirement for Surveying Licensure” (2011), available as a PDF on ncees.org under MyNCEES.

Rationale
The last paragraphs in the three position statements deal with backdating Model Law status for graduates from newly accredited programs. The specified periods conflict with current ABET practice. In addition, ABET currently has a process for programs to request backdating of accreditation for up to two years provided certain
provisions are met. NCEES should simply make use of the current ABET process rather than specifying a separate one.

**Board of directors’ position**
Endorses, consent agenda

**Education Motion 3**
Move that Position Statement 9 be amended as follows:

**PS 9 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and Geodesy Geomatics**
NCEES recommends that the boards of licensure require any applicant who applies for surveying licensure to practice surveying in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that in the cases of four-year surveying degrees, such applicant possesses they possess at least a four-year bachelor of science degree in surveying acquired through the successful completion of program for said degree accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), Engineering Technology Accreditation Commission of ABET (ETAC/ABET), an ABET- accredited surveying program or through a board-approved program.*

NCEES expects all of its examination preparation development to follow current Model Law and Model Rules. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

* Refer to the NCEES position paper “Benefits of a Four-Year Degree Requirement for Surveying Licensure” (2011), available as a PDF on ncees.org under MyNCEES.

**Rationale**
The wording changes are proposed to better reflect current surveying practice, to make the structure of PS 9 more like that of PS 8, and to improve the clarity of the position statement to reflect the emphasis on four-year surveying degree programs.

**Board of directors’ position**
Endorses, consent agenda

**Education Motion 4**
Move that Position Statement 12 be amended as follows:

**PS 12 Licensing of Engineering Faculty**
Faculty members who practice engineering as defined by jurisdictional statutes must be licensed. NCEES encourages all faculty members who teach advanced engineering courses, or who are in responsible charge of engineering curricula or engineering research, to be licensed professional engineers. It is the position of NCEES that faculty members who practice engineering as defined by applicable statutes must be licensed.

**Rationale**
The last sentence has been moved to the beginning to emphasize the fact that faculty are not exempt from licensure requirements if they are consulting or providing other engineering services to the public or if the law in the jurisdiction in which their institution is located defines engineering education as part of engineering practice that must be licensed. Otherwise, it is desirable that faculty members be licensed to set an example for their students to pursue licensure.

**Board of directors’ position**
Endorses, consent agenda
**Education Motion 5**
Move that Position Statement 19 be amended as follows:

**PS 19 Education**
The primary role of NCEES is to facilitate professional licensure of engineers and surveyors and uphold standards necessary to safeguard the health, safety, and welfare of the public. The Council strongly advocates quality education to prepare individuals to become engineers and surveyors, including K–12 and university education, as well as continued professional competency for licensees. The Council supports efforts to develop educational standards required for licensure and to expeditiously disseminate those standards to its member boards.

The educational objectives of NCEES are to

A. Advocate quality education that adequately prepares candidates for licensed professional practice, which includes the following:
   1. K–12 education, as it informs students about the fields of engineering and surveying and prepares them for university study
   2. Higher education, which prepares individuals for licensure and professional practice
B. Recognize institutional indicators of quality education, which may include the following:
   1. Program educational objectives and outcomes that include a focus on preparing students for licensed professional practice as described in paragraph A above
   2. Program educational objectives and outcomes that are assessed in part by nationally validated content examinations
   3. Curriculum requirements that equate to the standards for licensure eligibility
C. Establish program indicators of quality education for licensure eligibility, which include the following:
   1. Nationally validated assessment methods
   2. Program educational objectives that specifically direct the educational standards toward that prepare students for licensed professional practice
   3. Compliance with prescribed psychometric analyses that determine pass rates on nationally validated content examinations
D. Assist member boards in evaluating the indicators and metrics as established for licensure eligibility.

**Rationale**
The first change emphasizes that both K–12 and higher education are part of the education necessary for competent professional practice. The second edit clarifies that NCEES does not set program educational objectives but does set educational standards that are benchmarks for appropriate professional education. The third edit clarifies that examination pass rates are established through validated psychometric processes.

**Board of directors’ position**
Endorses, consent agenda

**Education Motion 6**
Move that Position Statement 27 be amended as follows:

**PS 27 Online Education**
NCEES recognizes that online instruction, either in whole or as a supplement to in-person presentation, may become an alternative to traditional-effective delivery method for engineering and surveying education, and encourages the development of methods and techniques that will result in accredited programs that meet requirements for licensure.

**Rationale**
The COVID-19 pandemic has served to accelerate the use of online instruction to provide a broad spectrum of education. A good deal of experience has been gained in the delivery of online programs, and many high-quality online educational materials have been developed. There are a number of online educational programs covering a variety of subject areas, including engineering and surveying. The proposed rewording of this position statement is meant to reflect the reality that online programs are being developed that will be properly accredited to provide the education required for licensed practice.
Education Motion 7
Move that Position Statement 32 be amended as follows:

**PS 32 Evaluation of Qualifications for non-Model Law Engineers and Surveyors**
NCEES recommends that education and experience for non-Model Law license applicants requesting permission to sit for examinations or requesting licensure by comity should be evaluated in accordance with related NCEES position statements and standards.

*When determining whether a non-Model Law candidate's qualifying education is satisfactory, the NCEES Engineering Education Standard should be used for engineering applicants and the NCEES Surveying Education Standard should be used for surveying applicants.*

*Experience for non-Model Law engineering license applicants should be evaluated in accordance with PS 13, NCEES-Recommended Education/Experience Guidelines for P.E. Licensing.*

*Examinations used for licensing of engineers and surveyors should be substantially equivalent to those administered by NCEES. In the event that an alternative to the NCEES examinations is accepted, the specific basis for granting a license without the equivalent examination should be clearly stated in the record.*

*The order in which the education, experience, and examination requirements are attained for engineering or surveying licensure need not follow the order presented in the Model Law. However, the total education, experience, and examination for engineering candidates should meet the minimum standards of NCEES as expressed by PS 13, NCEES-Recommended Education/Experience Guidelines for P.E. Licensing.*

Rationale
The Committee on Education believes that the first paragraph of the statement fully embodies the intent of this position statement. The additional paragraphs are redundant, in that they point to other position statements or standards that are noted in the first paragraph. The additional elaboration is not necessary.

Education Motion 8
Move that the following statements be added to the NCEES Engineering and Surveying Education Standards:

**NCEES Engineering Education Standard**
*The NCEES Engineering Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether or not the Engineering Education Standard has been met.*

**NCEES Surveying Education Standard**
*The NCEES Surveying Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether the Surveying Education Standard has been met.*

Rationale
Designating NCEES as the only entity that can officially certify that the NCEES education standards have been met eliminates the potential for conflict between evaluators. These statements do not restrict member boards from performing their own evaluations or accepting evaluations from third parties, but they do specify that an evaluation by parties other than NCEES should not be considered to provide a definitive assessment of educational credentials with respect to the NCEES standards. The intent of this motion is to eliminate situations in which one entity determines that the credentials of a licensure candidate meet the NCEES standard but a second determines that there are deficiencies.
Move that the Committee on Uniform Procedures and Legislative Guidelines by charged with incorporating the following amendments into Model Rules 240.30:

240.30 Continuing Professional Competency
H. Reinstatement
A licensee may bring applying to reinstate a retired or inactive license to active status by should obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required. If the applicant has not been engaged in the legal practice of engineering for more than five years prior to seeking reinstatement, the licensing board may require the applicant to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

Rationale
The Model Law provides that member boards may impose examination requirements when there is concern about the continued competency of a lapsed licensee who has been out of active practice for more than five years. The parallel section in the Model Rules, which is considered here, does not mention that the licensing board could impose such a requirement. As the Model Rules read now, it appears that acquiring the necessary PDHs is the only requirement that would need to be met, regardless of the length of time that a license has been inactive.

Board of directors’ position
Endorses, consent agenda

Committee on Examination Policy and Procedures (17 motions)

EPP Motion 1
Move that the Exam Development Policy 3 be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats
B. Principles and Practice of Engineering Examinations
The Principles and Practice of Engineering examinations shall be offered in the following disciplines and shall be open-book, pencil-and-paper examinations or offered closed-book via CBT with supplied references as defined in EAP 4:
1. Agricultural and Biological
2. Architectural
3. Chemical
4. Civil—Construction
5. Civil—Geotechnical
6. Civil—Structural
7. Civil—Transportation
8. Civil—Water Resources and Environmental
9. Control Systems
10. Electrical and Computer—Computer Engineering
11. Electrical and Computer—Electronics, Controls, and Communications
12. Electrical and Computer—Power
13. Environmental
14. Fire Protection
15. Industrial and Systems
16. Mechanical—HVAC and Refrigeration
17. Mechanical—Machine Design and Materials
18. Mechanical—Thermal and Fluid Systems
19. Metallurgical and Materials
20. Mining and Mineral Processing
21. Naval Architecture and Marine
22. Nuclear
The 16-hour PE Structural Engineering examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. The 16-hour PE Structural Engineering examination shall be considered and referred to as one examination.

Rationale
The proposed changes give a more complete listing of the examinations and clarify which format is open book and which format is closed book. They also remove the 16-hour title for the PE Structural examination, which is unnecessary and will not be accurate once the transition to CBT is complete.

Board of directors’ position
Endorses, consent agenda

**EPP Motion 2**
Move that Exam Development Policy 4 be amended as follows:

**EDP 4 Entry of New Discipline or Depth Module or Reinstatement to PE Examination Status**

B. Technical Society Requirement Involvement

No discipline shall be added or reinstated unless a technical society agrees to sponsor support the examination. All technical societies that sponsor support examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.

Rationale
The proposed amendments change the role of technical societies from sponsorship to support, in accordance with current practice.

Board of directors’ position
Endorses, consent agenda

**EPP Motion 3**
Move that Exam Development Policy 7 be amended as follows:

**EDP 7 Deleting/Combining/Renaming a Discipline or Module from the Examination Program**

A. Deleting/Combining of Pencil-and-Paper Examinations

If in two consecutive administrations of pencil-and-paper examinations, there have been fewer than 50 total first-time examinees from NCEES jurisdictions in a specific examination or module, the Committee on Examination Policy and Procedures (EPP) shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee and the supporting technical society to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.
3. Place the examination or module on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.
4. Discontinue the examination or module.

B. Deleting/Combining of CBT Examinations

If the population of first-time examinees from NCEES jurisdictions for any NCEES CBT examination or module is not adequate to provide for accurate psychometric analysis, the EPP Committee shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee and the supporting technical society to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that
meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.

3. Place the examination or module on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.

4. Discontinue the examination or module.

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E. Adequate Item Bank Requirement
If an examination-preparing entity fails to have an adequate item bank on file with NCEES at all times as specified in paragraph D of EDP 3, including solutions and knowledges being assessed, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Place the examination or module on probation and recommend specific remedial action that may include contracting for item writing with an outside entity or other such action as the EPP Committee deems appropriate. If such remedial action fails to cause the examination to meet the requirements of paragraph D of EDP 3 within one year after the examination was put on probation, the EPP Committee shall recommend appropriate action to the board of directors.

*****

F. Sufficient Data for Exam Audit Requirement
If an examination-preparing entity fails to provide the Committee on Examination Audit with sufficient data to conduct an adequate audit for two consecutive audit cycles, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Place the examination or module on probation and recommend specific remedial action that the EPP Committee deems appropriate. If the examination entity fails to provide sufficient data to successfully complete the next scheduled examination audit, the EPP Committee shall recommend appropriate action to the board of directors.

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Rationale
The proposed amendments clarify that requests for remedial action plans should be developed by both the exam development committee and the supporting technical societies. They also clarify language regarding sufficient data for exam audits.

Board of directors’ position
Endorses, consent agenda

EPP Motion 4
Move that Exam Development Policy 10 be amended as follows:

EDP 10 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

B. Pass-Point Evaluation Team Requirements
Exam committees shall require that at least one person who participates on the pass-point evaluation team be a person who has worked on the current development of an examination undergoing a pass-point evaluation. The number of current exam development members participating in the pass-point evaluation shall be no more than one-quarter of the pass-point evaluation team. Any exam committee member involved in preliminary testing of the examination undergoing the pass-point evaluation shall be excluded from participating on the pass-point evaluation team for that examination.

C. Restriction on Teaching Refresher Courses
Any person serving on an NCEES examination development committee or involved in a pass-point evaluation panel shall not teach a refresher course related to the preparation for that examination within three years after serving on the committee or panel.
D. Exam Developers Requirement
Any person involved in the development of an NCEES examination who is later required by a member board
to sit for that examination must inform that member board that he or she worked on the development
of that examination.

Rationale
The proposed changes clarify the roles and responsibilities of item writers, reviewers, and scorers and
incorporate gender-neutral language.

Board of directors’ position
Endorses, consent agenda

EPP Motion 5
Move that Exam Development Policy 11 be deleted.

EDP 11 Payment for Examination Items
It shall be the policy of NCEES to compensate the item writers and reviewers of materials for examinations.
Further, NCEES may fund non-board members to attend workshops for the purpose of writing and reviewing
examination materials. The EPP Committee shall recommend to the board of directors a fee schedule for these
purposes.

Rationale
The committee proposes removing the policy covering payment for exam items because no payment for items is
currently in place.

Board of directors’ position
Endorses, consent agenda

EPP Motion 6
Move that Exam Administration Policy 1 be amended as follows:

EAP 1 Administration of Examinations
A. Guidelines and Procedures
NCEES will publish examination administrative procedures that will the Security and Administrative
Procedures Manual to provide guidelines and procedures that member boards shall follow in the use of
NCEES engineering and surveying examinations. The guidelines and procedures will cover matters
concerning security, use, scoring, and general administration of such examinations for the purposes for
which they are designated to ensure fair and equitable treatment of member boards and examination
candidates.

B. Testing Regulations
Member boards or their designated representative NCEES will provide the NCEES Examinee Guide to each
candidate approved to take NCEES examinations. The NCEES Examinee Guide includes information
regarding regulations to be observed during the examinations and actions that may be taken in the event of
a testing irregularity.

C. Candidate Admission
Approval of candidates applying to take NCEES examinations shall be by the individual member boards
or their designated representative. To sit for an NCEES examination, candidates will be
required to obtain a unique identification number from create an account with NCEES. Only candidates with
an NCEES-supplied identification number will be allowed admission into the examination site. Candidates
not allowed admission to the morning session of a pencil-and-paper examination will not be admitted to the
afternoon session.

D. Restriction of Who Can Be in the Examination Room
For pencil-and-paper examinations, only preauthorized member board members, member board staff,
proctors, NCEES-designated representatives, and candidates actually taking an examination will be
permitted in the examination room.

*****
H. Committee on Examination Audit
The Committee on Examination Audit shall include, as part of its auditing responsibilities, a review of the examination administrative procedures manual—Security and Administrative Procedures Manual for content and effectiveness.

I. Banned Registration Requirements
If a member board bans an examinee from registering for an examination as referenced in EAP 8, it shall be the responsibility of that member board to notify NCEES of the specific terms and reasons for the ban. NCEES will update the examinee’s account to make this information available to all member boards. The decision as to whether another member board agrees to honor the terms of the original member board’s decision to ban this examinee’s registration will remain with the individual member boards.

Rationale
These proposed changes incorporate the proper names of publications and reflect current practice for exam administration.

Board of directors’ position
Endorses, consent agenda

EPP Motion 7
Move that Exam Administration Policy 2 be amended as follows:

EAP 2 Examination Schedules
A. Pencil-and-Paper Examinations
A 10-year schedule of examination dates shall be published for the PE Structural Engineering examination, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays.

Member boards NCEES will schedule and administer the PE Structural Engineering examinations on the NCEES-published day for each examination date. For the 16-hour Structural Engineering examination, the The Vertical Forces (gravity/other) and Incidental Lateral component will be administered only on Friday, and the Lateral Forces (wind/earthquake) component will be administered only on Saturday subsequent days.

Any request for deviation from this policy by a member board must be submitted to the NCEES office within the prescribed lead time in order to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. CBT Examinations
NCEES will administer CBT examinations in the published timeframes or on the published dates as noted in the Security and Administrative Procedures Manual. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

Rationale
A 10-year schedule for paper-and-pencil exams is no longer applicable. The PE Structural exam is the sole pencil-and-paper exam. Flexibility has been added to the administration days of the PE Structural exam. Also, member boards no longer administer exams. Some CBT exams are offered on specific dates and not within specific timeframes.

Board of directors’ position
Endorses, consent agenda

EPP Motion 8
Move that Exam Administration Policy 3 be amended as follows:

EAP 3 Release and Return of Examinations and Seating Charts for Pencil-and-Paper Examinations
Exam books will not be released to member boards delivered prior to the regularly scheduled date for shipping orders for a particular administration.

All exam booklets and answer sheets, and solution pamphlets must be returned to the exam printer in accordance with the NCEES Security and Administrative Procedures Manual.
Seating charts for each exam site and other administrative material must be returned transferred back to NCEES in accordance with the NCEES Security and Administrative Procedures Manual.

Rationale
The changes reflect that member boards no longer administer the exams.

Board of directors’ position
Endorses, consent agenda

EPP Motion 9
Move that Exam Administration Policy 4 be amended as follows:

EAP 4 Materials Permitted and Not Permitted in Examination Room
B. Open-book Pencil-and-Paper Examinations
   1. The following reference materials and aids may be brought into the examination room by the examinee for his or her personal use only:
      a. Handbooks and textbooks
      b. Bound reference materials, provided that the material be and remain contained (bound) in a cover during the entire examination. The term “bound” refers to the following:
         (1) Material bound permanently, i.e., stitched or glued
         (2) Material fastened securely in its cover by fasteners that penetrate all papers, e.g., ring binders, spiral binders, plastic snap binders, brads, screw posts. Loose material inside binder pockets does not qualify as bound.
   2. Examinees are not permitted to exchange any reference materials.
   3. Writing tablets, unbound tables, or unbound notes are not permitted in the examination room.
   4. Examinees may tab reference books prior to the examination with Post-it™ type notes and flags, but pads of Post-it type notes and flags are not permitted in the examination room.
C. Closed-book CBT Examinations
   Only NCEES-supplied reference materials are permitted for use in the examination room.

Rationale
The proposed amendments use gender-neutral language and the current names of exam types.

Board of directors’ position
Endorses, consent agenda

EPP Motion 10
Move that Exam Administration Policy 5 be amended as follows:

EAP 5 NCEES Examinations Offered by a Member Board Within Its Jurisdiction Requirements
A. Jurisdiction Limitation Requirements
   A member board may offer NCEES examinations only in its jurisdiction except as noted in paragraph C. The member board must make suitable arrangements to protect the confidentiality and security of the examinations according to NCEES guidelines. Administration of examinations must conform to the NCEES scheduled timeframes for examinations. Individual applicants should apply to the sponsoring member board in accordance with that jurisdiction’s operating policies and procedures. This policy does not preclude an examinee from sitting for a CBT examination in a different jurisdiction.
B. Approved Test Centers
   Approved examinees may sit for a CBT examination at any NCEES-approved test center located in North America or any U.S. territory.
BC. U.S. Military Base Exemption Accommodations
   Approved examinees from the U.S. military serving outside of the United States and U.S. territories and their spouses residing outside of the United States and U.S. territories may request to take a CBT examination at an NCEES-approved test center located outside of these areas. NCEES will review all requests and make recommendations regarding the approval of the request.
Beginning with the April 2022 The pencil-and-paper administration, of the 16-hour PE Structural Engineering exam will be offered as a regional exam and administered only by NCEES. This policy will continue until the exam transitions to computer-based testing. Examinees will be allowed to travel beyond jurisdictional boundaries to take the exam.

Rationale
The proposed changes reflect that member boards do not administer exams, that testing centers do administer exams, and that the PE Structural exam is now offered regionally.

Board of directors’ position
Endorses, consent agenda

EPP Motion 11
Move that Exam Administration Policy 6 be amended as follows:

EAP 6 Access to and Review of Examinations
There shall be no post-administration access to, or review of, examination materials by an examinee or their representative.

Member boards may allow examinees to request that their results for multiple-choice questions from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the NCEES board of directors.

Rationale
The proposed changes incorporate gender-neutral language and reflect that member boards do not administer examinations.

Board of directors’ position
Endorses, consent agenda

EPP Motion 12
Move that Exam Administration Policy 7 be amended as follows:

EAP 7 Requests for Special Examination Accommodations
NCEES, in cooperation with the member boards, must determine reasonable, fair, and equitable methods to be employed to administer examinations to candidates. All such accommodations shall comply with applicable federal and state laws and regulations. NCEES will review all requests for accommodation and make recommendations regarding the approval of the request.

Member boards and testing services must follow the procedures in the Security and Administrative Procedures Manual regarding these requests.

Rationale
The proposed amendments reflect that member boards no longer administer examinations.

Board of directors’ position
Endorses, consent agenda

EPP Motion 13
Moved that Exam Administration Policy 8 be amended as follows:

EAP 8 Release and Use of Examination Results
A. Results Reporting
Examination results shall be released only to the respective member board, or its designee, or and directly to examinees as directed by the member board. Examination results for candidates suspected of an exam irregularity shall not be released until the irregularity has been resolved per the Security and Administrative Procedures Manual. Reporting of examination results for candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.
The converted scores for each candidate will be furnished to member boards upon request. The use of individual candidate scores is for licensure purposes only, that is, to establish minimum competency. Individual candidate names and scores shall not be published, made public, used to make related comparisons, or used for purposes other than licensure. For example, scores above passing shall not be used to rank-order or differentiate among passing candidates.

B. Validity and Integrity
NCEES shall strive to ensure that the validity and integrity of the examinations are preserved and examinees are treated in a fair and equitable manner. NCEES reserves the right to treat exam scores as final and not subject to change after one year has passed from the date of release from NCEES to the member boards. If there is a post-roster change in the exam scores within a year of the date NCEES releases the examination results roster to the member boards, then NCEES will notify the member board only if the post-roster change in exam scores alters a candidate’s status from fail to pass.

NCEES reserves the right to notify the member boards at any time if it learns that a candidate engaged in any improper conduct relating to the exam on which the score was obtained or took any action that jeopardized the security of any other NCEES exam or exam administration.

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Rationale
The EPP Committee reviewed and endorses the amendments to EAP 8 proposed by the Committee on Law Enforcement (see Law Enforcement Motion 2). EPP is proposing additional changes to reflect the current reporting of results in a CBT format.

Board of directors’ position
Endorses, consent agenda

EPP Motion 14
Move that Exam Administration Policy 9 be amended as follows:

EAP 9 Providing Examination Scores Results for Licensing by Comity
When examination scores results are requested for purposes of licensing by comity, member boards should report scores results provided by NCEES as the official scores. Member boards shall refrain from reporting scores that have been increased or decreased by the member board as a result of an internal examination review, a member board policy, or any other action taken unilaterally by the member board.

Rationale
The amendments are proposed because results (pass/no pass) are all that is required.

Board of directors’ position
Endorses, consent agenda

EPP Motion 15
Move that Exam Administration Policy 11 be amended as follows:

EAP 11 Security and Administrative Procedures
Member boards and testing services shall follow current exam security administrative procedures as prescribed by the NCEES Security and Administrative Procedures Manual.

All proctors participating in the administration of NCEES pencil-and-paper examinations shall be supplied with written examination administration and security procedures and instructions prior to each examination in sufficient time to address any questions and shall submit written affirmation that they have reviewed these procedures and instructions.

Rationale
The amendments are proposed to clean up language, reflect that member boards do not administer exams, and clarify that pencil-and-paper exams require that proctors be provided procedures and instructions.

Board of directors’ position
Endorses, consent agenda
Move that Exam Administration Policy 12 be amended as follows:

**EAP 12 Exam Administration Audits**
Member boards or their authorized representatives are required to participate in exam administration audits as established by the NCEES board of directors’ exam administration audit plan in order to ensure consistency in exam administration and security.

Member boards or their authorized representatives will follow the procedures established in the Auditing Compliance with Exam Procedures section of the NCEES Security and Administrative Procedures Manual. These will include member board self-audits, onsite follow-up audits, and the use of current NCEES Compliance and Security Audit forms.

CBT examination forensics, including a secret shopper-type program (which shall include a person who is requested to take the exam at a test center to verify quality assurance of the examination process), may be performed in accordance with the vendor-NCEES contract. Secret shopper exposure to NCEES examination content is restricted to an NCEES staff member or a licensed engineer or surveyor who has already passed the appropriate NCEES exam.

**Rationale**
The amendments are proposed to reflect that member boards no longer administer examinations.

**Board of directors’ position**
Endorses, consent agenda

Move that Position Statement 14 be deleted.

**PS 14 Computer-Based Testing**
The NCEES vision of computer-based testing (CBT) is as follows:

A. Conversion of the NCEES examinations to CBT should eventually include all exams.
B. The content areas, delivery methods, types, and processes associated with the CBT examination are expected to evolve and develop in order to remain current with the progress of professional practices as well as future technological advances to CBT.

**Rationale**
The position statement is no longer needed because all NCEES exams except the PE Structural exam have already transitioned to CBT.

**Board of directors’ position**
Endorses, consent agenda

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into Model Law 130.10.C.2.a:

**130.10 General Requirements for Licensure**

C. Surveying
   2. Licensure as a Professional Surveyor
      a. Initial Licensure as a Professional Surveyor
         A surveyor intern with a specific record of four years or more of combined office and progressive field experience satisfactory to the board in surveying under the supervision of a professional surveyor shall be admitted to the NCEES Principles and Practice of Surveying examination and any required state-specific examinations. Upon passing these examinations, and any required state-specific examinations and satisfying the education and experience requirements, the applicant shall be eligible to be licensed as a professional surveyor, if otherwise qualified.
Rationale
By decoupling the vital surveying experience requirement from the administration of the PS exam, licensing candidates, NCEES, and member boards will all benefit from automating the examination process, removing obstacles and promoting licensure, embracing the diversity of experience within licensing jurisdictions, and lowering the average age of FS and PS examinees (average age is significantly higher than that of FE and PE examinees). It will also provide a flexible licensing pathway for licensure candidates from differing career paths, better accommodate candidates who are protected by the ADA and may face hurdles in the working (field/office) environment, and increase licensure from peripheral disciplines (e.g., photogrammetric).

Board of directors’ position
Endorses, consent agenda

Committee on Finances (6 motions)

Finance Motion 1
Move that the adoption of the 2022–23 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors’ position
Endorses, consent agenda

Finance Motion 2
Move that the adoption of the 2022–23 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors’ position
Endorses, consent agenda

Finance Motion 3
Move that Financial Policy 6 be amended as follows:

FP 6 Examination Charges Prices
The Committee on Finances shall annually review all examination charges prices and propose any changes to examination charges prices for Council vote at the annual meeting. The current exam fees prices are as follows:

<table>
<thead>
<tr>
<th>Examination</th>
<th>Fee</th>
<th>Price</th>
<th>Date approved</th>
<th>Date effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer-based FE*</td>
<td>$475</td>
<td>$225</td>
<td>8/16</td>
<td>1/18</td>
</tr>
<tr>
<td>Computer-based FS*</td>
<td>$475</td>
<td>$225</td>
<td>8/16</td>
<td>1/18</td>
</tr>
<tr>
<td>Pencil-and-paper PE**</td>
<td>$250</td>
<td></td>
<td>8/11</td>
<td>4/13</td>
</tr>
<tr>
<td>Computer-based PE*</td>
<td>$375</td>
<td>$400</td>
<td>8/16</td>
<td>1/18</td>
</tr>
<tr>
<td>Computer-based PS*</td>
<td>$300</td>
<td>$375</td>
<td>8/15</td>
<td>10/16/24</td>
</tr>
<tr>
<td>Structural Lateral Forces component**</td>
<td>$400</td>
<td>8/09</td>
<td>4/11</td>
<td></td>
</tr>
<tr>
<td>Structural Vertical Forces component**</td>
<td>$400</td>
<td>8/09</td>
<td>4/11</td>
<td></td>
</tr>
</tbody>
</table>

For computer-based examinations, examinees are required to pay NCEES directly. All examinees are required to pay NCEES directly; this requirement includes both computer-based and pencil-and-paper examinations.

*Fee Price includes exam development, scoring, and computer-based exam administration.
**Fee Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale
Exams are the primary source of revenue for NCEES and must generate a nominal amount of positive income to ensure that sufficient short-term and long-term resources are available to the organization. This income is used
to fund many programs and services that support the Council’s mission and provide value to the member boards and the general public. The current pricing structure for the CBT exams does not generate sufficient revenue to cover the costs associated with the exams. Continued losses such as those currently being realized by the Council are not sustainable and will negatively affect the organization’s financial health.

**Board of directors’ position**
Endorses, non-consent agenda

**Finance Motion 4**
Move that Financial Policy 6 be amended as follows to incorporate the computer-based PE Structural exam:

<table>
<thead>
<tr>
<th>FP 6 Examination Charges</th>
<th>Fee</th>
<th>Date approved</th>
<th>Date effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pencil-and-paper</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural Lateral Forces component**</td>
<td>$400</td>
<td>8/09</td>
<td>4/11</td>
</tr>
<tr>
<td>Pencil-and-paper</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural Vertical Forces component**</td>
<td>$400</td>
<td>8/09</td>
<td>4/11</td>
</tr>
<tr>
<td>Computer-based Structural exams***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vertical breadth section</td>
<td>$350</td>
<td>8/22</td>
<td>1/24</td>
</tr>
<tr>
<td>Vertical depth section</td>
<td>$350</td>
<td>8/22</td>
<td>1/24</td>
</tr>
<tr>
<td>Lateral breadth section</td>
<td>$350</td>
<td>8/22</td>
<td>1/24</td>
</tr>
<tr>
<td>Lateral depth section</td>
<td>$350</td>
<td>8/22</td>
<td>1/24</td>
</tr>
</tbody>
</table>

***“The current Structural exam will be transitioning from a pencil-and-paper format consisting of a vertical section and a lateral section given on two separate days to a computer-based exam consisting of vertical and lateral sections with separate breadth and depth components for each section in four separate exam seatings. Price includes exam development, scoring, and computer-based exam administration of each section.

**Rationale**
The current pricing structure for the PE Structural exam only provides pricing in a pencil-and-paper format. The proposed language identifies pricing for the current PE Structural components in a pencil-and-paper format through the October 2023 exam administration and sets the prices for each section of the CBT Structural exam beginning with exam administrations in 2024.

**Board of directors’ position**
Endorses, consent agenda

**Finance Motion 5**
Move that Financial Policy 1C be amended as follows:

**FP 1 Council Funds**
C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a level sufficient for each of the following:

1. A designated reserve equal to a minimum amount of 100 percent of the annual operating budget.
2. A designated exam breach reserve equal to the computed cost of a total probable or potential exam breach based on the current approved item replacement costs.
3. A data breach reserve equal to the anticipated costs of such an incident, including lost revenue during recovery, less insurance provisions.
4. A building reserve for long-range capital improvements and replacements for the NCEES headquarters building.

Reserve funds over the breach costs and operating costs in excess of the reserves stated above may be designated by the board of directors for other NCEES mission advancement initiatives or capital projects. If the reserve funds fall below this level the reserve levels stated above, the Council shall strive to correct the
situation. All reserves shall be reviewed annually by NCEES staff and presented to the board of directors and the Committee on Finances.

Rationale
The committee recommends that the current language in FP 1C be revised to clarify the intent that NCEES maintain designated reserves for each of the specified purposes. The committee also recommends that both a data breach reserve and a building reserve be established to protect the overall financial health of the Council.

Board of directors’ position
Endorses, non-consent agenda

Finance Motion 6
Move that Financial Policy 11 be amended as follows:

FP 11 Exam Breach
The board of directors shall review and approve the replacement cost for exam items at least annually, to be applicable in the event of an exam breach covered by this policy. Except as otherwise expressly provided in this policy, each member board the exam delivery contractor shall reimburse NCEES for the then-current replacement costs of all exam questions items whose security is compromised due to negligence while in the contractor’s custody or control of the member board or an agent of the member board, including any test delivery contractor other than NCEES. This policy applies with respect to all secure examinations developed by NCEES. Whether a compromise an exam breach has occurred for purposes of this policy shall be determined by the NCEES board of directors following an investigation of the incident and evaluation of all information submitted by the member board exam delivery contractor, input from third-party consultants if deemed appropriate, and recommendations from a duly constituted NCEES breach committee. Member boards shall not be responsible for any compromise that occurs while examination materials are in the custody or control of a shipping service so long as the member board has shipped the materials in compliance with applicable shipping requirements.

Rationale
The committee recommends revising the existing language in FP 11 for clarification and to reflect current practices related to a potential exam breach.

Board of directors’ position
Endorses, non-consent agenda

Committee on Law Enforcement (2 motions)

Law Enforcement Motion 1
Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendment into Model Law 110.20 O:

110.20 Definitions
O. Disciplinary Action—The term “Disciplinary Action,” as used in this Act, shall mean any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board’s laws and rules. Disciplinary actions include reprimands; administrative fines; the board’s refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; or any combination thereof. Disciplinary action also includes voluntarily surrendering, relinquishing, or agreeing not to renew the license as part of an agreement or board order to avoid disciplinary action for a violation of the board’s laws or rules.

Rationale
The amendment provides examples of disciplinary actions to clarify the definition.

Board of directors’ position
Endorses, consent agenda
EAP 8 Release and Use of Examination Results

C. In Case of an Irregularity

Examination results for any examinee suspected of an exam irregularity will be provided to the affected member board in a report segregated from all other examinee score reports. This report will identify the examinee and provide the examinee score information. After the release of the score report, NCEES will provide the member board with the results of any analysis conducted or other information pertaining to the suspected irregularity. The member board will conduct a review and notify NCEES of its findings and any action taken. An examination irregularity is one that potentially compromises the exam integrity or provides individual candidates with benefits not afforded to other candidates.

D. Examinee Non-Compliance

Examination results for any examinee who fails to comply with the conditions stated in the NCEES Examinee Guide are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above. The following items in the NCEES Examinee Guide are grounds for a candidate to be dismissed from the exam room and for a candidate’s exam results to be invalidated by NCEES:

- Having a device with copying, recording, or communication capabilities in his or her possession
- Having a calculator that is not on the NCEES approved list
- Removing pages from his or her exam booklet on pencil-and-paper examinations
- Leaving the exam area without authorization

The following are the items in the NCEES Examinee Guide that are grounds for a candidate’s exam results to be invalidated by a member board:

- Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession
- Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- Beginning the exam before the proctor instructs him or her to do so
- Failing to stop writing immediately when time is called on pencil-and-paper examinations
- Writing on anything other than the exam booklet or answer sheet on pencil-and-paper examinations
- Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation

The following item in the NCEES Examinee Guide falls under collusion and is already grounds for invalidation by the member boards:

- Copying from another examinee’s answer sheet or colluding with other examinees

C. Exam Irregularities

All NCEES exam irregularities should be evaluated by NCEES with regards to invalidation of exam results. If a candidate fails to comply with the conditions stated in the NCEES Examinee Guide, NCEES shall have the authority to invalidate exam results and, furthermore, shall have the authority to suspend a candidate’s ability to take an NCEES examination for up to three years. If deemed appropriate, NCEES shall also have the right to pursue additional restrictions on future testing, civil remedies, and/or criminal remedies. NCEES will notify the member board selected by the examinee of the specific terms and reasons for the invalidation and/or ban. NCEES will update the examinee’s account to make this information available to all member boards.

If a member board objects to NCEES’ decision to ban an examinee’s registration, NCEES will update the examinee’s account to allow the examinee to select that member board and register for an examination in accordance with the terms set forth by that member board.

Rationale

NCEES delegates passed a 2020–21 Advisory Committee on Council Activities motion to charge the appropriate committee with incorporating the first paragraph under the proposed Exam Irregularities section above. The ACCA rationale for the motion was as follows: “Making these changes will provide consistency in determining exam invalidation for examinees who violate the exam rules provided in the NCEES Examinee Guide. Member boards will no longer have to shoulder the responsibility for conducting investigations into exam irregularities. They will still be informed of the identity of any examinee whose results are invalidated, and the reason for invalidation will be noted in the NCEES Enforcement Exchange database.”
The Committee on Law Enforcement recommends adding additional language (paragraphs 2–3 in the proposed Exam Irregularities section) to outline a process for communication and documentation of NCEES’ decision and to provide relief for a member board that does not agree with NCEES’ decision to ban an examinee’s registration. These changes replace EAP 8.C, In Case of an Irregularity, and EAP 8.D, Examinee Non-Compliance, which primarily address exam irregularities during pencil-and-paper exam administrations.

**Board of directors’ position**
Endorses, consent agenda

**Committee on Uniform Procedures and Legislative Guidelines (6 motions)**

**UPLG Motion 1**
Move that Position Statement 16 be amended as follows:

**PS 16 Electronic Technology**
The use of digital signatures has dramatically changed the practice of producing, submitting, and reproducing reports, drawings, and specifications by practitioners, but the need to safeguard the health, safety, and welfare of the public has not changed.

The use of digital signatures can adequately safeguard the public if the appropriate guidelines are followed. Electronic technology must be encouraged in an open and unrestrictive environment. It is the responsibility of the state member boards and other jurisdictions to encourage the use of digital signature technology to further safeguard the public from the current common practice of delivering documents electronically with no security or protection. Refer to [Model Rules](#) 240.20, Seal on Documents, for further information.

**Rationale**
The UPLG Committee feels that more-detailed information is included in the Model Rules and thus adding a reference to it seems prudent.

**Board of directors’ position**
Endorses, consent agenda

**UPLG Motion 2**
Move that Position Statement 37 amended as follows:

**PS 37 Remote Sensing Technologies**
In the interest of safeguarding the public health, safety, and welfare, the use of remote sensing technology (including but not limited to both aerial, and ground based, and hydrographic) to perform professional services defined in NCEES Model Law 110.20 A.5, Practice of Engineering, and 110.20 B.4, Practice of Surveying, shall be under the responsible charge of an appropriately licensed professional.

**Rationale**
The UPLG Committee feels that these revisions to PS 37 improve clarity and that adding hydrographic as an example makes the position statement more comprehensive.

**Board of directors’ position**
Endorses, consent agenda

**UPLG Motion 3**
Move that Model Rules 240.30 C be amended as follows:

**240.30 Continuing Professional Competency**
The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

C. **Qualifying Activities**
PDHs may be earned as follows:
1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for documented individual or group study. The method of delivery can be through the following:
   a. Face-to-face programs or live internet-based programs
   b. Archived prerecorded programs or archived correspondence programs
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies or in accrediting organizations
7. Obtaining a patent
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students

Rationale
The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “The committee feels that the efforts to obtain a patent are qualifying activities for PDHs. The current language simply states, ‘patent,’ and this motion corrects the language to be an action similar to the other items in section C.”

The UPLG Committee agrees with the revision.

Board of directors’ position
Endorses, consent agenda

UPLG Motion 4
Move that Model Rules 240.30 D be amended as follows:

240.30 Continuing Professional Competency
The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.
D. Units
The conversion of other units of credit to PDHs is as follows:
1. 1 semester hour ......................................................................................................................... 45 PDHs
2. 1 quarter hour .......................................................................................................................... 30 PDHs
3. 1 continuing education unit ................................................................................................... 10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional
   or technical presentations made at meetings, conventions, or conferences ..................... 1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2*
6. Publications
   a. Each published peer-reviewed paper or book in the licensee’s area of
      professional practice ........................................................................................................... 10 PDHs
   b. Each published paper or article (other than 6.a above) in the licensee’s
      area of professional practice ............................................................................................ 5 PDHs
7. Active participation in professional and technical society (each organization) ............ 2 PDHs
8. Each patent ......................................................................................................................... 10 PDHs
9. Active volunteer participation in standards or code development technical
   committees, standards, or code commissions ................................................................. up to 4 PDHs
   1 hour of outreach activities .............................................................................................. 1 PDH (not to exceed 3 PDHs)
* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

Rationale
The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “Volunteers who hold P.E./P.S. licenses and are active in standards or codes...
development spend many hours collaborating to develop these standards and guides. The work required to develop codes and standards is engineering or surveying related. The committee feels that the efforts to develop codes and standards within the engineering and surveying professions are qualifying activities for PDHs.”

The UPLG Committee agrees with the revision.

**Board of directors’ position**
Endorses, consent agenda

**UPLG Motion 5**
Move that *Model Rules* 240.30 E be amended as follows:

**240.30 Continuing Professional Competency**
The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

E. Determination of Credit
The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
   a. A semester credit hour represents 15 classes with 1 hour of instructional time plus 2 additional hours of student engagement with the subject material through homework, laboratory work, internships, practicums, studio work, or other academic work, resulting in 45 PDHs.
   b. A quarter credit hour represents 10 classes with 1 hour of instructional time plus 2 additional hours of student engagement with the subject material through homework, laboratory work, internships, practicums, studio work, or other academic work, resulting in 30 PDHs.

2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.

3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).

4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

**Rationale**
The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 E related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “Member boards treat professional development hours earned through college courses differently. Some follow the *Model Rules*; others define the number of hours based on contact hours. The committee feels that the current *Model Rules* addresses PDHs accurately and is providing the amendment ... to help clarify why one semester hour is equal to 45 professional development hours.”

The UPLG Committee added the bullet point about quarter hours since this was inadvertently left out by the Committee on Education last year. UPLG added further explanation in the bullet points for clarification.

**Board of directors’ position**
Endorses, non-consent agenda

**UPLG Motion 6**
Move that *Model Law* 130.10 C be amended as follows:

**130.10 General Requirements for Licensure**
Education, experience, and examinations are required for licensure as a professional engineer or professional surveyor as set forth by the jurisdiction.

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C. Surveying
2. Licensure as a Professional Surveyor
   a. Initial Licensure as a Professional Surveyor
      A surveyor intern with a specific record of four years or more of combined office and field experience satisfactory to the board in surveying under the supervision of a professional surveyor and satisfactory to the board shall be admitted to the NCEES Principles and Practice of Surveying examination and any required state-specific examinations. Upon passing these examinations, the applicant shall be licensed as a professional surveyor, if otherwise qualified.

Rationale
Last year’s UPLG Committee was charged with reviewing the Model Law and Model Rules to determine if processes outlined within the documents place an unintended barrier to potential licensees from underrepresented groups. The committee’s rationale for its amendments was as follows: “As a result of this review, the committee decided that the Model Law terms ‘combined office’ and ‘field experience’ … could be a barrier to people with physical disabilities. It is therefore proposing to remove the specifics of office and field experience in the model document and to instead make it clear that the progressive experience should be satisfactory to the board. Making the language broader would help facilitate comity licensure among boards.”

The proposed amendments simplify the language and allow “progressive” to relate to both field and office experience.

Board of directors’ position
Endorses, non-consent agenda

Engineering Licensure Model Task Force (1 motion)
ELMTF Motion 1
Move that Position Statement 35 be replaced as shown:

**PS 35 Future Education Requirements for Engineering Licensure**
One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession. For the purpose of this Position Statement, a bachelor’s degree is in engineering from a program accredited by EAC/ABET or a bachelor’s degree in engineering that meets the NCEES Engineering Education Standard as determined by NCEES.

NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:

A. A bachelor’s degree and a master’s or earned doctoral degree in the same technical area of engineering from a program that offers an EAC/ABET-accredited bachelor’s degree

B. A master’s degree in engineering from a program accredited by EAC/ABET

C. A bachelor’s degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering

D. A bachelor’s degree and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)

E. A bachelor’s degree and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant’s capability in their technical area of practice

1. ALDs can be earned through credit or noncredit courses. The applicant shall be required to demonstrate successful completion and that the coursework was of sufficient content and rigor.
2. Coursework may include university courses, industrial in-house specialty courses, short courses and certification courses offered by professional and technical societies, and other courses meeting standards to be developed by NCEES.

3. At least 40 ALDs shall be from technical engineering coursework. Nontechnical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control.

4. For non-university-provided coursework, a course that earns ALD credit must have a syllabus, learning objectives, and outcomes assessment.

5. For non-university-provided coursework, one ALD unit shall be defined as eight hours of contact time.

6. For university-provided coursework, a three-semester credit hour course shall equal six ALDs.

7. Any single course must consist of at least one ALD.

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

**PS 35 Framework for Future Engineering Licensure**

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional knowledge and skills will require the licensure process, including education and experience requirements, to be updated to meet these changing needs and ensure a competent level of professional engineering practice. NCEES supports a licensing framework that covers the life cycle of a professional engineer, with multiple focused pathways to licensure. These pathways include supplemental education focused on depth of technical knowledge and professional practice, a robust and adaptable system for assessment and evaluation, a system of focused and progressive experience, and lifelong learning.

NCEES recognizes that different areas of engineering practice may have differing requirements or paths to demonstrate a competent level of professional knowledge and skills. These future pathways will be developed to address the needs of the various areas of engineering practice as appropriate to safeguard the health, safety, and welfare of the public and support the strength and growth of the engineering profession.

Pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet future education and experience requirements include the following:

A. A bachelor’s degree in engineering or engineering technology

B. Focused and guided supplemental education requirements prior to licensure to address technical depth and professional practice, which may include
   a. Additional formal education, such as a master’s or doctoral degree
   b. Certifications by recognized technical professional organizations
   c. Professional-level continuing education courses

C. Focused and guided experience prior to licensure

D. Increased professional mentorship during the licensure process

**Rationale**

The current PS 35 language is prescriptive and, to a large degree, unworkable. The replacement language is forward looking and flexible. Different engineering disciplines may very well determine different requirements/expectations for licensure. This language also recognizes the shortcomings now seen in the experience part of licensure and will provide for additional requirements during this crucial phase of the licensure process.

**Board of directors’ position**

Endorses, consent agenda
Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into Model Law 130.10 B.2.b:

130.10 General Requirements for Licensure
B. Engineering
  b. Licensure by Comity for a Professional Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

(2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

(3) An individual holding a certificate of licensure to engage in the practice of engineering issued by any jurisdiction may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three of the following criteria:
   (a) has been actively licensed for a minimum of 10 years continuous immediately preceding application to this jurisdiction;
   (b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to this jurisdiction; and
   (c) has not had their professional license suspended or revoked at any time from any jurisdiction.

3 Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.
4 Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify his or her competency.

Rationale
The Western Zone believes that proposed changes to existing licensure laws by local legislative bodies have been increasing in frequency and severity and that this addition to the Model Law will allow jurisdictions, if they so wish, to remove regulatory barriers and allow expediency to professional engineering licensure without increased hazard to the public that each board serves. The intent is to utilize a history of board-monitored safe practice in lieu of any unique licensure criteria applied on a jurisdiction-by-jurisdiction basis that could prevent licensure of otherwise qualified individuals.

Board of directors' position
Does not endorse, non-consent agenda

Board of directors' rationale
The board of directors does not endorse this change because it essentially plays to the lowest engineering licensure requirements. A number of boards have educational requirements, and this change would allow an experience-only path for those states, since some other jurisdictions have experience-only paths. This path would conflict with the current model documents and professional policies that refer to the three-legged stool of education, experience, and examinations. The board also questions whether 10 years is a long enough license requirement.
IX. President’s Report/Board Member Activities
X. **Approval of Meeting Minutes (Possible Action)**

A. Approval of the Minutes of the June 23, 2022, Board Meeting
I. Roll Call to Establish a Quorum
President Mathieson called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance
Mr. Sanchez led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda
During Public Comment, an individual by the name of Hannah Camp inquired about the civil engineering licensure process after experiencing long delays for application review. Mr. Moore indicated that the Board will be discussing this matter later in the meeting.

IV. Administration
A. Fiscal Year 2021/22 Budget Report
Mr. Moore reviewed the budget report. He noted there is not much of a change since the May meeting. There is a slight change in revenue in the positive direction. He explained that we will not see changes until Fiscal Month 13 closes. It has been trending in the direction projected.

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

Ms. Eissler reviewed the amendment as it relates to the ASBOG examinations specifically for the Fundamentals of Geology and the Practice of Geology
national examinations. Beginning in the spring of 2023, ASBOG will be administering the examinations rather than the Board, and they will collect the examination fees directly. There are changes that need to take place in regulation that references examination fees to remove those references as the Board will no longer be collecting them. In addition, updating the regulations relating to abandoned applications and postponements will bring them in line with the current operating procedures of the Board.

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

**VOTE:** 9-0, Motion Carried

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B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 3021, 3023, and 3032 relating to Applications, Computation of Qualifying Work Experience, and Schedules of Examinations
Ms. Eissler announced this item would be discussed at the August meeting.

C. Amendments to and Adoption of Title 16, California Code of Regulations sections 427.10, 427.20, and 427.30 relating to References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers

Ms. Eissler announced this item would be discussed at the August meeting.

VIII. Exams/Licensing
D. Examination/Licensing Updates

Mr. Moore reported that, during the transition to Connect, the Board publicized a deadline of September 30, 2021, to receive all paper applications related to Civil Engineer and Professional Land Surveyor licenses. After that date, all new applications would need to be submitted in the Connect system upon the November 10, 2021, Product Increment (PI) 3.5 release. There were far more paper applications by the end of September than the Board had previously received for civil engineering applications. When the transition to Connect took place, there was a significant change to the licensing application process. Staff had to process legacy (paper) applications while simultaneously processing the applications through Connect.

In addition to the new civil engineering and land surveying applications being submitted through Connect, PI 3.5 also included the ability for applicants to register and pay for the state-specific civil engineering and land surveying examinations through Connect. Legacy applicants who still needed to pass a state-specific examination needed to be able to create an account in Connect and register and pay for the examinations. Staff initially identified about 40,000 applicants in the legacy system who still needed to take a state-specific examination. This total was a result of the number of applicants who had submitted civil engineering and land surveying applications within the last two decades who have yet to complete the application process. It was eventually narrowed down to approximately 7,000 as many had not ever attempted to take a state-specific examination. If there is no activity on their application for 24 months, the applications are considered abandoned, and the applicant must start the application process over. This timeframe was extended to allow those who had not taken an examination the ability to do so. Staff along with the Connect developers came up with a method to allow these applicants an opportunity to access Connect for the first time to register and pay for the state-specific examinations without having to go through the application process again. Consequently, overall application processing timeframes were extended.

Applicants are currently experiencing a 4-5 month processing timeframe for reviewing and approving applications. While this timeframe is consistent with many of the Board’s previous application process timeframes prior to
Connect, it is not the timeframe staff expects with the new system once the transition is fully complete. Applicants and staff are accustomed to a 30-60 day processing timeframe. Dawn Hall and the Administrative Unit identified trends in common deficiencies, such as missing fingerprints, transcripts, and references. The application timeframe is no longer increasing the way it had been, and staff is getting a much better handle on the volume of applications.

The legacy applications are still being reviewed, and the timeframes are shortening to about 3 months. The goal is to get through technical review, identify deficiencies, and allow applicants to sit for the exams. As of January, there have been close to 800 professional engineer and land surveyor applications approved in thelegacy system and the scheduling of over 1,700 state exam requests in both Connect and transferred legacy applicants. Board staff is working diligently to process those requests. Mr. Moore is optimistic that the processing time will return to the 30-60 day timeframe by the end of the year.

During Public Comment, Ms. Camp thanked the Board for their time and asked additional follow-up questions.

VI. Legislation
A. 2022 Legislative Calendar
   Ms. Eissler reviewed the Legislative calendar. Summer recess occurs in July, and the Legislative Session ends at the end of August.

B. Discussion of Legislation for 2022
   1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
      No action taken.
   2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
      No action taken.
   3. AB 1733 (Quirk) State bodies: open meetings.
      No action taken.
   4. AB 1795 (Fong) Open meetings: remote participation.
      No action taken.
   5. SB 1120 (Jones) Engineering, land surveying, and geology.
      MOTION: Mr. Novak and Ms. Irish moved to take a position of “Support” on SB 1120, as amended June 15, 2022.
      VOTE: 9-0, Motion Carried
   No action taken.

7. SB 1365 (Jones) Licensing boards: procedures.
   No action taken.

8. SB 1443 (Roth) The Department of Consumer Affairs.
   **MOTION:** Dr. Qureshi and Dr. Amistad moved to take a position of
   “Support” on SB 1443, as amended May 19, 2022.
   **VOTE:** 9-0, Motion Carried

9. SB 1495 (Committee on Business, Professions and Economic
   Development) Professions and vocations.
No action taken.

VII. Enforcement
A. Enforcement Statistical Reports
   A. Fiscal Year 2021/22 Update
      Ms. Criswell reviewed the enforcement statistics. Ms. Wong pointed out an
      increase in licensees who are subject to discipline. Ms. Criswell explained
      that there may be one subject with multiple projects, so separate complaint
      investigation cases are opened; when the investigations are referred to the
      Office of the Attorney General for formal disciplinary action, they are
      combined into one case.

IX. Executive Officer’s Report
A. Rulemaking Status Report
   Mr. Moore reviewed the status report and noted that Item 4 (Definition of Traffic
   Engineering) and Item 5 (Definitions of Negligence and Incompetence and
   Responsible charge Criteria for Professional Geologists and Professional
   Geophysicists) have lower priorities than the rulemaking packages relating to
   the ASBOG examination fees and application processing.

   B. Update on Board’s Business Modernization Project
      The Board is currently in the warranty period of the project. Some clean-up
      remains before the vendor receives payment prior to transitioning to the
      maintenance and operations phase which is expected to start July 1, 2022. Mr.
      Moore reviewed feedback received from the users of the Connect system.

   C. Personnel
      Mr. Moore reported that two licensing evaluator vacancies have been filled.
      Staff is currently working on the recruitment process to back fill the front desk
      vacancy which is a result of a promotion. Staff Geologist Laurie Racca’s
      retirement will create a vacancy. Interviews for that vacancy will take place next
      week.

   D. ABET
      ABET usually contacts the Board mid- to late summer about potential visits and
      observers. Mr. Moore will reach out to Board members to see if anyone is
      interested in attending once we receive information about potential visits.

   E. Association of State Boards of Geology (ASBOG)
      Mr. Moore is finalizing an out-of-state travel request to attend the ASBOG
      Annual Meeting in North Carolina. The request will likely be denied as ASBOG
      offers the ability to participate virtually and North Carolina is on the banned
      travel list. President Mathieson reported that she participated in the ASBOG
      Nominations Committee for officers to be elected in the fall.

   F. National Council of Examiners for Engineering and Surveying (NCEES)
      1. Report on Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV
Dr. Qureshi was elected as NCEES Western Zone Vice-President and will be running for President Elect in 2024. Also, Ms. Eissler was awarded the NCEES Western Zone Distinguished Service Award.

2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions

Mr. Moore presented the summary of draft motions and reviewed several for the 2022 NCEES Annual Meeting.

ACCA (Advisory Committee on Council Activities) Motion 1 has an effect on the NCEES budget and is not on the consent agenda. There was some discussion regarding adding a past president slot to each standing committee or task force. The discussion included costs involved for travel associated with those committees.

ACCA Motion 5 references diversity, equity, and inclusion. There were some language changes, and it is currently on the consent agenda.

ACCA Motion 9 and ACCA Motion 10 are similar in what they are attempting. Mr. Moore reported Motion 9 was not endorsed by the Board of Directors and is not on the consent agenda as they believe ACCA Motion 10 better covers the subject matter related to who is eligible for board membership and terms of office. Dr. Qureshi further explained that Motion 9 was to create representation for public members on the Board of Directors and Motion 10 is allowing public members to run for office of president and vice-president which they currently cannot do.

Mr. Moore reviewed the EPS (Examinations for Professional Surveyors) motions. The EPS committee had draft motions related to the number of divisions for the Principles and Practice of Surveying (PS) examination. After feedback from all four zones and the Board of Directors, the committee has chosen to pull back those motions and wait until the current occupational analysis study is completed later this summer to be evaluated fully by the committee.

Finance Motion 3 – Mr. Moore reported on the change of the fees going forward to be sustainable as a not-for-profit organization and to cover the costs for the exams. This was highly debated at the zone meeting.

Finance Motion 4 – Mr. Moore explained that the two structural exam sections did not have any revisions as they are still in paper form. Currently, the exam fee is $400.00 per section, totaling $800.00 to sit for the full two-day structural exam. When the structural exam converts to CBT, the fees will be $350 per section, totaling $1,400.00 for four sections which will be spread out as an applicant can schedule for each section separately.
Finance Motion 5 – The new NCEES Chief Financial Officer has pointed out that even the not-for-profit organization must be able to remain sustainable and make enough profit to remain sustainable for its mission.

UPLG Motion 6 – Mr. Moore brought this motion to the Board’s attention as it garnered a lot of discussion at the zone meeting. It was in reference to office and field experience for land surveying applicants whether it should be combined to simply indicate experience.

Policy Statement 35 - Ms. Eissler discussed and recalled that there was a lot of discussion about what ultimately became the “BS+30” Policy Statement/Policy Statement 35. The idea was they would not require a master’s degree for licensure as a Professional Engineer; they would require a bachelor’s degree plus 30 additional units. It was originally in the Model Law, which for many member boards would be a mandated requirement that would be difficult to implement. Therefore, it was removed from the Model Law and ended up being a Policy Statement. The Engineering Model Task Force was assigned to review it and has proposed a complete revision. There was some discussion of it at the zone meeting because it was difficult to discern the actual wording due to the way it was presented via PowerPoint. Ms. Eissler noted that it is currently on the consent agenda, but considering the discussions that have occurred in the past about it, it may likely be pulled from consent. It has never affected our Board; however, our Board has never supported it.

Western Zone Motion 1 – Mr. Moore reported that the New Mexico Board proposed adding a third pathway to comity licensure to the Model Law and requested that it be a Western Zone Resolution to be presented at the Annual Meeting for consideration. There were discussions at the zone meeting with varying opinions. The Zone did vote in favor of it being presented as a Zone Resolution. The NCEES Board of Directors does not support the proposal, and it is not on the consent agenda. Mr. Moore believes it is not beneficial to pursue this pathway.

G. Update on Outreach Efforts
Mr. Moore reviewed the outreach efforts.

X. President’s Report/Board Member Activities
President Mathieson prepared the message from the President for the new Strategic Plan.

XI. Nomination and Election of President and Vice President for Fiscal Year 2022/23
President Mathieson reported that Board Members Fel Amistad and Alireza Asgari both served as the Nominating Committee. Dr. Amistad reported that they are nominating Rossana D’Antonio for the Board President position and Mike Hartley for the Vice President position.
MOTION: Mr. King and Ms. Irish moved to close nominations.

VOTE: 9-0, Motion Carried

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MOTION: Dr. Qureshi and Dr. Amistad moved to elect Rossana D'Antonio as Board President and Mike Hartley as Vice-President for Fiscal Year 2022/23.

VOTE: 9-0, Motion Carried

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XII. Approval of Meeting Minutes

A. Approval of the Minutes of the May 2, 2022, Board Meeting

MOTION: Mr. Novak and Dr. Amistad moved to approve the minutes.
VOTE: 7-0-2, Motion Carried

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XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting
Mr. Moore proposed changing the October meeting date from October 13-14 to October 20-21, 2022. There was one scheduling conflict with Board member Paul Novak.

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

XV. Open Session to Announce the Results of Closed Session
During Closed Session, the Board took action on two stipulations and three proposed decisions.

XVI. Adjourn
The meeting adjourned at 3:32 p.m.

PUBLIC PRESENT
Hannah Camp
XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting
XII. Closed Session – The Board will meet in Closed Session to discuss, as needed:
   A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
   B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
   C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
   D. Pending Litigation [Pursuant to Government Code section 11126(e)]
XIII. Open Session to Announce the Results of Closed Session
XIV. Adjourn