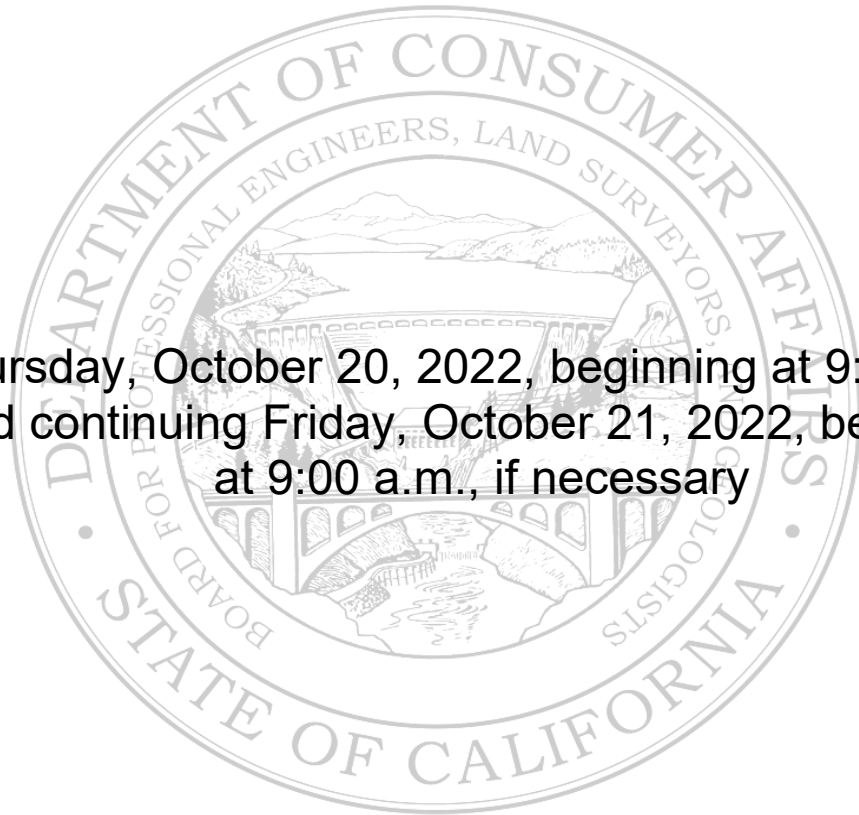




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, October 20, 2022, beginning at 9:00 a.m.,
and continuing Friday, October 21, 2022, beginning
at 9:00 a.m., if necessary



County of Riverside
Transportation Annex Building
Conference Rm. 3
3525 14th Street
Riverside, CA 92501

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

BOARD MEETING

OCTOBER 20-21, 2022

County of Riverside
Transportation Annex Building
Conference Rm. 3
3525 14th Street
Riverside, CA 92501

BOARD MEMBERS

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

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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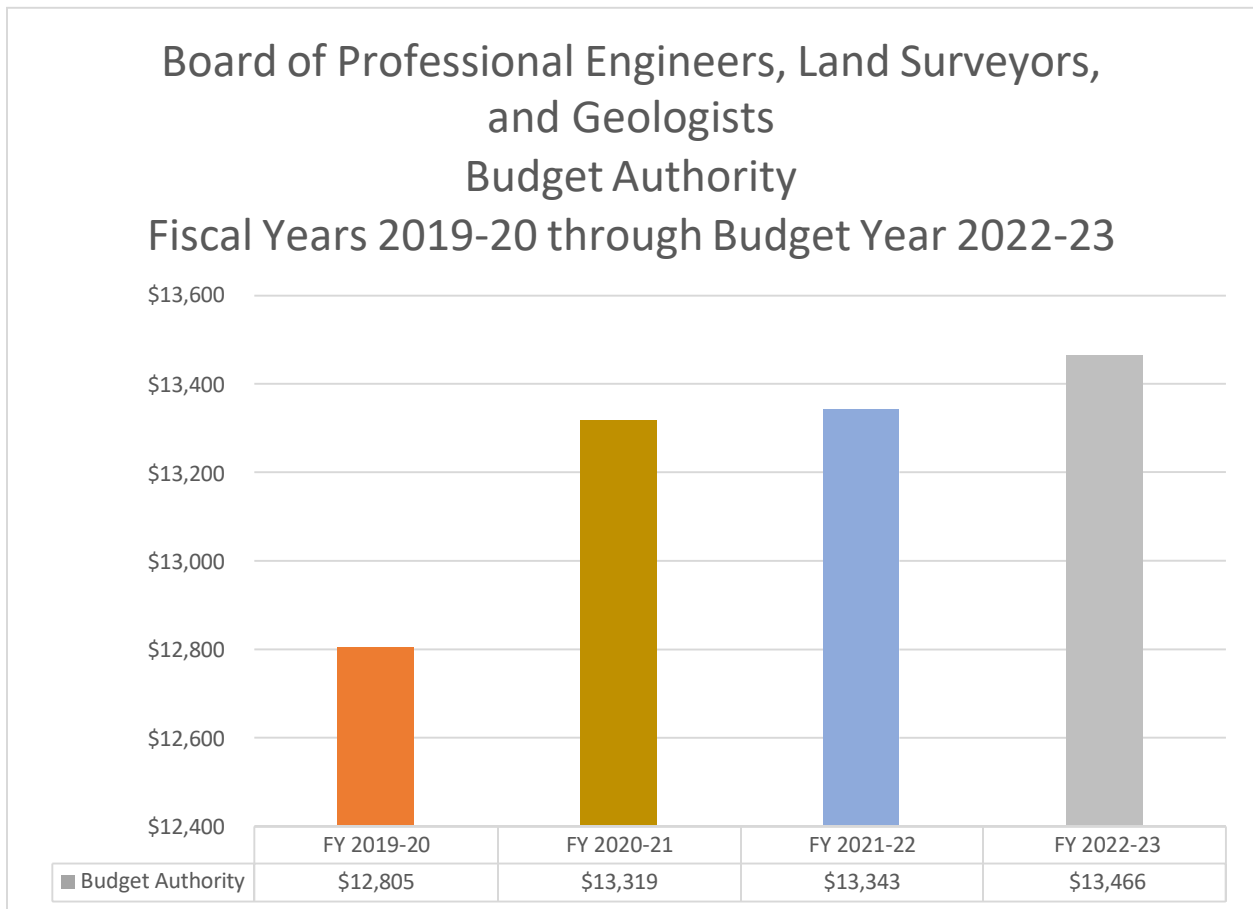
IV. Administration

- A. Fiscal Year 2021/22 Year-End Summary
- B. Fiscal Year 2022/23 Budget Report

FINANCIAL REPORT

BUDGET AUTHORITY

The Board's Budget Authority for fiscal year (FY) 2022-23 is \$13,466,000 (10% increase over FY 2021-22). Board actual expenditures for FY 2021-22 were 90% of Budget Authority.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

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

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

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

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

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

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

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

Department of Consumer Affairs
Expenditure Projection Report

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

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

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

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

PERSONAL SERVICES

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

OPERATING EXPENSES & EQUIPMENT

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

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

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

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

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

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

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

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

FINANCIAL REPORT

FISCAL YEAR 2021-22 FISCAL MONTH 13 FINANCIAL STATEMENT

Revenues

Fee increase effective January 1, 2021, and significant increase in initial application volume has had a positive impact on revenues. Total revenue up \$3,967,739 (32%) over prior year.

Revenue Category	PRIOR YEAR FY 2020-21 FM 13	PRIOR YEAR FY 2021-22 FM 13	CURRENT YEAR FY 2022-23 PROJECTION
Delinquent Fees	\$121,554	\$148,793	\$150,044
Other Regulatory Fees	\$104,065	\$131,025	\$117,586
Other Regulatory Licenses & Permits	\$1,571,215	\$2,064,198	\$1,638,188
Other Revenue	\$55,419	\$41,233	\$16,156
Renewal Fees	\$6,706,847	\$10,141,601	\$9,081,441
Total	\$8,559,100	\$12,526,850	\$11,003,811

There was a significant increase in FY 2021-22 initial application volume and revenue over prior years. The increase in revenue is due to the fee increase effective January 2021, and the uptick in volume of initial applications received. The current year projections do not assume the increase in volume will continue to trend up and the projections are based on the average of applications received over a five-year lookback period.

Reimbursements totaled \$117,983 including \$67,546 for background checks and \$50,437 in cost recovery. Background check expenses are included in the General Expense category.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 13

Fiscal Year: 2021 - 2022

Run Date: 9/06/2022

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 13 YTD + Encumbrance	CY 21-22 FM 13 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$2,889,399	\$3,332,807	\$3,589,000	93%	\$3,332,807
	5100 TEMPORARY POSITIONS	\$117,593	\$135,804	\$232,000	59%	\$135,804
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$11,581	\$81,423	\$36,000	226%	\$81,423
	5150 STAFF BENEFITS	\$1,654,806	\$1,872,789	\$1,776,000	105%	\$1,872,789
	PERSONAL SERVICES	\$4,673,379	\$5,422,833	\$5,633,000	96%	\$5,422,833

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$73,473	\$79,831	\$32,000	249%	\$79,831
3	5302 PRINTING	\$44,218	\$88,647	\$26,000	341%	\$88,647
	5304 COMMUNICATIONS	\$21,489	\$17,781	\$15,000	119%	\$17,781
	5306 POSTAGE	\$26,378	\$25,640	\$36,000	71%	\$25,640
	5308 INSURANCE	\$641	\$83	\$0	0%	\$83
	53202-204 IN STATE TRAVEL	\$543	\$12,726	\$22,000	58%	\$12,726
	53206-208 OUT OF STATE TRAVEL	\$0	\$1,199	\$0	0%	\$1,199
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$2,000
4	5324 FACILITIES*	\$758,293	\$561,821	\$377,000	149%	\$561,821
5	53402-53403 C/P SERVICES (INTERNAL)	\$794,105	\$769,427	\$696,000	111%	\$769,427
6	53404-53405 C/P SERVICES (EXTERNAL)	\$2,295,647	\$1,811,998	\$3,324,000	55%	\$1,811,998
7	5342 DEPARTMENT PRORATA	\$1,547,520	\$1,762,424	\$1,935,000	91%	\$1,762,424
8	5342 DEPARTMENTAL SERVICES	\$16,269	\$25,247	\$27,000	94%	\$25,247
	5344 CONSOLIDATED DATA CENTERS	\$41,854	\$11,383	\$22,000	52%	\$11,383
	5346 INFORMATION TECHNOLOGY	\$110,587	\$170,071	\$166,000	102%	\$170,071
	5362-5368 EQUIPMENT	\$27,475	\$53,080	\$0	0%	\$53,080
9	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$1,853	\$4,106	\$0	0%	\$4,106
	OPERATING EXPENSES & EQUIPMENT	\$5,760,344	\$5,397,646	\$6,696,000	81%	\$5,397,646
	OVERALL TOTALS	\$10,433,723	\$10,820,297	\$12,329,000	88%	\$10,820,297

*Includes additional \$75k Architecture Revolving Fund Expenses

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

Analysis of Fund Condition

Prepared 10.03.2022

(Dollars in Thousands)

PY 21-22 Actuals & CY 22-23 FM 2 Projections

	PY 2021-22	CY 2022-23	BY 2023-24	BY+1 2024-25
BEGINNING BALANCE				
	\$ 2,351	\$ 3,098	\$ 2,246	\$ 2,612
Prior Year Adjustment	\$ 171	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,522	\$ 3,098	\$ 2,246	\$ 2,612
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 149	\$ 150	\$ 150	\$ 150
4127400 Renewal fees	\$ 10,142	\$ 9,081	\$ 10,584	\$ 10,584
4129200 Other regulatory fees	\$ 131	\$ 117	\$ 117	\$ 117
4129400 Other regulatory licenses and permits	\$ 2,064	\$ 1,638	\$ 1,638	\$ 1,638
4163000 Income from surplus money investments	\$ 26	\$ -	\$ 39	\$ 39
4171400 Escheat of unclaimed checks and warrants	\$ 15	\$ 21	\$ 21	\$ 21
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 12,528	\$ 11,008	\$ 12,550	\$ 12,550
Totals, Revenues and Transfers	\$ 12,528	\$ 11,008	\$ 12,550	\$ 12,550
Totals, Resources	\$ 15,050	\$ 14,106	\$ 14,796	\$ 15,162
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,702	\$ 10,802	\$ 11,126	\$ 11,460
Chapter 16, Statutes of 2020 (AB 84)	\$ 385	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 656	\$ 849	\$ 849	\$ 849
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,952	\$ 11,860	\$ 12,184	\$ 12,518
FUND BALANCE				
Reserve for economic uncertainties	\$ 3,098	\$ 2,246	\$ 2,612	\$ 2,644
Months in Reserve	3.1	2.2	2.5	2.5

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. PY ADJUSTMENT IS ESTIMATED REIMBURSEMENT FOR COVID EXPENSES, CONTACT TRACING EMPLOYEES

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: 1.0 SSA/AGPA, 1.0 OT, and 1.0 Senior Registrar.
- 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 2 are \$11,564.
- 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, 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.

V. Legislation

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

1. Senate Bill (SB) [1120](#) (Jones, Chapter 302, Statutes of 2022) Engineering, land surveying, and geology.
2. SB [1237](#) (Newman, Chapter 386, Statutes of 2022) Licenses: military service.
3. SB [1443](#) (Roth, Chapter 625, Statutes of 2022) Professions and vocations.
4. SB [1495](#) (Committee on Business, Professions and Economic Development, Chapter 511, Statutes of 2022) Professions and vocations.

Senate Bill 1120 (Ch. 320, Stats.2022) (Jones, R-El Cajon)
Engineering, land surveying, and geology.

Summary: This bill was co-sponsored by the Board and the California Land Surveyors Associations.

Senate Bill 1120 amends Business and Professions Code sections 6738 and 8729 to remove a provision that has been misinterpreted as allowing unlicensed individuals to offer professional engineering and land surveying services as long as they hire a licensee to perform the work. It also adds sections to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act to require applicants and licensees to provide the Board with their email address, if they have one, and to notify the Board of any changes to their email address within 30 days.

The bill also amends the Public Resources Code relating to the California Coordinate System, which is 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.

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.

Senate Bill No. 1120

CHAPTER 302

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

[Approved by Governor September 13, 2022. Filed with
Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, 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.”

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 have field-observed statistically independent connections to two or more horizontal reference stations. The bill would make conforming and nonsubstantive changes.

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

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

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

This bill would make legislative findings to that effect.

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 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 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 8813.1 of the Public Resources Code is amended to read:

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.

Senate Bill 1237 (Ch. 386, Stats.2022) (Newman, D-Fullerton)
Licenses: military service.

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.

Senate Bill 1237 adds a provision Business and Professions Code section 114.3 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.

Senate Bill No. 1237

CHAPTER 386

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

[Approved by Governor September 17, 2022. Filed with Secretary of State September 17, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, Newman. Licenses: military service.

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

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

This bill would define the phrase "called to active duty" to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified. This bill would also make nonsubstantive changes to those provisions.

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 may adopt regulations to carry out the provisions of this section.

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

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Senate Bill 1443 (Ch. 625, Stats.2022) (Roth, D-Riverside)
Professions and vocations.

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.

Specifically, this bill would extend the Board's sunset date by one year, until January 1, 2025. This means that the Board will undergo sunset review during the 2024 legislative session, which its report due at the end of 2023/beginning of 2024.

Affected Laws: An act to amend Sections 1601.1, 1616.5, 2092, 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.

Senate Bill No. 1443

CHAPTER 625

An act to amend Sections 1601.1, 1616.5, 2092, 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.

[Approved by Governor September 27, 2022. Filed with
Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, Roth. Professions and vocations.

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 extend the operation of those provisions authorizing 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.

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.

This bill would make other technical and nonsubstantive changes, including updating cross-references.

This bill would incorporate additional changes to Section 7520.3 of the Business and Professions Code proposed by SB 1495 to be operative only if this bill and SB 1495 are enacted and this bill is enacted last.

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.

Appropriation: yes.

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 2092 of the Business and Professions Code is amended to read:

2092. (a) The board shall develop a process to give priority review status to the application of an applicant for a physician and surgeon's certificate who can demonstrate that they intend to practice in a medically underserved area or serve a medically underserved population as defined in Section 128552 of the Health and Safety Code.

(b) An applicant may demonstrate their intent to practice in a medically underserved area or serve a medically underserved population by providing proper documentation, including, but not limited to, a letter from the employer indicating that the applicant has accepted employment and stating the start date.

SEC. 4. 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 midnight on the last day of the month in which the license was issued during the second year of the two-year term if not renewed on or before that day.

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. 5. 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. 6. 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. 7. 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. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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. 20. 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. 21. 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. 22. 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. 22.5. 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) 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. The licensee shall report the information on a form provided by the bureau. The licensee shall report the claim information no later than March 1. 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, 2025, and as of that date is repealed.

SEC. 23. 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.

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

SEC. 24. 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. 25. 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:

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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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. 33. 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. 34. 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. 35. 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. 36. 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. 37. 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. 38. 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. 39. 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. 40. 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. 41. 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. 42. 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. 43. 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. 44. 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 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).

SEC. 45. 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 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).

SEC. 46. Section 7712.9 of the Business and Professions Code is amended to read:

7712.9. 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 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 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.

SEC. 47. 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:

(a) The application fee for a funeral director's license shall be three hundred eighty dollars (\$380).

(b) The application fee for change of location of a funeral establishment's license shall be four hundred seventy dollars (\$470).

(c) The application fee for permission to assign a funeral establishment's license shall be five hundred sixty dollars (\$560).

(d) The license renewal fee payable by a licensed funeral director shall be 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 two hundred eighty dollars (\$280).

(f) The renewal fee payable by a licensed embalmer shall be 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 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 one hundred ninety dollars (\$190).

(i) The application fee for a funeral director's examination shall be 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 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 three hundred dollars (\$300), and for permission to change the name on any other license or certificate, 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 fifty dollars (\$50).

(m) The fee for filing a report of a change of corporate officers, managers, or preneed trust fund trustees shall be fifty dollars (\$50).

(n) The application fee for a funeral establishment license shall be seven hundred fifty dollars (\$750).

(o) The license renewal fee for a licensed funeral establishment shall be 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. 48. Section 7729.3 of the Business and Professions Code is amended to read:

7729.3. The original cemetery broker's license fee shall be seven hundred fifty dollars (\$750).

SEC. 49. 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, they 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 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. 50. 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 five hundred sixty dollars (\$560).

SEC. 51. 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 one hundred ninety dollars (\$190).

SEC. 52. 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 one hundred ninety dollars (\$190).

SEC. 53. Section 7729.8 of the Business and Professions Code is amended to read:

7729.8. The cemetery salesperson's license fee shall be sixty dollars (\$60).

SEC. 54. 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 fifty dollars (\$50).

SEC. 55. 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. 56. Section 7730 of the Business and Professions Code is amended to read:

7730. For a branch office broker's license, the fee shall be one hundred ninety dollars (\$190).

SEC. 57. 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. 58. 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 one hundred dollars (\$100).

SEC. 59. Section 7730.3 of the Business and Professions Code is amended to read:

7730.3. For change of name or of address of licensee on the records of the bureau, the fee shall be twenty-five dollars (\$25).

SEC. 60. 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 fifty dollars (\$50).

SEC. 61. Section 7730.5 of the Business and Professions Code is amended to read:

7730.5. For a duplicate license the fee shall be fifty dollars (\$50).

SEC. 62. 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 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. 63. 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 shall be six hundred eighty dollars (\$680).

(b) The license fee to obtain a crematory manager license shall be one hundred thirty dollars (\$130).

(c) The renewal fee for a crematory manager license shall be one hundred fifty dollars (\$150).

SEC. 64. Section 7730.8 of the Business and Professions Code is amended to read:

7730.8. (a) The fee for a cemetery manager examination shall be eight hundred dollars (\$800).

(b) The license fee to obtain a cemetery manager license shall be one hundred thirty dollars (\$130).

(c) The renewal fee for a cemetery manager license shall be one hundred fifty dollars (\$150).

SEC. 65. Section 7730.10 of the Business and Professions Code is amended to read:

7730.10. Every cemetery authority operating a cemetery shall pay an annual regulatory charge for each cemetery of seven hundred fifty dollars (\$750). In addition to an annual regulatory charge for each cemetery, an additional quarterly charge 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 eleven dollars and fifty cents (\$11.50).

SEC. 66. 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 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.

SEC. 67. 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. 68. 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. 69. 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. 70. 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 himself 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. 71. 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. 72. 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. 73. 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. 74. 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. 75. 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 headquartered 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 initial annual registration fee to the board. Until January 1, 2025, the fee shall be five hundred dollars (\$500). On and after January 1, 2025, the fee shall not exceed five hundred dollars (\$500) or the board's cost of administering this section, whichever is less.

(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, including emergency regulations during the years 2022 and 2023. The executive functions delegated to the board pursuant to Section 8005 include the

discretion to inform the public of information that would be or is a public record regarding shorthand reporting corporations operating in this state.

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

SEC. 76. 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. 77. 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. 78. 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. 79. 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. 80. 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. 81. 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. 82. 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 become operative on January 1, 2024.

SEC. 83. 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. 84. 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. 85. 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. 86. 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.

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

SEC. 87. 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. 88. 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. 89. 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. 90. 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. 91. 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. 92. 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. 93. 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. 94. 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 five 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. 95. 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. 96. Section 22.5 of this bill incorporates amendments to Section 7520.3 of the Business and Professions Code proposed by both this bill and Senate Bill 1495. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 7520.3 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1495, in which case Section 22 of this bill shall not become operative.

SEC. 97. 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.

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Senate Bill 1495 (Ch. 511, Stats.2022)
(Senate Committee on Business, Professions and Economic Development)
Professions and vocations

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.

Specifically, this bill amends Section 7841.2 to allow applicants for the Geologist-in-Training certificate to certify that they have met the educational qualifications required for such a certification, which would allow the Board to issue the certificates without reviewing the applicant's education coursework (assuming the applicant meets all other applicable requirements).

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, 4175, 4846.5, 4883, 4980.03, 4980.396, 4989.23, 4996.20, 4996.27, 4999.12, 4999.66, 6534, 6538, 6560, 6561, 7086.10, 7506.10, 7520.3, 7523, 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, 11360, 12303, and 17917 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.

Senate Bill No. 1495

CHAPTER 511

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, 4175, 4846.5, 4883, 4980.03, 4980.396, 4989.23, 4996.20, 4996.27, 4999.12, 4999.66, 6534, 6538, 6560, 6561, 7086.10, 7506.10, 7520.3, 7523, 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, 11360, 12303, and 17917 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.

[Approved by Governor September 23, 2022. Filed with
Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1495, 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 requires applicants for licensure as a marriage and family therapist, an educational psychologist, a clinical social worker, or a professional clinical counselor to submit to the appropriate licensing board a written certification showing that they have completed a minimum of 6 hours of coursework or applied experience under supervision in suicide risk assessment and intervention. Existing law requires that, as a one-time requirement, these licensees, before the time of their first renewal after January 1, 2021, or upon application for reactivation or reinstatement to an active license status on or after January 1, 2021, complete prescribed coursework or applied experience under supervision in suicide risk assessment and intervention. Existing law requires that the proof of compliance with these provisions be certified under penalty of perjury and retained for submission to the board upon request.

This bill would clarify that proof of compliance with the one-time requirement to complete the coursework or applied experience, before the time of the first license renewal, or upon reactivation or reinstatement to an active license status, is required to be certified under penalty of perjury and retained for submission to the board upon request.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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 of Security and Investigative Services. 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, no later than March 1, the date and amount of any claim paid during the prior calendar year. The bill 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.

(12) 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 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 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.

(13) 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.

(14) 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.

(15) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services under the supervision and control of the Director of Consumer Affairs.

This bill would remove an obsolete reference in the act.

This bill would additionally make various nonsubstantive changes in the above-mentioned provisions.

(16) Existing law requires real estate licensees to complete at least one hour of instruction in cultural competency every four years in connection with the process and procedures for renewal of a license or restoration of a license to active status.

This bill would make conforming changes to the definition of cultural competency.

(17) Existing law requires the registrant of a fictitious business name to cause a specified statement to be published in a newspaper of general circulation within 30 days after the fictitious business name statement was filed. Existing law requires an affidavit showing the publication of the

statement to be filed with the county clerk where the fictitious business name statement was filed within 30 days after completion of the publication.

This bill would, instead, require the statement to be published within 45 days after the fictitious business name statement was filed and require the affidavit showing the publication to be filed within 45 days after completion of the publication.

(18) This bill would incorporate additional changes to Section 3502.4 of the Business and Professions Code proposed by AB 2626 to be operative only if this bill and AB 2626 are enacted and this bill is enacted last.

(19) This bill would incorporate additional changes to Section 4883 of the Business and Professions Code proposed by AB 1885 to be operative only if this bill and AB 1885 are enacted and this bill is enacted last.

(20) This bill would incorporate additional changes to Sections 6534 and 6561 of the Business and Professions Code proposed by SB 1024 to be operative only if this bill and SB 1024 are enacted and this bill is enacted last.

(21) This bill would incorporate additional changes to Section 7520.3 of the Business and Professions Code proposed by SB 1443 to be operative only if this bill and SB 1443 are enacted and this bill is enacted last.

(22) 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) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Security Services Fund.

- (15) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (16) Consumer Affairs 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 include, 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. 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. 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. 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. 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. 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.

(2) Attendant's license number, 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.

(3) The child's date of delivery for births attended by the nurse-midwife.

(4) The sex of the child, for births attended by the nurse-midwife.

(5) The date of birth of the parent giving birth.

(6) The date of birth of the parent not giving birth.

(7) The residence ZIP Code of the parent giving birth.

(8) The residence county of the parent giving birth.

(9) The weight of the parent giving birth (prepregnancy weight and delivery weight of parent giving birth).

(10) The height of the parent giving birth.

(11) The race and ethnicity of the genetic parents, unless the parent declines to disclose.

(12) The obstetric estimate of gestation (completed weeks), at time of transfer.

- (13) The total number of prior live births.
 - (14) The principal source of payment code for delivery.
 - (15) Any complications and procedures of pregnancy and concurrent illnesses up until time of transfer or death.
 - (16) Any complications and procedures of labor and delivery up until time of transfer or death.
 - (17) Any abnormal conditions and clinical procedures related to the newborn up until time of transfer or death.
 - (18) Fetal presentation at birth, or up until time of transfer.
 - (19) Whether this pregnancy is a multiple pregnancy (more than one fetus this pregnancy).
 - (20) Whether the patient has had a previous cesarean section.
 - (21) If the patient had a previous cesarean, indicate how many.
 - (22) The intended place of birth at the onset of labor, including, but not limited to, home, freestanding birth center, hospital, clinic, doctor's office, or other location.
 - (23) Whether there was a maternal death.
 - (24) Whether there was a fetal death.
 - (25) Whether there was a neonatal death.
 - (26) Hospital transfer during the intrapartum or postpartum 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 this section and Sections 102425 and 102426 of the Health and Safety Code.

(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 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. 15.1. 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.

(e) The board shall not suspend or revoke the license of a physician assistant solely for performing an abortion if the licensee performed the abortion in accordance with the provisions of this chapter and the Reproductive Privacy Act (Article 2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code).

(f) Notwithstanding any other law, including, but not limited to, Sections 141, 480, 490, and 3527, the board shall not deny an application for licensure

as a physician assistant, or suspend, revoke, or otherwise impose discipline upon a person licensed in this state as a physician assistant under either of the following circumstances:

(1) The person is licensed or certified to practice as a physician assistant in another state and was disciplined in that state solely for performing an abortion in that state.

(2) The person is licensed or certified to practice as a physician assistant in another state and was convicted in that state for an offense related solely to the performance of an abortion in that state.

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. 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. 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 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 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. 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 associations.

(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. 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 Association-Recognized Veterinary Specialty Organization or a National Association of Veterinary Technicians in America-Recognized Veterinary Specialty Organization.

(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. 26.1. 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 or recommending cannabis for use 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 Association-Recognized Veterinary Specialty Organization or a National Association of Veterinary Technicians in America-Recognized Veterinary Specialty Organization.

(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. 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. 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. Section 4989.23 of the Business and Professions Code is amended to read:

4989.23. (a) On or after January 1, 2021, an applicant for licensure as an educational psychologist 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, supervised experience gained pursuant to Section 4989.20, 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 4989.34. 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. 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 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 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. 31. Section 4996.27 of the Business and Professions Code is amended to read:

4996.27. (a) On or after January 1, 2021, an applicant for licensure as a clinical social worker 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 4996.22. 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. 32. 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. 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 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. 33. Section 4999.66 of the Business and Professions Code is amended to read:

4999.66. (a) On or after January 1, 2021, an applicant for licensure as a professional clinical counselor 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 4999.76. 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. 34. 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. 34.1. 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, continuing the appointment of, or removing, the licensee as a conservator, guardian, trustee, personal representative of decedent's estate agent under a durable power of attorney for health care, agent under a durable power of attorney for finances, or a position arising from an appointment as a professional fiduciary practice administrator, 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, or a position arising from an appointment as a professional fiduciary practice administrator, 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, trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, professional fiduciary practice administrator, agent under a durable power of attorney for finance or health care, or personal representative 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. 35. 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 preclicensing education courses provided by an educational program approved by the bureau.

(2) Beginning January 1, 2023, the preclicensing 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. 36. 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. 37. 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. 37.1. 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, agent under a durable power of attorney for finances, or a position arising from appointment as a professional fiduciary practice administrator. 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 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. 38. 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. 39. 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. 40. 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) 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. The licensee shall report the information on a form provided by the bureau. The licensee shall report the claim information no later than March 1. 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. 40.1. 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) 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. The licensee shall report the information on a form provided by the bureau. The licensee shall report the claim information no later than March 1. 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, 2025, and as of that date is repealed.

SEC. 41. 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 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 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. 42. Section 7583.15 of the Business and Professions Code is repealed.

SEC. 43. 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.

SEC. 44. 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.

SEC. 45. 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. 46. 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. 47. 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. 48. 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. 49. 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. 50. 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. 51. 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. 52. 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. 53. 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. 54. 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. 55. 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. 56. 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. 57. 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. 58. 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 10131.1 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. 59. 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. 60. 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. 61. 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. 62. 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. 63. 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. 64. 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 regain 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. 65. 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. 66. 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. 67. 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. 68. 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. 69. 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. 70. Section 11360 of the Business and Professions Code is amended to read:

11360. (a) The director shall adopt regulations governing the process and procedures for renewal of a license or restoration of a license to active status that shall include, but not be limited to, continuing education requirements, which shall be reported on the basis of a four-year continuing education cycle, and, for each licensee renewing on or after January 1, 2023, include at least two hours of elimination of bias training, either individually or as part of a broader course.

(b) An applicant for renewal of a license shall be required to demonstrate the applicant’s continuing fitness to hold a license prior to its renewal. Applicants shall also fulfill continuing education requirements established pursuant to this section and shall be required to take a minimum of four hours of federal and California appraisal related statutory and regulatory law every four years.

(c) Beginning January 1, 2023, as part of the continuing education required by this section, a licensee shall complete at least one hour of instruction in cultural competency every four years.

(d) The cost of any educational course required by this section shall not be borne by any client served by a licensee.

(e) 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 lesbian, gay, bisexual, transgender, and intersex communities, ethnic communities, and religious communities.

SEC. 71. 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. 72. Section 17917 of the Business and Professions Code is amended to read:

17917. (a) Within 45 days after a fictitious business name statement has been filed pursuant to this chapter, the registrant shall cause a statement in the form prescribed by subdivision (a) of Section 17913 to be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation in the county where the fictitious business name statement was

filed or, if there is no such newspaper in that county, in a newspaper of general circulation in an adjoining county. If the registrant does not have a place of business in this state, the notice shall be published in a newspaper of general circulation in Sacramento County.

(b) Subject to the requirements of subdivision (a), the newspaper selected for the publication of the statement should be one that circulates in the area where the business is to be conducted.

(c) If a refiling is required because the prior statement has expired, the refiling need not be published unless there has been a change in the information required in the expired statement, provided the refiling is filed within 40 days of the date the statement expired.

(d) An affidavit showing the publication of the statement shall be filed with the county clerk where the fictitious business name statement was filed within 45 days after the completion of the publication.

SEC. 73. Section 15.1 of this bill incorporates all of the substantive amendments to Section 3502.4 of the Business and Professions Code proposed by this bill and Assembly Bill 2626. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 3502.4 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2626, in which case Section 3502.4 of the Business and Professions Code, as amended by Assembly Bill 2626, shall remain operative only until the operative date of this bill, at which time Section 15.1 of this bill shall become operative, and Section 15 of this bill shall not become operative.

SEC. 74. Section 26.1 of this bill incorporates amendments to Section 4883 of the Business and Professions Code proposed by both this bill and Assembly Bill 1885. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 4883 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 1885, in which case Section 26 of this bill shall not become operative.

SEC. 75. Section 34.1 of this bill incorporates all of the substantive amendments to Section 6534 of the Business and Professions Code proposed by both this bill and SB 1024. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 6534 of the Business and Professions Code, and (3) this bill is enacted after SB 1024, in which case Section 34 of this bill shall not become operative.

SEC. 76. Section 37.1 of this bill incorporates all of the substantive amendments to Section 6561 of the Business and Professions Code proposed by both this bill and SB 1024. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 6561 of the Business and Professions Code, and (3) this bill is enacted after SB 1024, in which case Section 37 of this bill shall not become operative.

SEC. 77. Section 40.1 of this bill incorporates amendments to Section 7520.3 of the Business and Professions Code proposed by both this bill and

Senate Bill 1443. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 7520.3 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1443, in which case Section 40 of this bill shall not become operative.

SEC. 78. 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.

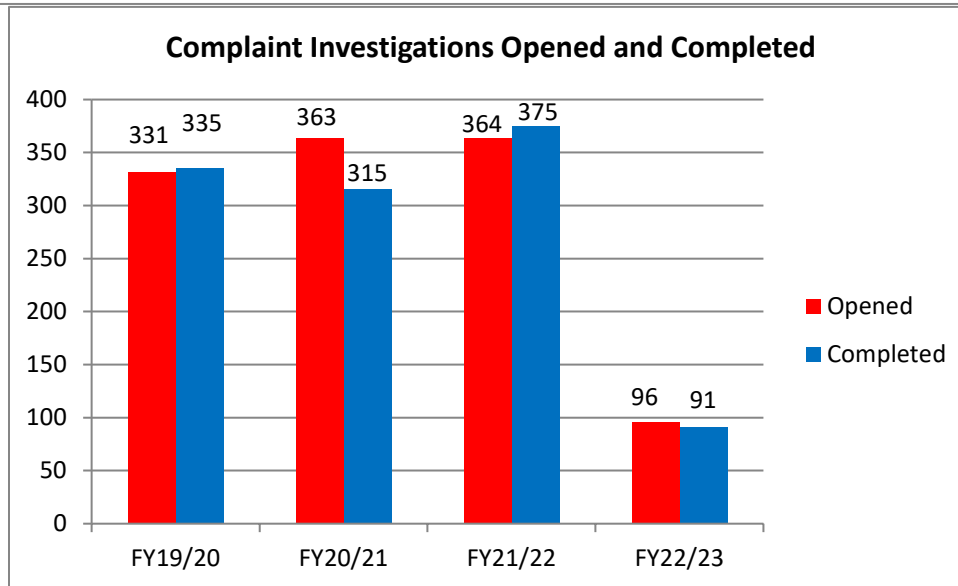
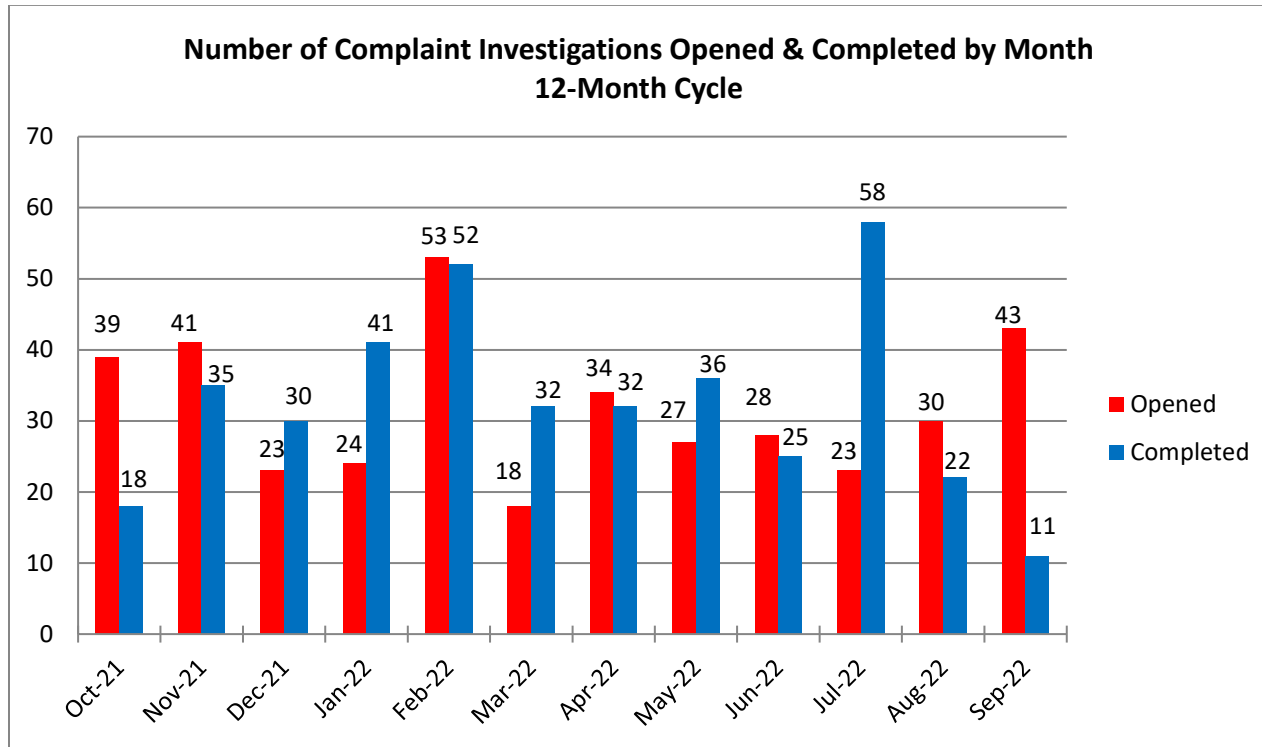
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VI. Enforcement

A. Enforcement Statistical Reports

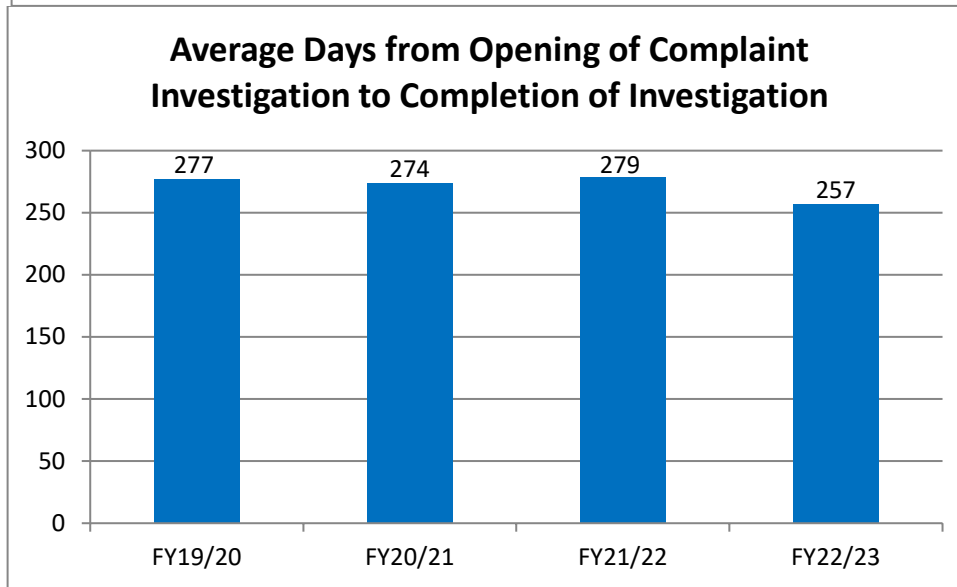
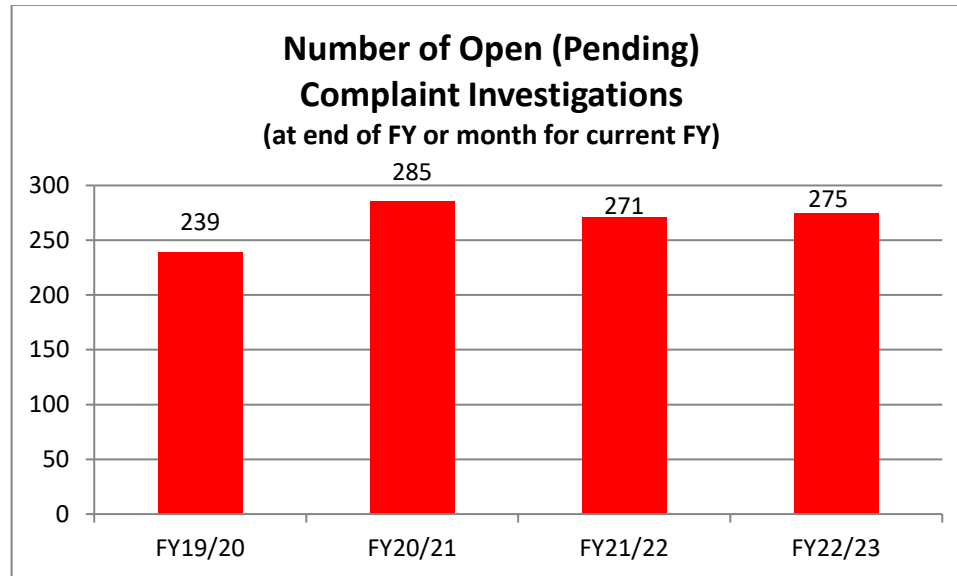
1. Fiscal Year 2022/23 Update

Complaint Investigation Phase



NOTE: FY22/23 statistics are through September 30, 2022

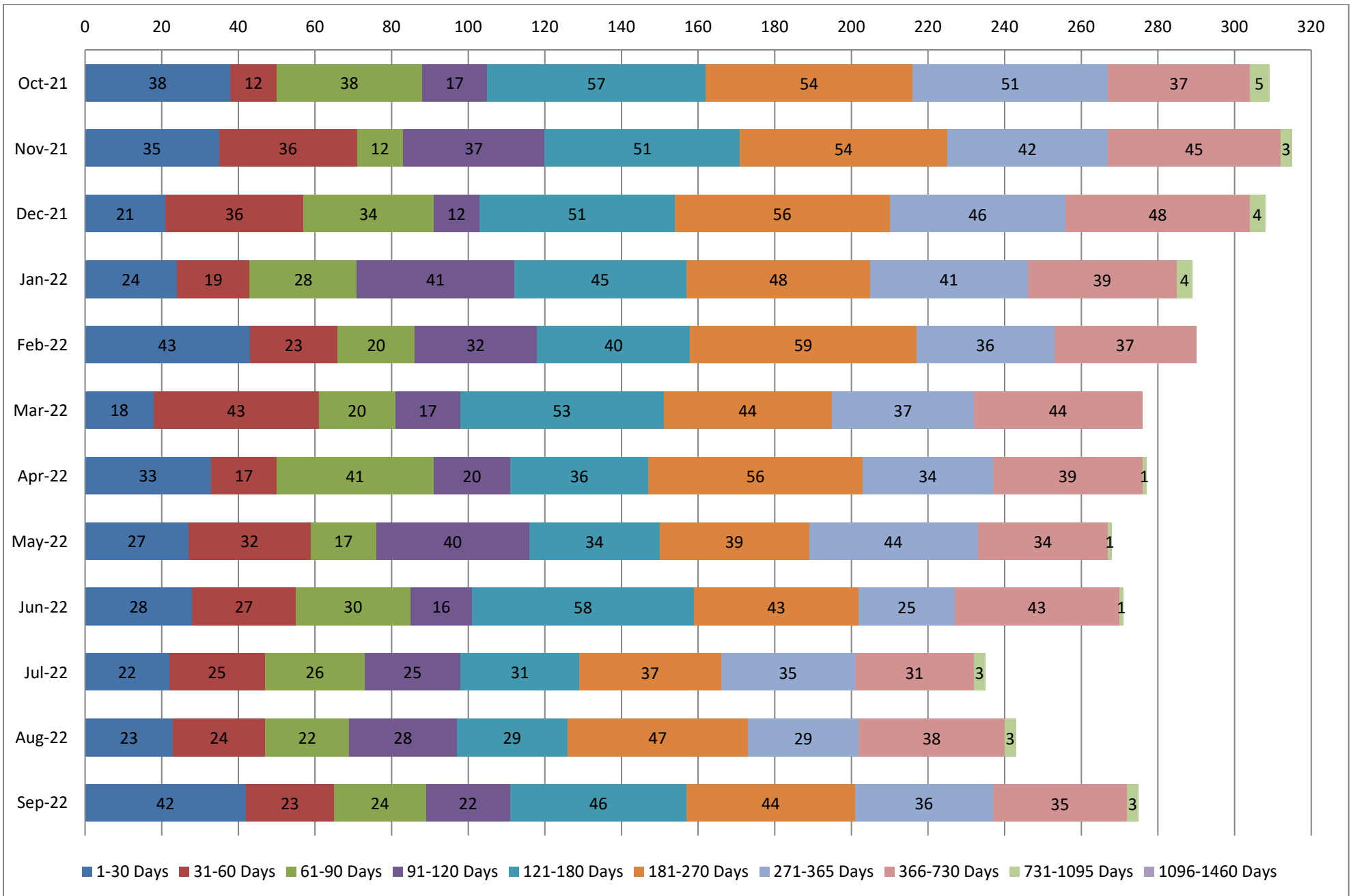
Complaint Investigation Phase



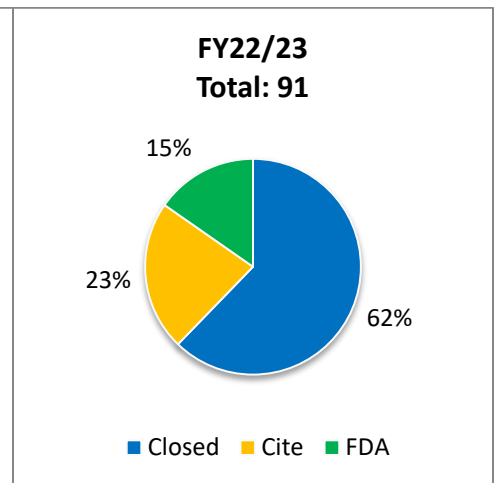
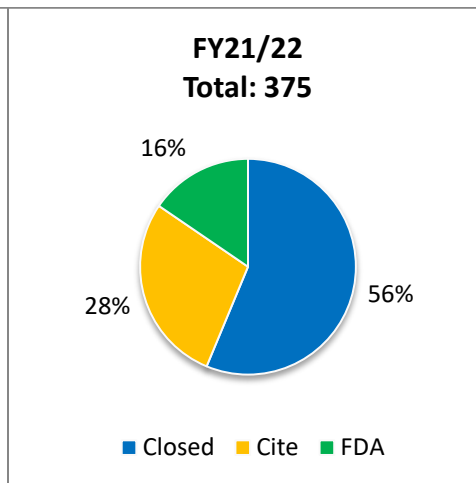
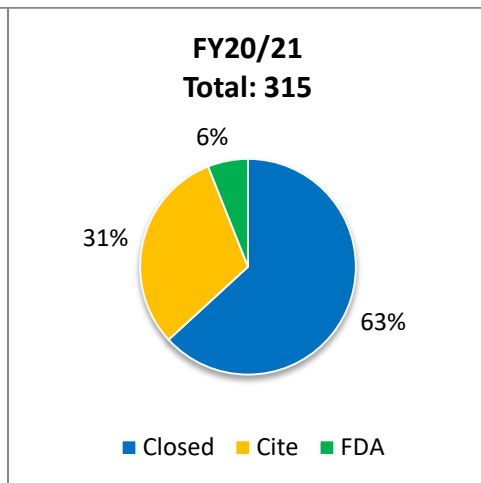
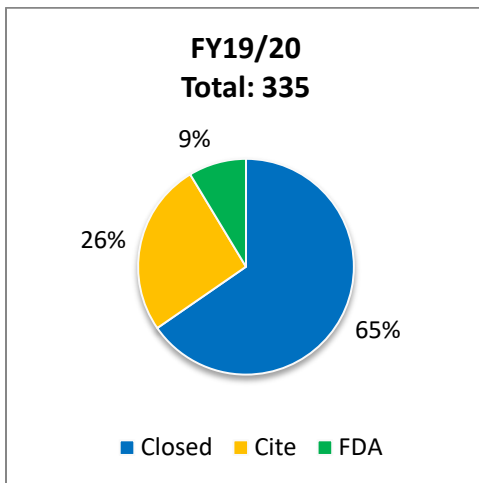
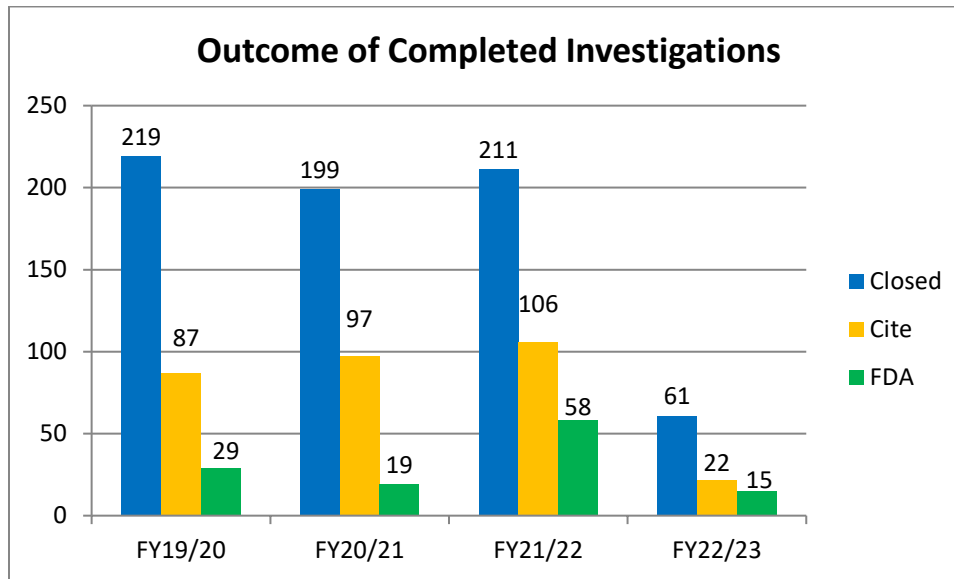
NOTE: FY22/23 statistics are through September 30, 2022

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



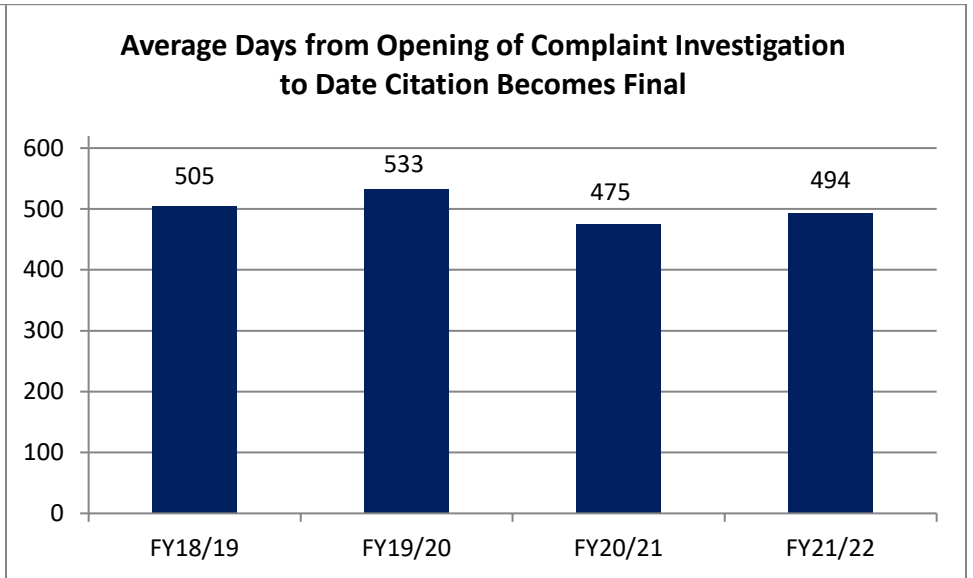
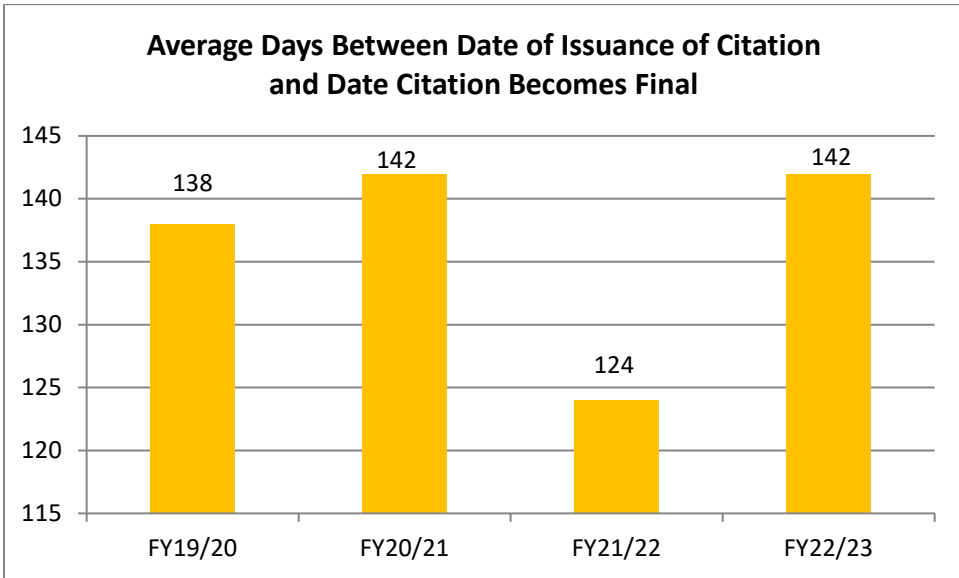
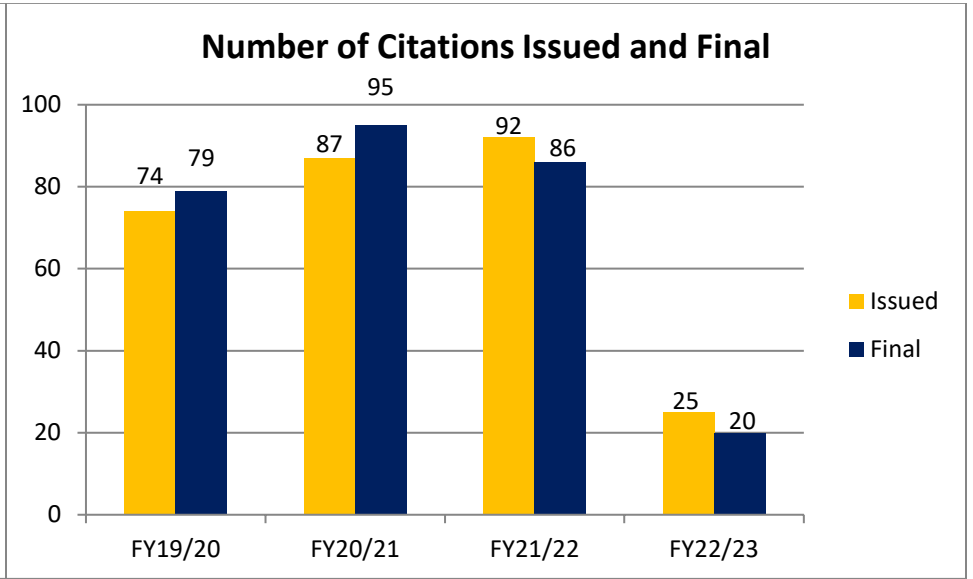
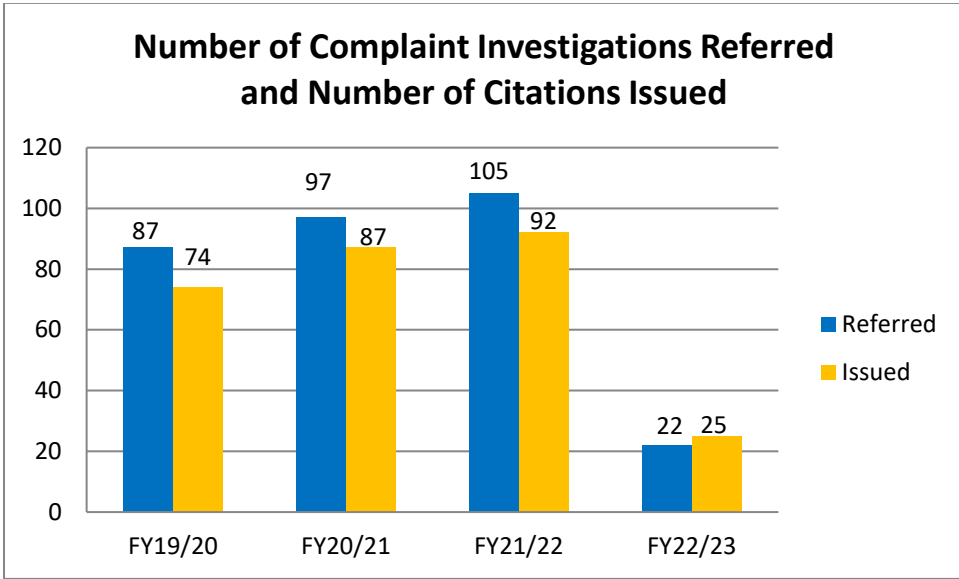
NOTE: FY22/23 statistics are through September 30, 2022

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

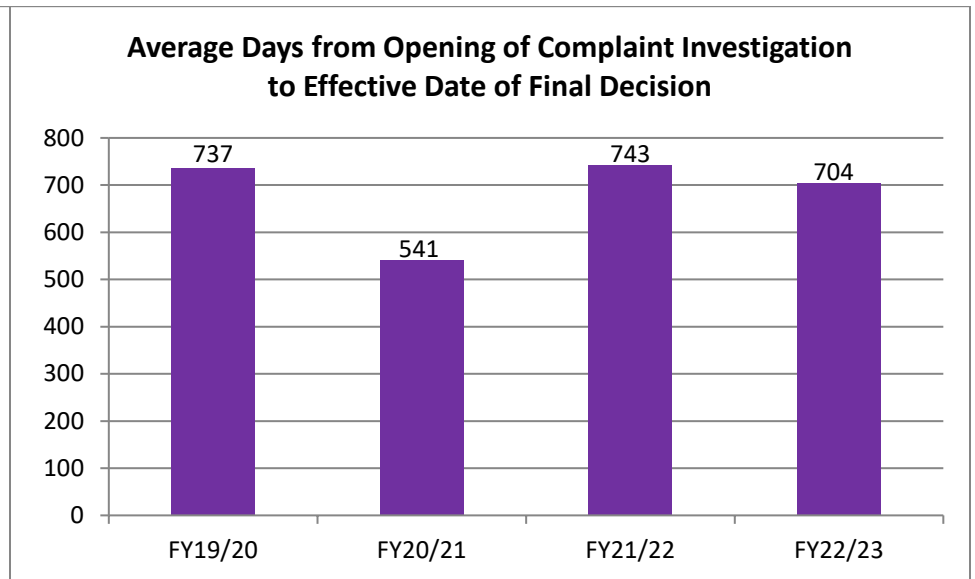
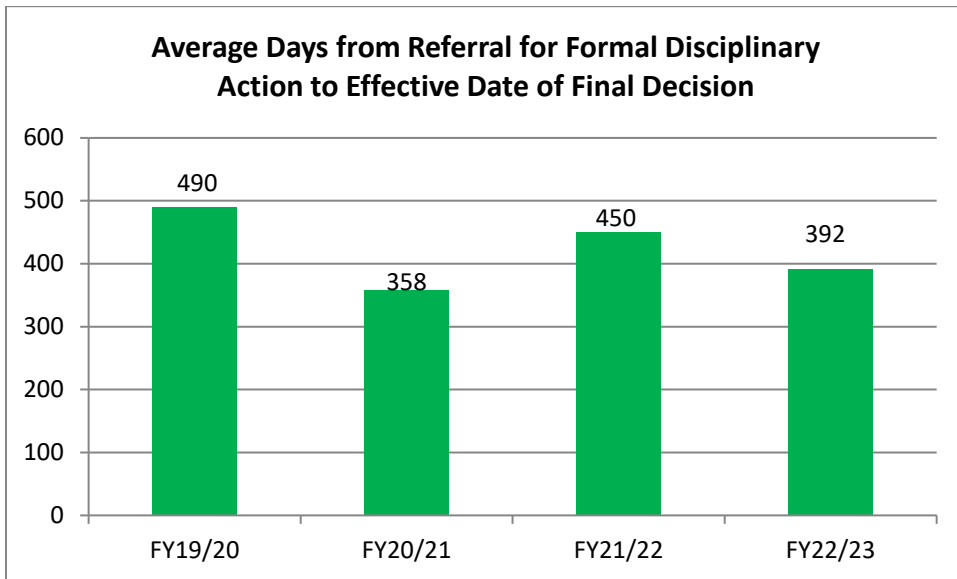
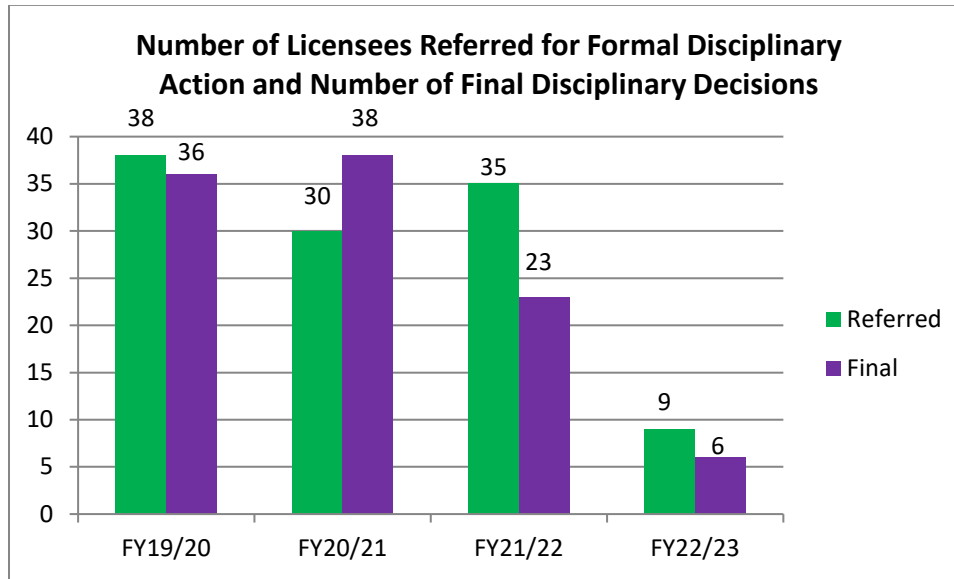
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY22/23 statistics are through September 30, 2022

Formal Disciplinary Actions Against Licensees



NOTE: FY22/23 statistics are through September 30, 2022

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
October 2021	39	18
November 2021	41	35
December 2021	23	30
January 2022	24	41
February 2022	53	52
March 2022	18	32
April 2022	34	32
May 2022	27	36
June 2022	28	25
July 2022	23	58
August 2022	30	22
September 2022	43	11

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2019/20	331	335
2020/21	363	315
2021/22	336	350
2022/23	96	91

Current Fiscal Year through September 30, 2022

Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2019/20	239
2020/21	285
2021/22	268
2022/23	275s

Current Fiscal Year through September 30, 2022

Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2019/20	277
2020/21	274
2021/22	278
2022/23	257

Current Fiscal Year through September 30, 2022

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	61	62%	22	23%	15	15%

Current Fiscal Year through September 30, 2022

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
October 2021	38	12	38	17	57	54	51	37	5	0
November 2021	35	36	12	37	51	54	42	45	3	0
December 2021	21	36	34	12	51	56	46	48	4	0
January 2022	24	19	28	41	45	48	41	39	4	0
February 2022	43	23	20	32	40	59	36	37	0	0
March 2022	18	43	20	17	53	44	37	44	0	0
April 2022	33	17	41	20	36	56	34	39	1	0
May 2022	27	32	17	40	34	39	44	34	1	0
June 2022	28	27	30	16	58	43	25	43	1	0
July 2022	22	25	26	25	31	37	35	31	3	0
August 2022	23	24	22	28	29	47	29	38	3	0
September 2022	42	23	24	22	46	44	36	35	3	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2019/20	87	74
2020/21	97	87
2021/22	105	87
2022/23	22	25

Current Fiscal Year through September 30, 2022

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2019/20	74	79
2020/21	87	95
2021/22	87	85
2022/23	25	20

Current Fiscal Year through September 30, 2022

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2019/20	138
2020/21	142
2021/22	125
2022/23	142

Current Fiscal Year through September 30, 2022

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2019/20	505
2020/21	533
2021/22	475
2022/23	494

Current Fiscal Year through September 30, 2022

Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2019/20	38	35
2020/21	30	38
2021/22	32	19
2022/23	9	6

Current Fiscal Year through September 30, 2022

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	490
2020/21	358
2021/22	419
2022/23	392

Current Fiscal Year through September 30, 2022

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	737
2020/21	541
2021/22	747
2022/23	704

Current Fiscal Year through September 30, 2022

VII. Exams/Licensing

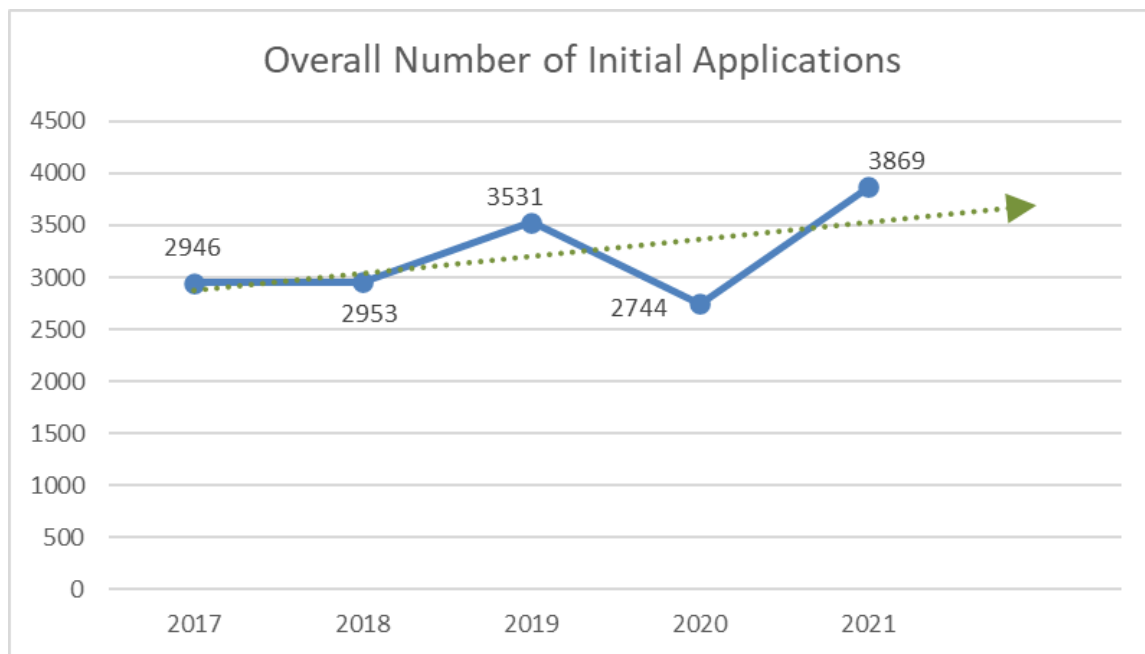
A. Examination/Licensing Updates

VI. Examinations/Licensing Updates

The Board was recently updated on the increased licensing workload, primarily attributed to the increase in initial applications received, and the impact that has had on application review timelines while simultaneously integrating Connect, the Board's online application and licensing system.

The following charts are intended as additional information to the Board as a way to illustrate what has been occurring while also being considered by staff in their efforts to adjust and refine the Board's processes. While the data for these charts primarily run through 2021, some additionally reflect the first half of 2022 where the data can be reliably evaluated/presented.

Figure 1



It is evident that, despite the pandemic impact, the trend towards an increasing number of applications began during the middle part of 2018, which happened to coincide with the state civil engineering exams moving to a quarterly Computer-Based-Testing (CBT) administration. The primary impact appears related to the flexibility and accessibility associated with the Board's multi-year effort to transition the state civil exams towards year round exam administration which has drawn the attention of those individuals seeking licensure as a civil engineer.

Early numbers through 2022 are reflecting a monthly average of 360 initial applications, which is substantially higher than what can be extrapolated from Figure 1, further indicating a 10-12% increase over 2021 with the possibility of the Board seeing an overall number of initial applications exceeding 4,000 annually for the first time ever.

Figure 2

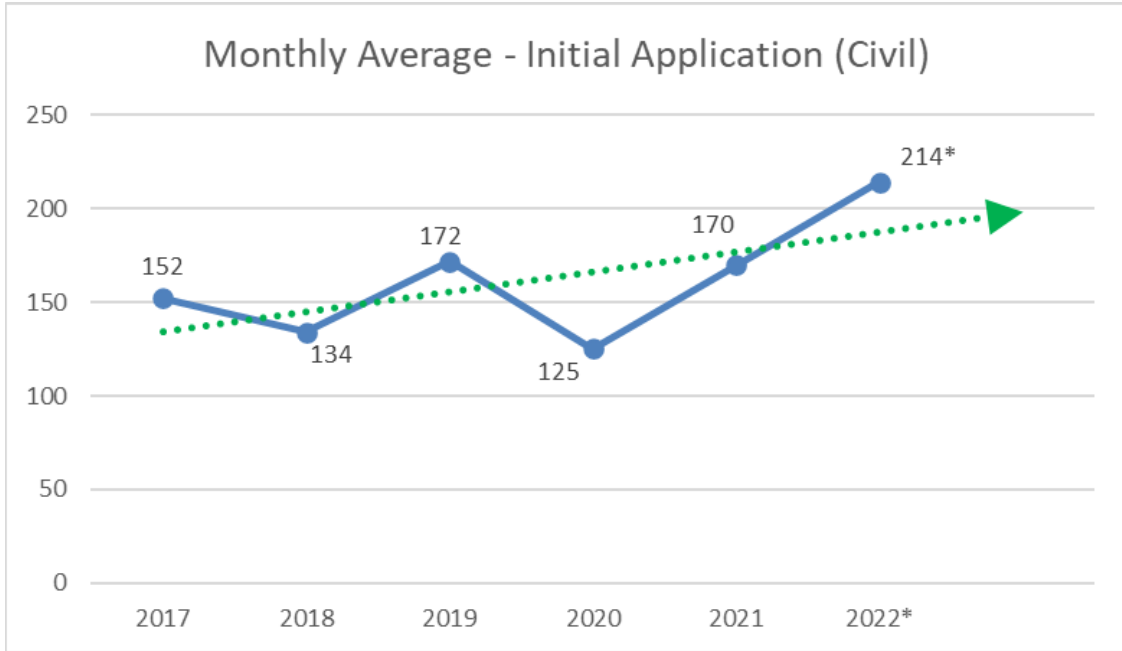
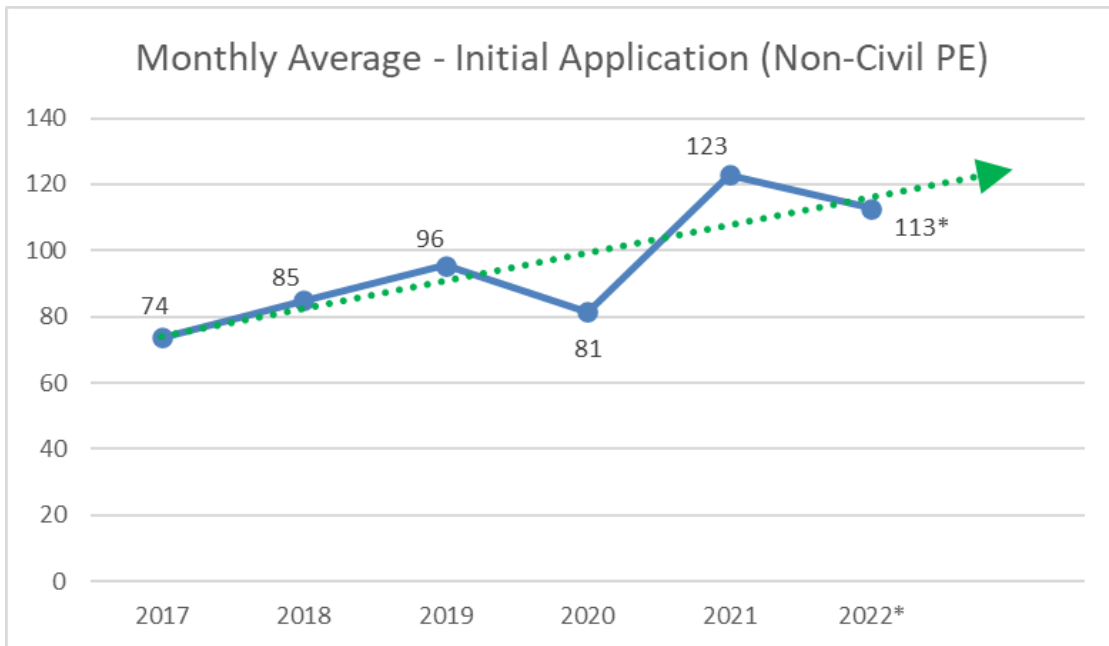


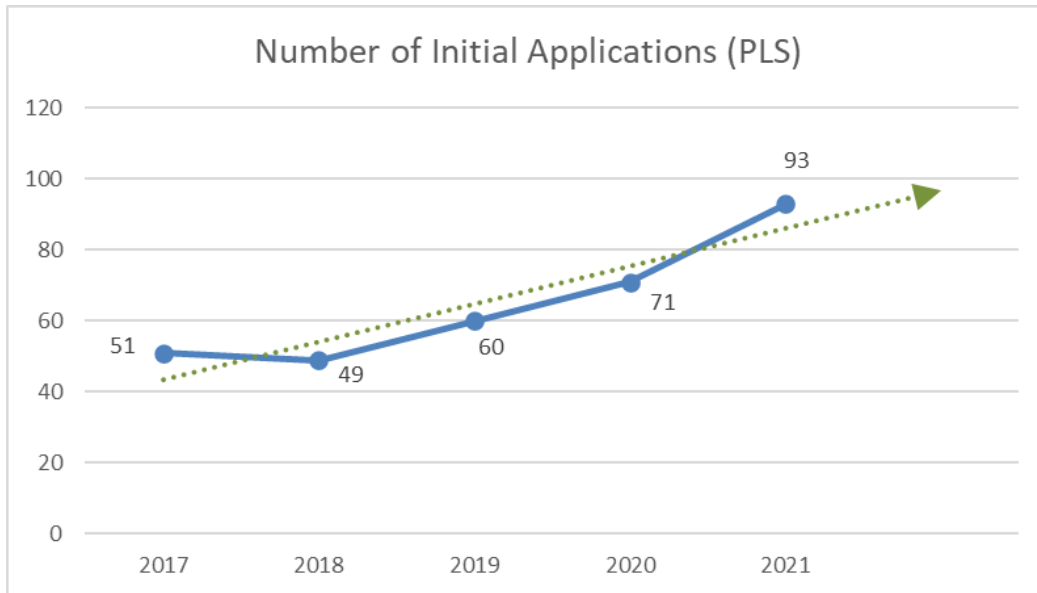
Figure 3



Figures 2 and 3 represent those discipline types (Civil and Non-Civil engineers respectively) which are best represented on an annual average due to the volume of received applications. Note the continuing increase in non-civil engineering related disciplines. This trend appears to coincide with NCEES transitioning all of their national engineering related examinations to CBT, many of which are administered more frequently than in the past.

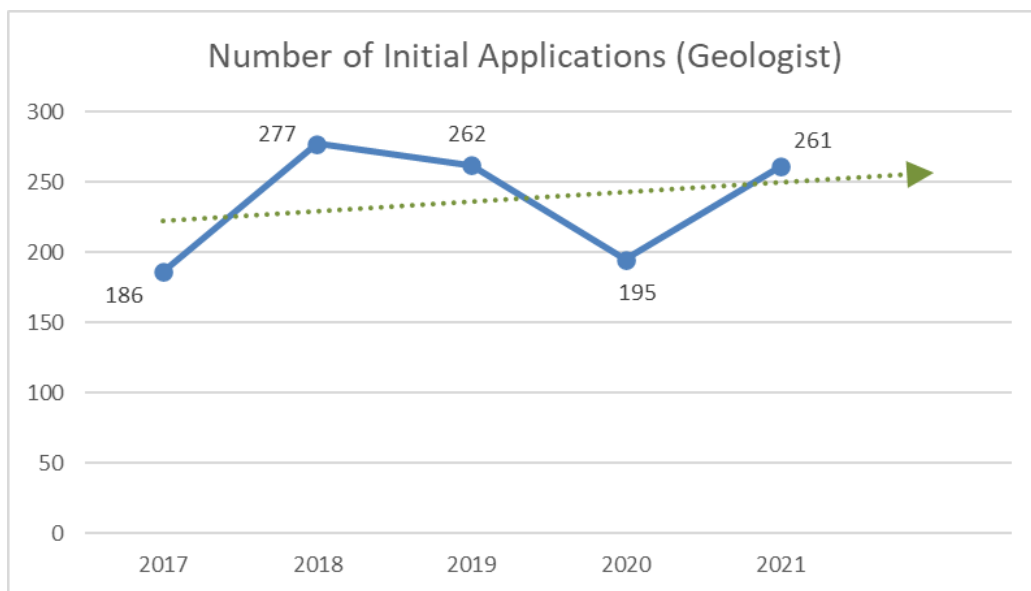
Due to the lower volume of received applications, both the Professional Land Surveyor and the Geologist applications are best reflected on a monthly basis.

Figure 4



After several years of a downward trend, the Board is experiencing a pronounced upward trend in Professional Land Surveyor applications on an annual basis. While certainly not the numbers seen during the early 2000's, data from the first half of 2022 is promising and reflecting a potential 20-22% annual increase in comparison to 2020.

Figure 5



While not reflecting the same upward trend as other disciplines, the Geologist applications shown above are holding rather steady with only 2020 impacting the application numbers.

More recently, Board staff has received questions or inquiries from licensed individuals or professional societies asking if the Board is experiencing an increase in applications from outside of California. Data in the following charts reflects all initial applications received annually, regardless of whether the applicant is currently licensed elsewhere (Comity applicant) or not, from individuals with a supplied address outside of California.

Figure 6

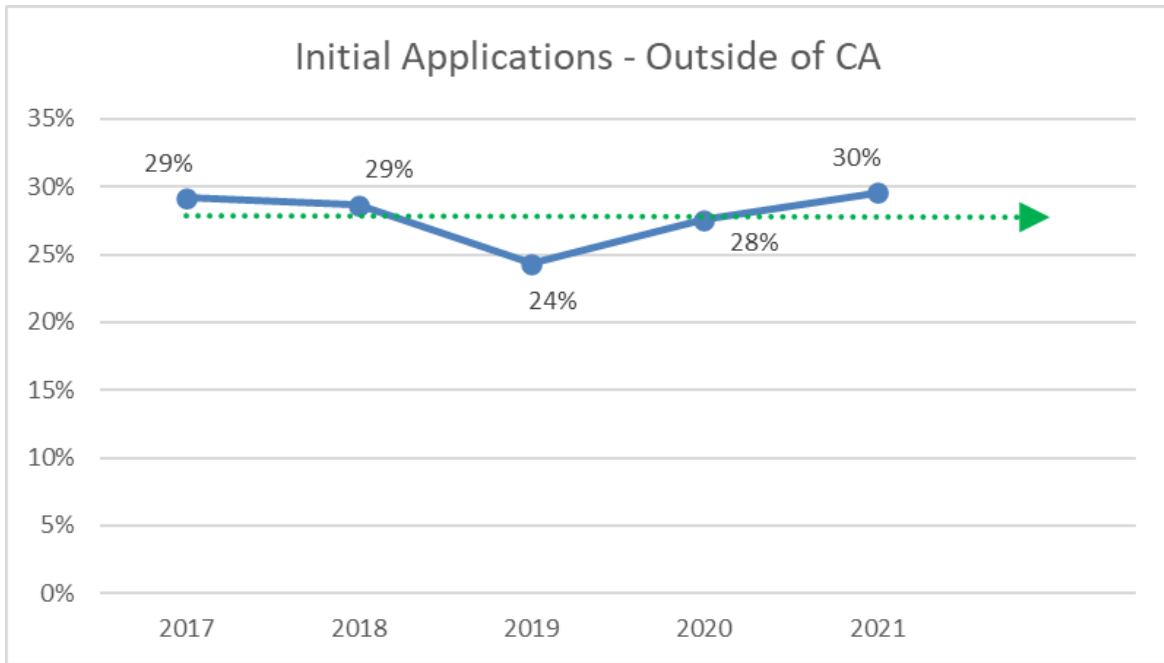


Figure 7

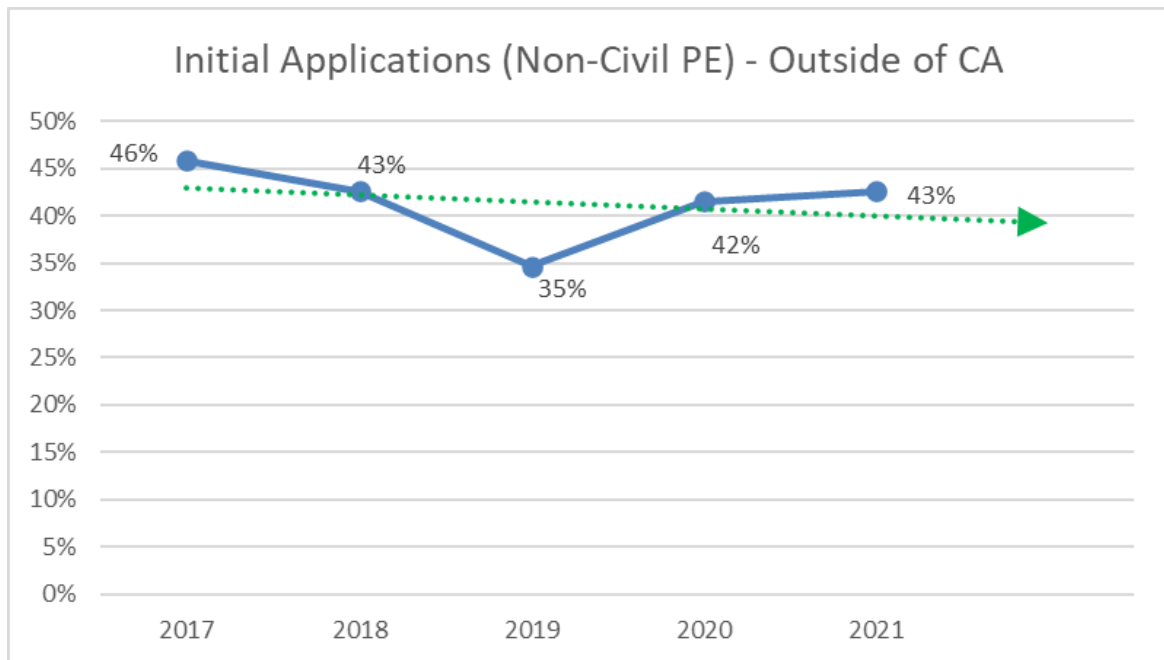


Figure 8

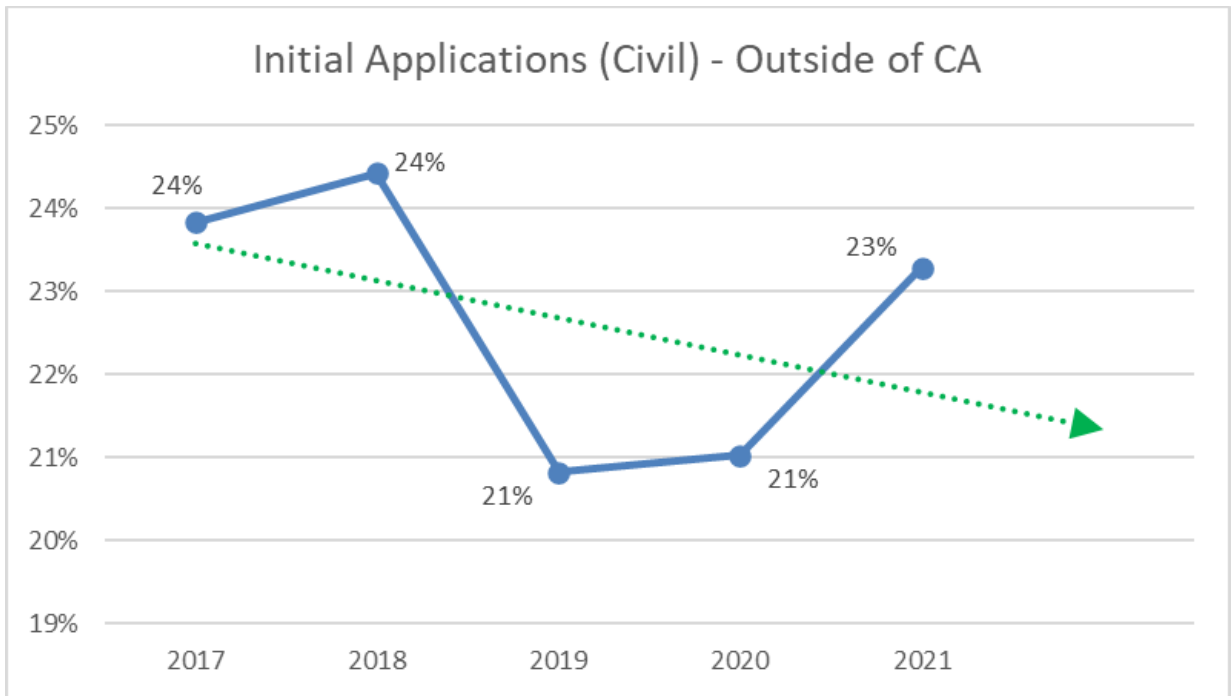


Figure 9

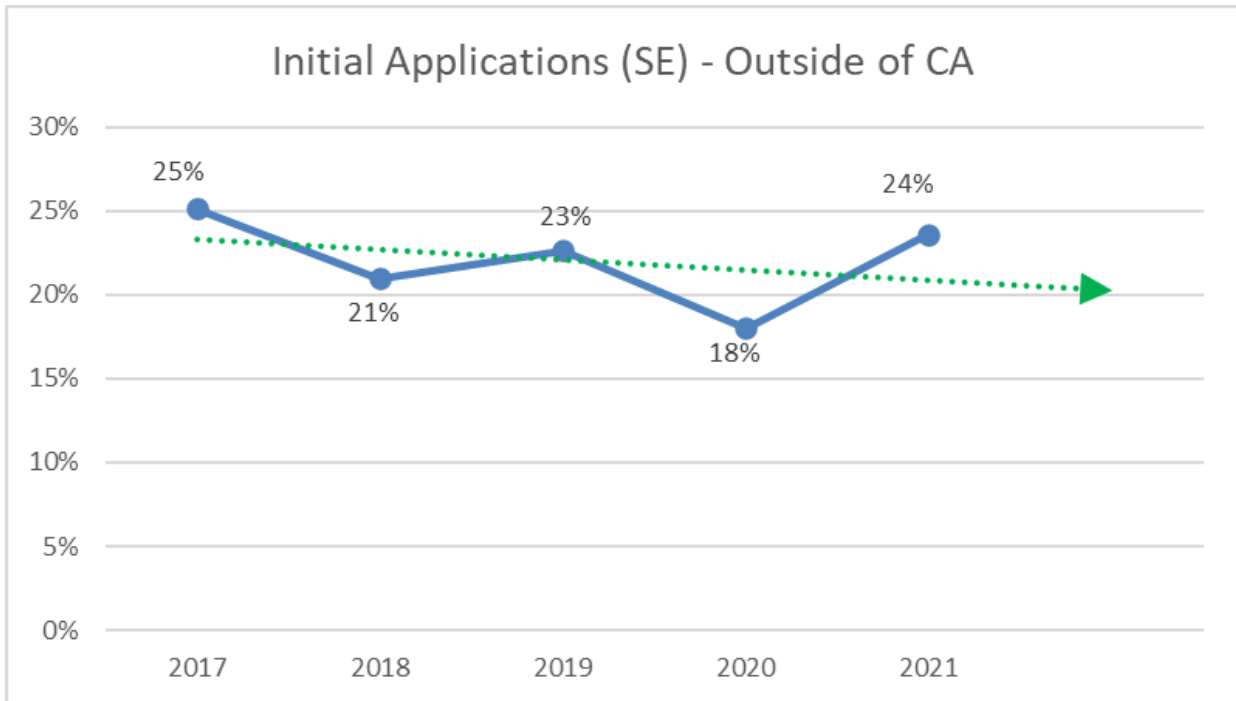


Figure 10

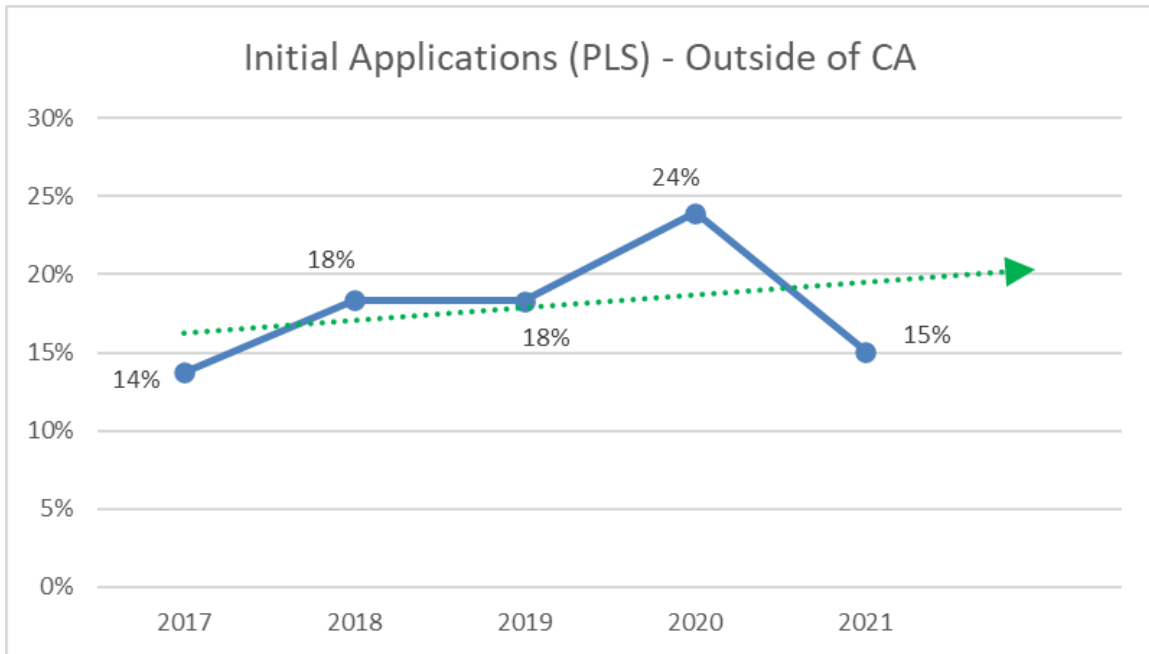
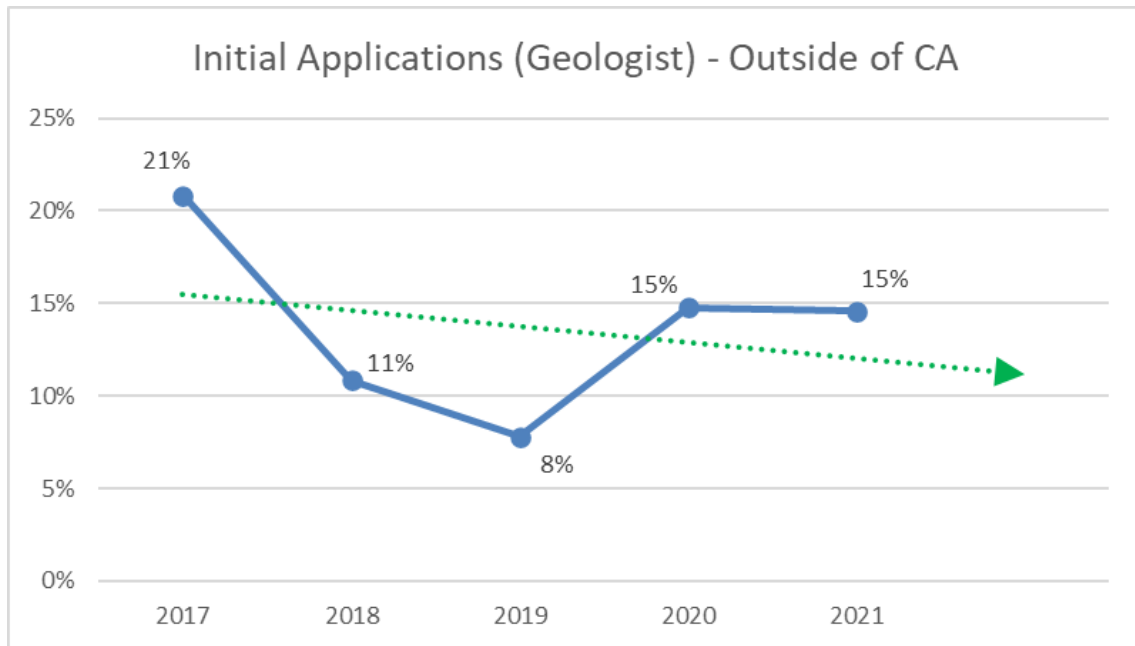


Figure 11



VIII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. 2023 Board Meeting Schedule (**Possible Action**)
- D. Personnel
- E. ABET
- F. Association of State Boards of Geology (ASBOG)
- G. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Report
- H. Update on Outreach Efforts
- I. Strategic Plan Discussion (**Possible Action**)

Rulemaking Status Report

1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)

- Board staff finalizing initial rulemaking documents for submittal to DCA and Agency for review prior to public notice (October 2022).
 - 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 with Legal to prepare language for Board review at the December 2022 meeting.
 - 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 will work with DCA Legal to prepare documents for initial notice in 2023.
 - 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 will work on the pre-notice documents in 2023.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 10/10/2022	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
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The Maintenance & Operations (M&O) phase of project began July 2022. Product Increment (PI5) of the project scheduled to go live early September 2022 is rescheduled until mid-October and for BPELSG, will consist primarily of bug fixes and requested refinements. Staff is currently working with Agile Team on additional application types.

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live Product Increment 5 (PI5)	On-going	Oct 2022	No

2023 BOARD MEETING DATES

JANUARY

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
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KEY	HOLIDAYS	NCEES AND ASBOG EVENTS
<ul style="list-style-type: none"> Board Meeting Dates State Holidays 	<ul style="list-style-type: none"> • 1/2 New Year's Day • 1/16 (observed) • 2/20 MLK Day • 3/31 President's Day • 5/29 Cesar Chavez Day • 7/4 Independence Day • 9/4 Labor Day • 11/10 Veteran's Day • 11/23 - 11/24 Thanksgiving Holiday • 12/25 Christmas 	<p>April 27-29 Joint Zone Meeting, Houston, TX</p> <p>August 15-18 NCEES Annual Meeting, Boston, MA</p> <p>October 30-November 4 ASBOG Annual Meeting, Spokane, WA</p>

QUARTERLY OUTREACH REPORT (Q4)

SOCIAL MEDIA: APRIL- JUNE 2022

 TOP FACEBOOK POSTS	DATE	VIEWS
Sacramento City College “Thank You for Hosting Us”	4/29	624
NCEES Survey Request	5/13	609
Board Civil Request	4/29	530
Board Civil 2nd Request Extension	6/1	400
Board Civil Request Reminder	5/11	276

 TOP TWEETS	DATE	VIEWS
International Women in Engineering Day	6/23	246
Board Civil Survey Request	4/29	221
NCEES Survey Request	5/30	80
Board Meeting Materials Addendum	4/29	79
Notice and Agenda for 6/23 Board Meeting	6/17	76

WEB PAGE VIEWS	VIEWS
License Lookup	265,277
Board Front Page	203,252
License Renewal Information	116,947
PE Applicants Information	110,353
PE Application	87,745

OUTREACH EVENTS
April 7 - UCLA ASCE and EERI-SEAOSC FE exam presentation. Natalie King (PE)
April 26 - Cal Poly Pomona - Path to PE presentation. Natalie King (PE)
Apr 27 - Sacramento City College - Path to PE presentation. M. Donelson PE (Zoom)
April 27 - Jacobs Career Network - Path to PE presentation. Natalie King PE
May 10 - Understanding Professional Licensure Requirements and Application Process in California to CalCIMA. Laurie Racca PG and Natalie King PE
May 16 - UC Riverside Path to PE presentation. M. Donelson PE
Jun 2 – Monterey CLSA & ASCE presentation. R. Moore PLS and D. Sweeney PLS
Jun 16 – San Joaquin ACEC presentation. R. Moore PLS and D. Sweeney PLS
Jun 23 - Mechanical Engineering presentation at Amazon. M. Donelson, PE



Board for Professional Engineers, Land
Surveyors, and Geologists
Strategic Plan 2022 – 2027

Prepared by:

SOLID Planning Solutions

Department of Consumer Affairs

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Members of the Board

Elizabeth “Betsy” Mathieson, Geologist Member, Board President

Rossana D’Antonio, Civil Engineer Member, Board Vice President

Fel Amistad, Public Member

Alireza Asgari, Structural Engineer Member

Duane Friel, Public Member

Michael Hartley, Land Surveyor Member

Kathy Jones Irish, Public Member

Eric Johnson, Electrical Engineer Member

Coby King, Public Member

Paul Novak, Public Member

Mohammad Qureshi, Traffic Engineer Member

Frank Ruffino, Public Member

Wilfredo Sanchez, Public Member

Christina Wong, Public Member

Gavin Newsom, Governor

Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services, and Housing Agency

Kimberly Kirchmeyer, Director, Department of Consumer Affairs

Richard B. Moore, Executive Officer, Board for Professional Engineers, Land Surveyors, and Geologists

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Message from the Board President

This new strategic plan is being published at an exciting time for the Board. During the strategic planning process (described in the final section of this document) the Board reflected upon and responded to recent changes in society and technology as well as in its regulated professions.

We are 2-1/2 years into the global COVID-19 pandemic, having adapted to circumstances by implementing changes such as temporary teleworking for Board staff and holding two years of Board meetings via an online hosting platform that allows remote participation by Board members, staff, guests, and the public.

Increased recognition of the importance of diversity, equity, and inclusion of underserved communities led to the expansion of the Board's list of Values and the development of some important new Objectives.

The Board's ongoing rollout of its new online application/licensing portal, Connect, facilitated development of several Objectives designed to meet needs identified during internal and external surveys conducted early in the strategic planning process.

This strategic plan is but one example of the Board's incorporating input from various stakeholders. I encourage every licensee to respond to Board surveys such as the periodic job analysis surveys for exam development. I also encourage all individuals to take advantage of opportunities to provide feedback to the Board. That input will increase the Board's effectiveness in meeting the Goals described in this strategic plan and will further protection of the public.

About the Board

- 1891
 - Licensing for land surveyors (first in nation) was enacted on March 31, 1891 by the Legislature, which also established the State Surveyor General.
- 1920s
 - The Board was created by the Legislature. Registration was for civil engineers only.
- 1930s
 - Structural Engineer license was added by the Legislature.
 - State Surveyor General's office was abolished and Land Surveyor licensing authority was transferred to the Board by the Legislature.
- 1940s
 - The Legislature added restrictions on use of engineering titles (this began the creation of the "title acts") for the branches of professional engineering in the fields of chemical, electrical, mechanical, and petroleum engineering.

- 1960s
 - The Legislature added restrictions on use of engineering titles for the branch of metallurgical engineering.
 - The Legislature added restrictions on the practices of electrical and mechanical engineering (change in status from “title act” to “practice act”) and on use of engineering titles for the branch of industrial engineering.
 - The Legislature delegated authority to the Board to create new title acts.
 - The Legislature created the Board of Registration for Geologists under the Geologist Act to regulate the practice of geology.
- 1970s
 - The first Professional Geologist license and the first Certified Engineering Geologist title authority license were issued.
 - Professional Geophysicist licensure and regulation of the practice of geophysics were added by the Legislature.
 - The Board held hearings and created nine additional title act branches of engineering: agricultural, control systems, corrosion, fire protection, manufacturing, nuclear, quality, safety, and traffic.
- 1980s
 - The Geotechnical Engineer license was added by the Legislature.
 - The Board’s authority to create new title act branches of engineering was eliminated by the Legislature at the Board’s request.
 - The requirement for testing of all civil engineering applicants on engineering surveying principles and seismic principles was added by the Legislature.
- 1990s
 - The Legislature created the sunset review process for all licensing boards under the Department of Consumer Affairs.
 - The Board adopted regulations to create the title authority license of Certified Hydrogeologist for Professional Geologists.
- 2000s
 - Laws requiring licensees to execute written contracts for professional services were enacted.
 - Legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors.
- 2010s
 - Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

- The Board began administering its state-specific licensing examinations via computer-based testing (CBT).
- The Board implemented online licensure renewals via credit card payment.
- The Legislature authorized the Board to collect fingerprints from applicants for the purpose of a criminal history record check to further its mission of public protection.
- The Board conducted a review of its operational processes and procedures and, based on that review, reorganized into four functional units: Administrative Services, Enforcement, Examination Development, and Licensing.
- The Board transitioned all eight of its state-specific licensing examinations to computer-based testing (CBT) format, allowing for more testing opportunities.
- 2020s
 - Working with a vendor and the Department of Consumer Affairs' Office of Information Services, the Board developed and launched its BPELSG Connect system, a licensing and enforcement monitoring system that allows submission of applications, renewals, and complaints through an online portal.

Significant Accomplishments

The Board has achieved the following accomplishments related to the objectives in its July 27, 2017, Updated Strategic Plan:

Objective 1.1 Develop and implement an integrated licensing and enforcement case management system.

Status – The Board conducted a Business Process Improvement Study, then retained a vendor to implement a Business Modernization Project including a newly acquired integrated software system to manage workflows across all units of operation within the Board. The resulting online application/licensing portal, BPELSG Connect, includes license application, renewal, and enforcement case management modules. The first phase went live in late 2020, facilitating online applications and application status tracking for engineer-in-training and land surveyor-in-training, and online submittal of complaints to the Board’s Enforcement Unit. Subsequent phases included additional applications for other licenses and payment for license renewal, and payment for state-specific exams and notification of exam results. The Board’s speed and success in implementing its Business Modernization Project has received acclaim from DCA, and license applicants have provided overwhelmingly positive feedback about their experience submitting an application on the platform.

Objective 2.1 Monitor and report annually whether national exams continue to meet California’s licensing requirements.

Status –The Board monitors national exam results and trends. Board members and staff are actively involved with NCEES and ASBOG examination development and oversight committees. The Board’s Executive Officer continues to encourage Board members and staff to maintain involvement with NCEES and ASBOG.

Objective 3.2 Proactively monitor and clarify as needed laws and regulations.

Status – Board staff continuously monitors the laws and regulations under the Board’s jurisdiction to ensure they are clear, appropriate, and relevant and recommends additions, amendments, or repeals as needed.

Objective 5.1 Communicate enforcement actions on an ongoing basis on the Board website as soon as feasible.

Status – Accusations against licensees are posted in the License Lookup section of the Board’s website once they are filed and served on the respondent (licensee). Final disciplinary decisions are posted on the website once they become final and effective.

Objective 5.2 Maintain and expand as necessary the Board’s social media presence.

Status – As reported quarterly, the responses to the Board’s Facebook posts and Twitter tweets indicate the Board’s social media presence is reaching licensees.

Objective 5.3 Report annually to the Board the steps taken to educate university administrators and students about the importance of licensure.

Status – Board staff provides quarterly reports on the Board’s extensive outreach program to college and university academic staff and students. This outreach emphasizes the importance of, and paths to, licensure. Outreach presentations are usually done in-person on campus but may also be done as virtual/remote presentations.

Mission, Vision, and Values

Our Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Our Vision

A safe and resilient California with confidence in the integrity and work of the Board's licensed professionals.

Our Values

- Accountability
- Competence
- Consumer Protection
- Equity
- Fairness
- Integrity
- Professionalism

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Goal 1: Licensing

The Board protects the public by licensing qualified individuals who provide professional services in California.

Objectives:

- 1.1 Improve communication to licensees to ensure they are engaged and up to date on regulations and policies.
- 1.2 Continue rollout and enhancement of the Connect system to improve interactions with licensees.
- 1.3 Develop a strategy to implement a continuing education requirement to help licensees maintain and improve their professional knowledge and awareness of new, pertinent laws.
- 1.4 Implement a renewal assessment to promote better informed licensees regarding relevant laws and regulations.

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Goals 2: Applications and Examinations

The Board processes applications and administers examinations in a timely and accessible manner to determine individuals' qualifications for licensure.

Objectives:

- 2.1 Improve communication to applicants to educate them on application and examination requirements, the Connect system, and the licensing process.
- 2.2 Offer applicants current status updates in the Connect system as a way of checking the status of their application online and reducing the need for applicants to call the Board.
- 2.3 Continue rollout and enhancement of the Connect system to streamline applications and the exam scheduling process.
- 2.4 Update and maintain the list of frequently asked questions and appropriate answers to enable applicants to submit a complete application package and improve staff efficiency.
- 2.5 Educate prospective references that their opinion of an applicant's readiness for licensure is as important as passing an exam to provide additional verification of the applicant's qualifications.
- 2.6 Advocate for national exam and state exam standards to maintain their high quality and which reflect the knowledge and skills needed in the profession(s) to accurately measure applicants' qualifications to practice in California.
- 2.7 Keep licensure requirements and exams relevant and fair to competent applicants with varied education and experience to increase diversity in the professions, leading to an increase in the number of licensees.
- 2.8 Increase the visibility of application processing timeframes on the website to inform Board members, licensees, and consumers of the Board's performance.

Goal 3: Laws and Regulations

The Board strives to ensure that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

Objectives:

- 3.1 Collaborate with the Department of Consumer Affairs and the California Business, Consumer Services and Housing Agency on the timeline for approval of regulations to facilitate timely implementation of changes.
- 3.2 Develop a mentorship or succession plan to provide staff with continuity of knowledge and skills related to the legislative and rulemaking processes.
- 3.3 Anticipate the need for new legislation, recruit potential sponsors for bills, and respond to bills that have an effect on the Board's ability to protect the public in an effort to ensure statutes are relevant and to support the Board's mission.
- 3.4 Develop and promote new regulations as necessary to implement statutory authority and to keep Board policies and procedures consistent and relevant across all the professions.
- 3.5 Improve communication to licensees to ensure that they are kept aware of changing laws and regulations.
- 3.6 Promote legislation to increase and collect penalties for unlicensed practice to provide effective deterrents.

Goal 4: Enforcement

The Board strives to protect the public by enforcing the laws and regulations governing the Board's professions.

Objectives:

- 4.1 Continue development and refinement of the Connect system's enforcement module to increase the efficiency of complaint submittal, respondent contact, case-tracking, and reporting of case status.
- 4.2 Improve education to applicants and licensees of common violations that could lead to disciplinary action to reduce violations and increase understanding of requirements.
- 4.3 Work with law enforcement and other appropriate government agencies to enforce penalties to provide effective deterrents to unlicensed practice.
- 4.4 Continue to reduce investigation timelines to streamline enforcement against violators and be responsive to complainants.
- 4.5 Educate other governmental entities about unlicensed practice to minimize risk to the public and increase effectiveness of enforcement actions against unlicensed individuals.
- 4.6 Develop a plan for recruitment, training, and retention of expert consultants to improve the quality and consistency of case reviews.

Goal 5: Outreach

The Board promotes the importance of licensure to educate applicants, licensees, the public, and other stakeholders about the practice and regulation of the professions.

Objectives:

- 5.1 Solicit feedback from applicants, licensees, complainants, respondents, consumers, and staff to gauge the Board's success in meeting its goals and to receive suggestions for improvement.
- 5.2 Increase outreach to students through innovative tools and social media platforms to increase interest in the professions, recognition of the importance of licensure, understanding of requirements, and awareness of the Board's activities.
- 5.3 Explore and implement additional means of outreach on social media, including advertising, to increase interest in the professions, recognition of the importance of licensure, understanding of requirements, and awareness of the Board's activities.
- 5.4 Increase public awareness of the Board's functions and services so the public knows how to submit complaints and can use the Board as a resource.
- 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.
- 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights with the Board to improve the public's awareness.

Goal 6: Customer Service and Administration

The Board continuously works to improve efficiency and quality of its services.

Objectives:

- 6.1 Provide customer service training to staff on a periodic basis to reinforce the importance of serving the public.
- 6.2 Develop a mentorship or succession plan for all management positions to provide continuity of knowledge.
- 6.3 Assess and administer, where appropriate, technological developments that improve process efficiencies to better serve applicants, licensees, and the public.
- 6.4 Adopt creative, innovative, and proactive ways to communicate the Board's processes and procedures to promote better understanding for the public.
- 6.5 Create an onboarding program for the Board members to educate them on the Board's regulated professions, policies, and procedures to increase the Board members' effectiveness and confidence.
- 6.6 Evaluate customer service complaints to find patterns related to the sources and types of complaints to implement changes where needed.
- 6.7 Increase understanding of Board processes to improve applicant, licensee, and consumer satisfaction.

Strategic Planning Process

To understand the environment in which the Board operates and to identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID Planning Unit (SOLID) conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- Interviews were conducted with twelve members of the Board, as well as the Executive Officer, and five members of Board management. These interviews were completed during the months of August and September 2021.
- An online survey was posted on the Board website and sent to a Listserv of external Board stakeholders in August 2021. Six hundred and twenty-three stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the Board members and the Executive Officer during a strategic planning session facilitated by SOLID on January 10, 2022. This information guided the Board in the review of its mission, vision, and values while directing the development of the strategic goals and objectives outlined in this new strategic plan.

Board for Professional Engineers, Land Surveyors, and Geologists

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Strategic plan adopted on March 7, 2022.

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Board for Professional Engineers, Land Surveyors, and Geologists on January 10, 2022. Subsequent amendments may have been made after the adoption of this plan.



Prepared by:

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IX. President's Report/Board Member Activities

X. Approval of Meeting Minutes (Possible Action)

A. Approval of August 22, 2022, Board Meeting Minutes

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

Monday, August 22, 2022, beginning at 9:00 a.m.

Monday, August 22, 2022

Board Members Present:	President Rossana D’Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Christina Wong
Board Members Absent:	Duane Friel and Wilfredo Sanchez
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Natalie King (Senior Registrar Civil Engineer); Dallas Sweeney (Senior Registrar Land Surveyor); and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

President D’Antonio called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

President D’Antonio led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Alan Escarda, representing PECG, expressed his appreciation to see the Board meet in person. Amie Flynn, Deputy Attorney General Liaison for the Board; and Carl Josephson, representing SEAOC, introduced themselves.

IV. Administration

A. Fiscal Year 2021/22 Budget Report

Mr. Moore reviewed the budget report changes in wages and benefits that were reported in the MOU (Memo of Understanding). He is expecting more changes as a result of receiving Fiscal Month 13 results. Mr. Ruffino inquired about the vacancies in Board staff and lease information. Mr. Moore noted that personnel matters will be addressed later in the meeting. Ms. Eissler reported that the Board is committed to a 5-year lease and noted that the first 3 years are a hard lease that cannot be amended.

V. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reviewed the legislative calendar and noted that the session ends August 31 and the Governor has until September 30 to act on bills.

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.
This bill did not make it out of committee because there was a lot of disagreement over the issues of public access and in-person and teleconferenced meetings. It is likely that the Legislature will discuss the matter further during a future session.
No action taken.

4. **SB 189** (Committee on Budget and Fiscal Review) State Government {Chapter 89, Statutes of 2022}.
This bill extends the provisions of the Bagley-Keene Open Meeting Act that allow meetings to be held via teleconference without a requirement to provide a physical location. This provision remains in effect until July 1, 2023.

During Public Comment, Mr. Escarda expressed his preference that the Board meet in-person but to also allow the public to attend virtually.
No action taken.

5. **SB 1120** (Jones) Engineering, land surveying, and geology.
This is the bill the Board is co-sponsoring. Ms. Eissler reported that she has sent a letter of support requesting the Governor sign the bill.
No action taken.

6. **SB 1237** (Newman) Licenses: military service.
No action taken.

7. **SB 1443** (Roth) The Department of Consumer Affairs.
The Board maintains a position of support. No action taken.

8. **SB 1495** (Committee on Business, Professions and Economic Development) Professions and vocations.

MOTION:	Mr. King and Mr. Ruffino moved that the Board take a position of "Support" on SB 1495, as last amended.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	
Christina Wong	X				

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

Ms. Eissler reported that Public Resources Code section 677 specifies that the State Geologist is required to be a licensed geologist or to obtain their license within one year of their appointment. The other requirements include knowledge of various geological factors and engineering geology and provides that that position advises the director relating to geology matters. The Board was contacted by the Department of Conservation (DOC) and the California Natural Resources Agency (CNRA), who have indicated they are having difficulty recruiting to fill the State Geologist position because finding someone who is licensed that meets the qualifications they are seeking has proven to be difficult. They were hoping to change the law so that the person would either be licensed or meet other qualification requirements and wanted to know the Board's thoughts. Mr. Moore and Ms. Eissler met with them along with representatives from the Department of Consumer Affairs Legislative Unit (DCA) and the Business, Consumer Services and Housing Agency's Legislative Unit (BCSH). Mr. Moore, Ms. Eissler, and the representatives from DCA and BCSH all expressed concerns with the position being filled by someone who is not licensed because that person would be stating opinions, providing advice, and making recommendations that would be geological in nature, making it appear that this person was licensed. It would be necessary for a licensed geologist be in responsible charge who would sign and seal any documents or maps that would be prepared. Giving advice or expressing opinions that are based on professional geology experience, judgment, or analysis would have to be completed by someone who is licensed. DOC and CRNA did provide the Board with draft language, and Ms. Eissler reported that she and BCSH provided feedback indicating concerns with how portions of the proposal were phrased. DOC and CRNA indicated that they were hoping to

have it amended into legislation this session. Ms. Eissler advised that no final language has been received. She explained that she had told DOC and CRNA that she needed information and draft language by Friday, August 19, to present to the Board as the Board cannot take any position on language without it being in print form. She has yet to hear from them. She did receive correspondence from G.V. Ayers, lobbyist representing the Association of Environmental and Engineering Geologists (AEG). AEG was contacted about the proposal and indicated in their letter that they are very concerned with any proposal or any changes that would waive the requirements that the person be a licensed geologist. At this point, there is no language for the Board to consider. It is possible that the proposal will not take place this year and wait until next year. The Association of Environmental and Engineering Geologists is going to assist in the recruiting efforts for licensees and hopefully this will aid in DOC's search. If not, Ms. Eissler suspects that they will likely revisit the idea of legislation for the next legislative session. She will continue to monitor.

Ms. Mathieson expressed her concerns with the proposal and noted that California has 1/3 of the country's licensed geologists. California is a state with a lot of geologic conditions that affect the public's health, safety, and welfare and it is important that the State Geologist's position exists and is visible to the public. If they are going to do any type of geologic work or make statements, they must be a licensed geologist. If these departments and agencies propose to add disclaimers, making it only an administrative position, they should not be referred to as the State Geologist.

During Public Comment, Alan Escarda indicated that PECG would oppose any such legislation.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Eissler reviewed the Enforcement statistics. She reported the huge jump in completed investigation cases in July was the result of a large group of related cases.

VII. Exams/Licensing

A. Examination/Licensing Updates

1. 2022 Examination Update – First and Second Quarter Examination Results

Mr. Moore reviewed the examination results. Ms. Mathieson recalled that the pass rate for those candidates who schedule the third month of the quarter are consistently not as good as others. Mr. Moore explained that the state civil engineering examinations are offered on a quarterly basis, and there is a rush to schedule both early and as late in the quarter as possible. For some reason, those who schedule late in the quarter tend to have a lower pass rate than those who schedule early. His speculation is they are simply not as prepared.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported that staff is continuing to work with DCA's Regulations Unit on preparing the documents necessary to notice the proposal relating to ASBOG fees, postponements, and abandoned applications.

The packages related to the application forms, references, and the minor changes to qualifying experience are all related to the Connect system, and we must detail out the information candidates must provide the Board as part of the application process as there is no longer a paper form for them to use. Staff continues to work on language to present to the Board at a future meeting.

Mr. Moore reported on the Definition of Traffic Engineering. Board staff continues to work with DCA legal to prepare documents for notice. However, the other two rulemaking proposals have a higher priority.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the contract ended June 30, 2022, and entered the maintenance and operations phase as of July 1, 2022.

C. Personnel

Mr. Moore reported there are three vacancies in the Licensing and Administration Units. Interviews are taking place for two of these positions, and the managers are hoping to fill them in September. One of the Licensing Evaluator positions is being reclassified from clerical to analyst. In addition, the Board is actively recruiting for the Senior Registrar, Geologist vacancy. Unfortunately, candidates outside of state service do not qualify. Only those within state services can apply. Second interviews were recently conducted, and we are hoping to make a tentative offer soon.

D. ABET

Mr. Moore has been in communication with Beth from ABET and noted that there are no scheduled visits this fall.

E. Association of State Boards of Geology (ASBOG)

1. 2022 Annual Meeting Update – Board Voting Delegate

The Annual Meeting is coming up soon, and the Board was denied out of state travel because it is being held in a state on the banned travel list. DCA has indicated an exemption to attend in person would not be granted as ASBOG is offering a virtual platform.

MOTION:	Mr. King and Ms. Irish moved to nominate Ms. Mathieson to virtually attend the ASBOG Annual Meeting as a voting delegate.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	
Christina Wong	X				

Mr. Moore updated the Board on news that he received last week. While the Board was granted permission to attend the ASBOG exam development meeting in Chicago, it was recently determined that ASBOG cannot logistically conduct this meeting there and moved it to a state that the Board cannot travel to and therefore, it is no longer an option for the Board to attend.

- F. National Council of Examiners for Engineering and Surveying (NCEES)
 Mr. Josephson announced that the Structural Engineer Caucus will take place Tuesday at 10 a.m. There will also be opportunity to discuss the more controversial topics such as fee increase.

1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions
Western Zone Motion 1

Mr. King reviewed and was inclined to agree with the Board of Directors' rationale vs. the New Mexico rationale. He noted that he would like to get a sense of what the professional members of the Board think and whether the Board should provide direction. Mr. Moore has concerns with states that issue licenses without exams. California has an experience-only pathway for engineers and surveyors as well as an educational pathway. Most other states do not have that option, especially for engineers. He believes that these proposed changes pose a threat to licensure. Dr. Qureshi shared his perspective in that it is hard to say whether it is good or bad. This may make applicants who have not taken exams and who come to California think that there is a chance for them to obtain a license when in reality there is not. There is nothing that requires the Board to adopt or follow the motion. While it does not help people coming to California, it certainly helps California licensees. Ms. Mathieson would prefer not to take a position on a motion at this point.

During Public Comment, Mr. Escarda inquired how to access the outcome of motions. Mr. Moore directed him to the NCEES website to view the results of the motions once they are posted.

MOTION:	Mr. King and Ms. Wong moved to direct delegates to oppose Western Zone Motion 1, as it is written.
VOTE:	3-8, Motion Failed

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio		X			
Vice-President Hartley		X			
Fel Amistad		X			
Alireza Asgari		X			
Duane Friel				X	
Kathy Jones Irish		X			
Coby King	X				
Betsy Mathieson		X			
Paul Novak	X				
Mohammad Qureshi		X			
Frank Ruffino		X			
Wilfredo Sanchez				X	
Christina Wong	X				

2. Introduction of Jason Gamble, PE, NCEES Chief Officer of Examinations
Mr. Moore introduced Jason Gamble, PE, NCEES Chief Officer of Examinations. Mr. Gamble provided an overview on the Structural Examination conversion to computer-based testing (CBT). It is scheduled for 2024 and includes scenarios that were developed with alternate item types and multiple correct answers. The depth portion will be all alternate item types.

F. National Council of Examiners for Engineering and Surveying (NCEES)

1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions
(Cont.)

ACCA Motions 9 and 10

Mr. King and Dr. Qureshi suggested discussing ACCA Motions 9 and 10. Dr. Qureshi summarized both motions and explained that Motion 9 is to create a dedicated position on the Board of Directors for public members and Motion 10 is to modify the bylaws to allow public members to run for office. The Board of Directors does not support Motion 9 and does support Motion 10. Dr. Qureshi offered his assessment and noted that he disagrees with the Board of Directors on Motion 9 and believes that they are missing the point and explained if Motion 10 is passed, it allows a public member to be part of the Board of Directors. The concern he expressed is that it only allows and does not ensure. Motion 9 will ensure there is a representation

of a public member on the Board of Directors. Mr. King believes the Board should support both. By consensus, the Board agreed to let the delegates to the meeting listen to the discussion and vote in the best interest of California.

Finance Motion 4

Mr. Moore reviewed Finance Motion 4 that pertains to the structural exam fees. Currently, the fee is \$400 per component. \$400 one day and \$400 the second day. With the new CBT format, which consists of four sections, it will be \$350 per section. It will cost the candidate \$1,400 vs. \$800 to sit for the examination. Mr. Moore explained that when you transition from paper and pencil to computer-based testing, you pay for the seat time which is the fee that examination center charges the candidate to be there in addition to the examination fee.

Engineering Licensure Model Task Force (1 Motion)

Mr. Moore explained that much of the older language is being replaced with more updated language.

ACCA Motion 5

Mr. Moore explained that this motion is in reference to diversity.

EPP Motion 4

Dr. Qureshi reviewed the motion and noted that it is only striking out language.

EPP Motion 9

Updated language including pronouns.

G. Update on Outreach Efforts

No report given.

H. Future Meeting Logistics

Mr. Moore presented modes of facilitating future Board meetings. All in-person, reverting to how the Board met pre-pandemic with all Board members, staff, and members of the public present in one location or all WebEx. DCA can facilitate the Board meetings via WebEx only if they are held in Sacramento at DCA's HQ1 or HQ2. At locations outside of DCA, we cannot guarantee the quality of the Wi-Fi, which is needed for a hybrid meeting. If the Board decides to conduct hybrid meetings, those will have to be held at HQ1 or HQ2 in Sacramento. Much of it has to do with the public being able to hear and distinguish Board members during discussions on WebEx. Mr. Moore recalled difficulties in past meetings as the Board does not have the proper equipment to present their own virtual meetings. DCA is looking for a Southern California location to be able to facilitate virtual board meetings. Mr. King asked what DCA's preferences are. Mr. Moore indicated that DCA is more in favor of the

entire meeting being conducted via WebEx than hybrid. They are also not in favor of holding a hybrid meeting at one physical non-DCA location where the public has to come to that physical location. If that remote connection goes down to where the public can no longer access the meeting, the meeting must end and not continue. Mr. Ruffino shared his impression in that it would be simpler to attend the meetings in Sacramento. Mr. Moore suggested facilitating the meetings in an all remote platform or all in person meetings. Mr. Novak's impression is that there is a cost savings of conducting in a fully remote format that would both accomplish the convenience for the public and reduce the cost. Mr. Moore indicated there was indeed a cost savings. Mr. King believes the Board is more effective in person and also sees value in meeting around the state. Traditionally, there are approximately 2-3 meetings in Sacramento and the other half in other areas of the state. He suggested that when the Board is in Sacramento, we will conduct the full WebEx experience and when the Board meets in other areas of the state, it will be an all-public experience. He would hate to lose in person meetings or getting around the state. Ms. Wong suggested try half in person and half at DCA. Mr. Hartley and Ms. Mathieson agree that in person meetings are more open, understanding of each other when we can also have conversations as guests arrive, respect each other more, we are still congenial. She likes the idea of holding WebEx meetings in Sacramento and in person in other areas of the state. President D'Antonio likes the idea of making the Board accessible to the public around the state. Mr. Moore added that more people attend the meetings virtually than in person. The 2023 Board meeting calendar will be presented at the next Board meeting for review.

IX. President's Report/Board Member Activities

President D'Antonio attended a virtual NCEES meeting for first-time attendees of the Annual Meeting. Mr. Moore announced that it is our Legal Counsel Joseph Chin's last meeting as he has accepted a promotional position with the State Bar.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the June 23, 2022, Board Meeting

MOTION:	Mr. King and Ms. Mathieson moved to approve the minutes of the June 23, 2022, meeting.
VOTE:	8-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio	X				
Vice-President Hartley			X		
Fel Amistad	X				
Alireza Asgari			X		
Duane Friel				X	
Kathy Jones Irish	X				
Coby King	X				

Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino			X		
Wilfredo Sanchez				X	
Christina Wong	X				

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

There was no discussion.

XII. 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)]

XIII. Open Session to Announce the Results of Closed Session

During Closed Session the Board took action on two stipulations, one default decision, a proposed decision, and a petition for reconsideration.

XIV. Adjourn

The meeting adjourned at 3:34 p.m.

PUBLIC PRESENT

Carl Josephson, SEAOC

Alan Escarda, PECCG

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XII. Recess Open Session

XIII. Convene Closed Session – The Board will meet in Closed Session to discuss, as needed:

- A. Deliberate and Vote on Disciplinary Matters, Including Stipulated Settlements and Proposed Decisions Pursuant to Government Code section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel regarding Pending Litigation Pursuant to Government Code section 11126(e)(1) and (2)(A), as follows:
 - 1. *Ryan Crownholm, et al., vs. Richard B. Moore, et al.*, United States District Court, Case No. 2:22-cv-01720-DAD-CKD

XIV. Adjourn Closed Session

XV. Reconvene Open Session

XVI. Adjourn
