

Senate Bill No. 135

Passed the Senate September 6, 2001

Secretary of the Senate

Passed the Assembly August 31, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend, repeal, and add Section 7124.6 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 135, Figueroa. Contractors.

Existing law, the Contractors' State Licensing Law, requires the registrar to make available to the public the nature and disposition of all complaints on file against a licensee that have been referred for legal action. Existing law prohibits the disclosure of complaints that have been resolved in favor of the contractor.

This bill would require on July 1, 2002, the registrar to make available to the public the date, nature, and status of all complaints on file that have been referred for an accusation or an investigation due to a probable violation that, if proven, would be appropriate for suspension or revocation of the contractor's license or criminal prosecution. The bill would require the board to adopt a disclaimer that would accompany the disclosure of a complaint. The bill would require the registrar to disclose on July 1, 2002, or a later date, the date, nature, and disposition of all legal actions except as specified.

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

SECTION 1. Section 7124.6 of the Business and Professions Code is amended to read:

7124.6. (a) The registrar shall make available to members of the public the nature and disposition of all complaints on file against a licensee that have been referred for legal action.

(b) Any complaints resolved in favor of the contractor shall not be subject to disclosure under subdivision (a).

(c) This section shall become inoperative on July, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 7124.6 is added to the Business and Professions Code, to read:



7124.6. (a) The registrar shall make available to members of the public the date, nature, and status of all complaints on file against a licensee that do either of the following:

(1) Have been referred for accusation.

(2) Have been referred for investigation after a determination by board enforcement staff that a probable violation has occurred, and have been reviewed by a supervisor, and regard allegations that if proven would present a risk of harm to the public and would be appropriate for suspension or revocation of the contractor's license or criminal prosecution.

(b) The board shall create a disclaimer that shall accompany the disclosure of a complaint that shall state that the complaint is an allegation. The disclaimer may also contain any other information the board determines would be relevant to a person evaluating the complaint.

(c) A complaint resolved in favor of the contractor shall not be subject to disclosure.

(d) Except as described in subdivision (e), the registrar shall make available to members of the public the date, nature, and disposition of all legal actions.

(e) Disclosure of legal actions shall be limited as follows:

(1) Citations shall be disclosed from the date of issuance and for five years after the date of compliance, counting only the time the contractor's license is active.

(2) Accusations that result in suspension or stayed revocation of the contractor's license shall be disclosed from the date the accusation is filed and for seven years after the accusation has been settled, including the terms and conditions of probation, counting only the time the contractor's license is active.

(3) All revocations that are not stayed shall be disclosed indefinitely from the effective date of the revocation.

(f) Subdivisions (a), (b), and (c) shall become operative on July 1, 2002. Subdivisions (d) and (e) shall become operative on July 1, 2002, or as soon thereafter as administratively feasible, as determined by the registrar, but not later than January 2, 2003.



Approved _____, 2001

Governor

