

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Aanestad, Brulte, and Machado)**

March 28, 2003

An act to amend Sections 29.5, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, 7143, 8762, 8766, 8773.2, and 8773.4 of, and to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1078, as introduced, Committee on Business and Professions. Professions and vocations.

(1) Existing law provides for licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors.

This bill would allow the county surveyor to examine and file a record of survey prepared by a land surveyor or civil engineer prior to his or her death. The bill would revise existing provisions relating to filing of corner records by a land surveyor or civil engineer with the county surveyor.

(2) Existing law provides for licensing and regulation of contractors by the Contractors' State License Board.

This bill would revise existing provisions relating to the following: contractors bidding on projects as a joint venture, the period of time that the board discloses to the public citations or accusations against a contractor, the issuance of renewal licenses to contractors whose licenses have been expired for not more than 5 years, and the renewal of licenses held in suspension for those contractors whose licenses have expired while having been suspended. The bill would also add new provisions allowing use of prior recorded testimony of witnesses in

proceedings of the board, and providing that it is a cause for discipline for a contractor to claim to be insured or bonded under certain conditions or to engage in conduct that subverts an investigation of the board or in other related conduct.

(3) This bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 29.5 of the Business and Professions
2 Code is amended to read:

3 29.5. In addition to other qualifications for licensure
4 prescribed by the various acts of boards under the department,
5 applicants for licensure and licensees renewing their licenses shall
6 also comply with Section ~~11350.6~~ 17520 of the ~~Welfare and~~
7 ~~Institutions~~ Family Code.

8 SEC. 2. Section 6737.1 of the Business and Professions Code
9 is amended to read:

10 6737.1. (a) This chapter does not prohibit any person from
11 preparing plans, drawings, or specifications for any of the
12 following:

13 (1) Single-family dwellings of woodframe construction not
14 more than two stories and basement in height.

15 (2) Multiple dwellings containing no more than four dwelling
16 units of woodframe construction not more than two stories and
17 basement in height. However, this paragraph shall not be
18 construed as allowing an unlicensed person to design multiple
19 clusters of up to four dwelling units each to form apartment or
20 condominium complexes where the total exceeds four units on any
21 lawfully divided lot.

22 (3) Garages or other structures appurtenant to buildings
23 described under subdivision (a), of woodframe construction not
24 more than two stories and basement in height.

25 (4) Agricultural and ranch buildings of woodframe
26 construction, unless the building official having jurisdiction
27 deems that an undue risk to the public health, safety or welfare is
28 involved.

29 (b) If any portion of any structure exempted by this section
30 deviates from substantial compliance with conventional framing



1 requirements for woodframe construction found in the most recent
2 edition of Title 24 of the California ~~Administrative Code of~~
3 *Regulations* or tables of limitation for woodframe construction, as
4 defined by the applicable building code duly adopted by the local
5 jurisdiction or the state, the building official having jurisdiction
6 shall require the preparation of plans, drawings, specifications, or
7 calculations for that portion by, or under the ~~direct supervision~~
8 *responsible charge* of, a licensed ~~architect or registered engineer,~~
9 *or by, or under the responsible control of, an architect licensed*
10 *pursuant to Chapter 3 (commencing with Section 5500).* The
11 documents for that portion shall bear the stamp and signature of the
12 licensee who is responsible for their preparation.

13 SEC. 3. Section 6737.3 of the Business and Professions Code
14 is amended to read:

15 6737.3. A contractor, licensed under Chapter 9 (commencing
16 with Section 7000) of Division 3, is exempt from the provisions
17 of this chapter relating to the practice of electrical or mechanical
18 engineering so long as the services he or she holds himself or
19 herself out as able to perform or does perform, which services are
20 subject to the provisions of this chapter, are performed by, or under
21 the ~~responsible supervision~~ *charge* of a registered electrical or
22 mechanical engineer insofar as the electrical or mechanical
23 engineer practices the branch of engineering for which he or she
24 is registered.

25 This section shall not prohibit a licensed contractor, while
26 engaged in the business of contracting for the installation of
27 electrical or mechanical systems or facilities, from designing those
28 systems or facilities in accordance with applicable construction
29 codes and standards for work to be performed and supervised by
30 that contractor within the classification for which his or her license
31 is issued, or from preparing electrical or mechanical shop or field
32 drawings for work which he or she has contracted to perform.
33 Nothing in this section is intended to imply that a licensed
34 contractor may design work which is to be installed by another
35 person.

36 SEC. 4. Section 6756 of the Business and Professions Code
37 is amended to read:

38 6756. (a) An applicant for certification as an
39 engineer-in-training shall, upon making a passing grade in that
40 division of the examination prescribed in Section 6755, relating to



1 fundamental engineering subjects, be issued a certificate as an
2 engineer-in-training. A renewal or other fee, other than the
3 application fee, may not be charged for this certification. The
4 certificate shall become invalid when the holder has qualified as
5 a professional engineer as provided in Section 6762.

6 (b) An engineer-in-training certificate does not authorize the
7 holder thereof to practice or offer to practice civil, electrical, or
8 mechanical engineering work, in his or her own right, or to use the
9 titles specified in Sections 6732, 6736, and 6736.1.

10 (c) ~~A person may not~~ *It is unlawful for anyone other than the*
11 *holder of a valid engineer-in-training certificate issued under this*
12 *chapter to use the title of—engineer-in-training,*
13 *“engineer-in-training,” or any abbreviation of that title, unless he*
14 *or she is the holder of a valid engineer-in-training certificate.*

15 SEC. 5. Section 7013.5 is added to the Business and
16 Professions Code, to read:

17 7013.5. In all application, citation, or disciplinary
18 proceedings pursuant to this chapter and conducted in accordance
19 with the provisions of Chapter 5 (commencing with Section
20 11500) of Part 1 of Division 3 of Title 2 of the Government Code,
21 the testimony of a witness given in any contested civil or criminal
22 action or special proceeding, in any state or before any
23 governmental body or agency, to which the licensee or person
24 complained against is a party, or in whose behalf the action or
25 proceeding is prosecuted or defended, may be received in
26 evidence, so far as relevant and material to the issues in the
27 proceedings, by means of a duly authenticated transcript of that
28 testimony and without proof of the unavailability of the witness;
29 provided that the registrar may order the production of and
30 testimony by that witness, in lieu of or in addition to receiving a
31 transcript of his or her testimony and may decline to receive in
32 evidence the transcript of testimony, in whole or in part, when it
33 appears that the testimony was given under circumstances that did
34 not require or allow an opportunity for full cross examination.

35 SEC. 6. Section 7027.4 is added to the Business and
36 Professions Code, to read:

37 7027.4. (a) It is a cause for discipline for any contractor to
38 advertise that he or she is “insured” or has insurance without
39 identifying in the advertisement the type of insurance, including,
40 for example, “commercial general liability insurance” or “



1 workers' compensation insurance" that is carried by the
2 contractor. The contractor may abbreviate the title of the type of
3 insurance.

4 (b) It is cause for discipline for a contractor to advertise that he
5 or she is "bonded" if the reference is to a contractor's license bond
6 required pursuant to 7061.6 or to a disciplinary bond required
7 pursuant to 7071.8.

8 (c) "Advertise," as used in this section, includes, but is not
9 limited to, the issuance of any card, sign, or device to any person,
10 the causing, permitting, or allowing of any sign or marking on or
11 in any building or structure or business vehicle or in any
12 newspaper, magazine, or by airwave or any electronic
13 transmission, or in any directory under a listing for construction
14 or work of improvement covered by this chapter, for the direct or
15 indirect purpose of performing or offering to perform services that
16 require a contractor's license.

17 SEC. 7. Section 7029.1 of the Business and Professions Code
18 is amended to read:

19 7029.1. ~~It~~ (a) *Except as provided in this section, it is*
20 *unlawful for any two or more licensees, each of whom has been*
21 *issued a license to act separately in the capacity of a contractor*
22 *within this state, to be awarded a contract jointly or otherwise act*
23 *as a contractor without first having secured a joint venture license*
24 *in accordance with the provisions of this chapter as provided for*
25 ~~*an individual, partnership or corporation. Any violation of this*~~
26 ~~*section shall also constitute a cause for disciplinary action. If*~~

27 (b) *Prior to obtaining a joint venture license, contractors*
28 *licensed in accordance with this chapter may jointly bid for the*
29 *performance of work covered by this section. If a combination of*
30 *licensees submit a bid for the performance of work for which a*
31 *joint venture license is required, a failure to obtain that license*
32 *shall not prevent the imposition of any penalty specified by law for*
33 *the failure of a contractor who submits a bid to enter into a contract*
34 *pursuant to the bid.*

35 (c) *A violation of this section constitutes a cause for*
36 *disciplinary action.*

37 SEC. 8. Section 7116.5 is added to the Business and
38 Professions Code, to read:

39 7116.5. It is a cause for discipline for a licensee to do any of
40 the following:



1 (a) Engage in any conduct that subverts or attempts to subvert
2 an investigation of the board.

3 (b) Threaten or harass any person or licensee for providing
4 evidence in any possible or actual disciplinary action, arbitration,
5 or other legal action.

6 (c) Discharge an employee primarily because of the
7 employee’s attempt to comply with or aid in compliance with the
8 provisions of this chapter.

9 SEC. 9. Section 7124.6 of the Business and Professions Code
10 is amended to read:

11 7124.6. (a) The registrar shall make available to members of
12 the public the date, nature, and status of all complaints on file
13 against a licensee that do either of the following:

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

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

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

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

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

32 (1) Citations shall be disclosed from the date of issuance and
33 for five years after the date of compliance, ~~counting only the time~~
34 ~~the contractor’s license is active if no additional disciplinary~~
35 *actions have been filed against the licensee during the five-year*
36 *period. If additional disciplinary actions were filed against the*
37 *licensee during the five-year period, all disciplinary actions shall*
38 *be disclosed for as long as the most recent disciplinary action is*
39 *subject to disclosure under this section. At the end of the specified*
40 *time period, those citations shall no longer be disclosed.*



1 (2) Accusations that result in suspension, *stayed suspension*, or
2 stayed revocation of the contractor's license shall be disclosed
3 from the date the accusation is filed and for seven years after the
4 accusation has been settled, including the terms and conditions of
5 probation, ~~counting only the time the contractor's license is active~~
6 *if no additional disciplinary actions have been filed against the*
7 *licensee during the seven-year period. If additional disciplinary*
8 *actions were filed against the licensee during the seven-year*
9 *period, all disciplinary actions shall be posted for as long as the*
10 *most recent disciplinary action is subject to disclosure under this*
11 *section. At the end of the specified time period, those accusations*
12 *shall no longer be disclosed.*

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

15 ~~(f) Subdivisions (a), (b), and (c) shall become operative on July~~
16 ~~1, 2002. Subdivisions (d) and (e) shall become operative on July~~
17 ~~1, 2002, or as soon thereafter as administratively feasible, as~~
18 ~~determined by the registrar, but not later than January 2, 2003.~~

19 SEC. 10. Section 7138 of the Business and Professions Code
20 is amended to read:

21 7138. ~~—An application, reapplication, or rescheduling~~
22 *Notwithstanding any other provision of law, any fee paid in*
23 *connection with an any service or application for an original*
24 *license, an additional classification, or replacement of a*
25 *responsible managing officer or employee, as provided in*
26 *subdivisions (a) and (b) of covered by Section 7137, shall accrete*
27 *to the Contractors' License Fund as an earned fee. This fee and*
28 *shall not be refunded, notwithstanding any other provision of law,*
29 *when the application is filed.*

30 SEC. 11. Section 7141 of the Business and Professions Code
31 is amended to read:

32 7141. Except as otherwise provided in this chapter, a license
33 that has expired may be renewed at any time within ~~three~~ *five* years
34 after its expiration by filing an application for renewal on a form
35 prescribed by the registrar, and payment of the appropriate
36 renewal fee. Renewal under this section shall be effective on the
37 date an acceptable renewal application is filed with the board. The
38 licensee shall be considered unlicensed and there will be a break
39 in the licensing time between the expiration date and the date the
40 renewal becomes effective. If the license is renewed after the



1 expiration date, the licensee shall also pay the delinquency fee
2 prescribed by this chapter. If so renewed, the license shall continue
3 in effect through the date provided in Section 7140 which next
4 occurs after the effective date of the renewal, when it shall expire
5 if it is not again renewed.

6 If a license is not renewed within ~~three~~ *five* years, the licensee
7 shall make application for a license pursuant to Section 7066.

8 SEC. 12. Section 7143 of the Business and Professions Code
9 is amended to read:

10 7143. A license ~~which~~ *that* is suspended for any reason ~~which~~
11 *that* constitutes a basis for suspension under this chapter; is subject
12 to expiration ~~and shall not~~. *However, that license may be renewed*
13 ~~as active. The license may only be renewed as inactive provided~~
14 ~~for in this chapter, but such that~~ renewal does not entitle the
15 licensee, while the license remains suspended, and until it is
16 reinstated, to engage in ~~the licensed~~ *any activity to which the*
17 *license relates*, or in any other activity or conduct in violation of
18 the order or judgment by which the license was suspended.

19 SEC. 13. Section 8710.1 is added to the Business and
20 Professions Code, to read:

21 8710.1. Protection of the public shall be the highest priority
22 for the Board for Professional Engineers and Land Surveyors in
23 exercising its licensing, regulatory, and disciplinary functions.
24 Whenever protection of the public is inconsistent with other
25 interests sought to be promoted, the protection of the public shall
26 be paramount.

27 SEC. 14. Section 8762 of the Business and Professions Code
28 is amended to read:

29 8762. (a) ~~After~~ *Except as provided in subdivision (b), after*
30 making a field survey in conformity with the practice of land
31 surveying, the licensed surveyor or licensed civil engineer may file
32 with the county surveyor in the county in which the *field* survey
33 was made; a record of the survey.

34 (b) ~~After~~ *Notwithstanding subdivision (a), after* making a field
35 survey in conformity with the practice of land surveying, the
36 licensed land surveyor or licensed civil engineer shall file with the
37 county surveyor in the county in which the field survey was made
38 a record of the survey relating to land boundaries or property lines,
39 if the field survey discloses any of the following:



1 (1) Material evidence or physical change, which in whole or in
2 part does not appear on any subdivision map, official map, or
3 record of survey previously recorded or properly filed in the office
4 of the county recorder or county surveying department, or map or
5 survey record maintained by the Bureau of Land Management of
6 the United States.

7 (2) A material discrepancy with the information contained in
8 any subdivision map, official map, or record of survey previously
9 recorded or filed in the office of the county recorder or the county
10 surveying department, or any map or survey record maintained by
11 the Bureau of Land Management of the United States. For
12 purposes of this subdivision, a “material discrepancy” is limited
13 to a material discrepancy in the position of points or lines, or in
14 dimensions.

15 (3) Evidence that, by reasonable analysis, might result in
16 materially alternate positions of lines or points, shown on any
17 subdivision map, official map, or record of survey previously
18 recorded or filed in the office of the county recorder or the county
19 surveying department, or any map or survey record maintained by
20 the Bureau of Land Management of the United States.

21 (4) The establishment of one or more points or lines not shown
22 on any subdivision map, official map, or record of survey, the
23 positions of which are not ascertainable from an inspection of the
24 subdivision map, official map, or record of survey.

25 (5) The points or lines set during the performance of a field
26 survey of any parcel described in any deed or other instrument of
27 title recorded in the county recorder’s office are not shown on any
28 subdivision map, official map, or record of survey.

29 (c) The record of survey required to be filed pursuant to this
30 section shall be filed within 90 days after the setting of boundary
31 monuments during the performance of a field survey or within 90
32 days after completion of a field survey, whichever occurs first.

33 (d) (1) If the 90-day time limit contained in ~~this section~~
34 *subdivision (c)* cannot be complied with for reasons beyond the
35 control of the licensed land surveyor or licensed civil engineer, the
36 90-day time period shall be extended until the time at which the
37 reasons for delay are eliminated. If the licensed land surveyor or
38 licensed civil engineer cannot comply with the 90-day time limit,
39 he or she shall, prior to the expiration of the 90-day time limit,
40 provide the county surveyor with a letter stating that he or she is



1 unable to comply. The letter shall provide an estimate of the date
2 for completion of the record of survey, the reasons for the delay,
3 and a general statement as to the location of the survey, including
4 the assessor's parcel number or numbers.

5 ~~(e)~~

6 (2) The licensed land surveyor or licensed civil engineer shall
7 not initially be required to provide specific details of the survey.
8 However, if other surveys at the same location are performed by
9 others which may affect or be affected by the survey, the licensed
10 land surveyor or licensed civil engineer shall then provide
11 information requested by the county surveyor without
12 unreasonable delay.

13 ~~(f)~~

14 (e) Any record of survey filed with the county surveyor shall,
15 after being examined by him or her, be filed with the county
16 recorder.

17 ~~(g)~~

18 (f) If the preparer of the record of survey provides a
19 postage-paid, self-addressed envelope or postcard with the filing
20 of the record of survey, the county recorder shall return the
21 postage-paid, self-addressed envelope or postcard to the preparer
22 of the record of survey with the filing data within 10 days of final
23 filing. For the purposes of this subdivision, "filing data" includes
24 the date, the book or volume, and the page at which the record of
25 survey is filed by the county surveyor.

26 SEC. 15. Section 8766 of the Business and Professions Code
27 is amended to read:

28 8766. (a) Within 20 working days after receiving the record
29 of survey, or within such additional time as may be mutually
30 agreed upon by the land surveyor or civil engineer and the county
31 surveyor, the county surveyor shall examine it with respect to all
32 of the following:

33 ~~(a)~~

34 (1) Its accuracy of mathematical data and substantial
35 compliance with the information required by Section 8764.

36 ~~(b)~~

37 (2) Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5,
38 and 8772.

39 (b) The examination pursuant to this section shall not require
40 the licensed land surveyor or registered civil engineer submitting



1 the record of survey to change the methods or procedures utilized
2 or employed in the performance of the survey, nor shall the
3 examination require a field survey to verify the data shown on the
4 record of survey.

5 (c) Nothing in this section shall limit the county surveyor from
6 including notes expressing opinions regarding the record of
7 survey, or the methods or procedures utilized or employed in the
8 performance of the survey.

9 (d) *In the event of the death of the land surveyor or civil
10 engineer, the county surveyor may examine and file the record of
11 survey prepared by the land surveyor or civil engineer, as long as
12 the land surveyor or civil engineer held a current and valid license
13 at the time the record of survey was prepared. If the death of the
14 land surveyor or civil engineer occurred prior to the submittal of
15 the record of survey to the county surveyor, the record of survey
16 may be submitted for examination and filing by the land surveyor's
17 or civil engineer's heirs or legally-designated representatives,
18 provided that acceptable evidence or documentation of the death
19 of the land surveyor or civil engineer is presented to the county
20 surveyor at the time of submittal. The record of survey submitted
21 pursuant to this subdivision shall depict the results of the field
22 survey performed by the land surveyor or civil engineer. Notes by
23 the county surveyor pursuant to this section and Section 8767
24 expressing opinions regarding the field survey and the record of
25 survey may be placed upon the record of survey prior to filing. At
26 a minimum, the county surveyor shall note on the record of survey
27 that the record of survey has been submitted, examined, and filed
28 pursuant to this subdivision.*

29 (e) The examination pursuant to this section shall be performed
30 by, or under the direct supervision of, a licensed land surveyor or
31 registered civil engineer.

32 SEC. 16. Section 8773.2 of the Business and Professions
33 Code is amended to read:

34 8773.2. (a) A "corner record" submitted to the county
35 surveyor or engineer shall be examined by him or her for
36 compliance with subdivision (d) of Section 8765 and Sections
37 8773, 8773.1, and 8773.4, endorsed with a statement of his or her
38 examination, and filed with the county surveyor or returned to the
39 submitting party within 20 working days after receipt.



1 (b) In the event the submitted “corner record” fails to comply
2 with the examination criteria of subdivision (a), the county
3 surveyor or engineer shall return it to the person who submitted it
4 together with a written statement of the changes necessary to make
5 it conform to the requirements of subdivision (a). The licensed
6 land surveyor or licensed civil engineer submitting the corner
7 record may then make the *agreed* changes in compliance with
8 subdivision (a) and *note those matters that cannot be agreed upon*
9 *in accordance with the provisions of subdivision (c) and shall*
10 *resubmit the corner record within 60 days, or within the time as*
11 *may be mutually agreed upon by the licensed land surveyor or*
12 *licensed civil engineer and the county surveyor, to the county*
13 *surveyor for filing pursuant to subdivision (c). The county*
14 *surveyor or engineer shall file the corner record within 10 working*
15 *days after receipt of the resubmission.*

16 (c) If the matters appearing on the corner record cannot be
17 agreed upon by the licensed land surveyor or the licensed civil
18 engineer and the county surveyor within 10 working days after the
19 licensed land surveyor or licensed civil engineer resubmits and
20 requests the corner record be filed without further change, an
21 explanation of the differences shall be noted on the corner record
22 and it shall be submitted to and filed by the county surveyor. ~~When~~
23 ~~the county surveyor places an explanatory note on a corner record,~~
24 ~~the county surveyor shall transmit a copy of the filed corner record~~
25 ~~within 10 working days of the filing to the licensed land surveyor~~
26 ~~or licensed civil engineer who submitted the corner record~~ *The*
27 *licensed land surveyor or licensed civil engineer filing the corner*
28 *record shall attempt to reach agreement with the county surveyor*
29 *regarding the language for the explanation of the differences. If*
30 *they cannot agree on the language explaining the differences, then*
31 *both shall add a notation on the corner record explaining the*
32 *differences. The explanation of the differences shall be sufficiently*
33 *specific to identify the factual basis for the differences.*

34 (d) The corner record filed with the county surveyor of any
35 county shall be securely fastened by him or her into a suitable book
36 provided for that purpose.

37 (e) A charge for examining, indexing, and filing the corner
38 record may be collected by the county surveyor, not to exceed the
39 amount required for the recording of a deed.



1 (f) If the preparer of the corner record provides a postage-paid,
2 self-addressed envelope or postcard with the filing of the corner
3 record, the county surveyor shall return the postage-paid,
4 self-addressed envelope or postcard to the preparer of the corner
5 record with the filing data within 20 days of final filing. For the
6 purposes of this subdivision, “filing data” includes the date, book
7 or volume, and the page at which the corner record is filed by the
8 county surveyor. This subdivision shall not apply to a county
9 surveyor’s office that maintains an electronic database of filed
10 corner records that is accessible to the public by reference to the
11 preparer’s license number.

12 SEC. 17. Section 8773.4 of the Business and Professions
13 Code is amended to read:

14 8773.4. (a) A corner record shall be signed by a licensed land
15 surveyor or licensed civil engineer and stamped with his or her
16 seal, or in the case of an agency of the United States government
17 or the State of California, the certificate may be signed by the chief
18 of the survey party making the survey, setting forth his or her
19 official title, prior to filing.

20 (b) A corner record need not be filed when:

21 (1) A corner record is on file and the corner is found as
22 described in the existing corner record.

23 (2) All conditions of Section 8773 are complied with by proper
24 notations on a record of survey map filed in compliance with the
25 Professional Land Surveyors’ Act or a parcel or subdivision map,
26 in compliance with the Subdivision Map Act.

27 (3) When the survey is a survey of a mobilehome park interior
28 lot as defined in Section 18210 of the Health and Safety Code,
29 provided that no subdivision map, official map, or record of survey
30 has been previously filed for the interior lot or no conversion to
31 residential ownership has occurred pursuant to Section 66428.1 of
32 the Government Code.

33 (c) This section shall not apply to maps filed prior to January
34 1, 1974.

