

Senate Bill No. 1079

CHAPTER 325

An act to amend Sections 5640, 5657, 7583.36, 7820, 7841, and 7883 of, and to repeal Section 7849 of, the Business and Professions Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

[Approved by Governor September 4, 2003. Filed with Secretary of State September 5, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1079, Committee on Business and Professions. Department of Consumer Affairs.

(1) Existing law provides for the regulation of landscape architects by the California Architects Board. Existing law requires each licensee to notify the board's executive director of any change of business address. Existing law makes it a misdemeanor for any person to use the title "Landscape Architect" without possessing a valid, unrevoked license from the board.

This bill would require a licensee to file his or her current mailing or business address at the board's Sacramento office and would require the licensee to immediately notify the board if his or her business or mailing address changed. The bill would make it a misdemeanor to use the terms "landscape architecture," "landscape architectural," or any other titles, words, or abbreviations that would imply licensure as a landscape architect. Because the bill makes it a misdemeanor to use additional terms implying licensure as a landscape architect, the bill would impose a state-mandated local program.

(2) Existing law prohibits a private patrol operator from authorizing an employee to carry tear gas or other nonlethal chemical agent unless the employee has a certificate from the Department of Justice or the Commission on Peace Officers Standards and Training showing the employee is proficient using tear gas or other nonlethal chemical agents.

This bill would instead require that the certificate be from the Department of Consumer Affairs, Bureau of Security and Investigative Services.

(3) Existing law, the Geologist and Geophysicist Act, provides for the registration and discipline of geologists and geophysicists by the Board for Geologists and Geophysicists. Existing law requires an applicant for registration to meet certain educational requirements and have at least 7 years of specified professional geological work. Existing law requires



a majority vote of the board to determine the qualifications of an applicant for registration.

This bill would instead require an applicant for registration to have graduated from a college or university with a major in geological sciences and have 5 years of documented professional geological experience. The bill would repeal the requirement that a majority of the board vote on the qualifications of an applicant for registration.

(4) 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 5640 of the Business and Professions Code is amended to read:

5640. It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding six months, or by both that fine and imprisonment, for any person, who, without possessing a valid, unrevoked license as provided in this chapter, engages in the practice of landscape architecture or uses the title or term “landscape architect”, “landscape architecture,” “landscape architectural,” or any other titles, words, or abbreviations that would imply or indicate that he or she is a landscape architect as defined in Section 5615.

SEC. 2. Section 5657 of the Business and Professions Code is amended to read:

5657. Each licensee shall file his or her proper or current mailing and business address with the board at its office in Sacramento, and shall immediately notify the board of any changes of mailing or business address, giving both his or her old and new addresses. A penalty as provided in this chapter shall be paid by a licensee who fails to notify the board within 30 days after a change of address.

SEC. 3. Section 7583.36 of the Business and Professions Code is amended to read:

7583.36. A licensee shall not permit any employee to carry tear gas or any other nonlethal chemical agent prior to ascertaining that the employee is proficient in the use of tear gas or other nonlethal chemical agent. Evidence of proficiency shall include a certificate from a training facility approved by the Department of Consumer Affairs, Bureau of



Security and Investigative Services that the person is proficient in the use of tear gas or any other nonlethal chemical agent.

SEC. 4. Section 7820 of the Business and Professions Code is amended to read:

7820. The board shall have and use a seal bearing the name “State Board for Geologists and Geophysicists.”

SEC. 5. Section 7841 of the Business and Professions Code is amended to read:

7841. An applicant for registration as a geologist shall have all the following qualifications:

(a) Not have committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(b) Graduation with a major in geological sciences from college or university.

(c) Have a documented record of a minimum of five years of professional geological experience of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of this work upon licensure as a geologist. This experience shall be gained under the supervision of a geologist or geophysicist licensed in this or any other state, or under the supervision of others who, in the opinion of the board, have the training and experience to have responsible charge of geological work. Professional geological work does not include routine sampling, laboratory work, or geological drafting.

Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of upper division or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of three years towards meeting the requirement for at least five years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by the applicant having performed the work in a responsible position, as the term “responsible position” is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.



(d) Successfully pass a written examination that incorporates a national examination for geologists created by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of state laws, rules and regulations, and of seismicity and geology unique to practice within this state.

SEC. 6. Section 7849 of the Business and Professions Code is repealed.

SEC. 7. Section 7883 of the Business and Professions Code is amended to read:

7883. A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular date before the date on which it is reinstated, plus all accrued and unpaid renewal fees and the delinquency fee, if any, accrued at the time of its revocation.

SEC. 8. Section 26509 of the Government Code is amended to read:

26509. (a) Notwithstanding any other provision of law, including any provision making records confidential, and including Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code, the district attorney shall be given access to, and may make copies of, any complaint against a person subject to regulation by a consumer-oriented state agency and any investigation of the person made by the agency, where that person is being investigated by the district attorney regarding possible consumer fraud.

(b) Where the district attorney does not take action with respect to the complaint or investigation, the material shall remain confidential.

(c) Where the release of the material would jeopardize an investigation or other duties of a consumer-oriented state agency, the agency shall have discretion to delay the release of the information.

(d) As used in this section, a consumer-oriented state agency is any state agency that regulates the licensure, certification, or qualification of persons to practice a profession or business within the state, where the regulation is for the protection of consumers who deal with the professionals or businesses. It includes, but is not limited to, all of the following:

- (1) The Dental Board of California.
- (2) The Medical Board of California.
- (3) The State Board of Optometry.
- (4) The California State Board of Pharmacy.
- (5) The Veterinary Medical Board.
- (6) The California Board of Accountancy.



- (7) The California Architects Board.
- (8) The State Board of Barbering and Cosmetology.
- (9) The Board for Professional Engineers and Land Surveyors.
- (10) The Contractors' State License Board.
- (11) The Funeral Directors and Embalmers Program.
- (12) The Structural Pest Control Board.
- (13) The Bureau of Home Furnishings and Thermal Insulation.
- (14) The Board of Registered Nursing.
- (15) The State Board of Chiropractic Examiners.
- (16) The Board of Behavioral Science Examiners.
- (17) The State Athletic Commission.
- (18) The Cemetery Program.
- (19) The State Board of Guide Dogs for the Blind.
- (20) The Bureau of Security and Investigative Services.
- (21) The Court Reporters Board of California.
- (22) The Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (23) The Osteopathic Medical Board of California.
- (24) The Division of Investigation.
- (25) The Bureau of Automotive Repair.
- (26) The State Board for Geologists and Geophysicists.
- (27) The Department of Alcoholic Beverage Control.
- (28) The Department of Insurance.
- (29) The Public Utilities Commission.
- (30) The State Department of Health Services.
- (31) The New Motor Vehicle Board.

SEC. 9. 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.

