

AMENDED IN ASSEMBLY JUNE 14, 2004

SENATE BILL

No. 1549

Introduced by Senator Figueroa

February 19, 2004

An act to amend Sections 2455, 2456, 2457, 2472, 2499.5, 5510, 5517, 5620, 5621, and ~~5622~~ of 5622, and 5641 of, and to add Sections 5641.1, 5641.2, 5641.3, 5641.4, 5641.6, and 5685 to, the Business and Professions Code, relating to ~~architects~~ professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1549, as amended, Figueroa. ~~Architects~~ Professions and vocations.

(1) Existing law provides for the regulation of physicians and surgeons practicing osteopathic medicine by the Osteopathic Medical Board of California. Existing law requires an applicant for an original or reciprocity Physicians and Surgeons Certificate to pay an application fee in a sum not to exceed \$200. Existing law requires a person holding a certificate issued by the board to pay an annual registration fee.

This bill would authorize the board to increase the amount of the fee to not more than \$400 for an original or reciprocity certificate. The bill would instead require persons holding a certificate issued by the board to pay a biennial license fee. Because the bill would increase the amount of revenue deposited into the Contingent Fund of the Osteopathic Medical Board of California, which is a continuously appropriated fund, it would make an appropriation.

(2) Existing law establishes the California Architects Board in the Department of Consumer Affairs. Existing law authorizes the board to

appoint an executive officer who is exempt from civil service to exercise the powers and perform the duties delegated by the board. Existing law creates a Landscape Architects Technical Committee within the board and authorizes the board to delegate specified authority to the committee. Existing law authorizes the committee to assist the board in the examination of candidates for a landscape architect’s license and to make specified recommendations to the board regarding the regulation of landscape architects in California. Existing law provides for these provisions to become inoperative on July 1, 2005, and repealed on January 1, 2006.

This bill would delete the dates on which these provisions are to become inoperative and repealed and would ~~change them to unspecified dates~~ *instead provide that they are to become inoperative on July 1, 2009, and repealed on January 1, 2010. The bill would increase the number of members on the Landscape Architects Technical Committee from 5 to 7. The bill would exempt specified activities of various persons from the laws regulating landscape architects, including, among others, architects, professional engineers, land surveyors, landscape contractors, and irrigation consultants. The bill would also authorize the board to implement, by regulation, an intern development program until July 1, 2009.*

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

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

1 SECTION 1. *Section 2455 of the Business and Professions*
 2 *Code is amended to read:*
 3 2455. The amount of fees and refunds is that established by
 4 the following schedule for any certificate issued by the
 5 Osteopathic Medical Board of California. All other fees and
 6 refunds for any certificate issued by the Osteopathic Medical
 7 Board of California which are not prescribed in this schedule, are
 8 prescribed in Section 2456. Any and all fees received by the
 9 Osteopathic Medical Board of California shall be for the sole
 10 purpose of the operation of the board and shall not be used for any
 11 other purpose.
 12 (a) Each applicant for an original or reciprocity Physicians and
 13 Surgeons Certificate shall pay an application fee in a sum not to
 14 exceed ~~two~~ *four* hundred dollars ~~(\$200)~~ *(\$400)* at the time his or



1 her application is filed. ~~If the applicant's credentials are~~
2 ~~insufficient, or if he or she does not take the examination, the board~~
3 ~~may retain a sum equal to the actual cost of processing the~~
4 ~~application, not to exceed one hundred fifty dollars (\$150) and the~~
5 ~~remainder of the fee is returnable upon application.~~

6 (b) ~~The oral and practical examination fee shall not exceed two~~
7 ~~hundred dollars (\$200) nor be less than fifty dollars (\$50).~~

8 (e) ~~The annual tax and registration~~ *biennial license* fee, unless
9 otherwise provided, shall be set by the board on or before
10 November 1 of each year for the ensuing calendar year at a sum as
11 the board determines necessary to defray the expenses of
12 administering this chapter, under the Osteopathic Act, relating to
13 the issuance of certificates to those applicants, which sum,
14 however, shall, not exceed ~~two~~ *four* hundred dollars ~~(\$200)~~ *(\$400)*
15 nor be less than twenty-five dollars (\$25).

16 (d)

17 (c) The board shall set ~~an annual tax and registration~~ *biennial*
18 *license* fee in an amount less than that levied pursuant to
19 subdivision (e) (b) that shall be paid by any applicant who
20 indicates to the board in writing that he or she does not intend to
21 practice under the Osteopathic Act during the *current* renewal
22 period ~~covered by that annual tax and registration fee.~~

23 (e)

24 (d) The fee for failure to pay the ~~annual tax and registration~~
25 *biennial license* fee shall be 50 percent of the renewal fee but not
26 more than ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)*.

27 (f) ~~This section shall become operative on July 1, 1999.~~

28 *SEC. 2. Section 2456 of the Business and Professions Code is*
29 *amended to read:*

30 2456. (a) Each person holding a certificate issued by the
31 Osteopathic Medical Board of California residing in or out of
32 California shall pay ~~to the secretary-treasurer of the board an~~
33 ~~annual tax and registration~~ *the board a biennial license* fee.

34 (b) Fictitious name permits issued by the Osteopathic Medical
35 Board of California as provided in Section 2415 shall expire on
36 December 31 of each year. The initial permit fee shall not exceed
37 one hundred dollars (\$100) and the renewal permit fee shall not
38 exceed one hundred dollars (\$100).

39 *SEC. 3. Section 2457 of the Business and Professions Code is*
40 *amended to read:*



1 2457. The failure of any person holding a certificate issued by
2 the Osteopathic Medical Board of California to pay the ~~annual tax~~
3 ~~and registration~~ *biennial license* fee during the time his or her
4 certificate remains in force, shall automatically work a forfeiture
5 of his or her certificate after a period of 60 days from the date of
6 expiration.

7 The certificate shall not be restored except upon written
8 application and the payment to the Osteopathic Medical Board of
9 California of the fee provided by this article. No examination shall
10 be required for the reissuance of a certificate that was forfeited
11 under the provisions of this section.

12 *SEC. 4. Section 2472 of the Business and Professions Code is*
13 *amended to read:*

14 2472. (a) The certificate to practice podiatric medicine
15 authorizes the holder to practice podiatric medicine.

16 (b) As used in this chapter, “podiatric medicine” means the
17 diagnosis, medical, surgical, mechanical, manipulative, and
18 electrical treatment of the human foot, including the ankle and
19 tendons that insert into the foot and the nonsurgical treatment of
20 the muscles and tendons of the leg governing the functions of the
21 foot.

22 (c) No podiatrist shall do any amputation or administer an
23 anesthetic other than local. If an anesthetic other than local is
24 required for any procedure, the anesthetic shall be administered by
25 another *licensed* health care practitioner ~~licensed under this~~
26 ~~division~~, who is authorized to administer the required anesthetic
27 within the scope of his or her practice.

28 (d) Surgical treatment of the ankle and tendons at the level of
29 the ankle may be performed by a doctor of podiatric medicine who
30 was certified by the board on and after January 1, 1984.

31 (e) Surgical treatment by a podiatrist of the ankle and tendons
32 at the level of the ankle shall be performed only in the following
33 locations:

34 (1) A licensed general acute care hospital, as defined in Section
35 1250 of the Health and Safety Code.

36 (2) A licensed surgical clinic, as defined in Section 1204 of the
37 Health and Safety Code, if the podiatrist has surgical privileges,
38 including the privilege to perform surgery on the ankle, in a
39 general acute care hospital described in subparagraph (1) and
40 meets all the protocols of the surgical clinic.



1 (3) An ambulatory surgical center that is certified to participate
2 in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395
3 et seq.) of the federal Social Security Act, if the podiatrist has
4 surgical privileges, including the privilege to perform surgery on
5 the ankle, in a general acute care hospital described in
6 subparagraph (1) and meets all the protocols of the surgical center.

7 (4) A freestanding physical plant housing outpatient services of
8 a licensed general acute care hospital, as defined in Section 1250
9 of the Health and Safety Code, if the podiatrist has surgical
10 privileges, including the privilege to perform surgery on the ankle,
11 in a general acute care hospital described in paragraph (1). For
12 purposes of this section, a “freestanding physical plant” means
13 any building that is not physically attached to a building where
14 inpatient services are provided.

15 (f) The amendment of this section made at the 1983–84
16 Regular Session of the Legislature is intended to codify existing
17 practice.

18 (g) A podiatrist licensed under this chapter is a licentiate for
19 purposes of paragraph (2) of subdivision (a) of Section 805, and
20 thus is a health care practitioner subject to the provisions of
21 Section 2290.5 pursuant to subdivision (b) of that section.

22 *SEC. 5. Section 2499.5 of the Business and Professions Code*
23 *is amended to read:*

24 2499.5. The following fees apply to certificates to practice
25 podiatric medicine. The amount of fees prescribed for doctors of
26 podiatric medicine shall be those set forth in this section unless a
27 lower fee is established by the board in accordance with Section
28 2499.6. Fees collected pursuant to this section shall be fixed by the
29 board in amounts not to exceed the actual costs of providing the
30 service for which the fee is collected.

31 (a) Each applicant for a certificate to practice podiatric
32 medicine shall pay an application fee of twenty dollars (\$20) at the
33 time the application is filed. If the applicant qualifies for a
34 certificate, he or she shall pay a fee which shall be fixed by the
35 board at an amount not to exceed one hundred dollars (\$100) nor
36 less than five dollars (\$5) for the issuance of the certificate.

37 (b) The oral examination fee shall be seven hundred dollars
38 (\$700), or the actual cost, whichever is lower, and shall be paid by
39 each applicant. If the applicant’s credentials are insufficient or if
40 the applicant does not desire to take the examination, and has so



1 notified the board 30 days prior to the examination date, only the
2 examination fee is returnable to the applicant. The board may
3 charge an examination fee for any subsequent reexamination of the
4 applicant.

5 (c) Each applicant who qualifies for a certificate, as a condition
6 precedent to its issuance, in addition to other fees required by this
7 section, shall pay an initial license fee. The initial license fee shall
8 be eight hundred dollars (\$800). The initial license shall expire the
9 second year after its issuance on the last day of the month of birth
10 of the licensee. The board may reduce the initial license fee by up
11 to 50 percent of the amount of the fee for any applicant who is
12 enrolled in a postgraduate training program approved by the board
13 or who has completed a postgraduate training program approved
14 by the board within six months prior to the payment of the initial
15 license fee.

16 (d) The biennial renewal fee shall be nine hundred dollars
17 (\$900). ~~This fee shall remain in effect only until January 1, 2006,~~
18 ~~and as of that date is reduced to eight hundred dollars (\$800),~~
19 ~~unless a later enacted statute, that is enacted before January 1,~~
20 ~~2006, deletes or extends that date.~~ Any licensee enrolled in an
21 approved residency program shall be required to pay only 50
22 percent of the biennial renewal fee at the time of his or her first
23 renewal.

24 (e) The delinquency fee is one hundred fifty dollars (\$150).

25 (f) The duplicate wall certificate fee is forty dollars (\$40).

26 (g) The duplicate renewal receipt fee is forty dollars (\$40).

27 (h) The endorsement fee is thirty dollars (\$30).

28 (i) The letter of good standing fee or for loan deferment is thirty
29 dollars (\$30).

30 (j) There shall be a fee of sixty dollars (\$60) for the issuance of
31 a resident's license under Section 2475.

32 (k) The application fee for ankle certification under Section
33 2472 for persons licensed prior to January 1, 1984, shall be fifty
34 dollars (\$50). The examination and reexamination fee for this
35 certification shall be seven hundred dollars (\$700).

36 (l) The filing fee to appeal the failure of an oral examination
37 shall be twenty-five dollars (\$25).

38 (m) The fee for approval of a continuing education course or
39 program shall be one hundred dollars (\$100).



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

3 5510. There is in the Department of Consumer Affairs a
4 California Architects Board which consists of 10 members.

5 Any reference in law to the California Board of Architectural
6 Examiners shall mean the California Architects Board.

7 This section shall become inoperative on July 1, ~~2009~~,
8 and, as of January 1, ~~2010~~, is repealed, unless a later enacted
9 statute, which becomes effective on or before January 1, ~~2010~~,
10 ~~2010~~, deletes or extends the dates on which it becomes inoperative
11 and is repealed. The repeal of this section renders the board subject
12 to the review required by Division 1.2 (commencing with Section
13 473).

14 ~~SEC. 2.~~

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

17 5517. The board may appoint a person exempt from civil
18 service who shall be designated as an executive officer and who
19 shall exercise the powers and perform the duties delegated by the
20 board and vested in him or her by this chapter.

21 This section shall become inoperative on July 1, ~~2009~~,
22 and, as of January 1, ~~2010~~, is repealed, unless a later enacted
23 statute, which becomes effective on or before January 1, ~~2010~~,
24 ~~2010~~, deletes or extends the dates on which it becomes inoperative
25 and is repealed.

26 ~~SEC. 3.~~

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

29 5620. The duties, powers, purposes, responsibilities, and
30 jurisdiction of the California State Board of Landscape Architects
31 that were succeeded to and vested with the Department of
32 Consumer Affairs in accordance with Chapter 908 of the Statutes
33 of 1994 are hereby transferred to the California Architects Board.
34 The Legislature finds that the purpose for the transfer of power is
35 to promote and enhance the efficiency of state government and that
36 assumption of the powers and duties by the California Architects
37 Board shall not be viewed or construed as a precedent for the
38 establishment of state regulation over a profession or vocation that
39 was not previously regulated by a board, as defined in Section 477.



1 (a) There is in the Department of Consumer Affairs a
2 California Architects Board as defined in Article 2 (commencing
3 with Section 5510) of Chapter 3.

4 Whenever in this chapter “board” is used it refers to the
5 California Architects Board.

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

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

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

17 (e) This section shall become inoperative on July 1, ~~2009~~,
18 and as of January 1, ~~2010~~, is repealed, unless a later enacted
19 statute, that becomes operative on or before January 1, ~~2010~~,
20 deletes or extends the dates on which it becomes inoperative and
21 is repealed.

22 ~~SEC. 4.~~

23 *SEC. 9.* Section 5621 of the Business and Professions Code is
24 amended to read:

25 5621. (a) There is hereby created within the jurisdiction of
26 the board, a Landscape Architects Technical Committee,
27 hereinafter referred to in this chapter as the landscape architects
28 committee.

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

34 (c) The initial members to be appointed by the Governor are as
35 follows: ~~one~~ *two* member for a term of one year; ~~one~~ *two* member
36 for a term of two years; and one member for a term of three years.
37 The Senate Committee on Rules and the Speaker of the Assembly
38 shall initially each appoint one member for a term of four years.
39 Thereafter, appointments shall be made for four-year terms,
40 expiring on June 1 of the fourth year and until the appointment and



1 qualification of his or her successor or until one year shall have
2 elapsed whichever first occurs. Vacancies shall be filled for the
3 unexpired term.

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

6 (e) This section shall become inoperative on July 1, ~~2009~~,
7 and as of January 1, ~~2010~~, is repealed, unless a later enacted
8 statute, that becomes operative on or before January 1, ~~2010~~,
9 deletes or extends the dates on which it becomes inoperative and
10 is repealed.

11 ~~SEC. 5.~~

12 *SEC. 10.* Section 5622 of the Business and Professions Code
13 is amended to read:

14 5622. (a) The landscape architects committee may assist the
15 board in the examination of candidates for a landscape architect’s
16 license and, after investigation, evaluate and make
17 recommendations regarding potential violations of this chapter.

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

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

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

27 (e) This section shall become inoperative on July 1, ~~2009~~,
28 and, as of January 1, ~~2010~~, is repealed, unless a later enacted
29 statute, that becomes operative on or before January 1, ~~2010~~,
30 deletes or extends the dates on which it becomes inoperative and
31 is repealed.

32 *SEC. 11.* Section 5641 of the Business and Professions Code
33 is amended to read:

34 5641. This chapter shall not be deemed to prohibit any person
35 from ~~making~~ preparing drawings for the conceptual design and
36 placement of tangible objects and landscape features or plans ~~or~~,
37 drawings, and specifications for the selection, placement, or use
38 of plants ~~when the execution of such plans or drawings does not~~
39 ~~affect the public health, safety and welfare.~~



1 ~~This chapter shall not be deemed to prohibit any person from~~
2 ~~making any plans, drawings or specifications for any property~~
3 ~~owned by that person.~~

4 Every person who holds a valid license issued by the State of
5 California, under the provisions of Chapter 1 (commencing with
6 Section 6721) of the Food and Agricultural Code, authorizing
7 engagement in the business of selling nursery stock in this state,
8 may engage in the preparation of plans or drawings as an adjunct
9 to merchandising nursery stock and related products, but may not
10 use the title of landscape architect. That activity is exempt from
11 licensure under the provisions of this chapter for a single family
12 dwelling. Construction documents, details, or specifications for
13 the tangible objects or landscape features, and alteration of site
14 requiring grading and drainage plans shall be prepared by a
15 licensed professional as required by law.

16 *SEC. 12. Section 5641.1 is added to the Business and*
17 *Professions Code, to read:*

18 *5641.1. This chapter shall not be deemed to prohibit any*
19 *person from preparing any plans, drawings, or specifications for*
20 *any property owned by that person.*

21 *SEC. 13. Section 5641.2 is added to the Business and*
22 *Professions Code, to read:*

23 *5641.2. Every person who holds a valid license issued by the*
24 *State of California under the provisions of Chapter 1 (commencing*
25 *with Section 6721) of the Food and Agricultural Code, authorizing*
26 *engagement in the business of selling nursery stock in this state,*
27 *may engage in the preparation of planting plans or drawings as an*
28 *adjunct to merchandising nursery stock and related products, but*
29 *may not use the title of landscape architect. That activity is exempt*
30 *from licensure under the provisions of this chapter.*

31 *SEC. 14. Section 5641.3 is added to the Business and*
32 *Professions Code, to read:*

33 *5641.3. An architect, professional engineer or land surveyor*
34 *licensed or registered under the statutes of this state, insofar as the*
35 *licensed or registered professional practices the profession for*
36 *which he or she is licensed or registered, is exempt from the*
37 *provisions of this chapter, except that an architect, professional*
38 *engineer, or land surveyor may not use the title "landscape*
39 *architect" unless he or she holds a license as required under this*
40 *chapter.*



1 SEC. 15. Section 5641.4 is added to the Business and
2 Professions Code, to read:

3 5641.4. A landscape contractor licensed under the statutes of
4 this state may design systems and facilities for work to be
5 performed and supervised by that landscape contractor, insofar as
6 he or she works within the classification for which he or she is
7 licensed. The licensed landscape contractor is exempt from the
8 provisions of this chapter, except that he or she may not use the title
9 “landscape architect” unless he or she holds a license as required
10 under this chapter.

11 SEC. 16. Section 5641.6 is added to the Business and
12 Professions Code, to read:

13 5641.6. (a) Nothing contained in this chapter shall be
14 deemed to prohibit a person from engaging in the practice of, or
15 offering to practice as, an irrigation consultant.

16 (b) As used in this section, “irrigation consultant” means a
17 person who performs professional services such as consultation,
18 investigation, reconnaissance, research, design, preparation of
19 drawings and specifications and responsible supervision, where
20 the dominant purpose of such service is the design of landscape
21 irrigation, in accordance with accepted professional standards of
22 public health and safety.

23 SEC. 17. Section 5685 is added to the Business and
24 Professions Code, to read:

25 5685. The board may, by regulation, implement an intern
26 development program until July 1, 2009.

