

AMENDED IN ASSEMBLY AUGUST 9, 2004

AMENDED IN ASSEMBLY JULY 2, 2004

AMENDED IN SENATE APRIL 21, 2004

SENATE BILL

No. 1915

Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and Vincent)

March 17, 2004

An act to amend Sections 144, 7069, 7090.1, and 7153.1 of the Business and Professions Code, relating to contractors, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1915, as amended, Committee on Business and Professions. Licensure and regulation.

Existing law, the Contractors' State License Law, creates the Contractors' State License Board and makes it responsible, through its registrar, for the licensure and regulation of contractors. Under this law, a licensure applicant is required, effective July 1, 2004, to submit a set of fingerprints for the board to obtain criminal history information from the Department of Justice and the United States Federal Bureau of Investigation. This law provides for the automatic suspension of a license for specified causes and for its automatic revocation within one year if the license is not reinstated during that period.

This bill would require the board to obtain a licensure applicant's criminal history information from the Department of Justice only if sufficient funds are available to the board and department for this purpose. The bill would also change the period in which a suspended

license may be reinstated from one year to 90 days, providing for its automatic revocation if not reinstated during the 90-day period.

This bill would incorporate additional changes in Section 144 of the Business and Professions Code, proposed by SB 1547, to be operative only if SB 1547 and this bill are both chaptered and become effective on or before January 1, 2005, and this bill is chaptered last.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 144 of the Business and Professions
- 2 Code is amended to read:
- 3 144. (a) Notwithstanding any other provision of law, an
- 4 agency designated in subdivision (b) shall require an applicant to
- 5 furnish to the agency a full set of fingerprints for purposes of
- 6 conducting criminal history record checks. Any agency
- 7 designated in subdivision (b) may obtain and receive, at its
- 8 discretion, criminal history information from the Department of
- 9 Justice and the United States Federal Bureau of Investigation.
- 10 (b) Subdivision (a) applies to the following:
- 11 (1) California Board of Accountancy.
- 12 (2) State Athletic Commission.
- 13 (3) Board of Behavioral Sciences.
- 14 (4) Court Reporters Board of California.
- 15 (5) State Board of Guide Dogs for the Blind.
- 16 (6) California State Board of Pharmacy.
- 17 (7) Board of Registered Nursing.
- 18 (8) Veterinary Medical Board.
- 19 (9) Registered Veterinary Technician Committee.
- 20 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 21 (11) Respiratory Care Board of California.
- 22 (12) Hearing Aid Dispensers Advisory Commission.
- 23 (13) Physical Therapy Board of California.
- 24 (14) Physician Assistant Committee of the Medical Board of
- 25 California.
- 26 (15) Speech-Language Pathology and Audiology Board.
- 27 (16) Medical Board of California.



- 1 (17) State Board of Optometry.
- 2 (18) Acupuncture Board.
- 3 (19) Cemetery and Funeral Bureau.
- 4 (20) Bureau of Security and Investigative Services.
- 5 (21) Division of Investigation.
- 6 (22) Board of Psychology.
- 7 (23) The California Board of Occupational Therapy.
- 8 (24) Structural Pest Control Board.
- 9 (25) Contractors' State License Board.
- 10 (26) Bureau of Naturopathic Medicine.

11 (c) The provisions of paragraph (24) of subdivision (b) shall
12 become operative on July 1, 2004. The provisions of paragraph
13 (25) of subdivision (b) shall become operative on the date on
14 which sufficient funds are available for the Contractors' State
15 License Board and the Department of Justice to conduct a criminal
16 history record check pursuant to this section or on July 1, 2005,
17 whichever occurs first.

18 SEC. 1.5. Section 144 of the Business and Professions Code
19 is amended to read:

20 144. (a) Notwithstanding any other provision of law, an
21 agency designated in subdivision (b) shall require an applicant to
22 furnish to the agency a full set of fingerprints for purposes of
23 conducting criminal history record checks. Any agency
24 designated in subdivision (b) may obtain and receive, at its
25 discretion, criminal history information from the Department of
26 Justice and the United States Federal Bureau of Investigation.

27 (b) Subdivision (a) applies to the following:

- 28 (1) California Board of Accountancy.
- 29 (2) State Athletic Commission.
- 30 (3) Board of Behavioral Sciences.
- 31 (4) Court Reporters Board of California.
- 32 (5) State Board of Guide Dogs for the Blind.
- 33 (6) California State Board of Pharmacy.
- 34 (7) Board of Registered Nursing.
- 35 (8) Veterinary Medical Board.
- 36 (9) Registered Veterinary Technician Committee.
- 37 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 38 (11) Respiratory Care Board of California.
- 39 (12) Hearing Aid Dispensers Advisory Commission.
- 40 (13) Physical Therapy Board of California.



- 1 (14) Physician Assistant Committee of the Medical Board of
2 California.
- 3 (15) Speech-Language Pathology and Audiology Board.
- 4 (16) Medical Board of California.
- 5 (17) State Board of Optometry.
- 6 (18) Acupuncture Board.
- 7 (19) Cemetery and Funeral Bureau.
- 8 (20) Bureau of Security and Investigative Services.
- 9 (21) Division of Investigation.
- 10 (22) Board of Psychology.
- 11 (23) The California Board of Occupational Therapy.
- 12 (24) Structural Pest Control Board.
- 13 (25) Contractors' State License Board.
- 14 (26) Bureau of Naturopathic Medicine.
- 15 (27) Board for Professional Engineers and Land Surveyors.
- 16 (c) The provisions of paragraph (24) of subdivision (b) shall
17 become operative on July 1, 2004. The provisions of paragraph
18 (25) of subdivision (b) shall become operative on the date on
19 which sufficient funds are available for the Contractors' State
20 License Board and the Department of Justice to conduct a criminal
21 history record check pursuant to this section or on July 1, 2005,
22 whichever occurs first.
- 23 *The provisions of paragraph (27) of subdivision (b) shall*
24 *become operative on the date on which sufficient funds are*
25 *available for the Board for Professional Engineers and Land*
26 *Surveyors and the Department of Justice to conduct a criminal*
27 *history record check pursuant to this section or on July 1, 2006,*
28 *whichever occurs first.*
- 29 SEC. 2. Section 7069 of the Business and Professions Code
30 is amended to read:
- 31 7069. (a) An applicant and each officer, director, partner,
32 associate, and responsible managing employee thereof, shall not
33 have committed acts or crimes that are grounds for denial of
34 licensure under Section 480.
- 35 (b) As part of an application for a contractor's license, the
36 board shall require an applicant to furnish a full set of fingerprints
37 for purposes of conducting a criminal history record check.
38 Fingerprints furnished pursuant to this subdivision shall be
39 submitted in an electronic format if readily available. Requests for
40 alternative methods of furnishing fingerprints are subject to the



1 approval of the registrar. The board shall use the fingerprints
2 furnished by an applicant to obtain criminal history information on
3 the applicant from the Department of Justice and the United States
4 Federal Bureau of Investigation, and the board may obtain any
5 subsequent arrest information that is available. This subdivision
6 shall become operative on the date on which sufficient funds are
7 available for the board and the Department of Justice to conduct
8 a criminal history record check pursuant to this subdivision or on
9 July 1, 2005, whichever occurs first.

10 SEC. 3. Section 7090.1 of the Business and Professions Code
11 is amended to read:

12 7090.1. (a) (1) Notwithstanding any other provisions of law,
13 the failure to pay a civil penalty, or to comply with an order of
14 correction or an order to pay a specified sum to an injured party in
15 lieu of correction once the order has become final, shall result in
16 the automatic suspension of a license by operation of law 30 days
17 after noncompliance with the terms of the order.

18 (2) The registrar shall notify the licensee in writing of the
19 failure to comply with the final order and that the license shall be
20 suspended 30 days from the date of the notice.

21 (3) The licensee may contest the determination of
22 noncompliance within 15 days after service of the notice, by
23 written notice to the registrar. Upon receipt of the written notice,
24 the registrar may reconsider the determination and after
25 reconsideration may affirm or set aside the suspension.

26 (4) Reinstatement may be made at any time following the
27 suspension by complying with the final order of the citation. If no
28 reinstatement of the license is made within 90 days of the date of
29 the automatic suspension, the cited license and any other
30 contractors' license issued to the licensee shall be automatically
31 revoked by operation of law for a period to be determined by the
32 registrar pursuant to Section 7102.

33 (5) The registrar may delay, for good cause, the revocation of
34 a contractor's license for failure to comply with the final order of
35 the citation. The delay in the revocation of the license shall not
36 exceed one year. When seeking a delay of the revocation of his or
37 her license, a licensee shall apply to the registrar in writing prior
38 to the date of the revocation of the licensee's license by operation
39 of law and state the reasons that establish good cause for the delay.
40 The registrar's power to grant a delay of the revocation shall expire



1 upon the effective date of the revocation of the licensee's license
2 by operation of law.

3 (b) The cited licensee shall also be automatically prohibited
4 from serving as an officer, director, associate, partner, or
5 qualifying individual of another licensee, for the period
6 determined by the registrar, and the employment, election, or
7 association of that person by a licensee shall constitute grounds for
8 disciplinary action. Any qualifier disassociated pursuant to this
9 section shall be replaced within 90 days of the date of
10 disassociation. Upon failure to replace the qualifier within 90 days
11 of the prohibition, the license of the other licensee shall be
12 automatically suspended or the qualifier's classification removed
13 at the end of the 90 days.

14 SEC. 4. Section 7153.1 of the Business and Professions Code
15 is amended to read:

16 7153.1. (a) The home improvement salesperson shall submit
17 to the registrar an application in writing containing the statement
18 that he or she desires the issuance of a registration under the terms
19 of this article.

20 The application shall be made on a form prescribed by the
21 registrar and shall be accompanied by the fee fixed by this chapter.

22 (b) The registrar may refuse to register the applicant under the
23 grounds specified in Section 480.

24 (c) As part of an application for a home improvement
25 salesperson, the board shall require an applicant to furnish a full
26 set of fingerprints for purposes of conducting criminal history
27 record checks. Fingerprints furnished pursuant to this subdivision
28 shall be submitted in an electronic format where readily available.
29 Requests for alternative methods of furnishing fingerprints are
30 subject to the approval of the registrar. The board shall use the
31 fingerprints furnished by an applicant to obtain criminal history
32 information on the applicant from the Department of Justice and
33 the United States Federal Bureau of Investigation, including any
34 subsequent arrest information available. This subdivision shall
35 become operative on the date on which sufficient funds are
36 available to the board and the Department of Justice to conduct a
37 criminal history record check pursuant to this subdivision or on
38 July 1, 2005, whichever occurs first.

39 SEC. 5. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety



1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:

3 In order for the Contractors' State License Board to continue to
4 adequately and properly ensure the protection of the public in its
5 licensure and regulation of contractors, it is necessary that this act
6 take effect immediately.

7 SEC. 6. Section 1.5 of this bill incorporates amendments to
8 Section 144 of the Business and Professions Code proposed by
9 both this bill and SB 1547. It shall only become operative if (1)
10 both bills are enacted and become effective on or before January
11 1, 2005, but this bill becomes operative first, (2) each bill amends
12 Section 144 of the Business and Professions Code, and (3) this bill
13 is enacted after SB 1547, in which case Section 144 of the Business
14 and Professions Code, as amended by Section 1 of this bill, shall
15 remain operative only until the operative date of SB 1547, at which
16 time Section 1.5 of this bill shall become operative.

