

AMENDED IN SENATE MAY 27, 2008

AMENDED IN SENATE MAY 6, 2008

AMENDED IN SENATE APRIL 21, 2008

SENATE BILL

No. 1608

Introduced by Senators Corbett, Harman, Steinberg, Runner, and Calderon

(Principal coauthors: Assembly Members Smyth and Wolk)

February 22, 2008

An act to amend Section 5600 of the Business and Professions Code, to add Section 55.3 to, and to add Part 2.52 (commencing with Section 55.51) to Division 1 of, the Civil Code, *to amend Section 4459.5 of, and* to add Chapter 3.7 (commencing with Section 8299) to Division 1 of Title 2 of, the Government Code, and to amend Sections 18945 and 18949.29 of the Health and Safety Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

SB 1608, as amended, Corbett. Disabled persons: equal access rights: civil actions.

(1) Existing law provides for the licensure and regulation of persons engaged in the practice of architecture by the California Architects Board.

This bill would require a person licensed to practice architecture, as a condition of license renewal, to complete coursework regarding disability access requirements, as specified, certify that completion to the California Architects Board, and provide specified documentation from the course provider.

(2) Existing law prohibits any person, firm, or corporation from denying or interfering with a disabled person's admittance to or

enjoyment of public facilities, or from otherwise interfering with the rights of an individual with a disability, including the right to be accompanied by a guide dog, signal dog, or service dog, as specified. Existing federal law, the Americans with Disabilities Act of 1990, prohibits discrimination against an individual with a disability on the basis of that disability in specified situations, including employment opportunities and access to public accommodations, services, and transportation.

This bill would require an attorney to provide a specified written advisory to a building owner or tenant with each demand for money or complaint for any alleged ~~physical access~~ *construction-related accessibility* violation, as defined, in a form to be developed by the Judicial Council, and on a separate page clearly distinguishable from the demand for money, as specified.

(3) Existing law authorizes the State Architect to establish a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist with respect to access to buildings for persons with disabilities.

This bill would *authorize the State Architect to implement that program with startup funds derived, as a loan, from the reserve of the Public School Planning, Design, and Construction Review Revolving Fund, upon appropriation by the Legislature, to be repaid as specified.* The bill would enact the Construction-Related Accessibility Standards Compliance Act, which would provide for the inspection of sites by certified access specialists and the provision of specified certificates and reports regarding those inspections. The bill would require that, commencing July 1, 2009, all inspections of a privately owned place of public accommodation that relate to permitting, plan checks, or new construction be conducted by a building inspector who is a certified access specialist. It would require a local agency to employ or retain a sufficient number of building inspectors, and in no event less than one, who are certified access specialists. The bill would allow a local government to charge or increase inspection fees to the extent necessary to offset the costs of complying with these provisions. By imposing a new requirement on local agencies with respect to building inspectors, the bill would impose a state-mandated local program.

The bill would require a court, with respect to an action involving an accessibility claim, to issue an order that, among other things, grants a 90-day stay of the action and schedules an early evaluation conference if the defendant has satisfied certain requirements relating to inspection

of the site at issue. The bill would provide that damages may be recovered only for a violation of a construction-related accessibility standard that personally and actually deterred the plaintiff.

(4) Existing law establishes various boards and commissions within state government.

The bill would establish the California Commission on Disability Access for certain purposes relating to disability access, and would require the commission to conduct studies and make reports to the Legislature, as specified.

(5) Existing law provides that any person adversely affected by a regulation or other specified action of any state agency respecting the administration of any building standard may appeal the issue for resolution to the California Building Standards Commission. Existing law also provides that, if any local agency having authority to enforce a state building standard and any person adversely affected by any regulation or other specified action of that agency respecting that building standard both wish to appeal the issue for resolution to the commission, then both parties may appeal to the commission. Existing law provides that the commission may accept that appeal only if it determines that the issues involved in the appeal have statewide significance.

This bill would provide, in addition, that, with respect to a building standard adopted by the commission relating to making public accommodations accessible to and usable by people with disabilities, if either a local agency having authority to enforce that building standard or a person adversely affected by a regulation or other specified action of that agency respecting that building standard wishes to appeal the issue for resolution to the commission, then either party may appeal to the commission. It would provide that the commission may accept the appeal only if it determines that the issues involved in the appeal have statewide significance. *The bill would authorize the commission to charge a fee to the appealing party to the extent necessary to offset the costs of complying with these provisions.*

(6) Existing law requires all construction inspectors, plans examiners, and building officials to complete a minimum of 45 hours of continuing education for every 3-year period, as specified.

This bill would require that at least 8 of those hours of continuing education relate to disability access requirements, as specified. The bill would allow a local government to charge or increase inspection fees

to the extent necessary to offset any added costs incurred in complying with these provisions.

(7) The bill would provide that certain provisions described above shall become operative only upon the funding, and commencement of operations, of the California Commission on Disability Access, and shall cease to be operative 60 days following the cessation of operations of the commission.

(8) 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.

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

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

1 SECTION 1. Section 5600 of the Business and Professions
2 Code is amended to read:
3 5600. (a) All licenses issued or renewed under this chapter
4 shall expire at 12 midnight on the last day of the birth month of
5 the licenseholder in each odd-numbered year following the issuance
6 or renewal of the license.
7 (b) To renew an unexpired license, the licenseholder shall,
8 before the time at which the license would otherwise expire, apply
9 for renewal on a form prescribed by the board and pay the renewal
10 fee prescribed by this chapter.
11 (c) The renewal form shall include a statement specifying
12 whether the licensee was convicted of a crime or disciplined by
13 another public agency during the preceding renewal period and
14 that the licensee’s representations on the renewal form are true,
15 correct, and contain no material omissions of fact, to the best
16 knowledge and belief of the licensee.
17 (d) (1) As a condition of license renewal, a licensee shall have
18 completed coursework regarding disability access requirements
19 pursuant to ~~subparagraphs~~ *paragraphs* (2) and (3). A licensee shall
20 certify to the board, as a part of the license renewal process, that
21 he or she has completed the required coursework prior to approval
22 of his or her license renewal and shall provide documentation from
23 the course provider that shall include the course title, subjects

1 covered, name of provider and trainer or educator, date of
2 completion, number of hours completed, and a statement about
3 the trainer or educator’s knowledge and experience background.

4 (2) (A) For licenses renewed on and after July 1, 2009, and
5 before January 1, 2010, a licensee shall have completed one hour
6 of coursework.

7 (B) For licenses renewed on and after January 1, 2010, and
8 before January 1, 2011, a licensee shall have completed two and
9 one-half hours of coursework.

10 (C) For licenses renewed on and after January 1, 2011, a licensee
11 shall have completed five hours of coursework within the previous
12 two years.

13 (3) Coursework regarding disability access requirements shall
14 include information and practical guidance concerning
15 requirements imposed by the Americans with Disabilities Act of
16 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state
17 laws that govern access to public facilities, and federal and state
18 regulations adopted pursuant to those laws. Coursework provided
19 pursuant to this paragraph shall be presented by trainers or
20 educators with knowledge and expertise in these requirements.
21 The board shall verify that a licensee has met the requirements of
22 this subdivision as a condition of license renewal.

23 SEC. 2. Section 55.3 is added to the Civil Code, to read:

24 55.3. (a) For purposes of this section, the following shall apply:

25 (1) “Complaint” means a civil complaint that is filed or is to be
26 filed with a court and is sent to or served upon a defendant on the
27 basis of one or more alleged ~~physical access~~ *construction-related*
28 *accessibility* violations, as defined in this section.

29 (2) “Demand for money” means a written document that is
30 provided to a building owner or tenant, or an agent or employee
31 of a building owner or tenant, that contains a request for money
32 on the basis of one or more alleged ~~physical access~~
33 *construction-related accessibility* violations, as defined in
34 paragraph (3).

35 ~~(3) “Physical access violation” means any physical condition~~
36 ~~of a privately owned building, facility, or site that interferes with~~
37 ~~the physical access, circulation, or full use of the building, facility,~~
38 ~~or site by persons with disabilities in violation of any existing state~~
39 ~~law or regulation. “Physical access violation” does not include~~

1 (3) “Construction-related accessibility violation” means any
 2 violation of any construction-related accessibility standard, as
 3 defined by paragraph (6) of subdivision (a) of Section 55.52.
 4 “Construction-related accessibility violation” does not include
 5 interference with housing accommodations within the meaning of
 6 paragraph (2) of subdivision (b) of Section 54.1, or any interference
 7 caused by something other than the ~~physical~~ construction-related
 8 accessibility condition of the property, including, but not limited
 9 to, the conduct of any person.

10 (b) An attorney shall provide a written advisory with each
 11 demand for money or complaint sent to or served upon a defendant,
 12 in the form described in subdivision (c), and on a single page that
 13 is separate and clearly distinguishable from the demand for money
 14 or complaint, as follows:

15
 16 IMPORTANT INFORMATION FOR BUILDING OWNERS
 17 AND TENANTS
 18

19 This form is available in English, Spanish, Chinese,
 20 Vietnamese, and Korean through the Judicial Council of
 21 California. Persons with visual impairments can get assistance
 22 in viewing this form through the Judicial Council *Internet*
 23 Web site at <http://www.courtinfo.ca.gov>.

24 Existing law requires that you receive this information
 25 because the demand for money or complaint you received with
 26 this document claims that your building or property does not
 27 comply with one or more existing state laws or regulations
 28 protecting the civil rights of persons with disabilities to access
 29 public places.

30 YOU HAVE IMPORTANT LEGAL OBLIGATIONS.
 31 Compliance with disability access laws is a serious and
 32 significant responsibility that applies to all California building
 33 owners and tenants with buildings open for business to the
 34 public. You may obtain information about your legal
 35 obligations and how to comply with disability access laws
 36 through the Division of the State Architect. Commencing
 37 September 1, 2009, information will also be available from
 38 the California Commission on Disability Access *Internet Web*
 39 site.

1 YOU HAVE IMPORTANT LEGAL RIGHTS. You are not
2 required to pay any money unless and until a court finds you
3 liable. Moreover, RECEIPT OF THIS ADVISORY DOES
4 NOT NECESSARILY MEAN YOU WILL BE FOUND
5 LIABLE FOR ANYTHING.

6 You may wish to promptly consult an attorney experienced
7 in this area to get helpful legal advice or representation in
8 responding to the demand for money or complaint you
9 received. You may contact the local bar association in your
10 county for information on available attorneys in your area. If
11 you have insurance, you may also wish to contact your
12 insurance provider. You have the right to seek assistance or
13 advice about this demand for money or complaint from any
14 person of your choice, and no one may instruct you otherwise.
15 Your best interest may be served by seeking legal advice or
16 representation from an attorney.

17 If a complaint has been filed and served on you and your
18 property has been inspected by a Certified Access Specialist
19 (CASp), you may have the right to a court stay (temporary
20 stoppage) and early evaluation conference to evaluate the
21 merits of the *construction-related* accessibility claim against
22 you pursuant to Civil Code Section 55.54. At your option, you
23 may be, but need not be, represented by an attorney to file a
24 reply and to file an application for a court stay and early
25 evaluation conference. If you choose not to hire an attorney
26 to represent you, you may obtain additional information about
27 how to represent yourself and how to file a reply without hiring
28 an attorney through the Judicial Council *Internet* Web site at
29 <http://www.courtinfo.ca.gov/selfhelp/>. You may also obtain
30 a form to file your reply to the lawsuit, as well as the form and
31 information for filing an application to request the court stay
32 and early evaluation conference at that same Web site.

33 If you choose to hire an attorney to represent you, the
34 attorney who sent you the demand for money or complaint is
35 prohibited from contacting you further unless your attorney
36 is present or your attorney has given the other attorney
37 permission to contact you. If the other attorney does try to
38 contact you, you should immediately notify your attorney.
39

1 (c) On or before July 1, 2009, the Judicial Council shall adopt
2 a form that may be used by attorneys to comply with the
3 requirements of subdivision (b). The form shall be in at least
4 14-point boldface type and shall contain only those statements
5 required pursuant to this section and any other statements
6 determined necessary by the Judicial Council to implement this
7 section. The form shall be available in English, Spanish, Chinese,
8 Vietnamese, and Korean, and shall include a statement that the
9 form is available in additional languages, and the Judicial Council
10 *Internet* Web site address where the different versions of the form
11 may be located. The form shall include *Internet* Web site
12 information for the Division of the State Architect and, when
13 operational, the California Commission on Disability Access.

14 (d) Subdivision (b) shall apply only to a demand for money or
15 complaint made by an attorney. Nothing in this section is intended
16 to affect the right to file a civil complaint under any other law or
17 regulation protecting the physical access rights of persons with
18 disabilities. Additionally, nothing in this section requires a party
19 acting in propria persona to provide or send a demand for money
20 to another party before proceeding against that party with a civil
21 complaint.

22 SEC. 3. Part 2.52 (commencing with Section 55.51) is added
23 to Division 1 of the Civil Code, to read:

24

25 PART 2.52. CONSTRUCTION-RELATED ACCESSIBILITY
26 STANDARDS COMPLIANCE

27

28 55.51. This part shall be known, and may be cited, as the
29 Construction-Related Accessibility Standards Compliance Act.
30 Notwithstanding any other provision of law, the provisions of this
31 part shall apply to any construction-related accessibility claim, as
32 defined in this part, including, but not limited to, any claim brought
33 under Section 51, 54, 54.1, or 55.

34 55.52. (a) For purposes of this part, the following definitions
35 apply:

36 (1) "Accessibility claim" or "construction-related accessibility
37 claim" means any civil claim in a civil action, including, but not
38 limited to, a claim brought under Section 51, 54, 54.1, or 55, based
39 wholly or in part on an alleged violation of any construction-related
40 accessibility standard, *as defined in paragraph (6)*.

1 (2) “Application for stay and early evaluation conference” means
2 an application to be filed with the court that meets the requirements
3 of subdivision (c) of Section 55.54.

4 (3) “Certified access specialist” or “CASp” means any person
5 who has been certified pursuant to Section 4459.5 of the
6 Government Code.

7 (4) “CASp-inspected” means the site was inspected by a CASp
8 and determined to meet all applicable construction-related
9 accessibility standards pursuant to paragraph (1) of subdivision
10 (a) of Section 55.53.

11 (5) “CASp determination pending” means the site was inspected
12 by a CASp and is pending a determination by the CASp that the
13 site meets applicable construction-related accessibility standards
14 pursuant to paragraph (2) of subdivision (a) of Section 55.53.

15 (6) “Construction-related accessibility standard” means a
16 provision, standard, or regulation under state or federal law
17 requiring compliance with standards for making new construction
18 and existing facilities accessible to persons with disabilities,
19 including, but not limited to, any such provision, standard, or
20 regulation set forth in Section 51, 54, 54.1, or 55 of this code,
21 Section 19955.5 of the Health and Safety Code, the California
22 Building Standards Code (Title 24 of the California Code of
23 Regulations), the Americans with Disabilities Act of 1990 (Public
24 Law 101-336; 42 U.S.C. Sec. 12101 et seq.), and the Americans
25 with Disabilities Act Accessibility Guidelines (Appendix A to Part
26 36, Title 28, Code of Federal Regulations).

27 (7) “Place of public accommodation” has the same meaning as
28 “public accommodation,” as set forth in Section 12181(7) of Title
29 42 of the United States Code and the federal regulations adopted
30 pursuant to that section.

31 (8) “Qualified defendant” means a defendant in an action that
32 includes an accessibility claim that is based in whole or in part on
33 a place of public accommodation that met the requirements of
34 “CASp-inspected” or “CASp determination pending” prior to the
35 date the defendant was served with the summons and complaint
36 in an action that includes an accessibility claim. To be a qualified
37 defendant, the defendant is not required to have been the party
38 who hired the CASp, so long as the basis of the alleged liability
39 of the defendant is a qualified site. To determine whether a
40 defendant is a qualified defendant, the court need not make a

1 finding that the place of public accommodation complies with all
2 applicable construction accessibility standards as a matter of law.
3 The court need only determine that the place of public
4 accommodation has a status of “CASp-inspected” or “CASp
5 determination pending.”

6 (b) Unless otherwise indicated, terms used in this part relating
7 to civil procedure have the same meanings that those terms have
8 in the Code of Civil Procedure.

9 55.53. (a) For purposes of this part, a certified access specialist
10 shall, upon completion of the inspection of a site, comply with the
11 following:

12 (1) For a CASp-inspected site, if the CASp determines the site
13 meets all applicable construction-related accessibility standards,
14 the CASp shall provide a written inspection report to the requesting
15 party that includes both of the following:

16 (A) An identification and description of the inspected structures
17 and areas of the site.

18 (B) A signed and dated statement of compliance that includes
19 both of the following:

20 (i) A statement that, in the opinion of the CASp, the inspected
21 structures and areas of the site meet construction-related
22 accessibility standards.

23 (ii) If corrections were made as a result of the CASp inspection,
24 an itemized list of all corrections and dates of completion.

25 (2) For a CASp determination pending site, if the CASp
26 determines that the corrections are needed to the site in order for
27 the site to meet all applicable construction-related accessibility
28 standards, the CASp shall do both of the following:

29 (A) Provide a written inspection report to the requesting party
30 that includes all of the following:

31 (i) An identification and description of the inspected structures
32 and areas of the site.

33 (ii) An identification and description of the structures or areas
34 of the site that need correction.

35 (iii) A schedule of completion of the corrections within a
36 reasonable timeframe.

37 (B) Monitor the corrections no less than once every 180 days
38 and, if applicable, provide a signed and dated statement of progress
39 that includes both of the following:

1 (i) A statement that, in the opinion of the CASp, the corrections
2 are in progress and timely.

3 (ii) If applicable, an updated schedule for completion of
4 corrections within a reasonable timeframe.

5 (b) For purposes of this section, in determining whether the site
6 meets applicable construction-related accessibility standards when
7 there is a conflict or difference between a state and federal
8 provision, standard, or regulation, the state provision, standard, or
9 regulation shall apply unless the federal provision, standard, or
10 regulation is more protective of accessibility rights.

11 (c) Every CASp who conducts an inspection of a privately
12 owned place of public accommodation shall, upon completing the
13 inspection of the site, provide the building owner or tenant who
14 requested the inspection with the following notice, which the State
15 Architect shall make available as a form on the State Architect's
16 *Internet* Web site:

17
18 NOTICE TO PRIVATE PROPERTY OWNER/TENANT:

19 YOU ARE ADVISED TO KEEP IN YOUR RECORDS
20 ANY WRITTEN INSPECTION REPORT AND ANY OTHER
21 DOCUMENTATION CONCERNING YOUR PROPERTY
22 SITE THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS
23 SPECIALIST.

24 IF YOU BECOME A DEFENDANT IN A LAWSUIT
25 THAT INCLUDES A CLAIM CONCERNING A SITE
26 INSPECTED BY A CERTIFIED ACCESS SPECIALIST,
27 YOU MAY BE ENTITLED TO A STAY (TEMPORARY
28 STOPPAGE) OF THE CLAIM AND AN EARLY
29 EVALUATION CONFERENCE.

30 IN ORDER TO REQUEST THE STAY AND EARLY
31 EVALUATION CONFERENCE, YOU WILL NEED TO
32 VERIFY THAT A CERTIFIED ACCESS SPECIALIST HAS
33 INSPECTED THE SITE THAT IS THE SUBJECT OF THE
34 CLAIM. YOU WILL ALSO BE REQUIRED TO PROVIDE
35 THE COURT AND THE PLAINTIFF WITH A COPY OF A
36 WRITTEN INSPECTION REPORT BY THE CERTIFIED
37 ACCESS SPECIALIST, AS SET FORTH IN CIVIL CODE
38 SECTION 55.54. THE APPLICATION FORM AND
39 INFORMATION ON HOW TO REQUEST A STAY AND

1 EARLY EVALUATION CONFERENCE MAY BE
 2 OBTAINED AT <http://www.courtinfo.ca.gov/selfhelp/>.
 3 YOU ARE ENTITLED TO REQUEST, FROM A
 4 CERTIFIED ACCESS SPECIALIST WHO HAS
 5 CONDUCTED AN INSPECTION OF YOUR PROPERTY,
 6 A WRITTEN INSPECTION REPORT AND OTHER
 7 DOCUMENTATION AS SET FORTH IN CIVIL CODE
 8 SECTION 55.53. YOU ARE ALSO ENTITLED TO
 9 REQUEST THE ISSUANCE OF A DISABILITY ACCESS
 10 CERTIFICATE, WHICH YOU MAY POST ON YOUR
 11 PROPERTY IF IT IS FOUND TO MEET APPLICABLE
 12 CONSTRUCTION-RELATED ACCESSIBILITY
 13 STANDARDS.

14
 15 (d) Commencing July 1, 2009, all inspections of a privately
 16 owned place of public accommodation that relate to permitting,
 17 plan checks, or new construction, including, but not limited to,
 18 inspections relating to tenant improvements that may impact access,
 19 shall be conducted by a building inspector who is a certified access
 20 specialist. To timely comply with this provision, a local agency
 21 shall employ or retain a sufficient number of building inspectors,
 22 and in no event less than one, who are certified access specialists.
 23 A local government may charge or increase inspection fees to the
 24 extent necessary to offset the costs of complying with this
 25 subdivision, and revenues generated from the charge or increase
 26 shall be used solely to offset the costs incurred to comply with this
 27 subdivision.

28 (e) (1) Every CASp who completes an inspection of a privately
 29 owned place of public accommodation shall, upon a determination
 30 that the site meets applicable construction-related accessibility
 31 standards pursuant to paragraph (1) of subdivision (a), provide the
 32 building owner or tenant requesting the inspection with a numbered
 33 disability access certificate indicating that status. The disability
 34 access certificate shall be dated and signed by the CASp inspector,
 35 and shall contain the inspector’s license number. Upon issuance
 36 of a certificate, the CASp inspector shall record the issuance of
 37 the numbered certificate and the name and address of the recipient
 38 in a record book the CASp inspector shall maintain for that
 39 purpose.

1 (2) Beginning March 1, 2009, the State Architect shall make
2 available for purchase by local building departments and CASp
3 inspectors sequentially numbered disability access certificates that
4 are printed with a watermark or other feature to deter forgery. The
5 certificate shall be in substantially the following form:

- 1 PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE
- 2 INSERTED

1 (3) The certificate may be posted on the premises of the place
2 of public accommodation, unless, following the date of inspection,
3 the inspected site has been modified or construction has
4 commenced to modify the inspected site.

5 (f) Nothing in this section or any other provision of law is
6 intended to require a property owner or tenant to hire a CASp. A
7 property owner's or tenant's election not to hire a CASp shall not
8 be admissible to prove that person's lack of intent to comply with
9 the law.

10 55.54. (a) (1) An attorney who causes a summons and
11 complaint to be served in an action that includes an accessibility
12 claim, including, but not limited to, a claim brought under Section
13 51, 54, 54.1, or 55, shall, at the same time, cause to be served a
14 copy of the application form specified in subdivision (c) and a
15 copy of the following notice to the defendant on separate papers
16 that shall be attached to the summons and complaint:

17
18 NOTICE TO DEFENDANT

19
20 YOU MAY BE ENTITLED TO ASK FOR A STAY
21 (TEMPORARY STOPPAGE) AND EARLY EVALUATION
22 CONFERENCE IN THIS LAWSUIT.

23 If the accessibility claim pertains to a site that has been
24 inspected by a Certified Access Specialist (CASp) and you
25 have an inspection report for that site, you may make an
26 immediate request for a court stay and early evaluation
27 conference in the accessibility claim by filing the attached
28 application form with the court. You may be entitled to the
29 court stay and early evaluation conference in the accessibility
30 claim only if ALL of the statements in the application form
31 are true.

32 The court will schedule the conference to be held within 35
33 days after you file the attached application form. The court
34 will also issue an immediate stay of the proceedings unless
35 the plaintiff has obtained a temporary restraining order in the
36 accessibility claim. At your option, you may be, but need not
37 be, represented by an attorney to file the application to request
38 the early evaluation conference. You may obtain a copy of the
39 application form, filing instructions, and additional information
40 about the stay and early evaluation conference through the

1 Judicial Council *Internet* Web site at
2 <http://www.courtinfo.ca.gov/selfhelp/>.

3 You may file the application after you are served with a
4 summons and complaint, but no later than your first court
5 pleading or appearance in this case, which is due within 30
6 days after you receive the summons and complaint. If you do
7 not have an attorney, you will need to file the application
8 within 30 days after you receive the summons and complaint
9 to request the stay and early evaluation conference. If you do
10 not file the application, you will still need to file your reply
11 to the lawsuit within 30 days after you receive the summons
12 and complaint to contest it. You may obtain more information
13 about how to represent yourself and how to file a reply without
14 hiring an attorney at <http://www.courtinfo.ca.gov/selfhelp/>. If
15 a plaintiff representing himself or herself hires an attorney
16 after the case is filed, you will have 30 days to file an
17 application for a court stay and early evaluation conference
18 after you receive a Notice of Substitution of Counsel, unless
19 an early evaluation conference or settlement conference has
20 already been held.

21 You may file the application form without the assistance of
22 an attorney, but it may be in your best interest to immediately
23 seek the assistance of an attorney experienced in disability
24 access laws when you receive a summons and complaint.
25

26 (2) An attorney who files a Notice of Substitution of Counsel
27 to appear as counsel for a plaintiff who, acting in *propria persona*,
28 had previously filed a complaint in an action that includes an
29 accessibility claim, including, but not limited to, a claim brought
30 under Section 51, 54, 54.1, or 55, shall, at the same time, cause to
31 be served a copy of the application form specified in subdivision
32 (c) and a copy of the notice specified in paragraph (1) upon the
33 defendant on separate pages that shall be attached to the Notice of
34 Substitution of Counsel.

35 (b) (1) Notwithstanding any other provision of law, upon being
36 served with a summons and complaint in an accessibility claim,
37 including, but not limited to, a claim brought under Section 51,
38 54, 54.1, or 55, a qualified defendant may file a request for a court
39 stay and early evaluation conference in the proceedings of that
40 claim prior to or simultaneous with the qualified defendant's

1 responsive pleading or other initial appearance in the action that
2 includes the claim. If the qualified defendant filed a timely request
3 for stay and early evaluation conference before a responsive
4 pleading was due, the period for filing a responsive pleading shall
5 commence on the date the stay is lifted. Any responsive pleading
6 filed simultaneously with a request for stay and early evaluation
7 conference may be amended without prejudice, and the period for
8 filing that amendment shall commence on the date the stay is lifted.

9 (2) Notwithstanding any other provision of law, if the plaintiff
10 had acted in propia persona in filing a complaint that includes an
11 accessibility claim, including, but not limited to, a claim brought
12 under Section 51, 54, 54.1, or 55, a qualified defendant who is
13 served with a Notice of Substitution of Counsel shall have 30 days
14 to file an application for a stay and an early evaluation conference.
15 The application may be filed prior to or after the defendant's filing
16 of a responsive pleading or other initial appearance in the action
17 that includes the claim, except that an application may not be filed
18 in a claim in which an early evaluation conference or settlement
19 conference has already been held on the claim.

20 (c) (1) An application for an early evaluation conference and
21 stay shall include a signed declaration that declares both of the
22 following:

23 (A) The site identified in the complaint has been
24 CASp-inspected or is CASp determination pending.

25 (B) An inspection report pertaining to the site has been issued
26 by a CASp. The inspection report shall be provided to the court
27 and the plaintiff at least 15 days prior to the court date set for the
28 early evaluation conference.

29 (2) The following provisional request form may be used and
30 filed by a qualified defendant until a form is adopted by the Judicial
31 Council for that purpose pursuant to subdivision (k):

- 1 PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE
- 2 INSERTED

1

1

1

1

1 (3) The provisional form and any replacement Judicial Council
2 form shall also provide space for the court’s order pursuant to
3 subdivision (d), the defendant’s declaration of proof of service of
4 the application, and the notice of the court’s order.

5 (d) Upon the filing of an application for stay and early evaluation
6 conference by a qualified defendant, the court shall immediately
7 issue an order that does all of the following:

8 (1) Grants a 90-day stay of the proceedings in the accessibility
9 claim, unless the plaintiff has obtained temporary injunctive relief
10 that is still in place for the accessibility claim.

11 (2) Schedules a mandatory early evaluation conference for a
12 date as soon as possible from the date of the order, but in no event
13 later than 35 days after issuance of the order, and in no event earlier
14 than 21 days after the filing of the request.

15 (3) Directs the parties, and any other person whose authority is
16 required to negotiate and enter into settlement, to appear in person
17 at the time set for the conference. Appearance by counsel shall not
18 satisfy the requirement that the parties or those with negotiation
19 and settlement authority personally appear.

20 (4) Directs the defendant to file with the court and serve on the
21 plaintiff a copy of any relevant CASp inspection report at least 15
22 days before the date of the conference.

23 (5) Directs the plaintiff to file with the court and serve on the
24 defendant at least 15 days before the date of the conference a
25 statement that includes, to the extent reasonably known, all of the
26 following:

27 (A) An itemized list of specific conditions on the subject
28 premises that are the basis of the claimed violations of
29 construction-related accessibility standards in the plaintiff’s
30 complaint.

31 (B) The amount of damages claimed.

32 (C) The amount of attorney’s fees and costs incurred to date, if
33 any, that are being claimed.

34 (D) Any demand for settlement of the case in its entirety.

35 (e) (1) A party failing to comply with any court order may be
36 subject to court sanction at the court’s discretion.

37 (2) The court shall lift the stay when the defendant has failed
38 to file and serve the CASp inspection report prior to the early
39 evaluation conference and has failed also to produce the report at

1 the time of the early evaluation conference, unless the defendant
2 shows good cause for that failure.

3 (3) The court may lift the stay at the conclusion of the early
4 evaluation conference upon a showing of good cause by the
5 plaintiff.

6 (f) All discussions at the early evaluation conference shall be
7 subject to Section 1152 of the Evidence Code. It is the intent of
8 the Legislature that the purpose of the evaluation conference shall
9 include, but not be limited to, evaluation of all of the following:

10 (1) Whether the defendant is entitled to the 90-day stay for some
11 or all of the identified issues in the case, as a qualified defendant.

12 (2) Whether the qualified defendant has corrected or is willing
13 to correct the alleged violations, and the timeline for doing so.

14 (3) Whether the case can be settled in whole or in part.

15 (g) Nothing in this section precludes any party from making an
16 offer to compromise pursuant to Section 998 of the Code of Civil
17 Procedure.

18 (h) The court may schedule additional conferences and may
19 extend the 90-day stay for good cause shown, but not to exceed
20 one additional 90-day extension.

21 (i) Nothing in this part shall be deemed to make any inspection
22 report, opinion, or other finding or conclusion of a CASp binding
23 on the court, or to abrogate in any manner the ultimate authority
24 of the court to make all appropriate findings of fact and law.

25 (j) Nothing in this part shall be construed to invalidate or limit
26 any California construction-related accessibility standard that
27 provides greater or equal protection for the rights of individuals
28 with disabilities than is afforded by the Americans with Disabilities
29 Act (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.) and the
30 federal regulations adopted pursuant to that act.

31 (k) (1) The Judicial Council shall prepare and post on its
32 Internet Web site instructions and a form for a qualified defendant
33 to use to file an application for stay and early evaluation conference
34 as provided in subdivisions (b) and (c), and a form for the court's
35 notice of stay and early evaluation conference. Until those forms
36 are adopted, the Judicial Council shall post on its Internet Web
37 site the provisional forms set forth in subdivision (c).

38 (2) The Judicial Council shall also prepare and post on its
39 Internet Web site instructions and a cover page to assist plaintiffs
40 and defendants, respectively, to comply with their filing

1 responsibilities under subdivision (d). The cover page shall also
2 provide for the party's declaration of proof of service of the
3 pertinent document served under the court order.

4 (l) The stay provisions shall not apply to any accessibility claim
5 in which the plaintiff has been granted temporary injunctive relief
6 that remains in place.

7 55.55. Notwithstanding subdivision (d) of Section 55.54, in
8 determining an award of reasonable-attorneys' attorney's fees and
9 recoverable costs in any construction-related accessibility claim,
10 the court may consider, along with other relevant information,
11 settlement offers made and rejected by the parties.

12 55.56. Damages may be recovered for a violation of a
13 construction-related accessibility standard that personally and
14 actually deterred the plaintiff. Evidence that the violation
15 personally and actually deterred the plaintiff may include, but not
16 be limited to, evidence that the plaintiff experienced difficulty,
17 discomfort, or embarrassment because of the violation.

18 *SEC. 4. Section 4459.5 of the Government Code is amended*
19 *to read:*

20 4459.5. (a) The State Architect shall establish and publicize
21 a program for voluntary certification by the state of any person
22 who meets specified criteria as a certified access specialist. No
23 later than January 1, 2005, the State Architect shall determine
24 minimum criteria a person is required to meet in order to be a
25 certified access specialist, which may include knowledge sufficient
26 to review, inspect, or advocate universal design requirements,
27 completion of specified training, and testing on standards governing
28 access to buildings for persons with disabilities.

29 (b) *The State Architect may implement the program described*
30 *in subdivision (a) with startup funds derived, as a loan, from the*
31 *reserve of the Public School Planning, Design, and Construction*
32 *Review Revolving Fund, upon appropriation by the Legislature.*
33 *That loan shall be repaid when sufficient fees have been collected*
34 *pursuant to Section 4459.8.*

35 ~~SEC. 4.~~

36 *SEC. 5. Chapter 3.7 (commencing with Section 8299) is added*
37 *to Division 1 of Title 2 of the Government Code, to read:*

1 CHAPTER 3.7. THE CALIFORNIA COMMISSION ON DISABILITY
2 ACCESS
3

4 8299. The Legislature finds and declares that, despite the fact
5 that state law has provided individuals with disabilities the right
6 to full and equal access to public facilities since 1968, and that a
7 violation of the right of any individual under the Americans with
8 Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec.
9 12101 et seq.) has also constituted a violation of the Unruh Civil
10 Rights Act (Section 51 of the Civil Code) since 1992, individuals
11 with disabilities are still being denied full and equal access to
12 public facilities in many instances. The Legislature further finds
13 and declares that businesses in California have the responsibility
14 to provide full and equal access to public facilities as required in
15 the laws and regulations, but that compliance may be thwarted in
16 some cases by conflicting state and federal regulations, which in
17 turn results in unnecessary litigation. With a view to developing
18 recommendations that will enable individuals with disabilities to
19 exercise their right to full and equal access to public facilities, and
20 that will facilitate business compliance with the laws and
21 regulations to avoid unnecessary litigation, the Legislature has
22 created the California Commission on Disability Access.

23 ~~8299.01. (a) There shall be established in the state government,~~
24 ~~on or before May 1, 2009, the California Commission on Disability~~
25 ~~Access. The commission shall consist of 19 members appointed~~
26 ~~as follows:~~

27 ~~(1) Two Members of the Senate appointed by the Senate~~
28 ~~Committee on Rules, one member each from the majority and~~
29 ~~minority party.~~

30 ~~(2) Two public members appointed by the Senate Committee~~
31 ~~on Rules, with one appointee from the business community and~~
32 ~~one appointee from the disability community.~~

33 ~~(3) Two Members of the Assembly appointed by the Speaker~~
34 ~~of the Assembly, one member each from the majority and minority~~
35 ~~party.~~

36 ~~(4) Two public members appointed by the Speaker of the~~
37 ~~Assembly, with one appointee from the business community and~~
38 ~~one appointee from the disability community.~~

39 ~~(5) The State Architect.~~

40 ~~(6) The Attorney General or his or her representative.~~

1 ~~(7) Nine public members appointed by the Governor, with the~~
2 ~~consent of the Senate. Five of the Governor's appointees shall be~~
3 ~~from the disability community and shall represent a cross-section~~
4 ~~of that community, including a person with a physical disability,~~
5 ~~a person who is visually impaired or blind, a person with a~~
6 ~~cognitive disability, and a person who is hearing-impaired or deaf.~~
7 ~~Four appointees shall be from the business community, including~~
8 ~~an appointee from the building community, an appointee who is~~
9 ~~a licensed architect in good standing possessing at least five years~~
10 ~~of practice experience with disability access requirements, and an~~
11 ~~appointee representative from either the California Chamber of~~
12 ~~Commerce or a group representing building owners.~~

13 ~~(b) (1) The Members of the Legislature shall serve at the~~
14 ~~pleasure of the appointing powers.~~

15 ~~(2) Public member appointees of the Speaker of the Assembly~~
16 ~~and the Senate Committee on Rules, and appointees of the~~
17 ~~Governor, shall serve four-year terms. The appointing powers may~~
18 ~~reappoint a member whose term has expired and shall immediately~~
19 ~~fill any vacancy for the unexpired portion of the term in which it~~
20 ~~occurs.~~

21 ~~(3) All appointees shall hold office until the appointment of~~
22 ~~their successors.~~

23 *8299.01. (a) There shall be established in the state government,*
24 *on or before May 1, 2009, the California Commission on Disability*
25 *Access. The commission shall consist of 11 public members, and*
26 *six ex officio nonvoting members, appointed as follows:*

27 *(1) Two public members appointed by the Senate Committee on*
28 *Rules, with one appointee from the business community and one*
29 *appointee from the disability community. The Senate Committee*
30 *on Rules shall request and consider nominations from the business*
31 *community and the disability community for these appointments.*

32 *(2) Two public members appointed by the Speaker of the*
33 *Assembly, with one appointee from the business community and*
34 *one appointee from the disability community. The Speaker of the*
35 *Assembly shall request and consider nominations from the business*
36 *community and the disability community for these appointments.*

37 *(3) Seven public members appointed by the Governor, with the*
38 *consent of the Senate. Four of the Governor's appointees shall be*
39 *from the disability community and shall represent a cross section*
40 *of that community, including a person with a physical disability,*

1 a person who is visually impaired or blind, a person with a
2 cognitive disability, and a person who is hard of hearing or deaf.
3 Three appointees shall be from the business community, including
4 an appointee representative from either the California Chamber
5 of Commerce or an association representing commercial building
6 owners. The Governor shall request and consider nominations
7 from the business community and the disability community for
8 these appointments.

9 (4) The State Architect, or his or her representative, as a
10 nonvoting ex officio member.

11 (5) The Attorney General, or his or her representative, as a
12 nonvoting ex officio member.

13 (6) Two members of the Senate, appointed by the Senate
14 Committee on Rules as nonvoting ex officio members. One member
15 shall be from the majority party and one member shall be from
16 the minority party.

17 (7) Two members of the Assembly, appointed by the Speaker of
18 the Assembly, as nonvoting ex officio members. One member shall
19 be from the majority party, and one member shall be from the
20 minority party.

21 (b) It is the intent of this section that the commission shall be
22 broadly representative of the ethnic, gender, and racial diversity
23 of the population of California.

24 (c) Public members shall be appointed for three-year terms,
25 except that, with respect to the initial appointees, the Governor
26 shall appoint three members for a one-year term, two members
27 for a two-year term, and two members for a three-year term. The
28 Senate Committee on Rules and the Speaker of the Assembly shall
29 each initially appoint one member for a two-year term and one
30 member for a three-year term. Public members may be reappointed
31 for additional terms.

32 (d) Vacancies shall be filled by the appointing authority for the
33 unexpired portion of the terms.

34 8299.02. (a) Public members of the commission shall receive
35 one hundred dollars (\$100) per diem while on official business of
36 the commission, not to exceed 12 days per year. Each member of
37 the commission shall also be entitled to receive his or her actual
38 necessary traveling expenses while on official business of the
39 commission.

1 (b) The commission shall select annually from its membership
2 a chairperson and a vice chairperson.

3 8299.03. Meetings of the commission shall be subject to the
4 Bagley-Keene Open Meeting Act (Article 9 (commencing with
5 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2).

6 8299.04. The commission shall have the powers and authority
7 necessary to carry out the duties imposed upon it by this chapter,
8 including, but not limited to, the following:

9 (a) To employ any administrative, technical, or other personnel
10 that may be necessary for the performance of its powers and duties.

11 (b) To hold hearings, make and sign any agreement, and do or
12 perform any act that may be necessary, desirable, or proper to carry
13 out the purposes of this chapter.

14 (c) To cooperate with, and secure the cooperation of, any
15 department, division, board, bureau, commission, or other agency
16 of the state to facilitate the proper execution of its powers and
17 duties under this chapter.

18 (d) To appoint advisers or advisory committees from time to
19 time when the commission determines that the experience or
20 expertise of those advisers or advisory committees is needed for
21 projects of the commission. Section 11009 shall apply to advisers
22 or advisory committees.

23 (e) To accept any federal funds granted by an act of Congress
24 or by executive order for any purpose of this chapter.

25 (f) To accept any gift, donation, grant, or bequest for any
26 purpose of this chapter.

27 8299.05. (a) The commission shall study and make reports to
28 the Legislature on the following:

29 (1) Issues regarding compliance with state laws and regulations
30 that are raised by either individuals with disabilities or businesses.

31 (2) State laws and regulations that promote equal access for
32 individuals with disabilities, and whether there are conflicting
33 federal laws and regulations that might create compliance issues.

34 (3) Whether public and private inspection programs, including
35 the Certified Access Specialist Program, are meeting the needs of
36 both the business community and the disability community by the
37 provision of timely, competent inspections that properly identify
38 violations and order appropriate remedial measures.

39 (4) Whether existing training and continuing education
40 requirements for personnel involved in designing, plan checking,

1 building, or inspecting a structure are sufficient to provide the
2 personnel with sufficient knowledge of the state disability access
3 laws and regulations.

4 (5) Whether training and continuing education requirements
5 should be enacted for landscape architects, professional engineers,
6 and contractors to provide these professionals with sufficient
7 knowledge of the state and federal disability access laws and
8 regulations. This study and report shall be completed and delivered
9 to the Legislature no later than July 1, 2010.

10 (b) (1) The commission shall act as an information center on
11 the status of compliance in California with state laws and
12 regulations providing individuals with disabilities full and equal
13 access to public facilities. To this end, it shall publish an annual
14 report, which may be combined with the ~~biannual~~ *biennial* report
15 required in odd-numbered years pursuant to subdivision (e), on
16 the state of disability access compliance by both the public and
17 private sector. The report shall be written in general terms and
18 shall not identify any particular violators.

19 (2) The commission shall, to the extent feasible, coordinate with
20 other state agencies and local building departments to ensure that
21 information provided to the public on disability access requirements
22 are uniform and complete.

23 (c) The commission shall recommend, develop, prepare, or
24 coordinate materials, projects, or other activities, as appropriate,
25 relating to any subject within its jurisdiction.

26 (d) The commission shall provide, within its resources, technical
27 and consultative advice to public or private groups or persons
28 concerned with any of the following:

29 (1) Preventing or minimizing problems of compliance by
30 California businesses by engaging in educational outreach efforts
31 and by preparing and hosting on its Internet Web site a Guide to
32 Compliance with State Laws and Regulations Regarding Disability
33 Access Requirements.

34 (2) Recommending programs to enable individuals with
35 disabilities to obtain full and equal access to public facilities.

36 (e) The commission shall make reports on its activities, findings,
37 and recommendations to the Legislature from time to time, but not
38 less often than once during every odd-numbered year.

39 8299.06. The commission, as soon as practicable, but in no
40 event later than July 1, 2010, shall develop, in consultation with

1 the staff of the California Building Standards Commission, a master
2 checklist for disability access compliance that may be used by
3 building inspectors.

4 8299.07. The commission shall study the operation of Section
5 55.54 of the Civil Code to assess whether it is operating to achieve
6 its desired goal of reducing unnecessary civil actions that seek
7 attorney’s fees and damages but that do not facilitate compliance
8 with state laws and regulations governing disability access, and
9 whether that section is unduly impacting claims brought to facilitate
10 compliance. The commission shall report its findings and any
11 recommendations to the Legislature no earlier than July 1, 2013,
12 and no later than July 1, 2014.

13 8299.08. (a) The commission is expressly authorized to inform
14 the Legislature of its position on any legislative proposal pending
15 before the Legislature and to urge the introduction of legislative
16 proposals.

17 (b) The commission is expressly authorized to state its position
18 and viewpoint on issues developed in the performance of its duties
19 and responsibilities as specified in this chapter.

20 8299.09. With respect to its duties, the commission shall be
21 an advisory commission only, and there shall be no right or
22 obligation on the part of the state to implement the findings of the
23 commission without further legislation that specifically authorizes
24 that the evaluations, determinations, and findings of the
25 commission be implemented.

26 8299.10. The commission shall hire staff or contract for those
27 experts or technical and professional services that may be required
28 for the completion of any study required by Section 8299.05. Staff
29 hired pursuant to this section shall be hired in compliance with the
30 State Civil Service Act (Part 2 (commencing with Section 18500)
31 of Division 5 of Title 2). Contracts awarded pursuant to this section
32 shall be in compliance with Section 19130.

33 8299.11. This chapter shall not be implemented unless funds
34 are appropriated for that purpose by the Legislature in the annual
35 Budget Act or another statute.

36 ~~SEC. 5.~~

37 *SEC. 6.* Section 18945 of the Health and Safety Code is
38 amended to read:

39 18945. (a) Any person adversely affected by any regulation,
40 rule, omission, interpretation, decision, or practice of any state

1 agency respecting the administration of any building standard may
2 appeal the issue for resolution to the commission.

3 (b) If any local agency having authority to enforce a state
4 building standard and any person adversely affected by any
5 regulation, rule, omission, interpretation, decision, or practice of
6 that agency respecting that building standard both wish to appeal
7 the issue for resolution to the commission, then both parties may
8 appeal to the commission. The commission may accept that appeal
9 only if the commission determines that the issues involved in the
10 appeal have statewide significance.

11 (c) Notwithstanding subdivisions (a) and (b), with respect to a
12 building standard adopted by the commission and set forth in Part
13 2 of Title 24 of the California Code of Regulations relating to
14 making public accommodations accessible to and usable by people
15 with disabilities, if either a local agency having authority to enforce
16 that building standard or a person adversely affected by a
17 regulation, rule, omission, interpretation, decision, or practice of
18 that agency respecting that building standard wishes to appeal the
19 issue for resolution to the commission, then either party may appeal
20 to the commission. The commission may accept the appeal only
21 if the commission determines that the issues involved in the appeal
22 have statewide significance. *The commission may charge a fee to*
23 *the appealing party to the extent necessary to offset the costs of*
24 *complying with this subdivision, and revenues generated from the*
25 *charge shall be used solely for this purpose.*

26 ~~SEC. 6.~~

27 *SEC. 7.* Section 18949.29 of the Health and Safety Code is
28 amended to read:

29 18949.29. (a) All construction inspectors, plans examiners,
30 and building officials shall complete a minimum of 45 hours of
31 continuing education for every three-year period, with at least eight
32 hours regarding disability access requirements pursuant to
33 subdivision (d). A local government may charge or increase
34 inspection fees to the extent necessary to offset any added costs
35 incurred in complying with this section.

36 (b) Providers of continuing education may include any
37 organizations affiliated with the code enforcement profession,
38 community colleges, or other providers of similar quality, as
39 determined by the local agency.

1 (c) For purposes of this section, “continuing education” is
2 defined as that education relating to the enforcement of Title 24
3 of the California Code of Regulations, and any other locally
4 enforced building and construction standards, including, but not
5 limited to, the model uniform codes adopted by the state. When a
6 local agency selects a model code organization as a provider of
7 continuing education or certification programs regarding the
8 enforcement of a model code adopted by the state, the local agency
9 shall give preference to the organization responsible for
10 promulgating or drafting that model code.

11 (d) Continuing education regarding disability access
12 requirements shall include information and practical guidance
13 concerning requirements imposed by the Americans with
14 Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec.
15 12101 et seq.), state laws that govern access to public facilities,
16 and federal and state regulations adopted pursuant to those laws.
17 Continuing education provided pursuant to this subdivision shall
18 be presented by trainers or educators with knowledge and expertise
19 in these requirements.

20 ~~SEC. 7:~~

21 ~~SEC. 8.~~ Sections 2, 3, and ~~5~~ 6 of this act shall become operative
22 only upon the funding, and commencement of operations, of the
23 California Commission on Disability Access, and shall cease to
24 be operative 60 days following the cessation of operations of the
25 commission.

26 ~~SEC. 8:~~

27 ~~SEC. 9.~~ No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of Section
32 17556 of the Government Code.