

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE JULY 15, 2009

AMENDED IN SENATE JULY 8, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY MAY 11, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 623

**Introduced by Assembly Member Emmerson
(Coauthor: Assembly Member Jones)**

February 25, 2009

An act to amend Section 5600 of, and to add Section 5600.05 to, the Business and Professions Code, relating to architects.

LEGISLATIVE COUNSEL'S DIGEST

AB 623, as amended, Emmerson. Architects: continuing education.

Existing law provides for the licensure and regulation of persons engaged in the practice of architecture by the California Architects Board. Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, coursework regarding disability access requirements, as specified, to certify that completion, and to provide specified documentation to the board.

This bill would authorize the board to audit the records of a licensee, would, until January 1, 2015, require the board to audit at least 3% of

the license renewals received each year, to verify completion of the coursework, and would, ~~on and after~~ *commencing with the 2-year license renewal cycle beginning* January 1, 2013, require a licensee to provide the specified documentation only upon that audit. The bill would exempt a licensee from these coursework requirements for the licensee’s first license renewal in certain circumstances. A license that violates these provisions would be subject to a specified civil penalties. The bill would require the board to submit, on or before January 1, 2019, a ~~report~~ *letter* to the Legislature relating to these requirements.

The bill would also authorize the board to require a licensee, as a condition of license renewal, to certify to the board that he or she has completed continuing education in, or relevant to, the practice of architecture in subjects relating to health, safety, and welfare. If the board imposes that requirement, the bill would require the board to adopt regulations establishing requirements relating to continuing education, authorize the board to audit the records of a licensee to verify completion of any continuing education requirements, and require an applicant for license renewal to verify completion of the requisite continuing education hours, as specified.

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

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

- 1 SECTION 1. Section 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.

1 SEC. 2. Section 5600.05 is added to the Business and
2 Professions Code, to read:

3 5600.05. (a) (1) As a condition of license renewal, a licensee
4 shall have completed coursework regarding disability access
5 requirements pursuant to paragraphs (2) and (3). A licensee shall
6 certify to the board, as a part of the license renewal process, that
7 he or she has completed the required coursework prior to approval
8 of his or her license renewal and shall, until ~~December 31, 2012~~
9 *the conclusion of the license renewal cycle beginning January 1,*
10 *2011*, provide documentation to the board from the course provider
11 that shall include the course title, subjects covered, name of
12 provider and trainer or educator, date of completion, number of
13 hours completed, and a statement about the trainer or educator's
14 knowledge and experience background. ~~On and after~~ *Commencing*
15 *with the license renewal cycle beginning January 1, 2013*, a licensee
16 shall, upon a board audit, provide the documentation from the
17 course provider to the board. A licensee who fails to complete the
18 required coursework or provides false or misleading statements
19 as it relates specifically to the requirements of this paragraph shall
20 be subject to a civil penalty imposed by the board not to exceed
21 five thousand dollars (\$5,000), or license suspension or revocation,
22 or by both civil penalty and license suspension or revocation.

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

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

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

32 (3) Coursework regarding disability access requirements shall
33 include information and practical guidance concerning
34 requirements imposed by the Americans with Disabilities Act of
35 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state
36 laws that govern access to public facilities, and federal and state
37 regulations adopted pursuant to those laws. Coursework provided
38 pursuant to this paragraph shall be presented by trainers or
39 educators with knowledge and expertise in these requirements.

1 (4) The board may audit the records of a licensee to verify the
2 completion of the coursework requirements of this subdivision. A
3 licensee shall maintain records of completion of the required
4 coursework, containing the information specified in paragraph (1),
5 for two years from the date of license renewal and shall make those
6 records available to the board for auditing upon request.

7 (5) Until January 1, 2015, the board shall audit at least 3 percent
8 of the license renewals received each year to verify the completion
9 of the continuing education requirements of this subdivision.

10 (6) ~~A~~ *Commencing with the license renewal cycle beginning*
11 *January 1, 2013*, a licensee shall be exempt from the coursework
12 requirements set forth in this subdivision for his or her first license
13 renewal if his or her initial license is issued after January 1, ~~2010~~
14 ~~2012~~, and is renewed within one year of that initial issuance date.

15 (7) On or before January 1, 2019, the board shall submit a ~~report~~
16 *letter* to the Legislature on the disability access continuing
17 education provisions required under this subdivision, including
18 the level of licensee compliance with the requirements, any actions
19 taken by the board for noncompliance with the requirements, the
20 findings of board audits, and any recommendations of the board
21 for improving the process.

22 (b) (1) If the board determines, based upon empirical evidence,
23 that the public health, safety, and welfare would be served by
24 requiring all architects issued a license under this chapter to
25 complete continuing education, it may require as a condition of
26 license renewal that the licensee certifies to the board, on a form
27 prescribed by the board, that he or she has completed continuing
28 education in, or relevant to, the practice of architecture in subjects
29 relating to health, safety, and welfare during the preceding two
30 years, as determined by the board. The coursework in disability
31 access requirements specified by subdivision (a) shall be applied
32 to the continuing education hours prescribed by the board.

33 (2) If the board requires continuing education pursuant to
34 paragraph (1), the board shall first, by regulation, prescribe
35 requirements relating to continuing education, including, but not
36 limited to, the required courses and number of hours.

37 (3) The board may audit the records of a licensee to verify the
38 completion of any continuing education requirements of this
39 subdivision. A licensee shall maintain records of completion of
40 required continuing education coursework for a minimum of two

1 years from the date of license renewal and shall make those records
2 available to the board for auditing upon request.

3 (c) If the board adopts a continuing education requirement for
4 license renewal as authorized by subdivision (b), an applicant for
5 license renewal shall separately certify on a form prescribed by
6 the board that the applicant has completed the requisite hours of
7 continuing education required by subdivision (b) as a condition of
8 license renewal, and that the requisite hours of continuing education
9 included at least five hours of disability access continuing
10 education as required by subdivision (a).

11 SEC. 3. It is the intent of the Legislature in enacting this act
12 that any continuing education requirement adopted pursuant to
13 subdivision (b) of Section 5600.05 of the Business and Professions
14 Code shall not conflict with, supplant, or reduce the hours of
15 disability access continuing education required by Section 5600
16 of the Business and Professions Code as it existed prior to the
17 enactment of this act.