

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN ASSEMBLY MAY 20, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2500

Introduced by Assembly Member Hagman

February 19, 2010

~~An act to add Section 36 to the Business and Professions Code, relating to business and professions. An act to amend Section 114 of, and to repeal Section 114.5 of, the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as amended, Hagman. ~~Business and professions: licenses: penalty fees: military.~~ *Professions and vocations: licenses: military service.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a licensee or registrant who permitted his or her license to expire while serving in any branch of the armed services of the United States during a period of war, as defined, to, upon application, reinstate his or her license without examination or penalty if certain requirements are satisfied.

This bill would instead authorize a licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to, upon application, reinstate his or her license without examination or penalty if those requirements are satisfied, unless the licensing agency

determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, as specified. The bill would make other conforming and technical changes.

~~Existing law provides for the licensure and regulation of various businesses and professions by various state boards, bureaus, and commissions. Existing law also provides certain protections for members of the National Guard ordered into active state service by the Governor or active federal service by the President of the United States for emergency purposes, and for reservists called to active duty, as specified.~~

~~This bill would waive the penalty fee for late renewal of any type of state license for any profession subject to regulation by any board, bureau, or entity within the Department of Consumer Affairs for a member of the California National Guard or the United States Armed Forces, who was on active duty at the time of the lapse of the license. This bill would require a member to submit a copy of his or her official military orders upon requesting the waiver of the penalty fee.~~

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 114 of the Business and Professions Code
2 is amended to read:

3 114. (a) Notwithstanding any other provision of this code, any
4 licensee or registrant of any board, commission, or bureau within
5 the department, ~~who permitted his license or registration to expire~~
6 ~~while serving in any branch of the armed services of the United~~
7 ~~States during a period of war as defined in Section 114.5 of this~~
8 ~~code whose license expired while the licensee or registrant was~~
9 ~~on active duty as a member of the California National Guard or~~
10 ~~the United States Armed Forces, may, upon application, reinstate~~
11 ~~his or her license or registration without examination or penalty;~~
12 ~~provided,~~

13 (1) ~~His or her license or registration was valid at the time he or~~
14 ~~she entered the armed services California National Guard or the~~
15 ~~United States Armed Forces.~~

16 (2) ~~That~~The application for reinstatement is made while serving
17 ~~in the armed services California National Guard or the United~~
18 ~~States Armed Forces, or not later than one year from the date of~~
19 ~~discharge from active service or return to inactive military status.~~

1 (3) The application for reinstatement is accompanied by an
2 affidavit showing the date of entrance into the service, whether
3 still in the service, or date of discharge, and the renewal fee for
4 the current renewal period in which the application is filed is paid.

5 (b) If application for reinstatement is filed more than one year
6 after discharge or return to inactive status, the applicant, in the
7 discretion of the licensing agency, may be required to pass an
8 examination.

9 (c) *If application for reinstatement is filed and the licensing*
10 *agency determines that the applicant has not actively engaged in*
11 *the practice of his or her profession while on active duty, then the*
12 *licensing agency may require the applicant to pass an examination.*

13 (e)

14 (d) Unless otherwise specifically provided in this code, any
15 licensee or registrant who, either part time or full time, practices
16 in this State the profession or vocation for which he or she
17 is licensed or registered shall be required to maintain his or her
18 license in good standing even though he or she is in military
19 service.

20 For the purposes in this section, time spent by a licensee in
21 receiving treatment or hospitalization in any veterans' facility
22 during which he or she is prevented from practicing his or her
23 profession or vocation shall be excluded from said period of one
24 year.

25 *SEC. 2. Section 114.5 of the Business and Professions Code*
26 *is repealed.*

27 ~~114.5. As used in Section 114 of this code, "war" means:~~

28 ~~(a) Whenever Congress has declared war and peace has not~~
29 ~~formally been restored.~~

30 ~~(b) Whenever the United States is engaged in active military~~
31 ~~operations against any foreign power, whether or not war has~~
32 ~~formally been declared.~~

33 ~~(c) Whenever the United States is assisting the United Nations,~~
34 ~~in actions involving the use of armed force, to restore international~~
35 ~~peace and security.~~

36 ~~SECTION 1. Section 36 is added to the Business and~~
37 ~~Professions Code, to read:~~

38 ~~36. (a) A penalty fee for late renewal of any type of state~~
39 ~~license for any profession subject to regulation by any board,~~
40 ~~bureau, or entity within the Department of Consumer Affairs shall~~

1 ~~be waived for a member of the California National Guard or the~~
2 ~~United States Armed Forces who was on active duty at the time~~
3 ~~of the lapse of the license.~~

4 ~~(b) The member shall submit a copy of his or her official military~~
5 ~~orders upon requesting the waiver of the penalty fee.~~

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