

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 581

Introduced by Senator Liu

February 17, 2011

An act to ~~add Article 1.5 (commencing with Section 49310) to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil safety; amend Sections 3099 and 3099.2 of the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 581, as amended, Liu. ~~Pupil safety: walking schoolbus. Apprenticeships: electricians.~~

Existing law provides for the Division of Apprenticeship Standards within the Department of Industrial Relations to establish standards for the competency and training of electricians, including apprenticeship programs. Existing law provides that a person in an approved apprenticeship program may perform specified electrical and other work under the supervision of a licensed electrical contractor.

This bill would specify the kinds of nonelectrical tasks, as described, that may be validly performed by nonlicensed electrical apprentices working for a licensed electrical contractor.

~~Existing law makes each school district and county office of education responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires that a comprehensive school safety plan include specified elements, including, but not limited to, development of procedures for safe ingress and egress of pupils, parents, and school employees to and from school.~~

~~This bill would authorize the governing board of any school district to establish and maintain a walking schoolbus, defined as a group of pupils walking to or from school with one or more supervising adults, for the purpose of ensuring the safe passage of pupils to and from school.~~

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

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

1 SECTION 1. Section 3099 of the Labor Code is amended to
2 read:

3 3099. (a) The Division of Apprenticeship Standards shall do
4 all of the following:

5 (1) On or before July 1, 2001, establish and validate minimum
6 standards for the competency and training of electricians through
7 a system of testing and certification.

8 (2) On or before March 1, 2000, establish an advisory committee
9 and panels as necessary to carry out the functions under this
10 section. There shall be contractor representation from both joint
11 apprenticeship programs and unilateral nonunion programs in the
12 electrical contracting industry.

13 (3) On or before July 1, 2001, establish fees necessary to
14 implement this section.

15 (4) On or before July 1, 2001, establish and adopt regulations
16 to enforce this section.

17 (5) Issue certification cards to electricians who have been
18 certified pursuant to this section. Fees collected pursuant to
19 paragraph (3) are continuously appropriated in an amount sufficient
20 to pay the costs of issuing certification cards, and that amount may
21 be expended for that purpose by the division.

22 (6) On or before July 1, 2003, establish an electrical certification
23 curriculum committee comprised of representatives of the State
24 Department of Education, the California Community Colleges,
25 and the division. The electrical certification curriculum committee
26 shall do all of the following:

27 (A) Establish written educational curriculum standards for
28 enrollees in training programs established pursuant to Section
29 3099.4.

30 (B) If an educational provider's curriculum meets the written
31 educational curriculum standards established in accordance with

1 subparagraph (A), designate that curriculum as an approved
2 curriculum of classroom instruction.

3 (C) At the committee's discretion, review the approved
4 curriculum of classroom instruction of any designated educational
5 provider. The committee may withdraw its approval of the
6 curriculum if the educational provider does not continue to meet
7 the established written educational curriculum standards.

8 (D) Require each designated educational provider to submit an
9 annual notice to the committee stating whether the educational
10 provider is continuing to offer the approved curriculum of
11 classroom instruction and whether any material changes have been
12 made to the curriculum since its approval.

13 (b) There shall be no discrimination for or against any person
14 based on membership or nonmembership in a union.

15 (c) As used in this section, "electricians" includes all persons
16 who engage in the connection of electrical devices for electrical
17 contractors licensed pursuant to Section 7058 of the Business and
18 Professions Code, specifically, contractors classified as electrical
19 contractors in the Contractors' State License Board Rules and
20 Regulations. This section does not apply to electrical connections
21 under 100 volt-amperes. This section does not apply to persons
22 performing work to which Section 7042.5 of the Business and
23 Professions Code is applicable, or to electrical work ordinarily and
24 customarily performed by stationary engineers. This section does
25 not apply to electrical work in connection with the installation,
26 operation, or maintenance of temporary or portable electrical
27 equipment performed by technicians in the theatrical, motion
28 picture production, television, hotel, exhibition, or trade show
29 industries.

30 (d) *Nothing in this section or Section 3099.2 limits the authority*
31 *and responsibilities of the Director of Industrial Relations and*
32 *California awarding bodies set forth in Article 2 (commencing*
33 *with Section 1770) of Chapter 1 of Part 7 of Division 2.*

34 SEC. 2. Section 3099.2 of the Labor Code is amended to read:

35 3099.2. (a) (1) Persons who perform work as electricians shall
36 become certified pursuant to Section 3099 by the deadline specified
37 in this subdivision. After the applicable deadline, uncertified
38 persons shall not perform electrical work for which certification
39 is required.

1 (2) The deadline for certification as a general electrician or
2 fire/life safety technician is January 1, 2006, except that persons
3 who applied for certification prior to January 1, 2006, have until
4 January 1, 2007, to pass the certification examination. The deadline
5 for certification as a residential electrician is January 1, 2007, and
6 the deadline for certification as a voice data video technician or a
7 nonresidential lighting technician is January 1, 2008. The California
8 Apprenticeship Council may extend the certification date for any
9 of these three categories of electricians up to January 1, 2009, if
10 the council concludes that the existing deadline will not provide
11 persons sufficient time to obtain certification, enroll in an
12 apprenticeship or training program, or register pursuant to Section
13 3099.4.

14 (3) For purposes of any continuing education or recertification
15 requirement, individuals who become certified prior to the deadline
16 for certification shall be treated as having become certified on the
17 first anniversary of their certification date that falls after the
18 certification deadline.

19 (b) (1) Certification is required only for those persons who
20 perform work as electricians for contractors licensed as class C-10
21 electrical contractors under the Contractors' State License Board
22 Rules and Regulations. *Certification is not required for persons*
23 *performing work for C-10 electrical contractors if the work*
24 *performed is incidental and supplemental work as described in*
25 *Section 7059 of the Business and Professions Code. Incidental*
26 *and supplemental work includes the laying, installation, and*
27 *connection of conduit outside a building structure, trenching,*
28 *handling of materials, placement of concrete, framing, installation*
29 *of brackets, mounting systems, and support structures, placement*
30 *and construction of underground structures, compaction of*
31 *trenching, clean-up work, and other work not involving the*
32 *connection of electrical devices.*

33 (2) Certification is not required for persons performing work
34 for contractors licensed as class C-7 low voltage systems or class
35 C-45 electric sign contractors as long as the work performed is
36 within the scope of the class C-7 or class C-45 license, including
37 incidental and supplemental work as defined in Section 7059 of
38 the Business and Professions Code, and regardless of whether the
39 same contractor is also licensed as a class C-10 contractor.

1 (3) Certification is not required for work performed by a worker
2 on a high-voltage electrical transmission or distribution system
3 owned by a local publicly owned electric utility, as defined in
4 Section 224.3 of the Public Utilities Code; an electrical corporation,
5 as defined in Section 218 of the Public Utilities Code; a person,
6 as defined in Section 205 of the Public Utilities Code; or a
7 corporation, as defined in Section 204 of the Public Utilities Code;
8 when the worker is employed by the utility or a licensed contractor
9 principally engaged in installing or maintaining transmission or
10 distribution systems.

11 (c) The division shall establish separate certifications for general
12 electrician, fire/life safety technician, residential electrician, voice
13 data video technician, and nonresidential lighting technician.

14 (d) Notwithstanding subdivision (a), certification is not required
15 for registered apprentices performing electrical work as part of an
16 apprenticeship program approved under this chapter, a federal
17 Office of Apprenticeship program, or a state apprenticeship
18 program authorized by the federal Office of Apprenticeship. An
19 apprentice who is within one year of completion of his or her term
20 of apprenticeship shall be permitted to take the certification
21 examination and, upon passing the examination, shall be certified
22 immediately upon completion of the term of apprenticeship.

23 (e) Notwithstanding subdivision (a), certification is not required
24 for any person employed pursuant to Section 3099.4.

25 (f) Notwithstanding subdivision (a), certification is not required
26 for a nonresidential lighting trainee (1) who is enrolled in an
27 on-the-job instructional training program approved by the Chief
28 of the Division of Apprenticeship Standards pursuant to Section
29 3090, and (2) who is under the onsite supervision of a
30 nonresidential lighting technician certified pursuant to Section
31 3099.

32 (g) Notwithstanding subdivision (a), the qualifying person for
33 a class C-10 electrical contractor license issued by the Contractors'
34 State License Board need not also be certified pursuant to Section
35 3099 to perform electrical work for that licensed contractor or to
36 supervise an uncertified person employed by that licensed
37 contractor pursuant to Section 3099.4.

38 (h) Commencing July 1, 2009, the following shall constitute
39 additional grounds for disciplinary proceedings, including
40 suspension or revocation of the license of a class C-10 electrical

1 contractor pursuant to Article 7 (commencing with Section 7090)
2 of Chapter 9 of Division 3 of the Business and Professions Code:

3 (1) The contractor willfully employs one or more uncertified
4 persons to perform work as electricians in violation of this section.

5 (2) The contractor willfully fails to provide the adequate
6 supervision of uncertified workers required by paragraph (3) of
7 subdivision (a) of Section 3099.4.

8 (3) The contractor willfully fails to provide adequate supervision
9 of apprentices performing work pursuant to subdivision (d).

10 (i) The Chief of the Division of Apprenticeship Standards shall
11 develop a process for referring cases to the Contractors' State
12 License Board when it has been determined that a violation of this
13 section has likely occurred. On or before July 1, 2009, the chief
14 shall prepare and execute a memorandum of understanding with
15 the Registrar of Contractors in furtherance of this section.

16 (j) Upon receipt of a referral by the Chief of the Division of
17 Apprenticeship Standards alleging a violation under this section,
18 the Registrar of Contractors shall open an investigation. Any
19 disciplinary action against the licensee shall be initiated within 60
20 days of the receipt of the referral. The Registrar of Contractors
21 may initiate disciplinary action against any licensee upon his or
22 her own investigation, the filing of any complaint, or any finding
23 that results from a referral from the Chief of the Division of
24 Apprenticeship Standards alleging a violation under this section.
25 Failure of the employer or employee to provide evidence of
26 certification or trainee status shall create a rebuttable presumption
27 of violation of this provision.

28 (k) For the purposes of this section, "electricians" has the same
29 meaning as the definition set forth in Section 3099.

30 ~~SECTION 1. Article 1.5 (commencing with Section 49310) is~~
31 ~~added to Chapter 8 of Part 27 of Division 4 of Title 2 of the~~
32 ~~Education Code, to read:~~

33
34 ~~Article 1.5. Walking Schoolbus~~
35

36 ~~49310. (a) For purposes of this article, a "walking schoolbus"~~
37 ~~means a group of pupils walking to or from school with one or~~
38 ~~more supervising adults. For purposes of this section, "adults"~~
39 ~~include parents, guardians, or teachers of a pupil who is~~
40 ~~participating in the walking schoolbus.~~

1 ~~(b) The governing board of any school district may establish~~
2 ~~and maintain a walking schoolbus in any of the schools of the~~
3 ~~district for the purpose of ensuring the safe passage of pupils to~~
4 ~~and from school.~~