

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN ASSEMBLY JUNE 14, 2012

AMENDED IN SENATE MAY 14, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 975

Introduced by Senator Wright

January 19, 2012

An act to add Section 101.2 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 975, as amended, Wright. Professions and vocations: regulatory authority.

Existing law, the Business and Professions Code, provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs, *including, but not limited to, the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists*. Under existing law, a city or county shall not prohibit a person or group of persons, authorized by one of these boards, bureaus, or commissions, as specified, to engage in a particular business from engaging in that business, ~~and shall not prohibit a healing arts professional licensed by one of those boards from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.~~

This bill would provide that ~~those boards, bureaus, and commissions~~ *the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists* have the sole and exclusive

authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of that code, and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the applicable board through its authority granted under that code. The bill would prohibit a city, county, city and county, school district, other special district, a local or regional agency, joint powers agency, or state agency, department or other state office, except for those boards, from imposing a licensing requirement upon a person licensed to practice a profession or vocation regulated by one of these boards. ~~The bill would exempt requirements imposed upon persons licensed by the Contractors' State License Board and employees of those persons from the operation of these provisions.~~ The bill would state findings and declarations of the Legislature.

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. The Legislature finds and declares the following:
- 2 (a) The State and Consumer Services Agency contains the
- 3 Department of Consumer Affairs, which contains approximately
- 4 38 boards, bureaus, and commissions the mission of which is to
- 5 regulate specified professions and vocations. In addition to those
- 6 boards, bureaus, and commissions, the state government also is
- 7 comprised of dozens of other state agencies, departments, boards,
- 8 bureaus, and commissions.
- 9 (b) California local government is comprised of 58 counties,
- 10 approximately 470 cities, and over 2,000 special districts, local
- 11 and regional agencies, and joint powers agencies.
- 12 (c) If other state governmental entities or local governmental
- 13 entities were to require persons licensed to practice a profession
- 14 or vocation by a board, bureau, or commission within the
- 15 Department of Consumer Affairs to satisfy additional licensing
- 16 requirements in order to practice their professions or vocations,
- 17 before or within the respective governmental entity, this would
- 18 impose enormous regulatory burdens upon those persons.
- 19 (d) The practice of adopting continuing education requirements
- 20 through regulatory action, and the imposition of mandatory training

1 programs to satisfy requirements for licensure, certification, or
2 registration, is becoming more prevalent with each passing year
3 as authority is shifted from direct legislative action to increasingly
4 broad, yet undefined, regulatory mandates.

5 (e) The imposition of educational and training requirements by
6 these governmental entities, in addition to state licensing
7 requirements, inhibits the practice of those professions within or
8 before those governmental entities.

9 (f) Further, as additional licensing requirements are imposed,
10 it is becoming difficult and impractical for the state and local
11 governmental entities to administer conflicting and diverse
12 requirements, resulting in greater confusion and increased costs.

13 (g) It is therefore imperative that the licensed professions and
14 vocations have a single set of licensing requirements that apply
15 uniformly throughout the state and apply equally in all state and
16 local governmental entities, and that licensed professionals clearly
17 understand the expectations with which they must comply in order
18 to legally operate within their scopes of practice in the state.

19 SEC. 2. Section 101.2 is added to the Business and Professions
20 Code, to read:

21 101.2. (a) (1) ~~The boards specified in Section 101~~ *California*
22 *Architects Board and the Board for Professional Engineers, Land*
23 *Surveyors, and Geologists* shall have the sole and exclusive
24 authority to license and regulate the practice of professions and
25 vocations regulated by those boards pursuant to provisions of this
26 code.

27 (2) No city, county, city and county, school district, other special
28 district, local or regional agency, joint powers agency, or state
29 agency, department, or other state office, except for the boards
30 specified in ~~Section 101~~ *paragraph (1)*, shall impose a licensing
31 requirement upon a person licensed to practice a profession or
32 vocation regulated by a board specified in ~~Section 101~~ *paragraph*
33 *(1)*.

34 (3) A licensing requirement shall not be imposed upon a person
35 licensed to practice a profession or vocation regulated by a board
36 specified in ~~Section 101~~ *paragraph (1)* other than by this code or
37 by regulation promulgated by the applicable board through its
38 authority granted under this code.

39 (b) For purposes of this section, “licensing requirements”
40 include, but are not limited to, the following with respect to a

1 profession or vocation licensed and regulated by a board specified
2 in ~~Section 101~~ *paragraph (1) of subdivision (a)*:
3 (1) Additional training or certification requirements to practice
4 within the scope of practice of a profession or vocation licensed
5 ~~under this code~~ *and regulated by a board specified in paragraph*
6 *(1) of subdivision (a)*.
7 (2) Continuing education requirements for renewal or
8 continuation of licensure.
9 (3) Any additional experience or qualification requirements
10 beyond those provided in this code or pursuant to regulations
11 promulgated by ~~the applicable~~ *a board specified in Section 101*
12 *paragraph (1) of subdivision (a)* through its authority granted under
13 this code.
14 ~~(e) This section shall not apply to requirements imposed upon~~
15 ~~persons licensed by the Contractors' State License Board or~~
16 ~~employees of those persons.~~
17 ~~(d)~~
18 (c) Nothing in this section shall be construed to do either of the
19 following:
20 (1) Prohibit parties from contractually agreeing to additional
21 experience, qualifications, or training of a licensee ~~under this code~~
22 *subject to a board specified in paragraph (1) of subdivision (a)* in
23 connection with performance of a contract.
24 (2) Prohibit a licensee from voluntarily undertaking satisfaction
25 of certification programs not required ~~under~~ *by the applicable*
26 *provisions of this code* for licensure by a board specified in ~~Section~~
27 ~~101~~ *paragraph (1) of subdivision (a)*.

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