

Senate Bill No. 975

Passed the Senate August 29, 2012

Secretary of the Senate

Passed the Assembly August 27, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 975, 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.

This bill would provide that, beginning July 1, 2013, 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 state findings and declarations of the Legislature.

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

SECTION 1. The Legislature finds and declares the following:

(a) The State and Consumer Services Agency contains the Department of Consumer Affairs, which contains approximately

38 boards, bureaus, and commissions the mission of which is to regulate specified professions and vocations. In addition to those boards, bureaus, and commissions, the state government also is comprised of dozens of other state agencies, departments, boards, bureaus, and commissions.

(b) California local government is comprised of 58 counties, approximately 470 cities, and over 2,000 special districts, local and regional agencies, and joint powers agencies.

(c) If other state governmental entities or local governmental entities were to require persons licensed to practice a profession or vocation by a board, bureau, or commission within the Department of Consumer Affairs to satisfy additional licensing requirements in order to practice their professions or vocations, before or within the respective governmental entity, this would impose enormous regulatory burdens upon those persons.

(d) The practice of adopting continuing education requirements through regulatory action, and the imposition of mandatory training programs to satisfy requirements for licensure, certification, or registration, is becoming more prevalent with each passing year as authority is shifted from direct legislative action to increasingly broad, yet undefined, regulatory mandates.

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

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

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

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

101.2. (a) (1) The California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists shall have the sole and exclusive authority to license and regulate the

practice of professions and vocations regulated by those boards pursuant to provisions of this code.

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

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

(b) For purposes of this section, “licensing requirements” include, but are not limited to, the following with respect to a profession or vocation licensed and regulated by a board specified in paragraph (1) of subdivision (a):

(1) Additional training or certification requirements to practice within the scope of practice of a profession or vocation licensed and regulated by a board specified in paragraph (1) of subdivision (a).

(2) Continuing education requirements for renewal or continuation of licensure.

(3) Any additional experience or qualification requirements beyond those provided in this code or pursuant to regulations promulgated by a board specified in paragraph (1) of subdivision (a) through its authority granted under this code.

(c) Nothing in this section shall be construed to do the following:

(1) Prohibit parties from contractually agreeing to additional experience, qualifications, or training of a licensee subject to a board specified in paragraph (1) of subdivision (a) in connection with performance of a contract.

(2) Prohibit a licensee from voluntarily undertaking satisfaction of certification programs not required by the applicable provisions of this code for licensure by a board specified in paragraph (1) of subdivision (a).

(3) Prohibit the boards described in paragraph (1) of subdivision (a) from receiving requests from other state agencies to adopt by regulation licensing requirements applicable to licensees of those boards.

(4) Prohibit the boards described in paragraph (1) of subdivision (a) from reviewing a request described in paragraph (3) and holding public hearings, after notice to the public and the regulated community, to determine whether it is necessary to adopt regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to implement the requested licensing requirement in order to protect the public and promote public health and safety.

(d) Nothing in this section shall be construed to limit the authority of a city, county, city and county, school district, other special district, local or regional agency, joint powers agency, or state agency, department, or other state office from imposing a licensing requirement upon a person who is not licensed to practice a profession or vocation regulated by a board specified in paragraph (1) of subdivision (a).

(e) This section shall become operative on July 1, 2013.

Approved _____, 2012

Governor