

AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1576

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Strickland, Vargas, and Wyland)

March 12, 2012

An act to amend Sections 5070.1, 5072, 5076, 5093, 5094.6, 5107, 7011.8, and 7076, 8741, 8762, 8773, 12012, 12012.1, 12024.11, 12027, 12104, 12104.5, 12105, 12106.5, 12107, 12107.1, 12108, 12201, 12201.2, 12202, 12203, 12205, 12210.5, 12212, 12214, 12314, 12500.5, 12500.6, 12500.8, 12609, 12610, 12706, 12708, 12722, 12723, 12727, 12735, 13403, 13440, 13450, 13460, 13461, 13480, and 13710 of, to amend and renumber Section 12736 of, to repeal Section 13302 of, and to repeal and add Section 5019 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1576, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

Existing law provides for the licensure and regulation of professions and vocations by boards within the Department of Consumer Affairs.

(1) Existing law provides for the licensure and regulation of the practice of accountancy by the California Board of Accountancy. Under existing law, permits to engage in the practice of public accountancy are required to be issued by the board only to holders of the certificate of certified public accountant, and to those partnerships, corporations, and other persons who, upon application approved by the board, are registered with the board.

Under existing law, the rules of professional conduct adopted by the board are required to be printed as a part of the application blanks for both certificates and registration and every applicant for either a certificate or registration is required to subscribe thereto when making an application.

This bill would require such an applicant to acknowledge the fact that the applicant has read and understands the rules of professional conduct adopted by the board.

Existing law authorizes a partnership, except as specified, to be registered by the board to engage in the practice of public accountancy provided it meets certain requirements, including, but not limited to, that each partner personally engaged within this state in the practice of public accountancy has a valid permit or certificate to practice in this state and that, except as specified, each partner not personally engaged in the practice of public accountancy within this state is required to be a certified public accountant in good standing of some state.

This bill would modify those requirements to instead include that each partner engaged within this state in the practice of public accountancy has a valid permit or certificate to practice in this state and that, except as specified, each partner not engaged in the practice of public accountancy within this state is required to be a certified public accountant in good standing of some state.

Existing law requires a firm, in order to renew its registration, to have a specified peer review report accepted by a board-recognized peer review group. Existing law requires the board to adopt regulations and emergency regulations to implement, interpret, and make specific these peer review requirements.

This bill would delete that requirement to adopt emergency regulations.

Existing law requires an applicant for the certified public accountant license to comply with certain education, examination, and experience requirements under one of 2 provisions that set forth different standards, commonly referred to as the 2 “pathways.” Existing law, under the 2nd pathway, requires an applicant to present satisfactory evidence that the applicant has completed certain education, and after December 31, 2013, that education is required to include specified ethics study. Existing law authorizes the Advisory Committee on Accounting Ethics Curriculum to determine that a course satisfies the ethics study requirement. No later than June 1, 2012, existing law also requires the Advisory Committee on Accounting Ethics Curriculum to recommend

to the board ethics study guidelines, as defined, to be included as part of the educational requirements.

This bill would delete those provisions establishing the responsibilities of the committee.

Existing law authorizes the board to conditionally renew or reinstate for a maximum of one year the permit or certificate of a holder who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for those unpaid costs.

This bill would authorize the board to conditionally renew or reinstate for a maximum of 3 years a permit or certificate if the holder demonstrates financial hardship and enters into a formal agreement with the board to reimburse the board within that 3-year period for those unpaid costs.

Existing law provides that an accountant who is no longer actively engaged in practice may, upon application to the board and meeting specified requirements, have his or her license placed on retired status. Existing law prohibits the board, beginning on a specified date, from approving an application for a retired status license if the applicant's permit is delinquent.

This bill would remove the prohibition against granting retired status to an accountant's license which had become delinquent and would allow an accountant whose license was canceled for failure to renew to apply for his or her license to be placed in retired status.

This bill would also exempt holders of licenses placed in retired status during a specified period from complying with certain requirements.

(2) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law requires the board to appoint a registrar to serve as the executive officer and secretary of the board to carry out the duties delegated by the board. Under existing law, any person who reports to or causes a complaint to be filed with the board that a licensee has engaged in professional misconduct, knowing that complaint to be false, is guilty of a crime. Existing law authorizes the board to notify the district attorney or city attorney that a person has made what the board believes is a false report or complaint.

This bill would limit application of those provisions to any person licensed by the board and would instead authorize the registrar to issue a citation to such a person.

(3) Existing law, the Professional Land Surveyors' Act, provides for licensing and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law specifies the examinations required to obtain a license, with certain exemptions for registered professional engineers and certain engineers-in-training.

This bill would limit that exemption to persons who were registered as professional engineers prior to January 1, 1982.

Existing law requires a licensed land surveyor to sign a corner record, other than lost corners, as defined.

This bill would revise the references in these provisions to a manual issued by the United States Bureau of Land Management.

Existing law requires a licensed land surveyor or licensed civil engineer, after making a field survey, to file with the county surveyor a record of the survey if, among other things, it discloses the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, as specified.

This bill would also require the field survey to be filed with the county surveyor if it discloses the location, relocation, reestablishment, or retracement of one or more points or lines not shown on any subdivision map, official map, or record of survey.

(3)

(4) This bill would make other technical, nonsubstantive, and conforming changes.

Existing law vests the Secretary of Food and Agriculture with general supervision of weights and measures and weighing and measuring devices sold or used in the state, and authorizes the secretary to exercise any power conferred upon the department or upon the State Sealer, who is the chief of the division of the department charged with the enforcement of the provisions relating to weights and measures.

This bill would make various technical, nonsubstantive changes to these provisions, to, among other things, correct references to the secretary, the California Agricultural Commissioners and Sealers Association, ASTM International, and SAE International. The bill would delete a duplicate provision and renumber a provision.

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 5019 of the Business and Professions
2 Code is repealed.

3 SEC. 2. Section 5019 is added to the Business and Professions
4 Code, to read:

5 5019. Every applicant, when subscribing to an application for
6 certificate or registration, shall acknowledge the fact that the
7 applicant has read and understands the rules of professional conduct
8 adopted by the board.

9 SEC. 3. Section 5070.1 of the Business and Professions Code
10 is amended to read:

11 5070.1. (a) The board may establish, by regulation, a system
12 for the placement of a license on a retired status, upon application,
13 for certified public accountants and public accountants who are
14 not actively engaged in the practice of public accountancy or any
15 activity which requires them to be licensed by the board.

16 (b) No licensee with a license on a retired status shall engage
17 in any activity for which a permit is required.

18 (c) ~~The~~ *Except as provided in subdivision (d), the board shall*
19 *deny an applicant's application for a retired status license if the*
20 *permit is canceled or if the permit is suspended, revoked, or*
21 *otherwise punitively restricted by the board or subject to*
22 *disciplinary action under this chapter.*

23 ~~(d) Beginning one year from the effective date of the regulations~~
24 ~~adopted pursuant to subdivision (a), if an applicant's permit is~~
25 ~~delinquent, the board shall deny an applicant's application for a~~
26 ~~retired status license.~~

27 *(d) (1) Upon approval of an application for a retired status*
28 *license from the holder of a license canceled pursuant to Section*
29 *5070.7, the board shall reissue that license in a retired status.*

30 *(2) The holder of a canceled license that was placed in retired*
31 *status on or after January 1, 1994, and prior to January 1, 1999,*
32 *shall not be required to meet the qualifications established*
33 *pursuant to subdivision (e), but shall be subject to all other*
34 *requirements of this section.*

35 (e) The board shall establish minimum qualifications for a retired
36 status license.

37 (f) The board may exempt the holder of a retired status license
38 from the renewal requirements described in Section 5070.5.

1 (g) The board shall establish minimum qualifications for the
2 restoration of a license in a retired status to an active status. These
3 minimum qualifications shall include, but are not limited to,
4 continuing education and payment of a fee as provided in
5 subdivision (h) of Section 5134.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 5072 of the Business and Professions Code is
8 amended to read:

9 5072. (a) No persons shall engage in the practice of
10 accountancy as a partnership unless the partnership is registered
11 by the board.

12 (b) A partnership, other than a limited partnership, may be
13 registered by the board to engage in the practice of public
14 accountancy provided it meets the following requirements:

15 (1) At least one general partner shall hold a valid permit to
16 practice as a certified public accountant, public accountant, or
17 accountancy corporation, or shall be an applicant for a certificate
18 as a certified public accountant under Sections 5087 and 5088.

19 (2) Each partner engaged within this state in the practice of
20 public accountancy as defined by Section 5051 shall hold a valid
21 permit to practice in this state or shall have applied for a certificate
22 as a certified public accountant under Sections 5087 and 5088.

23 (3) Each partner not engaged in the practice of public
24 accountancy within this state shall be a certified public accountant
25 in good standing of some state, except as permitted by Section
26 5079.

27 (4) Each resident manager in charge of an office of the firm in
28 this state shall be a licensee in good standing of this state, or shall
29 have applied for a certificate as a certified public accountant under
30 Sections 5087 and 5088.

31 ~~SEC. 4.~~

32 *SEC. 5.* Section 5076 of the Business and Professions Code is
33 amended to read:

34 5076. (a) In order to renew its registration, a firm, as defined
35 in Section 5035.1, shall have a peer review report of its accounting
36 and auditing practice accepted by a board-recognized peer review
37 program no less frequently than every three years.

38 (b) For purposes of this article, the following definitions apply:

39 (1) "Peer review" means a study, appraisal, or review conducted
40 in accordance with professional standards of the professional work

1 of a firm, and may include an evaluation of other factors in
2 accordance with the requirements specified by the board in
3 regulations. The peer review report shall be issued by an individual
4 who has a valid and current license, certificate, or permit to practice
5 public accountancy from this state or another state and is
6 unaffiliated with the firm being reviewed.

7 (2) “Accounting and auditing practice” includes any services
8 that are performed using professional standards defined by the
9 board in regulations.

10 (c) The board shall adopt regulations as necessary to implement,
11 interpret, and make specific the peer review requirements in this
12 section, including, but not limited to, regulations specifying the
13 requirements for board recognition of a peer review program,
14 standards for administering a peer review, extensions of time for
15 fulfilling the peer review requirement, exclusions from the peer
16 review program, and document submission.

17 (d) Nothing in this section shall prohibit the board from initiating
18 an investigation and imposing discipline against a firm or licensee,
19 either as the result of a complaint that alleges violations of statutes,
20 rules, or regulations, or from information contained in a peer review
21 report received by the board.

22 (e) A firm issued a substandard peer review report, as defined
23 by the board in regulation, shall submit a copy of that report to the
24 board. The board shall establish in regulation the time period that
25 a firm must submit the report to the board. This period shall not
26 exceed 60 days from the time the report is accepted by a
27 board-recognized peer review program provider to the date the
28 report is submitted to the board.

29 (f) (1) A board-recognized peer review program provider shall
30 file a copy with the board of all substandard peer review reports
31 issued to California-licensed firms. The board shall establish in
32 regulation the time period that a board-recognized peer review
33 program provider shall file the report with the board. This period
34 shall not exceed 60 days from the time the report is accepted by a
35 board-recognized peer review program provider to the date the
36 report is filed with the board. These reports may be filed with the
37 board electronically.

38 (2) Nothing in this subdivision shall require a board-recognized
39 peer review program provider, when administering peer reviews
40 in another state, to violate the laws of that state.

1 (g) The board shall, by January 1, 2010, define a substandard
2 peer review report in regulation.

3 (h) Any requirements imposed by a board-recognized peer
4 review program on a firm in conjunction with the completion of
5 a peer review shall be separate from, and in addition to, any action
6 by the board pursuant to this section.

7 (i) Any report of a substandard peer review submitted to the
8 board in conjunction with this section shall be collected for
9 investigatory purposes.

10 (j) Nothing in this section affects the discovery or admissibility
11 of evidence in a civil or criminal action.

12 (k) Nothing in this section requires any firm to become a
13 member of any professional organization.

14 (l) A peer reviewer shall not disclose information concerning
15 licensees or their clients obtained during a peer review, unless
16 specifically authorized pursuant to this section, Section 5076.1, or
17 regulations prescribed by the board.

18 (m) (1) By January 1, 2015, the board shall provide the
19 Legislature and Governor with a report regarding the peer review
20 requirements of this section that includes, without limitation:

21 (A) The number of peer review reports completed to date and
22 the number of reports which were submitted to the board as
23 required in subdivision (e).

24 (B) The number of enforcement actions that were initiated as a
25 result of an investigation conducted pursuant to subdivision (i).

26 (C) The number of firms that were recommended to take
27 corrective actions to improve their practice through the mandatory
28 peer review process, and the number of firms that took corrective
29 actions to improve their practice following recommendations
30 resulting from the mandatory peer review process.

31 (D) The extent to which mandatory peer review of accounting
32 firms enhances consumer protection.

33 (E) The cost impact on firms undergoing mandatory peer review
34 and the cost impact of mandatory peer review on the firm's clients.

35 (F) A recommendation as to whether the mandatory peer review
36 program should continue.

37 (G) The extent to which mandatory peer review of small firms
38 or sole practitioners that prepare nondisclosure compiled financial
39 statements on an other comprehensive basis of accounting enhances
40 consumer protection.

1 (H) The impact of peer review required by this section on small
2 firms and sole practitioners that prepare nondisclosure compiled
3 financial statements on an other comprehensive basis of accounting.

4 (I) The impact of peer review required by this section on small
5 businesses, nonprofit corporations, and other entities that utilize
6 small firms or sole practitioners for the purposes of nondisclosure
7 compiled financial statements prepared on an other comprehensive
8 basis of accounting.

9 (J) A recommendation as to whether the preparation of
10 nondisclosure compiled financial statements on an other
11 comprehensive basis of accounting should continue to be a part
12 of the mandatory peer review program.

13 (2) A report to the Legislature pursuant to this section shall be
14 submitted in compliance with Section 9795 of the Government
15 Code.

16 ~~SEC. 5.~~

17 *SEC. 6.* Section 5093 of the Business and Professions Code is
18 amended to read:

19 5093. (a) To qualify for the certified public accountant license,
20 an applicant who is applying under this section shall meet the
21 education, examination, and experience requirements specified in
22 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
23 this article. The board may adopt regulations as necessary to
24 implement this section.

25 (b) (1) An applicant for admission to the certified public
26 accountant examination under the provisions of this section shall
27 present satisfactory evidence that the applicant has completed a
28 baccalaureate or higher degree conferred by a degree-granting
29 university, college, or other institution of learning accredited by
30 a regional or national accrediting agency included in a list of these
31 agencies published by the United States Secretary of Education
32 under the requirements of the Higher Education Act of 1965 as
33 amended (20 U.S.C. Sec. 1001 et seq.), or meeting, at a minimum,
34 the standards described in subdivision (c) of Section 5094. The
35 total educational program shall include a minimum of 24 semester
36 units in accounting subjects and 24 semester units in
37 business-related subjects. This evidence shall be provided at the
38 time of application for admission to the examination, except that
39 an applicant who applied, qualified, and sat for at least two subjects
40 of the examination for the certified public accountant license before

1 May 15, 2002, may provide this evidence at the time of application
2 for licensure.

3 (2) An applicant for issuance of the certified public accountant
4 license under the provisions of this section shall present satisfactory
5 evidence that the applicant has completed at least 150 semester
6 units of college education including a baccalaureate or higher
7 degree conferred by a college or university, meeting, at a minimum,
8 the standards described in Section 5094, the total educational
9 program to include a minimum of 24 semester units in accounting
10 subjects, 24 semester units in business-related subjects, and, after
11 December 31, 2013, shall also include a minimum of 10 units of
12 ethics study consistent with the requirements set forth in Section
13 5094.3 and 20 units of accounting study consistent with the
14 regulations promulgated under subdivision (c) of Section 5094.6.
15 This evidence shall be presented at the time of application for the
16 certified public accountant license. Nothing herein shall be deemed
17 inconsistent with Section 5094 or 5094.6. Nothing herein shall be
18 construed to be inconsistent with prevailing academic practice
19 regarding the completion of units.

20 (c) An applicant for the certified public accountant license shall
21 pass an examination prescribed by the board.

22 (d) The applicant shall show, to the satisfaction of the board,
23 that the applicant has had one year of qualifying experience. This
24 experience may include providing any type of service or advice
25 involving the use of accounting, attest, compilation, management
26 advisory, financial advisory, tax or consulting skills. To be
27 qualifying under this section, experience shall have been performed
28 in accordance with applicable professional standards. Experience
29 in public accounting shall be completed under the supervision or
30 in the employ of a person licensed or otherwise having comparable
31 authority under the laws of any state or country to engage in the
32 practice of public accountancy. Experience in private or
33 governmental accounting or auditing shall be completed under the
34 supervision of an individual licensed by a state to engage in the
35 practice of public accountancy.

36 (e) Applicants completing education at a college or university
37 located outside of this state, meeting, at a minimum, the standards
38 described in Section 5094, shall be deemed to meet the educational
39 requirements of this section if the board determines that the

1 education is substantially equivalent to the standards of education
2 specified under this chapter.

3 ~~SEC. 6.~~

4 *SEC. 7.* Section 5094.6 of the Business and Professions Code
5 is amended to read:

6 5094.6. (a) The board shall, by regulation, adopt guidelines
7 for accounting study to be included as part of the education
8 required under Section 5093.

9 (b) For purposes of this section, “accounting study” means
10 independent study or other academic work in accounting, business,
11 ethics, business law, or other academic work relevant to accounting
12 and business, so as to enhance the competency of students as
13 practitioners.

14 ~~SEC. 7.~~

15 *SEC. 8.* Section 5107 of the Business and Professions Code is
16 amended to read:

17 5107. (a) The executive officer of the board may request the
18 administrative law judge, as part of the proposed decision in a
19 disciplinary proceeding, to direct any holder of a permit or
20 certificate found to have committed a violation or violations of
21 this chapter to pay to the board all reasonable costs of investigation
22 and prosecution of the case, including, but not limited to, attorneys’
23 fees. The board shall not recover costs incurred at the
24 administrative hearing.

25 (b) A certified copy of the actual costs, or a good faith estimate
26 of costs where actual costs are not available, signed by the
27 executive officer, shall be prima facie evidence of reasonable costs
28 of investigation and prosecution of the case.

29 (c) The administrative law judge shall make a proposed finding
30 of the amount of reasonable costs of investigation and prosecution
31 of the case when requested to do so by the executive officer
32 pursuant to subdivision (a). Costs are payable 120 days after the
33 board’s decision is final, unless otherwise provided for by the
34 administrative law judge or if the time for payment is extended by
35 the board.

36 (d) The finding of the administrative law judge with regard to
37 cost shall not be reviewable by the board to increase the cost award.
38 The board may reduce or eliminate the cost award, or remand to
39 the administrative law judge where the proposed decision fails to

1 make a finding on costs requested by the executive officer pursuant
2 to subdivision (a).

3 (e) The administrative law judge may make a further finding
4 that the amount of reasonable costs awarded shall be reduced or
5 eliminated upon a finding that respondent has demonstrated that
6 he or she cannot pay all or a portion of the costs or that payment
7 of the costs would cause an unreasonable financial hardship which
8 cannot be remedied through a payment plan.

9 (f) When an administrative law judge makes a finding that costs
10 be waived or reduced, he or she shall set forth the factual basis for
11 his or her finding in the proposed decision.

12 (g) Where an order for recovery of costs is made and timely
13 payment is not made as directed by the board's decision, the board
14 may enforce the order for payment in any appropriate court. This
15 right of enforcement shall be in addition to any other rights the
16 board may have as to any holder of a permit or certificate directed
17 to pay costs.

18 (h) In a judicial action for the recovery of costs, proof of the
19 board's decision shall be conclusive proof of the validity of the
20 order of payment and the terms of payment.

21 (i) All costs recovered under this section shall be deposited in
22 the Accountancy Fund.

23 (j) (1) Except as provided in paragraph (2), the board shall not
24 renew or reinstate the permit or certificate of a holder who has
25 failed to pay all of the costs ordered under this section.

26 (2) Notwithstanding paragraph (1) or paragraph (2) of
27 subdivision (g) of Section 125.3, the board may, in its discretion,
28 conditionally renew or reinstate for a maximum of three years the
29 permit or certificate of a holder who demonstrates financial
30 hardship and who enters into a formal agreement with the board
31 to reimburse the board within that three-year period for those
32 unpaid costs.

33 (k) Nothing in this section shall preclude the board from seeking
34 recovery of costs in an order or decision made pursuant to an
35 agreement entered into between the board and the holder of a
36 permit or certificate.

37 (l) (1) Costs may not be recovered under this section as a result
38 of a citation issued pursuant to Section 125.9 and its implementing
39 language if the licensee complies with the citation.

1 (2) The Legislature hereby finds and declares that this
2 subdivision is declaratory of existing law.

3 ~~SEC. 8.~~

4 *SEC. 9.* Section 7011.8 of the Business and Professions Code
5 is amended to read:

6 7011.8. (a) Any person subject to licensure under this chapter
7 who reports to, or causes a complaint to be filed with, the
8 Contractors' State License Board that a person licensed by that
9 entity has engaged in professional misconduct, knowing the report
10 or complaint to be false, may be issued a citation by the registrar.

11 (b) The board may notify the appropriate district attorney or
12 city attorney that a person subject to licensure under this chapter
13 has made or filed what the entity believes to be a false report or
14 complaint against a licensee.

15 ~~SEC. 9.~~

16 *SEC. 10.* Section 7076 of the Business and Professions Code
17 is amended to read:

18 7076. (a) An individual license shall be canceled upon the
19 death of a person licensed as an individual. An immediate member
20 of the family of the deceased licensee may request a continuance
21 of the license to complete projects in progress and undertake new
22 work for a reasonable amount of time to be determined by rules
23 of the board. The request for a continuance must be made in writing
24 and received at the board's headquarters office within 90 days
25 after the death. Approval of the continuance of an individual license
26 may be contingent upon meeting the bond requirements of Sections
27 7071.5 and 7071.6 within 90 days of notification by the board of
28 that requirement. The immediate member of the family must apply
29 for and obtain his or her own license to continue contracting after
30 the continuance expires.

31 (b) A partnership license shall be canceled upon the death of a
32 general partner. The remaining partner or partners shall notify the
33 registrar in writing within 90 days of the death of a general partner.
34 Failure to notify the registrar within 90 days of the death is grounds
35 for disciplinary action.

36 The remaining general partner or partners may request a
37 continuance of the license to complete projects in progress and
38 undertake new work for a reasonable amount of time to be
39 determined by rules of the board. The request for a continuance
40 must be made in writing and received at the board's headquarters

1 office within 90 days after the death. The remaining general partner
2 or partners must apply for and obtain a new license to continue
3 contracting after the continuance expires.

4 (c) A partnership license shall be canceled upon the
5 disassociation of a general partner or upon the dissolution of the
6 partnership. The disassociating partner or the remaining partner
7 or partners shall notify the registrar in writing within 90 days of
8 the disassociation of a general partner or dissolution of the
9 partnership. Failure to notify the registrar of the disassociation or
10 dissolution within 90 days shall cause the license to be canceled
11 effective the date the written notification is received at the board's
12 headquarters office. Failure to notify the registrar within 90 days
13 of the disassociation or dissolution is grounds for disciplinary
14 action. The remaining general partner or partners may request a
15 continuance of the license to complete projects contracted for or
16 in progress prior to the date of disassociation or dissolution for a
17 reasonable length of time to be determined by rules of the board.
18 The request for a continuance must be made in writing and received
19 at the board's headquarters office within 90 days after the
20 disassociation or dissolution. The remaining general partner or
21 partners must apply for and obtain a new license to undertake new
22 work and to continue contracting after the continuance expires.

23 (d) The general partner or partners shall notify the registrar in
24 writing within 90 days of the death of a limited partner. Failure to
25 notify the registrar within 90 days of the death is grounds for
26 disciplinary action.

27 The death of a limited partner will not affect the partnership
28 license unless the partnership license has only one limited partner.
29 In this case, the license will be canceled upon the death of the
30 limited partner unless a new limited partner is added to the license
31 within 90 days of the death.

32 If the license is canceled, the remaining general partner or
33 partners may request a continuance of the license to complete
34 projects in progress and to undertake new work for a reasonable
35 amount of time to be determined by rules of the board. The request
36 for a continuance must be made in writing and received at the
37 board's headquarters office within 90 days after the death. The
38 remaining general partner or partners must apply for and obtain a
39 new license to continue contracting after the continuance expires.

1 (e) The general partner or partners shall notify the registrar in
2 writing within 90 days of the disassociation of a limited partner.
3 Failure to notify the registrar of the disassociation, within 90 days,
4 shall cause the disassociation to be effective the date the written
5 notification is received at the board's headquarters office. Failure
6 to notify the registrar within 90 days of the disassociation is
7 grounds for disciplinary action.

8 The disassociation of a limited partner will not affect the
9 partnership license unless the partnership license has only one
10 limited partner. In this case, the license will be canceled upon the
11 disassociation of the limited partner unless a new limited partner
12 is added to the license within 90 days of the disassociation. If the
13 license is canceled, the remaining general partner or partners may
14 request a continuance of the license to complete projects contracted
15 for or in progress prior to the date of disassociation for a reasonable
16 amount of time to be determined by rules of the board. The request
17 for a continuance must be made in writing and received at the
18 board's headquarters office within 90 days after the disassociation.
19 The remaining general partner or partners must apply for and obtain
20 a new license to undertake new work and to continue contracting
21 after the continuance expires.

22 (f) A joint venture license shall be canceled upon the
23 cancellation, revocation, or disassociation of any of its entity
24 licenses or upon the dissolution of the joint venture. The registrar
25 shall be notified in writing within 90 days of the disassociation of
26 a joint venture entity or dissolution of the joint venture. Failure to
27 notify the registrar of the disassociation or dissolution within 90
28 days shall cause the license to be canceled effective the date the
29 written notification is received at the board's headquarters office.
30 Failure to notify the registrar within 90 days of the disassociation
31 or dissolution is grounds for disciplinary action.

32 Any remaining entity or entities may request a continuance of
33 the license to complete projects contracted for or in progress prior
34 to the date of disassociation or dissolution for a reasonable amount
35 of time to be determined by rules of the board. The request for a
36 continuance must be made in writing and received at the board's
37 headquarters office within 90 days of the disassociation or
38 dissolution. The remaining entity or entities must apply for and
39 obtain a new license to undertake new work and to continue
40 contracting after the continuance expires.

1 (g) Any individual, partnership, or joint venture license
2 continued in accordance with this section is subject to all other
3 provisions of this chapter.

4 (h) A corporation license shall be canceled upon the
5 corporation's dissolution, merger, or surrender of its right to do
6 business in this state. The corporation shall notify the registrar in
7 writing within 90 days of the dissolution, merger, or surrender.
8 Failure to notify the registrar of the dissolution, merger, or
9 surrender within 90 days shall cause the license to be canceled
10 effective the date written notification is received at the board's
11 headquarters office. If the corporation fails to notify the board of
12 the dissolution, merger, or surrender, the corporation license shall
13 be canceled 60 days after the board's discovery when researching
14 the corporate records of the Secretary of State. Failure to notify
15 the registrar within 90 days of the dissolution, merger, or surrender
16 is grounds for disciplinary action.

17 (i) A limited liability company license shall be canceled upon
18 the company's dissolution, merger, or surrender of its right to do
19 business in this state. The limited liability company shall notify
20 the registrar in writing within 90 days of the dissolution, merger,
21 or surrender. Failure to notify the registrar of the dissolution,
22 merger, or surrender within 90 days shall cause the license to be
23 canceled effective the date written notification is received at the
24 board's headquarters office. If the limited liability company fails
25 to notify the board of the dissolution, merger, or surrender, the
26 limited liability company license shall be canceled 60 days after
27 the board's discovery when researching the records of the Secretary
28 of State. Failure to notify the registrar within 90 days of the
29 dissolution, merger, or surrender is grounds for disciplinary action.

30 (j) The registrar shall review and accept the petition of a licensee
31 who disputes the date of cancellation upon a showing of good
32 cause. This petition shall be received within 90 days of the board's
33 official notice of cancellation.

34 *SEC. 11. Section 8741 of the Business and Professions Code*
35 *is amended to read:*

36 8741. (a) The first division of the examination shall test the
37 applicant's fundamental knowledge of surveying, mathematics,
38 and basic science. The board may prescribe by regulation
39 reasonable educational or experience requirements including two
40 years of postsecondary education in land surveying, two years of

1 experience in land surveying, or a combination of postsecondary
2 education and experience in land surveying totaling two years for
3 admission to the first division of the examination. ~~Applicants who~~
4 ~~have passed the engineer-in-training examination, or who hold~~
5 ~~professional engineer registration, are exempt from this division~~
6 ~~of the examination.~~ *Applicants registered by the board as a*
7 *California civil engineer prior to January 1, 1982, are exempt*
8 *from this division of the examination.*

9 The second division of the examination shall test the applicant's
10 ability to apply his or her knowledge and experience and to assume
11 responsible charge in the professional practice of land surveying.

12 (b) The applicant for the second division examination shall have
13 successfully passed the first division examination, or shall be
14 exempt therefrom. The applicant shall be thoroughly familiar with
15 (1) the procedure and rules governing the survey of public lands
16 as set forth in ~~“Manual of Surveying Instructions,” published by~~
17 ~~the Bureau of Land Management, Department of the Interior,~~
18 ~~Washington, D.C. Manual of Surveying Instructions (2009),~~
19 *published by the federal Bureau of Land Management* and (2) the
20 principles of real property relating to boundaries and conveyancing.

21 (c) The board may by rule provide for a waiver of the first
22 division of the examination for applicants whose education and
23 experience qualifications substantially exceed the requirements of
24 Section 8742.

25 (d) The board may by rule provide for a waiver of the second
26 division of the examination and the assignment to a special
27 examination for those applicants whose educational qualifications
28 are equal to, and whose experience qualifications substantially
29 exceed, those qualifications established under subdivision (c). The
30 special examination may be either written or oral, or a combination
31 of both.

32 *SEC. 12. Section 8762 of the Business and Professions Code*
33 *is amended to read:*

34 8762. (a) Except as provided in subdivision (b), after making
35 a field survey in conformity with the practice of land surveying,
36 the licensed surveyor or licensed civil engineer may file with the
37 county surveyor in the county in which the field survey was made,
38 a record of the survey.

39 (b) Notwithstanding subdivision (a), after making a field survey
40 in conformity with the practice of land surveying, the licensed land

1 surveyor or licensed civil engineer shall file with the county
2 surveyor in the county in which the field survey was made a record
3 of the survey relating to land boundaries or property lines, if the
4 field survey discloses any of the following:

5 (1) Material evidence or physical change, which in whole or in
6 part does not appear on any subdivision map, official map, or
7 record of survey previously recorded or properly filed in the office
8 of the county recorder or county surveying department, or map or
9 survey record maintained by the Bureau of Land Management of
10 the United States.

11 (2) A material discrepancy with the information contained in
12 any subdivision map, official map, or record of survey previously
13 recorded or filed in the office of the county recorder or the county
14 surveying department, or any map or survey record maintained by
15 the Bureau of Land Management of the United States. For purposes
16 of this subdivision, a “material discrepancy” is limited to a material
17 discrepancy in the position of points or lines, or in dimensions.

18 (3) Evidence that, by reasonable analysis, might result in
19 materially alternate positions of lines or points, shown on any
20 subdivision map, official map, or record of survey previously
21 recorded or filed in the office of the county recorder or the county
22 surveying department, or any map or survey record maintained by
23 the Bureau of Land Management of the United States.

24 (4) The *location, relocation, establishment, reestablishment, or*
25 *retracement* of one or more points or lines not shown on any
26 subdivision map, official map, or record of survey, the positions
27 of which are not ascertainable from an inspection of the subdivision
28 map, official map, or record of survey.

29 (5) The points or lines set during the performance of a field
30 survey of any parcel described in any deed or other instrument of
31 title recorded in the county recorder’s office are not shown on any
32 subdivision map, official map, or record of survey.

33 (c) The record of survey required to be filed pursuant to this
34 section shall be filed within 90 days after the setting of boundary
35 monuments during the performance of a field survey or within 90
36 days after completion of a field survey, whichever occurs first.

37 (d) (1) If the 90-day time limit contained in subdivision (c)
38 cannot be complied with for reasons beyond the control of the
39 licensed land surveyor or licensed civil engineer, the 90-day time
40 period shall be extended until the time at which the reasons for

1 delay are eliminated. If the licensed land surveyor or licensed civil
2 engineer cannot comply with the 90-day time limit, he or she shall,
3 prior to the expiration of the 90-day time limit, provide the county
4 surveyor with a letter stating that he or she is unable to comply.
5 The letter shall provide an estimate of the date for completion of
6 the record of survey, the reasons for the delay, and a general
7 statement as to the location of the survey, including the assessor's
8 parcel number or numbers.

9 (2) The licensed land surveyor or licensed civil engineer shall
10 not initially be required to provide specific details of the survey.
11 However, if other surveys at the same location are performed by
12 others which may affect or be affected by the survey, the licensed
13 land surveyor or licensed civil engineer shall then provide
14 information requested by the county surveyor without unreasonable
15 delay.

16 (e) Any record of survey filed with the county surveyor shall,
17 after being examined by him or her, be filed with the county
18 recorder.

19 (f) If the preparer of the record of survey provides a
20 postage-paid, self-addressed envelope or postcard with the filing
21 of the record of survey, the county recorder shall return the
22 postage-paid, self-addressed envelope or postcard to the preparer
23 of the record of survey with the filing data within 10 days of final
24 filing. For the purposes of this subdivision, "filing data" includes
25 the date, the book or volume, and the page at which the record of
26 survey is filed with the county recorder.

27 *SEC. 13. Section 8773 of the Business and Professions Code*
28 *is amended to read:*

29 8773. (a) Except as provided in subdivision (b) of Section
30 8773.4, a person authorized to practice land surveying in this state
31 shall complete, sign, stamp with his or her seal, and file with the
32 county surveyor or engineer of the county where the corners are
33 situated, a written record of corner establishment or restoration to
34 be known as a "corner record" for every corner established by the
35 Survey of the Public Lands of the United States, except "lost
36 corners," as defined by the ~~Manual of Instructions for the Survey~~
37 ~~of the Public Lands of the United States~~, *Manual of Surveying*
38 *Instructions (2009)*, published by the federal Bureau of Land
39 *Management* and every accessory to such corner which is found,

1 set, reset, or used as control in any survey by such authorized
2 person.

3 (b) After the establishment of a lost corner, as defined by the
4 ~~Manual of Instructions for the Survey of the Public Lands of the~~
5 ~~United States; *Manual of Surveying Instructions (2009)*, published~~
6 ~~by the federal Bureau of Land Management~~ a record of survey
7 shall be filed as set forth in Section 8764.

8 (c) Any person authorized to practice land surveying in this
9 state may file such corner record for any property corners, property
10 controlling corners, reference monuments, or accessories to a
11 property corner.

12 *SEC. 14. Section 12012 of the Business and Professions Code*
13 *is amended to read:*

14 12012. The ~~director~~ *secretary* may exercise any power
15 conferred upon the department or upon the State Sealer by this
16 division through the State Sealer or otherwise.

17 *SEC. 15. Section 12012.1 of the Business and Professions Code*
18 *is amended to read:*

19 12012.1. The ~~director~~ *secretary* may bring an action to enjoin
20 the violation, or the threatened violation, of any provision of this
21 division, or of any regulation adopted pursuant thereto, in the
22 superior court in the county in which ~~such~~ *the* violation occurs or
23 is about to occur. There may be joined in one proceeding any
24 number of defendants alleged to be violating the same provisions
25 or regulations, although their properties, interests, residence, or
26 place of business, may be in several counties and the violations
27 separate and distinct. Any proceeding ~~which~~ *that* is brought
28 pursuant to this section shall be governed in all other respects by
29 the provisions of Chapter 3 (commencing with Section 525), Title
30 7, Part 2 of the Code of Civil Procedure. The county sealer of any
31 county acting through the district attorney or county counsel of
32 that county may bring an action to enjoin the violation in ~~such~~ *the*
33 county or the threatened violation in ~~such~~ *the* county of any
34 provision of this division or of any regulation adopted pursuant
35 thereto in the same manner as may the ~~director~~ *secretary*, and if
36 the ~~director~~ *secretary* joins as a party plaintiff, ~~such~~ *those* actions
37 shall not be limited to violations occurring within the county.

38 *SEC. 16. Section 12024.11 of the Business and Professions*
39 *Code is amended to read:*

1 12024.11. The ~~director~~ *secretary* shall adopt necessary rules
2 and regulations pertaining to the sale or advertisement of wood
3 for fuel purposes in order to standardize quantities of measurement
4 and to protect against deceptive marketing practices.

5 *SEC. 17. Section 12027 of the Business and Professions Code*
6 *is amended to read:*

7 12027. The ~~director~~ *secretary* may make ~~such~~ rules and
8 regulations as are reasonably necessary for the purpose of carrying
9 out the provisions of this division.

10 *SEC. 18. Section 12104 of the Business and Professions Code*
11 *is amended to read:*

12 12104. (a) The department shall issue instructions and make
13 recommendations to the county sealers, and the instructions and
14 recommendations shall govern the procedure to be followed by
15 these officers in the discharge of their duties.

16 (b) Instructions and recommendations ~~which~~ *that* are made to
17 insure statewide weights and measures protection shall include a
18 local administration cost analysis utilizing data provided by the
19 county sealer. The cost analysis shall identify the joint programs
20 or activities for which funds necessary to maintain adequate county
21 administration and enforcement have not been provided. The
22 ~~director~~ *secretary* shall develop, jointly with the county sealers,
23 county priorities for the enforcement programs and activities of
24 the ~~director~~ *secretary*.

25 (c) The ~~director~~ *secretary* shall, upon request, report to the
26 Legislature his or her findings concerning the cost analysis with
27 specific regard to programs where funds are inadequate for an
28 efficient enforcement program, together with a listing of the
29 priorities jointly established by the ~~director~~ *secretary* and the
30 county sealers that are contained in the formal instructions and
31 recommendations.

32 *SEC. 19. Section 12104.5 of the Business and Professions Code*
33 *is amended to read:*

34 12104.5. The ~~director~~ *secretary* may allocate annually to each
35 county an amount determined by the ~~director~~ *secretary* not to
36 exceed one-third of the amount expended by the county pursuant
37 to this division during the previous fiscal year for weights and
38 measures programs. The allocation shall be made from funds
39 appropriated to the ~~director~~ *secretary* for the administration and
40 enforcement of this division at the local level.

1 *SEC. 20. Section 12105 of the Business and Professions Code*
2 *is amended to read:*

3 12105. The department shall, at a frequency determined by the
4 ~~director~~ *secretary*, inspect the work of the local sealers and may
5 inspect the weights, measures, balances or any other weighing or
6 measuring devices of any person.

7 *SEC. 21. Section 12106.5 of the Business and Professions Code*
8 *is amended to read:*

9 12106.5. The ~~director~~ *secretary* may accept the testing and
10 sealing of weighing and measuring devices by another state upon
11 a finding that the requirements of California for testing and sealing
12 such devices have been met.

13 *SEC. 22. Section 12107 of the Business and Professions Code*
14 *is amended to read:*

15 12107. The ~~director~~ *secretary* shall establish tolerances and
16 specifications and other technical requirements for commercial
17 weighing and measuring. In doing so, the ~~director~~ *secretary* shall
18 adopt, by reference, the latest standards as recommended by the
19 National Conference on Weights and Measures and published in
20 the National Institute of Standards and Technology Handbook 44
21 “Specifications and Tolerances, and other Technical Requirements
22 for Weighing and Measuring Devices,” except as specifically
23 modified, amended, or rejected by regulation adopted by the
24 ~~director~~ *secretary*.

25 The ~~director~~ *secretary* may, by regulation, establish tolerances
26 and specifications for commercial weighing and measuring devices
27 not included in Handbook 44.

28 Any regulation shall be adopted, amended, or repealed in
29 conformity with Chapter 3.5 (commencing with Section 11340)
30 of Part 1 of Division 3 of Title 2 of the Government Code.

31 It shall be unlawful for any person to violate any of the rules,
32 regulations, tolerances, specifications, or standards established
33 under this section.

34 *SEC. 23. Section 12107.1 of the Business and Professions Code*
35 *is amended to read:*

36 12107.1. The ~~director~~ *secretary*, by regulation, may establish
37 a standard or standards of net weight or net measure, or net count
38 of any commodity, except any manufactured commodity consisting
39 of four or more staple ingredients. These standards, whenever
40 applicable, shall be based upon published, official federal or state

1 specifications and requirements or, in the absence of any—such
2 published official specifications, upon established and accepted
3 common usage. Any regulation shall be adopted, amended, or
4 repealed in conformity with the provisions of Chapter 3.5
5 (commencing with Section 11340) of Part 1 of Division 3 of Title
6 2 of the Government Code.

7 Whenever a standard, net weight, net measure, or net count has
8 been established for any commodity, it is unlawful to sell the
9 commodity by, at, or for a quantity greater or less than the standard.

10 *SEC. 24. Section 12108 of the Business and Professions Code*
11 *is amended to read:*

12 12108. The ~~director~~ *secretary* may arrange for the services of
13 a sealer employed in a county on a collaborative basis and allow
14 reasonable compensation and expenses for the purpose of
15 performing services not already within his *or her* duties and ~~which~~
16 *that* are subject to administration or enforcement by the department
17 under the provisions of this code or of the *Food and Agricultural*
18 *Code*.

19 *SEC. 25. Section 12201 of the Business and Professions Code*
20 *is amended to read:*

21 12201. If from any cause a vacancy occurs in the office of
22 county sealer, the ~~director~~ *secretary* upon learning of the vacancy
23 shall immediately transmit to the board of supervisors or other
24 appointing power a list of persons licensed by him or her for the
25 position. If the appointing power fails to appoint a county sealer
26 within 60 days after the receipt of the list, the ~~director~~ *secretary*
27 shall appoint a county sealer from that list. A person holding the
28 position of Deputy State Sealer shall be appointed the county sealer
29 of weights and measures for, and an employee of, the county to
30 which he or she is assigned. The ~~director~~ *secretary* shall issue to
31 him or her a license ~~which~~ *that* is valid only for the county he or
32 she is serving. He or she shall become subject to this code.

33 *SEC. 26. Section 12201.2 of the Business and Professions Code*
34 *is amended to read:*

35 12201.2. If the position of sealer cannot be filled by the board
36 of supervisors or other appointing power or by the ~~director~~
37 *secretary* as provided in Section 12201, then it shall be the duty
38 of the ~~director~~ *secretary* to perform the duties of sealer in the same
39 manner, to the same extent, and with the same authority as if he
40 *or she* had been the duly appointed sealer therein. The board of

1 supervisors of ~~such~~ *the* county shall reimburse the department for
2 all expenses incurred by the ~~director~~ *secretary* in fulfilling his *or*
3 *her* responsibilities under the provisions of this section.

4 *SEC. 27. Section 12202 of the Business and Professions Code*
5 *is amended to read:*

6 12202. (a) The ~~director~~ *secretary* shall cause to be examined
7 persons desiring to become county sealers, deputy county sealers,
8 or inspectors and shall adopt rules and regulations governing these
9 examinations given for the purpose of determining the fitness,
10 experience, and qualifications of candidates for these positions.
11 The ~~director~~ *secretary* may provide for inspectors qualified to be
12 employed in designated categories. Successful candidates shall be
13 given a license ~~which~~ *that* shall be good for five years unless
14 revoked. Licenses of incumbent county sealers, deputy county
15 sealers, or inspectors shall be renewed upon expiration without
16 further examination.

17 (b) The ~~director~~ *secretary* may charge each candidate a fee to
18 cover the actual cost of providing the license examination.

19 *SEC. 28. Section 12203 of the Business and Professions Code*
20 *is amended to read:*

21 12203. Except as provided in this section, no person shall
22 hereafter be appointed to the office of county sealer, deputy county
23 sealer or inspector unless he or she has a license issued by the
24 ~~director~~ *secretary* as provided in Section 12202. If there is no
25 person available for the position of county sealer who holds a
26 license, the appointing power may make a temporary appointment
27 of a person recommended in writing by the ~~director~~ *secretary*. If
28 the appointing power does not make a temporary appointment and
29 no person can be appointed from the eligible list by the ~~director~~
30 *secretary*, then the ~~director~~ *secretary* may make a temporary
31 appointment of a person competent to carry on the duties of the
32 office. Any ~~such~~ temporary appointment shall be for a period not
33 exceeding six months or until the next license examination is held.
34 If the position of deputy county sealer or inspector cannot be filled
35 from the lists, a temporary appointment may be made, upon the
36 written recommendation of the ~~director~~ *secretary* for a period not
37 exceeding six months.

38 *SEC. 29. Section 12205 of the Business and Professions Code*
39 *is amended to read:*

1 12205. For the purpose of ~~advising himself~~ *receiving advice*
2 on the best and most efficacious methods of performing his *or her*
3 duties and conducting his *or her* office, every county sealer serving
4 in a county shall attend the annual meeting of the California
5 *Agricultural Commissioners and Sealers Association of Weights*
6 ~~and Measures Officials~~ and ~~such~~ other meetings as the department
7 or the board of supervisors requires.

8 The county sealer shall be allowed all actual and necessary
9 traveling expenses incurred while on any service that requires him
10 *or her* to go outside the county. Those expenses shall be a charge
11 against the county in which the county sealer is employed.

12 *SEC. 30. Section 12210.5 of the Business and Professions Code*
13 *is amended to read:*

14 12210.5. Any county ~~which~~ *that* inspects or tests any weighing
15 or measuring device or instrument used commercially, at the
16 request of the owner or user of ~~such~~ *the* device, when ~~such~~ *that*
17 inspection or testing of the device could legally be performed by
18 a registered repairman, may, if authorized by the county board of
19 supervisors, collect from the requesting owner or user thereof a
20 fee.

21 ~~Such~~

22 *The* fee shall be based upon a uniform schedule of fees, ~~which~~
23 *that* shall be prescribed by the ~~director~~ *secretary* for use by the
24 counties. The ~~director~~ *secretary* shall prepare the schedule of fees
25 to be comparable with the rates charged by the industry's registered
26 repairmen. All fees collected shall be credited to the general fund
27 of the county in which collected and used only for the
28 administration and enforcement of laws pertaining to weights and
29 measures.

30 *SEC. 31. Section 12212 of the Business and Professions Code*
31 *is amended to read:*

32 12212. (a) The secretary shall adopt necessary regulations
33 governing the inspection frequency of all commercially used
34 weights, measures and weighing and measuring apparatus in the
35 state.

36 (b) The sealer of each county shall perform such inspections as
37 may be required by the secretary. Nothing in this section shall be
38 construed to prohibit the sealer from inspecting a device more
39 frequently than required if he or she deems those tests to be
40 necessary.

1 (c) Any ~~such~~ regulation shall be adopted by the ~~director~~
2 *secretary* in conformity with the provisions of Chapter 4.5
3 (commencing with Section 11371) of Part 1 of Division 3 of Title
4 2 of the Government Code.

5 (d) In counties where the secretary finds that the sealer, because
6 of lack of equipment, is unable or fails to perform the tests as
7 required herein, the secretary may enter into a contract with the
8 board of supervisors of each of those counties to perform the tests.
9 Those contracts shall provide that the county shall pay the cost of
10 those services based upon a uniform schedule of fees developed
11 by the secretary. The fee schedule shall be based on the
12 approximate cost of performing those services. The contracts shall
13 also provide that the secretary shall periodically render a bill to
14 each county so served for the cost of services rendered, and the
15 auditor of the county so billed shall pay the charge in the same
16 manner in which other claims against the county are paid.

17 (e) All fees collected under the provisions of this section shall
18 be credited to the Department of Food and Agriculture Fund.

19 *SEC. 32. Section 12214 of the Business and Professions Code*
20 *is amended to read:*

21 12214. (a) Upon satisfactory evidence presented to the ~~director~~
22 *secretary* that the county sealer of any county is guilty of neglect
23 of duty, incompetence, or misconduct in office, the trial board
24 hereinafter provided for shall hold a hearing or hearings at times
25 and places that it shall provide.

26 (b) The ~~director~~ *secretary* and the president of the voluntary
27 association of the sealers of the state shall select an impartial third
28 person who, with them, shall compose a county sealer's trial board
29 to determine whether the sealer is guilty of the charges presented.

30 (c) At least 10 days prior to the date of hearing, the ~~director~~
31 *secretary* shall give notice in writing to the sealer of the time and
32 place of hearing and any information as to the nature of the charges
33 that will enable the sealer to make a defense thereto.

34 (d) At the hearing or hearings, the trial board shall hear evidence
35 that is offered and thereafter, within 30 days, make an order
36 dismissing the charges or an order disqualifying the sealer.

37 (e) In case the order disqualifies the sealer, the ~~director~~ *secretary*
38 shall forthwith revoke the sealer's license and declare the office
39 vacant and a copy of the order shall be immediately transmitted

1 by the ~~director~~ *secretary* to the board of supervisors and the auditor
2 of the county in which the sealer held office.

3 (f) The license of a deputy sealer or inspector may be revoked
4 in the same manner and for the same causes that a license of a
5 sealer may be revoked.

6 *SEC. 33. Section 12314 of the Business and Professions Code*
7 *is amended to read:*

8 12314. The department, by regulation, may establish criteria
9 and procedures for certification of laboratories to perform
10 measurement services ~~which~~ *that* are determined by the ~~director~~
11 *secretary* to be beyond the existing equipment capabilities of the
12 department, or when warranted by financial or workload
13 considerations.

14 The department shall recover actual costs for the certification
15 of any laboratory from that laboratory.

16 The ~~director~~ *secretary* may revoke or suspend any certification
17 issued pursuant to this section for good cause. The ~~director~~
18 *secretary* shall establish by regulation criteria to be used when
19 revoking or suspending any certification on the basis of good cause.
20 Any proceeding to revoke or suspend any certification shall be
21 conducted pursuant to Chapter 5 (commencing with Section 11500)
22 of Part 1 of Division 3 of Title 2 of the Government Code, and the
23 ~~director~~ *secretary* shall have all the powers granted therein.

24 Measurements performed and standards certified by laboratories
25 certified under the provisions of this section shall qualify as prima
26 facie evidence.

27 *SEC. 34. Section 12500.5 of the Business and Professions Code*
28 *is amended to read:*

29 12500.5. The ~~director~~ *secretary* by rules and regulations shall
30 provide for submission for approval of types or designs of weights,
31 measures, or weighing, measuring, or counting instruments or
32 devices, used for commercial purposes, and shall issue certificates
33 of approval of such types or designs as he *or she* shall find to meet
34 the requirements of this code and the tolerances and specifications
35 thereunder.

36 It shall be unlawful to sell or use for commercial purposes any
37 weight or measure, or any weighing, measuring, or counting
38 instrument or device, of a type or design ~~which~~ *that* has not first
39 been so approved by the department; provided, however, that any
40 such weight, measure, instrument, or device in use for commercial

1 purposes prior to the effective date of this act may be continued
2 in use unless and until condemned under the provisions of this
3 code.

4 *SEC. 35. Section 12500.6 of the Business and Professions Code*
5 *is amended to read:*

6 12500.6. Notwithstanding Section 12500.5, the ~~director~~
7 *secretary* may prohibit the sale or installation of any previously
8 approved type or design of weight or measure or weighing,
9 measuring, or counting instrument if the ~~director~~ *secretary*
10 determines the weight, measure, or instrument does not fulfill the
11 purpose for which it was approved or that the weight, measure, or
12 instrument is not identical to the approved type or design.

13 The ~~director~~ *secretary* may initiate proceedings pursuant to
14 Chapter 5 (commencing with Section 11500) of Part 1 of Division
15 3 of Title 2 of the Government Code to determine whether the
16 approval should be revoked or modified, and to determine the
17 period of time that the owner or user of any accurate device for
18 which type approval has been revoked or modified may continue
19 to use that device for commercial purposes, pending the
20 replacement or modification of the device.

21 *SEC. 36. Section 12500.8 of the Business and Professions Code*
22 *is amended to read:*

23 12500.8. The ~~director~~ *secretary* may enter into an agreement
24 with the Office of Weights and Measures of the National Bureau
25 of Standards of the Department of Commerce, and other weights
26 and measures jurisdictions, to accept the certifications of each
27 other for prototype examination purposes.

28 *SEC. 37. Section 12609 of the Business and Professions Code*
29 *is amended to read:*

30 12609. The ~~director~~ *secretary* shall adopt necessary regulations
31 to carry out the purpose of this division and for the testing of
32 packages to verify the net quantity statements. In adopting these
33 regulations, the ~~director~~ *secretary* shall adopt by reference the
34 packaging and labeling requirements recommended by the National
35 Conference on Weights and Measures and published in the current
36 edition of the National Institute of Standards and Technology
37 Handbook 130, Uniform Packaging and Labeling Regulation,
38 except insofar as those requirements are specifically modified,
39 amended, or rejected by regulation by the ~~director~~ *secretary*. The
40 regulations shall include exemptions from full compliance with

1 this chapter for good and sufficient reasons. Any exemptions
2 affecting consumer commodities shall be in conformance with
3 exemptions permitted by federal regulations. Any regulation, or
4 amendment thereof, shall be adopted by the ~~director~~ *secretary* in
5 conformity with Chapter 3.5 (commencing with Section 11340)
6 of Part 1 of Division 3 of Title 2 of the Government Code.

7 ~~This section shall become operative on February 14, 1994.~~

8 *SEC. 38. Section 12610 of the Business and Professions Code*
9 *is amended to read:*

10 12610. The ~~director~~ *secretary* may promulgate regulations
11 similar to those promulgated by the Secretary of Health, Education,
12 and Welfare or the Federal Trade Commission pursuant to the Fair
13 Packaging and Labeling Act (P.L. 89-755; 80 Stat. 1296; 15U.S.C.
14 1451-1461) effective ~~to~~ *to the following:*

15 1.

16 (a) Establish and define standards for characterization of the
17 size of a package enclosing any commodity, ~~which~~ *that* may be
18 used to supplement the label statement of net quantity of contents
19 of packages containing such commodity, but this ~~paragraph~~
20 *subdivision* shall not be construed as authorizing any limitation
21 on the size, shape, weight, dimensions, or number of packages
22 which may be used to enclose any commodity;

23 2.

24 (b) Require that the label on each package of a commodity (other
25 than one ~~which~~ *that* is a food within the meaning of Section 201(f)
26 of the Federal Food, Drug, and Cosmetic Act) bear the common
27 or usual name of ~~such~~ *the* consumer commodity, if any.

28 *SEC. 39. Section 12706 of the Business and Professions Code*
29 *is amended to read:*

30 12706. (a) The ~~director~~ *secretary* may assign or reassign dates
31 for the expiration of licenses for any weighmaster.

32 (b) The ~~director~~ *secretary* may establish a license year for any
33 weighmaster consisting of any period from one month to 11
34 months, inclusive, with subsequent renewals being required at
35 yearly intervals thereafter.

36 (c) Whenever the license year is less than 12 months by reason
37 of the assignment or reassignment of the expiration date by the
38 ~~director~~ *secretary*, the license fee as designated in Section 12704
39 shall be decreased by one-twelfth of the annual fee for each month
40 of the period less than 12 months.

1 *SEC. 40. Section 12708 of the Business and Professions Code*
2 *is amended to read:*

3 12708. The ~~director~~ *secretary* may refuse to grant any license
4 provided for by this chapter, or may refuse to renew any license,
5 and may revoke or suspend any license when, after a hearing
6 conducted pursuant to Chapter 5 (commencing with Section 11500)
7 of Part 1 of Division 3 of Title 2 of the Government Code, the
8 ~~director~~ *secretary* is satisfied that the applicant or licensee is not
9 qualified to capably or reliably perform the duties of a weighmaster
10 or has otherwise been found guilty of a misdemeanor as provided
11 in this chapter.

12 *SEC. 41. Section 12722 of the Business and Professions Code*
13 *is amended to read:*

14 12722. (a) In accordance with this chapter and regulations
15 adopted by the ~~director~~ *secretary*, any weighmaster may use a tare
16 weight for a vehicle, container, or pallet ~~which~~ *that* has been
17 previously determined by a weighmaster. It is the responsibility
18 of the party for whom the tare weight was established to maintain
19 the tare weight within the variations prescribed by the ~~director~~
20 *secretary*.

21 (b) Any weighmaster weighing any vehicle moving earth, stone,
22 rock, sand, gravel, or asphalt paving material may use a
23 predetermined tare weight. The issuance of predetermined tare
24 weights are exempt from the provisions of Subchapter 9
25 (commencing with Section 4400) of Chapter 9 of Title 4 of the
26 California Administrative Code. It is the responsibility of the party
27 for whom the tare weight was established to maintain the actual
28 weight so that the actual tare weight of the vehicle shall at no time
29 exceed the recorded tare weight.

30 *SEC. 42. Section 12723 of the Business and Professions Code*
31 *is amended to read:*

32 12723. The ~~director~~ *secretary* shall adopt regulations for the
33 establishment of vehicle, container, and pallet tares, including, but
34 not limited to, the adoption of conditions of use, certificate
35 requirements, sample size, allowable variations, and procedure to
36 be used to verify common tares.

37 *SEC. 43. Section 12727 of the Business and Professions Code*
38 *is amended to read:*

1 12727. The ~~director~~ *secretary* may, at any time, require a
2 vehicle to proceed to the nearest vehicle scale for the purpose of
3 weight verification.

4 *SEC. 44. Section 12735 of the Business and Professions Code*
5 *is amended to read:*

6 12735. The ~~director~~ *secretary* may adopt any rules and
7 regulations that are reasonably necessary for the purpose of
8 carrying out this chapter. Adoption of these rules and regulations
9 shall be in accordance with Chapter 3.5 (commencing with Section
10 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

11 *SEC. 45. Section 12736 of the Business and Professions Code*
12 *is amended and renumbered to read:*

13 ~~12736.~~

14 13303. The ~~director~~ *secretary* may adopt necessary rules and
15 regulations regarding the accuracy of automated systems for retail
16 commodity price charging referred to as “scanners.”

17 *SEC. 46. Section 13302 of the Business and Professions Code*
18 *is repealed.*

19 ~~13302. (a) The sealer may levy a civil penalty against a person~~
20 ~~violating any provision of this chapter or a regulation adopted~~
21 ~~pursuant to any of these provisions, of not more than one thousand~~
22 ~~dollars (\$1,000) for each violation. It is a complete defense to a~~
23 ~~criminal prosecution for a violation of any provision of this division~~
24 ~~or a regulation adopted pursuant to any provision of this division~~
25 ~~that the defendant has been assessed and has paid a civil penalty~~
26 ~~under this section for the same act or acts constituting the violation.~~
27 ~~Any civil penalty under this section shall be cumulative to civil~~
28 ~~remedies or penalties imposed under any other law.~~

29 ~~(b) Before a civil penalty is levied, the person charged with the~~
30 ~~violation shall be given a written notice of the proposed action~~
31 ~~including the nature of the violation and the amount of the proposed~~
32 ~~penalty, and shall have the right to request a hearing. The request~~
33 ~~shall be made within 20 days after receiving notice of the proposed~~
34 ~~action. A notice of the proposed action that is sent by certified~~
35 ~~mail to the last known address of the person charged shall be~~
36 ~~considered received even if delivery is refused or the notice is not~~
37 ~~accepted at that address. If a hearing is requested, notice of the~~
38 ~~time and place of the hearing shall be given at least 10 days before~~
39 ~~the date set for the hearing. At the hearing, the person shall be~~

1 given an opportunity to review the sealer's evidence and to present
2 evidence on his or her own behalf.

3 If a hearing is not timely requested, the sealer may take the action
4 proposed without a hearing.

5 (e) If the person upon whom the sealer levied a civil penalty
6 requested and appeared at a hearing, the person may appeal the
7 sealer's decision to the secretary within 30 days of the date of
8 receiving a copy of the sealer's decision. The following procedures
9 apply to the appeal:

10 (1) The appeal shall be in writing and signed by the appellant
11 or his or her authorized agent, state the grounds for the appeal, and
12 include a copy of the sealer's decision. The appellant shall file a
13 copy of the appeal with the sealer at the same time it is filed with
14 the secretary.

15 (2) The appellant and the sealer may, at the time of filing the
16 appeal or within 10 days thereafter or at a later time prescribed by
17 the secretary, present the record of the hearing including written
18 evidence that was submitted at the hearing and a written argument
19 to the secretary stating grounds for affirming, modifying, or
20 reversing the sealer's decision.

21 (3) The secretary may grant oral arguments upon application
22 made at the time written arguments are filed.

23 (4) If an application to present an oral argument is granted,
24 written notice of the time and place for the oral argument shall be
25 given at least 10 days before the date set therefor. The times may
26 be altered by mutual agreement of the appellant, the sealer, and
27 the secretary.

28 (5) The secretary shall decide the appeal on the record of the
29 hearing, including the written evidence and the written argument
30 described in paragraph (2), that he or she has received. If the
31 secretary finds substantial evidence in the record to support the
32 sealer's decision, the secretary shall affirm the decision.

33 (6) The secretary shall render a written decision within 45 days
34 of the date of appeal or within 15 days of the date of oral arguments
35 or as soon thereafter as practical.

36 (7) On an appeal pursuant to this section, the secretary may
37 affirm the sealer's decision, modify the sealer's decision by
38 reducing or increasing the amount of the penalty levied so that it
39 is within the secretary's guidelines for imposing civil penalties,
40 or reverse the sealer's decision. Any civil penalty increased by the

1 secretary shall not be higher than that proposed in the sealer's
2 notice of proposed action given pursuant to subdivision (b). A
3 copy of the secretary's decision shall be delivered or mailed to the
4 appellant and the sealer.

5 (8) Any person who does not request a hearing pursuant to
6 subdivision (b) may not file an appeal pursuant to this subdivision.

7 (9) Review of a decision of the secretary may be sought by the
8 appellant within 30 days of the date of the decision pursuant to
9 Section 1094.5 of the Code of Civil Procedure.

10 (d) After the exhaustion of the appeal and review procedures
11 provided in this section, the sealer, or his or her representative,
12 may file a certified copy of a final decision of the sealer that directs
13 the payment of a civil penalty and, if applicable, a copy of any
14 decision of the secretary or his or her authorized representative
15 rendered on an appeal from the sealer's decision and a copy of any
16 order that denies a petition for a writ of administrative mandamus,
17 with the clerk of the superior court of any county. Judgment shall
18 be entered immediately by the clerk in conformity with the decision
19 or order. No fees shall be charged by the clerk of the superior court
20 for the performance of any official service required in connection
21 with the entry of judgment pursuant to this section.

22 (e) If the civil penalty is levied by the State Sealer, the revenues
23 derived therefrom shall be deposited in the Department of Food
24 and Agriculture Fund and, upon appropriation, shall be used by
25 the State Sealer to carry out his or her responsibilities under this
26 division. If the civil penalty is levied by the county sealer, the
27 revenues shall be deposited in the general fund of the county and,
28 upon appropriation by the board of supervisors, shall be used by
29 the county sealer to carry out his or her responsibilities under this
30 chapter.

31 *SEC. 47. Section 13403 of the Business and Professions Code*
32 *is amended to read:*

33 13403. "Octane number" or "antiknock index number," when
34 used in this chapter, means that number assigned to a spark ignition
35 engine fuel which that designates the antiknock quality. The
36 "octane number" or "antiknock index number" shall be determined
37 according to the American Society for Testing and Materials *ASTM*
38 *International* method or methods designated in the latest American
39 Society for Testing and Materials (ASTM) *ASTM International*
40 Standard Specification D-4814.

1 *SEC. 48. Section 13440 of the Business and Professions Code*
2 *is amended to read:*

3 13440. (a) The department shall establish specifications for
4 automotive spark-ignition engine fuels. The department shall adopt
5 by reference the latest standards established by a recognized
6 consensus organization or standards writing organization such as
7 ~~the American Society for Testing and Materials (ASTM) ASTM~~
8 ~~International~~ or the ~~Society of Automotive Engineers (SAE) SAE~~
9 ~~International~~, for automotive spark-ignition engine fuel, except
10 that no specification shall be less stringent than required by any
11 California state law.

12 (b) Any gasoline-oxygenate blend containing methanol shall
13 also contain an alcohol cosolvent (butanol or higher molecular
14 weight alcohol) in an amount equal to or greater than the volume
15 percentage of methanol except those blends previously granted a
16 waiver by the Environmental Protection Agency.

17 (c) Any gasoline-oxygenate blend containing ethanol that
18 complies with Section 2258 of Title 13 of the California Code of
19 Regulations, as it reads on the effective date of the act amending
20 this section during the 1993–94 Regular Session, or as amended,
21 may exceed the Reid vapor pressure limits of ASTM D 4814 for
22 the area and season in which the blend is sold at retail by not more
23 than 6.9 kilopascals (1.0 pounds per square inch), except the total
24 Reid vapor pressure shall not exceed 103 kilopascals (15 pounds
25 per square inch).

26 (d) The antiknock index as defined in Section 13403 for gasoline
27 and gasoline-oxygenate blends shall not be less than 87.

28 (e) Gasoline and gasoline-oxygenate blends shall meet the latest
29 specifications set forth in ASTM D 4814, except that no
30 specification shall be less stringent than required by any California
31 state law.

32 (f) Notwithstanding any other provision of this section, gasoline
33 sold for use in Inyo or Mono County, or the portion of Kern County
34 lying east of the Los Angeles County Aqueduct, shall comply with
35 the latest specification set forth in ASTM D 4814 relating to
36 volatility class standards for the season during which the gasoline
37 is sold for either the interior region or the southeast region of
38 California, except that no specification shall be less stringent than
39 is required by any California state law.

1 SEC. 49. Section 13450 of the Business and Professions Code
2 is amended to read:

3 13450. The department shall establish specifications for
4 compression-ignition engine fuel, kerosene, and fuel oil. The
5 department shall adopt by reference the latest standards established
6 by a recognized consensus organization or standards writing
7 organization such as the ~~American Society for Testing and~~
8 ~~Materials (ASTM) ASTM International~~ or the ~~Society of~~
9 ~~Automotive Engineers (SAE) SAE International~~, for
10 compression-ignition engine fuels, kerosene, and fuel oil, except
11 that no specification shall be less stringent than required by any
12 California state law.

13 (a) Diesel fuel shall meet the specifications set forth in ASTM
14 D-975, except that sulfur specifications shall not exceed the
15 maximum specified by any California state law.

16 (b) Kerosene shall meet the specifications set forth in ASTM
17 D-3699.

18 (c) Fuel oil shall meet the specifications set forth in ASTM
19 D-396, except that sulfur specifications shall not exceed the
20 maximum specified by any California state law.

21 SEC. 50. Section 13460 of the Business and Professions Code
22 is amended to read:

23 13460. Engine oil shall not be sold or distributed for use in an
24 internal combustion engine unless the product conforms to the
25 following specifications:

26 (a) It shall meet the engine oil requirements established by the
27 latest revision of the ~~Society of Automotive Engineers SAE~~
28 ~~International~~ Standard SAE J183 for engine oil performance and
29 engine service classification.

30 (b) The flashpoints for the various ~~Society of Automotive~~
31 ~~Engineers (SAE) SAE International~~ classifications shall not be
32 less than the following when tested in accordance with the latest
33 ASTM International standard method of test for flash and fire
34 points by means of the Cleveland open cup (ASTM D-92):

35			
36		Kinematic	
37		Viscosity (centistoke)	Minimum
38	Viscosity	by ASTM D445	Flash Degrees
39	Classification	at 100° C	Fahrenheit
40	SAE 5W		305

1	SAE 10W		335
2	SAE 20W		345
3	SAE 20		345
4	SAE 30		355
5	SAE 40		375
6	SAE 50		400
7	SAE 60		435
8	Grade 70	26.1 to less than 31.7	470
9			

10 (c) It shall be free from water and suspended matter when tested
 11 by means of centrifuge, in accordance with the standard test ASTM
 12 D-2273.

13 (d) Any engine oil that is represented to meet SAE *International*
 14 engine oil performance and engine service classification SA must
 15 have a neutralization number as measured by ASTM *International*
 16 method D-974 of 0.20 maximum.

17 (e) Any engine oil represented as “energy conserving” shall
 18 meet the requirements established by the latest revision of the
 19 ~~Society of Automotive Engineers~~ SAE *International* Recommended
 20 Practice SAE J-1423.

21 *SEC. 51. Section 13461 of the Business and Professions Code*
 22 *is amended to read:*

23 13461. Lubricating oil shall not be sold or distributed for use
 24 in lubricating manual transmissions, gears, or axles unless the
 25 product conforms to the following specifications:

26 (a) It meets the service requirements contained in the latest
 27 revision of the SAE Information Report on axle and manual
 28 transmission lubricants SAE J308.

29 (b) The viscosity grade classification number shall be the same
 30 as the latest published ~~Society of Automotive Engineers~~ SAE
 31 *International* Standard SAE J306 when tested in accordance with
 32 the latest method published by the ~~American Society for Testing~~
 33 ~~and Materials (ASTM)~~ ASTM *International*.

34 (c) It shall be free from water and suspended matter when tested
 35 by means of centrifuge, in accordance with the standard test ASTM
 36 D-2273.

37 *SEC. 52. Section 13480 of the Business and Professions Code*
 38 *is amended to read:*

39 13480. (a) It is unlawful for any person to sell any petroleum
 40 product referred to in this chapter at any place where petroleum

1 products are kept or stored for sale, unless there is affixed to each
2 container, receptacle, pump, dispenser, and inlet end of the fill
3 pipe of each underground storage tank, from which or into which
4 that product is drawn or poured out for sale or delivery, a sign or
5 label plainly visible consisting of the name of the product, the
6 brand, trademark, or trade name of the product, and, in the case
7 of engine fuel and kerosene, the grade or brand name designation.

8 (b) When the product is oil, as defined by Section 13401, each
9 sign or label shall also have in letters or numerals, plainly visible,
10 the viscosity grade classification as determined in accordance with
11 ~~the Society of Automotive Engineers (SAE)~~ *SAE International*
12 latest standard for engine oil viscosity classification SAE J300 or
13 manual transmission and axle lubricants viscosity classification
14 SAE J306, as applicable, and shall be preceded by the letters
15 “SAE.”

16 (c) When the product is automotive spark-ignition engine fuel,
17 except M-85 and M-100 methanol fuel, there shall be
18 conspicuously displayed on the dispensing device at least one sign
19 or label showing the minimum octane number or antiknock index,
20 as defined in Section 13403, of the product sold therefrom.

21 (d) When the product is a motor fuel consisting of a mixture or
22 premixture of gasoline and oil or gasoline-oxygenate blend and
23 motor oil, there shall be conspicuously displayed on the dispensing
24 device at least one sign or label stating the ratio of gasoline to
25 motor oil or gasoline-oxygenate blend to motor oil.

26 (e) All signs or labels required by this section for retail motor
27 fuel dispensers and containers of more than one gallon capacity
28 shall be in letters and numerals not less than one-half inch (12.70
29 mm) in height. On containers of one gallon or less, the signs or
30 labels shall be in letters and numerals not less than one-fourth inch
31 (6.35 mm) in height and one-sixteenth inch (1.59 mm) in width.

32 (f) The provisions of this section pertaining to octane numbers
33 or antiknock index and motor oil *SAE International* viscosity
34 number grade shall not apply to products sold for aviation purposes.

35 (g) This section shall apply, with respect to thinners or solvents,
36 only to the sale, delivery, or offer for sale of the products through
37 service stations, garages, and other retail outlets.

38 *SEC. 53. Section 13710 of the Business and Professions Code*
39 *is amended to read:*

1 13710. (a) (1) The department shall establish specifications
2 for engine coolants and antifreeze, and prediluted engine coolants
3 and prediluted antifreeze that promote the public safety in the
4 operation of motor vehicles.

5 (2) In addition to paragraph (1), if the ~~American Society for~~
6 ~~Testing and Materials~~ *ASTM International* adopts standards for
7 recycled engine coolants and antifreeze, the department, on or
8 before January 1, 2002, shall establish specifications for recycled
9 engine coolants and antifreeze, and recycled prediluted engine
10 coolants and antifreeze that promote the public safety in the
11 operation of motor vehicles.

12 (3) The chemical, physical, and performance specifications for
13 engine coolants and antifreeze and prediluted engine coolants and
14 prediluted antifreeze under paragraphs (1) and (2) shall not fall
15 below the minimum specifications, if any, established by the
16 ~~American Society for Testing and Materials~~ *ASTM International*.
17 Engine coolant and antifreeze shall not contain, after dilution with
18 30 percent water and subsequent mixing, visually identifiable
19 suspended matter or sediment. Prediluted engine coolant and
20 prediluted antifreeze shall not contain, after mixing, visually
21 identifiable suspended matter or sediment.

22 (4) For purposes of this subdivision, the department shall adopt
23 testing procedures and shall specify a virgin reference coolant that
24 it finds is recognized as standard in the industry. Alcohol-based
25 coolants and antifreeze, excluding glycols, are not suitable for use
26 in automotive engines and shall not be sold or distributed for
27 automotive use.

28 (b) Any automatic transmission fluid sold without limitation as
29 to type of transmission for which it is intended, shall meet all
30 automotive manufacturers' recommended requirements for
31 transmissions in general use in the state. Automatic transmission
32 fluids that are intended for use only in certain transmissions, as
33 disclosed on the label of its container, shall meet the latest
34 automotive manufacturers' recommended requirements for those
35 transmissions.

36 (c) The department shall establish specifications for brake fluid
37 that promote the public safety in the operation of automotive
38 vehicles. The specifications for brake fluid shall not fall below the
39 minimum specifications established by the National Highway

1 Traffic Safety Administration of the United States Department of
2 Transportation.
3 (d) Any manufacturer or packager of any product regulated by
4 this chapter and sold in the state shall provide, upon request to
5 duly authorized representatives of the department, documentation
6 of any claim made upon their products' label.

O