

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 417

Introduced by Senator Berryhill

February 20, 2013

~~An act to amend Section 148 of the Business and Professions Code, relating to consumer affairs.~~ *An act to add Section 7018 to the Business and Professions Code, to add Section 15810 to the Government Code, and to add Sections 10142 and 20103 to the Public Contract Code, relating to public buildings and works.*

LEGISLATIVE COUNSEL'S DIGEST

SB 417, as amended, Berryhill. ~~Department of Consumer Affairs: unlicensed activity enforcement.~~ *Public buildings and works: qualifications of contractors.*

Existing law, the State Contract Act and the Local Agency Public Construction Act, generally sets forth the authority and duties of state and local agencies for bidding and awarding contracts on public works. The acts authorize a state or local agency to require that each prospective bidder for a public works contract complete and submit to the state or local agency a standardized questionnaire and financial statement, as provided. That law also allows the state or local agency to establish a process to prequalify prospective bidders for public works contracts, as provided. The State Contract Act additionally requires public notice of a public works project to be given by publication once a week for at least 2 consecutive weeks, as specified.

Existing law, the State Building Construction Act of 1955, authorizes the State Public Works Board to acquire and construct public buildings for use by state agencies, when authorized by a separate act or appropriation enacted by the Legislature.

Existing law establishes within the Department of Consumer Affairs, until January 1, 2016, the Contractors' State License Board and a registrar of contractors, for purposes of the licensure and regulation of contractors.

This bill would authorize state and local agencies subject to these acts, prior to advertising for bids for construction of a public building or a public works project, to advise the Contractors' State License Board of any supplemental license, certification, or education required of a contractor to qualify to bid on the contract for that project. The bill would require the board to review the information received regarding any supplemental license, certification, or education requirements, and to post any supplemental requirements it approves in an easily identifiable location on the board's Internet Web site. The bill would provide that any supplemental requirements that are not posted on the board's Internet Web site before the bid opening shall not apply to the bidding process for that contract.

~~Existing law punishes specified unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs as an infraction and authorizes the establishment by boards within the department of an administrative citation system for unlicensed persons acting in the capacity of a licensee or registrant.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

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

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

- 1 SECTION 1. Section 7018 is added to the Business and
- 2 Professions Code, to read:
- 3 7018. The board shall review the information received pursuant
- 4 to Section 15810 of the Government Code, and Sections 10142
- 5 and 20103 of the Public Contract Code, regarding any
- 6 supplemental license, certification, or education required of a
- 7 contractor licensed under this chapter to qualify to bid on a
- 8 contract for construction of a public building or a public works
- 9 project. The board shall post any supplemental requirements it
- 10 approves in an easily identifiable location on the board's Internet
- 11 Web site prior to the bid opening. Any supplemental requirements

1 *that are not posted on the board's Internet Web site prior to the*
2 *bid opening shall not apply to the bidding process for that contract.*

3 *SEC. 2. Section 15810 is added to the Government Code, to*
4 *read:*

5 *15810. Prior to advertising for bids for construction of a public*
6 *building, any state agency subject to this chapter may advise the*
7 *Contractors' State License Board of any supplemental license,*
8 *certification, or education required of a contractor to qualify to*
9 *bid on the contract for that project. If the supplemental license,*
10 *certification, or education requirement is not posted on the Internet*
11 *Web site of the Contractors' State License Board pursuant to*
12 *Section 7018 of the Business and Professions Code, no bid*
13 *submitted shall be invalidated due to the failure of the bidder to*
14 *have that supplemental license, certification, or education.*

15 *SEC. 3. Section 10142 is added to the Public Contract Code,*
16 *to read:*

17 *10142. Prior to advertising for bids on a public works project,*
18 *the department may advise the Contractors' State License Board*
19 *of any supplemental license, certification, or education required*
20 *of a contractor to qualify to bid on the public works contract for*
21 *that project. If the supplemental license, certification, or education*
22 *requirement is not posted on the Internet Web site of the*
23 *Contractors' State License Board pursuant to Section 7018 of the*
24 *Business and Professions Code, no bid submitted shall be*
25 *invalidated due to the failure of the bidder to have that*
26 *supplemental license, certification, or education.*

27 *SEC. 4. Section 20103 is added to the Public Contract Code,*
28 *to read:*

29 *20103. Prior to advertising for bids on a public works project,*
30 *a local agency subject to this chapter may advise the Contractors'*
31 *State License Board of any supplemental license, certification, or*
32 *education required of a contractor to qualify to bid on the public*
33 *works contract for that project. If the supplemental license,*
34 *certification, or education requirement is not posted on the Internet*
35 *Web site of the Contractors' State License Board pursuant to*
36 *Section 7018 of the Business and Professions Code, no bid*
37 *submitted shall be invalidated due to the failure of the bidder to*
38 *have that supplemental license, certification, or education.*

39 ~~*SECTION 1. Section 148 of the Business and Professions Code*~~
40 ~~*is amended to read:*~~

1 ~~148. A board, bureau, or commission within the department~~
2 ~~may, in addition to the administrative citation system authorized~~
3 ~~by Section 125.9, also establish, by regulation, a similar system~~
4 ~~for the issuance of an administrative citation to an unlicensed~~
5 ~~person who is acting in the capacity of a licensee or registrant~~
6 ~~under the jurisdiction of that board, bureau, or commission. The~~
7 ~~administrative citation system authorized by this section shall meet~~
8 ~~the requirements of Section 125.9 and may not be applied to an~~
9 ~~unlicensed person who is otherwise exempted from the provisions~~
10 ~~of the applicable licensing act. The establishment of an~~
11 ~~administrative citation system for unlicensed activity does not~~
12 ~~preclude the use of other enforcement statutes for unlicensed~~
13 ~~activities at the discretion of the board, bureau, or commission.~~

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