

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)

March 20, 2013

An act to amend Sections 7114, 7141, 7206, 7210, and 7887 of, and to add Section 7851 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors in this state. Under existing law, a contractor's license that has expired may be renewed at any time within 5 years after its expiration by filing an application for renewal on a form prescribed by the registrar of contractors, and payment of the appropriate renewal fee. If the license is renewed after the expiration date, existing law requires the licensee to also pay a delinquency fee.

This bill would provide an exception to the requirement to pay the delinquency fee where an incomplete renewal application, that had originally been submitted on or before the license expiration date, was returned to the licensee by the registrar with an explanation of the reasons for its rejection and a corrected and acceptable renewal application is returned by the licensee within 30 days after the license expiration date. The bill would also require that the license reflect an expired status for any period between the expiration date and the date of submission of a correct and acceptable renewal application.

(2) Existing law, until January 1, 2014, provides that there is in the Department of Consumer Affairs a State Board of Guide Dogs for the

Blind that has exclusive authority to issue licenses for the instruction of blind persons in the use of guide dogs, for the training of guide dogs for use by blind persons, to operate schools for the training of guide dogs for the blind, and for the instruction of blind persons in the use of guide dogs. Existing law requires the board to hold regular meetings at least once a year at which an examination of applicants for certificates of registration is to be given.

This bill would delete that requirement.

(3) Existing law, the Geologist and Geophysicist Act, provides for the registration, regulation, and discipline of professional geologists and geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of the act is a misdemeanor. Existing law creates the Geology and Geophysics Account of the Professional Engineers and Land Surveyors Fund, which is a continuously appropriated fund, into which fees prescribed by the act are deposited.

This bill would create a new category of registration, to be known as a “retired registration,” for a geologist or geophysicist who meets specified qualifications and would prescribe fees necessary to obtain a retired registration, as well as restrictions on holders of the registration. The bill would also specify the title that the holder of a retired registration is authorized to use. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. Because the bill would increase moneys deposited into a continuously appropriated fund, the bill would make an appropriation.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 7114 of the Business and Professions
- 2 Code is amended to read:
- 3 7114. (a) Aiding or abetting an unlicensed person to evade
- 4 the provisions of this chapter or combining or conspiring with an
- 5 unlicensed person, or allowing one’s license to be used by an

1 unlicensed person, or acting as agent or partner or associate, or
2 otherwise, of an unlicensed person with the intent to evade the
3 provisions of this chapter constitutes a cause for disciplinary action.

4 (b) A licensee who is found by the registrar to have violated
5 subdivision (a) shall, in accordance with the provisions of this
6 article, be subject to the registrar’s authority ~~pursuant to Section~~
7 ~~7099~~ to order payment of a specified sum to an injured party,
8 including, but not limited to, payment for any injury resulting from
9 the acts of the unlicensed person.

10 SEC. 2. Section 7141 of the Business and Professions Code is
11 amended to read:

12 7141. (a) Except as otherwise provided in this chapter, a
13 license that has expired may be renewed at any time within five
14 years after its expiration by filing an application for renewal on a
15 form prescribed by the registrar; and payment of the appropriate
16 renewal fee. Renewal under this section shall be effective on the
17 date an acceptable renewal application is filed with the board. The
18 licensee shall be considered unlicensed and there will be a break
19 in the licensing time between the expiration date and the date the
20 renewal becomes effective. ~~If Except as provided in subdivision~~
21 ~~(b), if the license is renewed after the expiration date, the licensee~~
22 ~~shall also pay the delinquency fee prescribed by this chapter. If~~

23 (b) *An incomplete renewal application that had originally been*
24 *submitted on or before the license expiration date shall be returned*
25 *to the licensee by the registrar with an explanation of the reasons*
26 *for its rejection. If a corrected and acceptable renewal application*
27 *is not returned within 30 days after the license expiration date,*
28 *the delinquency fee shall apply. The 30-day grace period shall*
29 *apply only to the delinquency fee. The license shall reflect an*
30 *expired status for any period between the expiration date and the*
31 *date of submission of a correct and acceptable renewal application.*

32 (c) *If so renewed, the license shall continue in effect through*
33 *the date provided in Section 7140 that next occurs after the*
34 *effective date of the renewal, when it shall expire if it is not again*
35 *renewed.*

36 ~~If~~

37 (d) *If a license is not renewed within five years, the licensee*
38 *shall make an application for a license pursuant to Section 7066.*

39 SEC. 3. Section 7206 of the Business and Professions Code is
40 amended to read:

1 7206. ~~The board shall hold regular meetings at least once a~~
2 ~~year at which an examination of applicants for certificates of~~
3 ~~registration shall be given.~~ Special meetings shall be held upon
4 request of a majority of the members of the board or upon the call
5 of the president.

6 SEC. 4. Section 7210 of the Business and Professions Code is
7 amended to read:

8 7210. It shall be unlawful for any person to sell, offer for sale,
9 give, hire or furnish under any other arrangement, any guide dog
10 ~~or seeing-eye dog~~ or to engage in the business or occupation of
11 training ~~any such a dog~~ unless he *or she* holds a valid and
12 unimpaired license issued pursuant to ~~the provisions of~~ this chapter.

13 SEC. 5. Section 7851 is added to the Business and Professions
14 Code, to read:

15 7851. (a) The board shall issue, upon application and payment
16 of the fee established by Section 7887, a retired registration to a
17 geologist or geophysicist who has been registered by the board for
18 a minimum of five years within California and a minimum of 20
19 years within the United States or its territories, and who holds a
20 registration that is not suspended, revoked, or otherwise disciplined,
21 or subject to pending discipline under this chapter.

22 (b) The holder of a retired registration issued pursuant to this
23 section shall not engage in any activity for which an active
24 geologist's or geophysicist's registration is required. A geologist
25 or geophysicist holding a retired registration may use the titles
26 "retired professional geologist" or "professional geologist, retired,"
27 or "retired professional geophysicist" or "professional geophysicist,
28 retired."

29 (c) The holder of a retired registration shall not be required to
30 renew that registration.

31 (d) In order for the holder of a retired registration, issued
32 pursuant to this section, to restore his or her registration to active
33 status, he or she shall pass the examination required for initial
34 registration with the board.

35 SEC. 6. Section 7887 of the Business and Professions Code is
36 amended to read:

37 7887. The amount of the fees prescribed by this chapter shall
38 be fixed by the board in accordance with the following schedule:

39 (a) The fee for filing each application for registration as a
40 geologist or a geophysicist or certification as a specialty geologist

1 or a specialty geophysicist and for administration of the
2 examination *shall be fixed* at not more than two hundred and fifty
3 dollars (\$250).

4 (b) The registration fee for a geologist or for a geophysicist and
5 the fee for the certification in a specialty shall be fixed at an amount
6 equal to the renewal fee in effect on the last regular renewal date
7 before the date on which the certificate is issued, except that, with
8 respect to certificates that will expire less than one year after
9 issuance, the fee shall be fixed at an amount equal to 50 percent
10 of the renewal fee in effect on the last regular renewal date before
11 the date on which the certificate is issued. The board may, by
12 appropriate regulation, provide for the waiver or refund of the
13 initial certificate fee where the certificate is issued less than 45
14 days before the date on which it will expire.

15 (c) The duplicate certificate fee *shall be fixed* at not more than
16 six dollars (\$6).

17 (d) The temporary registration fee for a geologist or for a
18 geophysicist *shall be fixed* at not more than eighty dollars (\$80).

19 (e) The renewal fee for a geologist or for a geophysicist shall
20 be fixed ~~by the board~~ at not more than four hundred dollars (\$400).

21 (f) The renewal fee for a specialty geologist or for a specialty
22 geophysicist *shall be fixed* at not more than one hundred dollars
23 (\$100).

24 (g) Notwithstanding Section 163.5, the delinquency fee for a
25 certificate is an amount equal to 50 percent of the renewal fee in
26 effect on the last regular renewal date.

27 (h) Each applicant for registration as a geologist shall pay an
28 examination fee fixed ~~by the board~~ at an amount equal to the actual
29 cost to the board to administer the examination described in
30 subdivision (d) of Section 7841.

31 (i) Each applicant for registration as a geophysicist or
32 certification as an engineering geologist or certification as a
33 hydrogeologist shall pay an examination fee fixed by the board at
34 an amount equal to the actual cost to the board for the development
35 and maintenance of the written examination, and shall not exceed
36 one hundred dollars (\$100).

37 (j) *The fee for a retired registration shall be fixed at not more*
38 *than 50 percent of the fee for filing an application for registration*
39 *as a geologist or a geophysicist in effect on the date of application*
40 *for a retired registration.*

1 SEC. 7. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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