

AMENDED IN ASSEMBLY JUNE 12, 2013

AMENDED IN SENATE APRIL 22, 2013

**SENATE BILL**

**No. 822**

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

March 20, 2013

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An act to amend Sections 5096, 5096.2, 5096.12, 7026.1, 7065.3, 7114, 7141, 7206, 7210, 7887, and 17914, of, to add Section 7851 to, and to repeal Sections 102.1 and 102.2 of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law requires that certain actions take place with regard to the Cemetery Board and Funeral Directors and Embalmers Board and the Structural Pest Control Board by January 1, 1996.

This bill would delete those provisions.

(2) Existing law, between July 1, 2013, and January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license, if certain conditions are met.

This bill would add the condition that the individual is required to notify the Board of Accountancy of any pending criminal charges in any jurisdiction, other than for a minor traffic violation.

Existing law, between July 1, 2013, and January 1, 2019, authorizes a certified public accounting firm that is authorized to practice in another state and that does not have an office in this state to engage in the practice of public accountancy in this state through the holder of a practice privilege, and the board is authorized to revoke, suspend, issue a fine, as provided, or otherwise restrict or discipline the firm for any act that would be grounds for discipline against a holder of a practice privilege through which the firm practices.

This bill would also authorize the board to issue a citation and fine, as provided, under the general powers given to the board as a part of the Department of Consumer Affairs.

(3) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors in this state. ~~Under Existing law defines the term "contractor" to mean, among other things, any person, consultant to an owner-builder, corporation, or company who or which undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to construct any building or home improvement project, or a part thereof.~~

*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. The registrar of contractors is required to conduct a comprehensive field investigation of no less than 3% of applications for an additional classification on a contractor's license based upon experience and without further examination to ensure that the applicants met the experience requirements and to make public, at quarterly meetings of the Contractors' State License Board, a listing of all additional classification applications approved during the previous 12 months, including, but not limited to, the name of the applicant, license number, classification applied for, and existing classifications.*

*This bill would provide that the term "contractor" or "consultant" does not apply to a common interest development manager, and a common interest development manager is not required to have a contractor's license when performing management services, as defined.*

*The 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. The bill would delete the requirement that the registrar's investigation be a field investigation, and would delete the requirement that the registrar make public, at quarterly meetings of the Contractors' State License Board, the listing of all additional classification applications approved during the previous 12 months.

(4) 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.

(5) Existing law, the Geologist and Geophysicist Act, provides for the ~~registration~~ licensure, 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~~ *Engineer's* and Land ~~Surveyors~~ *Surveyor's* 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~~, *licensure*, to be known as a "retired ~~registration~~, *license*," for a geologist or geophysicist who meets specified qualifications and would prescribe fees necessary to obtain a retired ~~registration~~ *license*, as well as restrictions on holders of the ~~registration~~ *license*. The bill would also specify the title that the holder of a retired ~~registration~~ *license* 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.

(6) Existing law requires any person who regularly transacts business in this state for profit under a fictitious business name to do several

things, including, but not limited to, filing a fictitious business name statement not later than 40 days from the time the registrant commences to transact business. Existing law requires the statement to be signed by the husband or wife if the registrants are husband and wife.

This bill would instead provide that the statement shall be signed by either party to the marriage if the registrants are a married couple.

(7) 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 102.1 of the Business and Professions  
2 Code is repealed.

3 SEC. 2. Section 102.2 of the Business and Professions Code  
4 is repealed.

5 SEC. 3. Section 5096 of the Business and Professions Code,  
6 as added by Section 9 of Chapter 411 of the Statutes of 2012, is  
7 amended to read:

8 5096. (a) An individual whose principal place of business is  
9 not in this state and who has a valid and current license, certificate,  
10 or permit to practice public accountancy from another state may,  
11 subject to the conditions and limitations in this article, engage in  
12 the practice of public accountancy in this state under a practice  
13 privilege without obtaining a certificate or license under this  
14 chapter if the individual satisfies one of the following:

15 (1) The individual has continually practiced public accountancy  
16 as a certified public accountant under a valid license issued by any  
17 state for at least 4 of the last 10 years.

18 (2) The individual has a license, certificate, or permit from a  
19 state that has been determined by the board to have education,  
20 examination, and experience qualifications for licensure  
21 substantially equivalent to this state's qualifications under Section  
22 5093.

23 (3) The individual possesses education, examination, and  
24 experience qualifications for licensure that have been determined

1 by the board to be substantially equivalent to this state's  
2 qualifications under Section 5093.

3 (b) The board may designate states as substantially equivalent  
4 under paragraph (2) of subdivision (a) and may accept individual  
5 qualification evaluations or appraisals conducted by designated  
6 entities, as satisfying the requirements of paragraph (3) of  
7 subdivision (a).

8 (c) An individual who qualifies for the practice privilege under  
9 this section may engage in the practice of public accountancy in  
10 this state, and no notice, fee, or other requirement shall be imposed  
11 on that individual by the board.

12 (d) An individual who qualifies for the practice privilege under  
13 this section may perform the following services only through a  
14 firm of certified public accountants that has obtained a registration  
15 from the board pursuant to Section 5096.12:

16 (1) An audit or review of a financial statement for an entity  
17 headquartered in California.

18 (2) A compilation of a financial statement when that person  
19 expects, or reasonably might expect, that a third party will use the  
20 financial statement and the compilation report does not disclose a  
21 lack of independence for an entity headquartered in California.

22 (3) An examination of prospective financial information for an  
23 entity headquartered in California.

24 (e) An individual who holds a practice privilege under this  
25 article:

26 (1) Is subject to the personal and subject matter jurisdiction and  
27 disciplinary authority of the board and the courts of this state.

28 (2) Shall comply with the provisions of this chapter, board  
29 regulations, and other laws, regulations, and professional standards  
30 applicable to the practice of public accountancy by the licensees  
31 of this state and to any other laws and regulations applicable to  
32 individuals practicing under practice privileges in this state except  
33 the individual is deemed, solely for the purpose of this article, to  
34 have met the continuing education requirements and ethics  
35 examination requirements of this state when the individual has  
36 met the examination and continuing education requirements of the  
37 state in which the individual holds the valid license, certificate, or  
38 permit on which the substantial equivalency is based.

39 (3) Shall not provide public accountancy services in this state  
40 from any office located in this state, except as an employee of a

1 firm registered in this state. This paragraph does not apply to public  
2 accountancy services provided to a client at the client's place of  
3 business or residence.

4 (4) Is deemed to have appointed the regulatory agency of the  
5 state that issued the individual's certificate, license, or permit upon  
6 which substantial equivalency is based as the individual's agent  
7 on whom notices, subpoenas, or other process may be served in  
8 any action or proceeding by the board against the individual.

9 (5) Shall cooperate with any board investigation or inquiry and  
10 shall timely respond to a board investigation, inquiry, request,  
11 notice, demand, or subpoena for information or documents and  
12 timely provide to the board the identified information and  
13 documents.

14 (6) Shall cease exercising the practice privilege in this state if  
15 the regulatory agency in the state in which the individual's  
16 certificate, license, or permit was issued takes disciplinary action  
17 resulting in the suspension or revocation, including stayed  
18 suspension, stayed revocation, or probation of the individual's  
19 certificate, license, or permit, or takes other disciplinary action  
20 against the individual's certificate, license, or permit that arises  
21 from any of the following:

22 (A) Gross negligence, recklessness, or intentional wrongdoing  
23 relating to the practice of public accountancy.

24 (B) Fraud or misappropriation of funds.

25 (C) Preparation, publication, or dissemination of false,  
26 fraudulent, or materially incomplete or misleading financial  
27 statements, reports, or information.

28 (7) Shall cease exercising the practice privilege in this state if  
29 convicted in any jurisdiction of any crime involving dishonesty,  
30 including, but not limited to, embezzlement, theft, misappropriation  
31 of funds or property, or obtaining money, property, or other  
32 valuable consideration by fraudulent means or false pretenses.

33 (8) Shall cease exercising the practice privilege if the United  
34 States Securities and Exchange Commission or the Public Company  
35 Accounting Oversight Board bars the individual from practicing  
36 before them.

37 (9) Shall cease exercising the practice privilege if any  
38 governmental body or agency suspends the right of the individual  
39 to practice before the body or agency.

1 (10) Shall notify the board of any pending criminal charges,  
2 other than for a minor traffic violation, in any jurisdiction.

3 (f) An individual who is required to cease practice pursuant to  
4 paragraphs (6) to (9), inclusive, of subdivision (e) shall notify the  
5 board within 15 calendar days, on a form prescribed by the board,  
6 and shall not practice public accountancy in this state pursuant to  
7 this section until he or she has received from the board written  
8 permission to do so.

9 (g) An individual who fails to cease practice as required by  
10 subdivision (e) or who fails to provide the notice required by  
11 subdivision (f) shall be subject to the personal and subject matter  
12 jurisdiction and disciplinary authority of the board as if the practice  
13 privilege were a license and the individual were a licensee. An  
14 individual in violation of subdivision (e) or (f) shall, for a minimum  
15 of one year from the date the board learns there has been a violation  
16 of subdivision (e) or (f), not practice in this state and shall not have  
17 the possibility of reinstatement during that period. If the board  
18 determines that the failure to cease practice or provide the notice  
19 was intentional, that individual's practice privilege shall be revoked  
20 and there shall be no possibility of reinstatement for a minimum  
21 of two years.

22 (h) The board shall require an individual who provides notice  
23 to the board pursuant to subdivision (f) to cease the practice of  
24 public accountancy in this state until the board provides the  
25 individual with written permission to resume the practice of public  
26 accountancy in this state.

27 (i) (1) An individual to whom, within the last seven years  
28 immediately preceding the date on which he or she wishes to  
29 practice in this state, any of the following criteria apply, shall notify  
30 the board, on a form prescribed by the board, and shall not practice  
31 public accountancy in this state pursuant to this section until the  
32 board provides the individual with written permission to do so:

33 (A) He or she has been the subject of any final disciplinary  
34 action by the licensing or disciplinary authority of any other  
35 jurisdiction with respect to any professional license or has any  
36 charges of professional misconduct pending against him or her in  
37 any other jurisdiction.

38 (B) He or she has had his or her license in another jurisdiction  
39 reinstated after a suspension or revocation of the license.

1 (C) He or she has been denied issuance or renewal of a  
2 professional license or certificate in any other jurisdiction for any  
3 reason other than an inadvertent administrative error.

4 (D) He or she has been convicted of a crime or is subject to  
5 pending criminal charges in any jurisdiction other than a minor  
6 traffic violation.

7 (E) He or she has otherwise acquired a disqualifying condition  
8 as described in subdivision (a) of Section 5096.2.

9 (2) An individual who fails to cease practice as required by  
10 subdivision (e) or who fails to provide the notice required by  
11 paragraph (1) shall be subject to the personal and subject matter  
12 jurisdiction and disciplinary authority of the board as if the practice  
13 privilege were a license and the individual were a licensee. An  
14 individual in violation of subdivision (e) or paragraph (1) shall,  
15 for a minimum of one year from the date the board knows there  
16 has been a violation of subdivision (e) or paragraph (1), not practice  
17 in this state and shall not have the possibility of reinstatement  
18 during that period. If the board determines that the failure to cease  
19 practice or provide the notice was intentional, that individual shall  
20 be prohibited from practicing in this state in the same manner as  
21 if a licensee has his or her practice privilege revoked and there  
22 shall be no possibility of reinstatement for a minimum of two years.

23 (j) This section shall remain in effect only until January 1, 2019,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2019, deletes or extends that date.

26 SEC. 4. Section 5096.2 of the Business and Professions Code,  
27 as added by Section 15 of Chapter 411 of the Statutes of 2012, is  
28 amended to read:

29 5096.2. (a) (1) Practice privileges may be revoked for any of  
30 the following reasons:

31 (A) If an individual no longer qualifies under, or complies with,  
32 the provisions of this article, including, but not limited to, Section  
33 5096, or implementing regulations.

34 (B) If an individual commits any act that if committed by an  
35 applicant for licensure would be grounds for denial of a license  
36 under Section 480.

37 (C) If an individual commits any act that if committed by a  
38 licensee would be grounds for discipline under Section 5100.

39 (D) If an individual commits any act outside of this state that  
40 would be a violation if committed within this state.



1 (E) If an individual acquires at any time, while exercising the  
2 practice privilege, any disqualifying condition under paragraph  
3 (2).

4 (2) Disqualifying conditions include:

5 (A) Conviction of any crime other than a minor traffic violation.

6 (B) Revocation, suspension, denial, surrender, or other discipline  
7 or sanctions involving any license, permit, registration, certificate,  
8 or other authority to practice any profession in this or any other  
9 state or foreign country or to practice before any state, federal, or  
10 local court or agency, or the Public Company Accounting Oversight  
11 Board.

12 (C) Any judgment or arbitration award against the individual  
13 involving the professional conduct of the individual in the amount  
14 of thirty thousand dollars (\$30,000) or greater.

15 (D) Any other conditions as specified by the board in regulation.

16 (3) The board may adopt regulations exempting specified minor  
17 occurrences of the conditions listed in subparagraph (B) of  
18 paragraph (2) from being disqualifying conditions under this  
19 subdivision.

20 (b) The board may revoke practice privileges using either of  
21 the following procedures:

22 (1) Notifying the individual in writing of all of the following:

23 (A) That the practice privilege is revoked.

24 (B) The reasons for revocation.

25 (C) The earliest date on which the individual may qualify for a  
26 practice privilege.

27 (D) That the individual has a right to appeal the notice and  
28 request a hearing under the provisions of the Administrative  
29 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
30 Part 1 of Division 3 of Title 2 of the Government Code) if a written  
31 notice of appeal and request for hearing is made within 60 days.

32 (E) That, if the individual does not submit a notice of appeal  
33 and request for hearing within 60 days, the board's action set forth  
34 in the notice shall become final.

35 (2) Filing a statement of issues under the Administrative  
36 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
37 Part 1 of Division 3 of Title 2 of the Government Code).

38 (c) An individual whose practice privilege has been revoked  
39 may only subsequently exercise the practice privilege upon  
40 application to the board for reinstatement of the practice privilege

1 not less than one year after the effective date of the notice or  
2 decision revoking the practice privilege, unless a longer time period  
3 is specified in the notice or decision revoking the practice privilege.

4 (d) Holders of practice privileges are subject to suspension,  
5 citations, fines, or other disciplinary actions for any conduct that  
6 would be grounds for discipline against a licensee of the board or  
7 for any conduct in violation of this article or regulations adopted  
8 thereunder.

9 (e) The board may recover its costs pursuant to Section 5107  
10 as part of any disciplinary proceeding against the holder of a  
11 practice privilege.

12 (f) The provisions of the Administrative Procedure Act (Chapter  
13 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
14 Title 2 of the Government Code), including, but not limited to, the  
15 commencement of a disciplinary proceeding by the filing of an  
16 accusation by the board, shall apply under this article.

17 (g) If the board revokes or otherwise limits an individual's  
18 practice privilege, the board shall promptly notify the regulatory  
19 agency of the state or states in which the individual is licensed,  
20 and the United States Securities and Exchange Commission, the  
21 Public Company Accounting Oversight Board, and the National  
22 Association of State Boards of Accountancy.

23 (h) This section shall remain in effect only until January 1, 2019,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2019, deletes or extends that date.

26 SEC. 5. Section 5096.12 of the Business and Professions Code,  
27 as added by Section 35 of Chapter 411 of the Statutes of 2012, is  
28 amended to read:

29 5096.12. (a) A certified public accounting firm that is  
30 authorized to practice in another state and that does not have an  
31 office in this state may engage in the practice of public accountancy  
32 in this state through the holder of a practice privilege provided  
33 that:

34 (1) The practice of public accountancy by the firm is limited to  
35 authorized practice by the holder of the practice privilege.

36 (2) A firm that engages in practice under this section is deemed  
37 to consent to the personal, subject matter, and disciplinary  
38 jurisdiction of the board with respect to any practice under this  
39 section.

1 (b) The board may revoke, suspend, issue a fine pursuant to  
2 Article 6.5 (commencing with Section 5116), issue a citation and  
3 fine pursuant to Section 125.9, or otherwise restrict or discipline  
4 the firm for any act that would be grounds for discipline against a  
5 holder of a practice privilege through which the firm practices.

6 (c) A firm that provides the services described in subdivision  
7 (d) of Section 5096 shall obtain a registration from the board.

8 (d) This section shall remain in effect only until January 1, 2019,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2019, deletes or extends that date.

11 *SEC. 6. Section 7026.1 of the Business and Professions Code*  
12 *is amended to read:*

13 7026.1. (a) The term “contractor” includes all of the  
14 following:

15 ~~(a)~~

16 (1) Any person not exempt under Section 7053 who maintains  
17 or services air-conditioning, heating, or refrigeration equipment  
18 that is a fixed part of the structure to which it is attached.

19 ~~(b)(1)~~

20 (2) (A) Any person, consultant to an owner-builder, firm,  
21 association, organization, partnership, business trust, corporation,  
22 or company, who or which undertakes, offers to undertake, purports  
23 to have the capacity to undertake, or submits a bid to construct  
24 any building or home improvement project, or part thereof.

25 ~~(2)~~

26 (B) For purposes of this ~~subdivision~~, *paragraph*, a consultant  
27 is a person, other than a public agency or an owner of privately  
28 owned real property to be improved, who meets either of the  
29 following criteria as it relates to work performed pursuant to a  
30 home improvement contract as defined in Section 7151.2:

31 ~~(A)~~

32 (i) Provides or oversees a bid for a construction project.

33 ~~(B)~~

34 (ii) Arranges for and sets up work schedules for contractors and  
35 subcontractors and maintains oversight of a construction project.

36 ~~(e)~~

37 (3) A temporary labor service agency that, as the employer,  
38 provides employees for the performance of work covered by this  
39 chapter. The provisions of this ~~subdivision~~ *paragraph* shall not  
40 apply if there is a properly licensed contractor who exercises

1 supervision in accordance with Section 7068.1 and who is directly  
 2 responsible for the final results of the work. Nothing in this  
 3 ~~subdivision~~ *paragraph* shall require a qualifying individual, as  
 4 provided in Section 7068, to be present during the supervision of  
 5 work covered by this chapter. A contractor requesting the services  
 6 of a temporary labor service agency shall provide his or her license  
 7 number to that temporary labor service agency.

8 (d)

9 (4) Any person not otherwise exempt by this chapter, who  
 10 performs tree removal, tree pruning, stump removal, or engages  
 11 in tree or limb cabling or guying. The term contractor does not  
 12 include a person performing the activities of a nursery person who  
 13 in the normal course of routine work performs incidental pruning  
 14 of trees, or guying of planted trees and their limbs. The term  
 15 contractor does not include a gardener who in the normal course  
 16 of routine work performs incidental pruning of trees measuring  
 17 less than 15 feet in height after planting.

18 (e)

19 (5) Any person engaged in the business of drilling, digging,  
 20 boring, or otherwise constructing, deepening, repairing,  
 21 re-perforating, or abandoning any water well, cathodic protection  
 22 well, or monitoring well.

23 (b) *The term “contractor” or “consultant” does not include a*  
 24 *certified common interest development manager, as defined in*  
 25 *Section 11501, and a certified common interest development*  
 26 *manager is not required to have a contractor’s license when*  
 27 *performing management services, as defined in subdivision (d) of*  
 28 *Section 11500.*

29 ~~SEC. 6.~~

30 *SEC. 7.* Section 7065.3 of the Business and Professions Code  
 31 is amended to read:

32 7065.3. Notwithstanding Section 7065, upon a conclusive  
 33 showing by a licensee that he or she possesses experience  
 34 satisfactory to the registrar in the classification applied for, an  
 35 additional classification may be added, without further  
 36 examination, under all of the following conditions:

37 (a) For five of the seven years immediately preceding the  
 38 application, the qualifying individual of the licensee has been listed  
 39 as a member of the personnel of any licensee whose license was  
 40 active and in good standing, and who during the period listed on

1 a license was actively engaged in the licensee’s construction  
2 activities.

3 (b) The qualifying individual for the applicant has had within  
4 the last 10 years immediately preceding the filing of the  
5 application, not less than four years experience as a journeyman,  
6 foreman, supervising employee, or contractor in the classification  
7 within which the licensee intends to engage in the additional  
8 classification as a contractor.

9 (c) The application is, as determined by the registrar, for a  
10 classification that is closely related to the classification or  
11 classifications in which the licensee is licensed, or the qualifying  
12 individual is associated with a licensed general engineering  
13 contractor or licensed general building contractor and is applying  
14 for a classification that is a significant component of the licensed  
15 contractor’s construction business as determined by the registrar.  
16 This section shall not apply to an applicant who is licensed solely  
17 within the limited-specialty classifications.

18 Pursuant to Section 7065, the registrar shall conduct a  
19 comprehensive investigation of no less than 3 percent of  
20 applications filed under this section to ensure that the applicants  
21 met the experience requirements of this section.

22 ~~SEC. 7.~~

23 *SEC. 8.* Section 7114 of the Business and Professions Code is  
24 amended to read:

25 7114. (a) Aiding or abetting an unlicensed person to evade  
26 the provisions of this chapter or combining or conspiring with an  
27 unlicensed person, or allowing one’s license to be used by an  
28 unlicensed person, or acting as agent or partner or associate, or  
29 otherwise, of an unlicensed person with the intent to evade the  
30 provisions of this chapter constitutes a cause for disciplinary action.

31 (b) A licensee who is found by the registrar to have violated  
32 subdivision (a) shall, in accordance with the provisions of this  
33 article, be subject to the registrar’s authority to order payment of  
34 a specified sum to an injured party, including, but not limited to,  
35 payment for any injury resulting from the acts of the unlicensed  
36 person.

37 ~~SEC. 8.~~

38 *SEC. 9.* Section 7141 of the Business and Professions Code is  
39 amended to read:

1 7141. (a) Except as otherwise provided in this chapter, a  
2 license that has expired may be renewed at any time within five  
3 years after its expiration by filing an application for renewal on a  
4 form prescribed by the registrar and payment of the appropriate  
5 renewal fee. Renewal under this section shall be effective on the  
6 date an acceptable renewal application is filed with the board. The  
7 licensee shall be considered unlicensed and there will be a break  
8 in the licensing time between the expiration date and the date the  
9 renewal becomes effective. Except as provided in subdivision (b),  
10 if the license is renewed after the expiration date, the licensee shall  
11 also pay the delinquency fee prescribed by this chapter.

12 (b) An incomplete renewal application that had originally been  
13 submitted on or before the license expiration date shall be returned  
14 to the licensee by the registrar with an explanation of the reasons  
15 for its rejection. If a corrected and acceptable renewal application  
16 is not returned within 30 days after the license expiration date, the  
17 delinquency fee shall apply. The 30 day grace period shall apply  
18 only to the delinquency fee. The license shall reflect an expired  
19 status for any period between the expiration date and the date of  
20 submission of a correct and acceptable renewal application.

21 (c) If so renewed, the license shall continue in effect through  
22 the date provided in Section 7140 that next occurs after the  
23 effective date of the renewal, when it shall expire if it is not again  
24 renewed.

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

27 ~~SEC. 9.~~

28 *SEC. 10.* Section 7206 of the Business and Professions Code  
29 is amended to read:

30 7206. Special meetings shall be held upon request of a majority  
31 of the members of the board or upon the call of the president.

32 ~~SEC. 10.~~

33 *SEC. 11.* Section 7210 of the Business and Professions Code  
34 is amended to read:

35 7210. It shall be unlawful for any person to sell, offer for sale,  
36 give, hire or furnish under any other arrangement, any guide dog  
37 or to engage in the business or occupation of training a guide dog  
38 unless he or she holds a valid and unimpaired license issued  
39 pursuant to this chapter.

1 ~~SEC. 11.~~

2 *SEC. 12.* Section 7851 is added to the Business and Professions  
3 Code, to read:

4 7851. (a) The board shall issue, upon application and payment  
5 of the fee established by Section 7887, a retired ~~registration~~ *license*  
6 to a geologist or geophysicist who has been ~~registered~~ *licensed* by  
7 the board for a minimum of five years within California and a  
8 minimum of 20 years within the United States or its territories,  
9 and who holds a ~~registration~~ *license* that is not suspended, revoked,  
10 or otherwise disciplined, or subject to pending discipline under  
11 this chapter.

12 (b) The holder of a retired ~~registration~~ *license* issued pursuant  
13 to this section shall not engage in any activity for which an active  
14 geologist's or geophysicist's ~~registration~~ *license* is required. A  
15 geologist or geophysicist holding a retired ~~registration~~ *license* may  
16 use the titles "retired professional geologist" or "professional  
17 geologist, retired," or "retired professional geophysicist" or  
18 "professional geophysicist, retired."

19 (c) The holder of a retired ~~registration~~ *license* shall not be  
20 required to renew that registration.

21 (d) In order for the holder of a retired ~~registration,~~ *license*, issued  
22 pursuant to this section, to restore his or her ~~registration~~ *license* to  
23 active status he or she shall pass the examination required for initial  
24 ~~registration~~ *licensure* with the board.

25 ~~SEC. 12.~~

26 *SEC. 13.* Section 7887 of the Business and Professions Code  
27 is amended to read:

28 7887. The amount of the fees prescribed by this chapter shall  
29 be fixed by the board in accordance with the following schedule:

30 (a) The fee for filing each application for ~~registration~~ *licensure*  
31 as a geologist or a geophysicist or certification as a specialty  
32 geologist or a specialty geophysicist and for administration of the  
33 examination shall be fixed at not more than two hundred fifty  
34 dollars (\$250).

35 (b) The ~~registration~~ *license* fee for a geologist or for a  
36 geophysicist and the fee for the certification in a specialty shall be  
37 fixed at an amount equal to the renewal fee in effect on the last  
38 regular renewal date before the date on which the certificate is  
39 issued, except that, with respect to certificates that will expire less  
40 than one year after issuance, the fee shall be fixed at an amount

1 equal to 50 percent of the renewal fee in effect on the last regular  
 2 renewal date before the date on which the certificate is issued. The  
 3 board may, by appropriate regulation, provide for the waiver or  
 4 refund of the initial certificate fee where the certificate is issued  
 5 less than 45 days before the date on which it will expire.

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

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

10 (e) The renewal fee for a geologist or for a geophysicist shall  
 11 be fixed at not more than four hundred dollars (\$400).

12 (f) The renewal fee for a specialty geologist or for a specialty  
 13 geophysicist shall be fixed at not more than one hundred dollars  
 14 (\$100).

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

18 (h) Each applicant for ~~registration~~ *licensure* as a geologist shall  
 19 pay an examination fee fixed at an amount equal to the actual cost  
 20 to the board to administer the examination described in subdivision  
 21 (d) of Section 7841.

22 (i) Each applicant for ~~registration~~ *licensure* as a geophysicist  
 23 or certification as an engineering geologist or certification as a  
 24 hydrogeologist shall pay an examination fee fixed by the board at  
 25 an amount equal to the actual cost to the board for the development  
 26 and maintenance of the written examination, and shall not exceed  
 27 one hundred dollars (\$100).

28 (j) The fee for a retired ~~registration~~ *license* shall be fixed at not  
 29 more than 50 percent of the fee for filing an application for  
 30 ~~registration~~ *licensure* as a geologist or a geophysicist in effect on  
 31 the date of application for a retired ~~registration~~ *license*.

32 ~~SEC. 13.~~

33 *SEC. 14.* Section 17914 of the Business and Professions Code  
 34 is amended to read:

35 17914. The statement shall be signed as follows:

36 (a) If the registrant is an individual, by the individual.

37 (b) If the registrants are a married couple, by either party to the  
 38 marriage.

39 (c) If the registrant is a general partnership, limited partnership,  
 40 limited liability partnership, copartnership, joint venture, or



1 unincorporated association other than a partnership, by a general  
2 partner.

3 (d) If the registrant is a limited liability company, by a manager  
4 or officer.

5 (e) If the registrant is a trust, by a trustee.

6 (f) If the registrant is a corporation, by an officer.

7 (g) If the registrant is a state or local registered domestic  
8 partnership, by one of the domestic partners.

9 ~~SEC. 14.~~

10 *SEC. 15.* No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

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