

AMENDED IN ASSEMBLY AUGUST 19, 2013

AMENDED IN ASSEMBLY JUNE 12, 2013

AMENDED IN SENATE APRIL 22, 2013

SENATE BILL

No. 822

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

March 20, 2013

An act to amend Sections 5096, 5096.2, 5096.12, 7026.1, 7065.3, 7114, 7141, 7206, 7210, 7887, 9807, and ~~17914~~, 17914 of, to add Section 7851 to, and to repeal Sections 102.1 and 102.2 of, the Business and Professions Code, *and to amend Section 44011 of the Health and Safety 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. 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~~ *the regular meeting* requirement.

(5) Existing law, the Geologist and Geophysicist Act, provides for the 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 Engineer's and Land 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 licensure, to be known as a "retired license," for a geologist or geophysicist who meets specified qualifications and would prescribe fees necessary to obtain a retired license, as well as restrictions on holders of the license. The bill would also specify the title that the holder of a retired 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) *Existing law authorizes service dealers, licensed by the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation, to install, calibrate, service, maintain, and monitor ignition interlock devices.*

This bill would limit that authorization to those licensed persons who are authorized to engage in the electronic repair industry, as defined.

(8) *Existing law establishes a motor vehicle inspection and maintenance (smog check) program administered by the Department of Consumer Affairs.*

This bill would correct an erroneous cross-reference with respect to that program.

(9) *This bill would incorporate changes to Section 7887 of the Business and Professions Code proposed by SB 152 that would become operative if this bill and SB 152 are both chaptered and this bill is chaptered last.*

~~(7)~~

(10) 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.

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

4 5096. (a) An individual whose principal place of business is
5 not in this state and who has a valid and current license, certificate,
6 or permit to practice public accountancy from another state may,
7 subject to the conditions and limitations in this article, engage in
8 the practice of public accountancy in this state under a practice
9 privilege without obtaining a certificate or license under this
10 chapter if the individual satisfies one of the following:

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

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

19 (3) The individual possesses education, examination, and
20 experience qualifications for licensure that have been determined
21 by the board to be substantially equivalent to this state's
22 qualifications under Section 5093.

23 (b) The board may designate states as substantially equivalent
24 under paragraph (2) of subdivision (a) and may accept individual
25 qualification evaluations or appraisals conducted by designated
26 entities, as satisfying the requirements of paragraph (3) of
27 subdivision (a).

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

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

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

38 (2) A compilation of a financial statement when that person
39 expects, or reasonably might expect, that a third party will use the

1 financial statement and the compilation report does not disclose a
2 lack of independence for an entity headquartered in California.

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

5 (e) An individual who holds a practice privilege under this
6 article:

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

9 (2) Shall comply with the provisions of this chapter, board
10 regulations, and other laws, regulations, and professional standards
11 applicable to the practice of public accountancy by the licensees
12 of this state and to any other laws and regulations applicable to
13 individuals practicing under practice privileges in this state except
14 the individual is deemed, solely for the purpose of this article, to
15 have met the continuing education requirements and ethics
16 examination requirements of this state when the individual has
17 met the examination and continuing education requirements of the
18 state in which the individual holds the valid license, certificate, or
19 permit on which the substantial equivalency is based.

20 (3) Shall not provide public accountancy services in this state
21 from any office located in this state, except as an employee of a
22 firm registered in this state. This paragraph does not apply to public
23 accountancy services provided to a client at the client's place of
24 business or residence.

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

30 (5) Shall cooperate with any board investigation or inquiry and
31 shall timely respond to a board investigation, inquiry, request,
32 notice, demand, or subpoena for information or documents and
33 timely provide to the board the identified information and
34 documents.

35 (6) Shall cease exercising the practice privilege in this state if
36 the regulatory agency in the state in which the individual's
37 certificate, license, or permit was issued takes disciplinary action
38 resulting in the suspension or revocation, including stayed
39 suspension, stayed revocation, or probation of the individual's
40 certificate, license, or permit, or takes other disciplinary action

1 against the individual's certificate, license, or permit that arises
2 from any of the following:

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

5 (B) Fraud or misappropriation of funds.

6 (C) Preparation, publication, or dissemination of false,
7 fraudulent, or materially incomplete or misleading financial
8 statements, reports, or information.

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

14 (8) Shall cease exercising the practice privilege if the United
15 States Securities and Exchange Commission or the Public Company
16 Accounting Oversight Board bars the individual from practicing
17 before them.

18 (9) Shall cease exercising the practice privilege if any
19 governmental body or agency suspends the right of the individual
20 to practice before the body or agency.

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

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

29 (g) An individual who fails to cease practice as required by
30 subdivision (e) or who fails to provide the notice required by
31 subdivision (f) shall be subject to the personal and subject matter
32 jurisdiction and disciplinary authority of the board as if the practice
33 privilege were a license and the individual were a licensee. An
34 individual in violation of subdivision (e) or (f) shall, for a minimum
35 of one year from the date the board learns there has been a violation
36 of subdivision (e) or (f), not practice in this state and shall not have
37 the possibility of reinstatement during that period. If the board
38 determines that the failure to cease practice or provide the notice
39 was intentional, that individual's practice privilege shall be revoked

1 and there shall be no possibility of reinstatement for a minimum
2 of two years.

3 (h) The board shall require an individual who provides notice
4 to the board pursuant to subdivision (f) to cease the practice of
5 public accountancy in this state until the board provides the
6 individual with written permission to resume the practice of public
7 accountancy in this state.

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

14 (A) He or she has been the subject of any final disciplinary
15 action by the licensing or disciplinary authority of any other
16 jurisdiction with respect to any professional license or has any
17 charges of professional misconduct pending against him or her in
18 any other jurisdiction.

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

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

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

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

29 (2) An individual who fails to cease practice as required by
30 subdivision (e) or who fails to provide the notice required by
31 paragraph (1) shall be subject to the personal and subject matter
32 jurisdiction and disciplinary authority of the board as if the practice
33 privilege were a license and the individual were a licensee. An
34 individual in violation of subdivision (e) or paragraph (1) shall,
35 for a minimum of one year from the date the board knows there
36 has been a violation of subdivision (e) or paragraph (1), not practice
37 in this state and shall not have the possibility of reinstatement
38 during that period. If the board determines that the failure to cease
39 practice or provide the notice was intentional, that individual shall
40 be prohibited from practicing in this state in the same manner as

1 if a licensee has his or her practice privilege revoked and there
2 shall be no possibility of reinstatement for a minimum of two years.

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

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

9 5096.2. (a) (1) Practice privileges may be revoked for any of
10 the following reasons:

11 (A) If an individual no longer qualifies under, or complies with,
12 the provisions of this article, including, but not limited to, Section
13 5096, or implementing regulations.

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

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

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

21 (E) If an individual acquires at any time, while exercising the
22 practice privilege, any disqualifying condition under paragraph
23 (2).

24 (2) Disqualifying conditions include:

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

26 (B) Revocation, suspension, denial, surrender, or other discipline
27 or sanctions involving any license, permit, registration, certificate,
28 or other authority to practice any profession in this or any other
29 state or foreign country or to practice before any state, federal, or
30 local court or agency, or the Public Company Accounting Oversight
31 Board.

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

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

36 (3) The board may adopt regulations exempting specified minor
37 occurrences of the conditions listed in subparagraph (B) of
38 paragraph (2) from being disqualifying conditions under this
39 subdivision.

- 1 (b) The board may revoke practice privileges using either of
2 the following procedures:
- 3 (1) Notifying the individual in writing of all of the following:
- 4 (A) That the practice privilege is revoked.
- 5 (B) The reasons for revocation.
- 6 (C) The earliest date on which the individual may qualify for a
7 practice privilege.
- 8 (D) That the individual has a right to appeal the notice and
9 request a hearing under the provisions of the Administrative
10 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
11 Part 1 of Division 3 of Title 2 of the Government Code) if a written
12 notice of appeal and request for hearing is made within 60 days.
- 13 (E) That, if the individual does not submit a notice of appeal
14 and request for hearing within 60 days, the board's action set forth
15 in the notice shall become final.
- 16 (2) Filing a statement of issues under the Administrative
17 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
18 Part 1 of Division 3 of Title 2 of the Government Code).
- 19 (c) An individual whose practice privilege has been revoked
20 may only subsequently exercise the practice privilege upon
21 application to the board for reinstatement of the practice privilege
22 not less than one year after the effective date of the notice or
23 decision revoking the practice privilege, unless a longer time period
24 is specified in the notice or decision revoking the practice privilege.
- 25 (d) Holders of practice privileges are subject to suspension,
26 citations, fines, or other disciplinary actions for any conduct that
27 would be grounds for discipline against a licensee of the board or
28 for any conduct in violation of this article or regulations adopted
29 thereunder.
- 30 (e) The board may recover its costs pursuant to Section 5107
31 as part of any disciplinary proceeding against the holder of a
32 practice privilege.
- 33 (f) The provisions of the Administrative Procedure Act (Chapter
34 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
35 Title 2 of the Government Code), including, but not limited to, the
36 commencement of a disciplinary proceeding by the filing of an
37 accusation by the board, shall apply under this article.
- 38 (g) If the board revokes or otherwise limits an individual's
39 practice privilege, the board shall promptly notify the regulatory
40 agency of the state or states in which the individual is licensed,

1 and the United States Securities and Exchange Commission, the
2 Public Company Accounting Oversight Board, and the National
3 Association of State Boards of Accountancy.

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

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

10 5096.12. (a) A certified public accounting firm that is
11 authorized to practice in another state and that does not have an
12 office in this state may engage in the practice of public accountancy
13 in this state through the holder of a practice privilege provided
14 that:

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

17 (2) A firm that engages in practice under this section is deemed
18 to consent to the personal, subject matter, and disciplinary
19 jurisdiction of the board with respect to any practice under this
20 section.

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

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

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

31 SEC. 6. Section 7026.1 of the Business and Professions Code
32 is amended to read:

33 7026.1. (a) The term “contractor” includes all of the following:

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

37 (2) (A) Any person, consultant to an owner-builder, firm,
38 association, organization, partnership, business trust, corporation,
39 or company, who or which undertakes, offers to undertake, purports

1 to have the capacity to undertake, or submits a bid to construct
2 any building or home improvement project, or part thereof.

3 (B) For purposes of this paragraph, a consultant is a person,
4 other than a public agency or an owner of privately owned real
5 property to be improved, who meets either of the following criteria
6 as it relates to work performed pursuant to a home improvement
7 contract as defined in Section 7151.2:

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

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

11 (3) A temporary labor service agency that, as the employer,
12 provides employees for the performance of work covered by this
13 chapter. The provisions of this paragraph shall not apply if there
14 is a properly licensed contractor who exercises supervision in
15 accordance with Section 7068.1 and who is directly responsible
16 for the final results of the work. Nothing in this paragraph shall
17 require a qualifying individual, as provided in Section 7068, to be
18 present during the supervision of work covered by this chapter. A
19 contractor requesting the services of a temporary labor service
20 agency shall provide his or her license number to that temporary
21 labor service agency.

22 (4) Any person not otherwise exempt by this chapter, who
23 performs tree removal, tree pruning, stump removal, or engages
24 in tree or limb cabling or guying. The term contractor does not
25 include a person performing the activities of a nursery person who
26 in the normal course of routine work performs incidental pruning
27 of trees, or guying of planted trees and their limbs. The term
28 contractor does not include a gardener who in the normal course
29 of routine work performs incidental pruning of trees measuring
30 less than 15 feet in height after planting.

31 (5) Any person engaged in the business of drilling, digging,
32 boring, or otherwise constructing, deepening, repairing,
33 re-perforating, or abandoning any water well, cathodic protection
34 well, or monitoring well.

35 (b) The term “contractor” or “consultant” does not include a
36 ~~certified~~ common interest development manager, as defined in
37 Section 11501, and a ~~certified~~ common interest development
38 manager is not required to have a contractor’s license when
39 performing management services, as defined in subdivision (d) of
40 Section 11500.

1 SEC. 7. Section 7065.3 of the Business and Professions Code
2 is amended to read:

3 7065.3. Notwithstanding Section 7065, upon a conclusive
4 showing by a licensee that he or she possesses experience
5 satisfactory to the registrar in the classification applied for, an
6 additional classification may be added, without further
7 examination, under all of the following conditions:

8 (a) For five of the seven years immediately preceding the
9 application, the qualifying individual of the licensee has been listed
10 as a member of the personnel of any licensee whose license was
11 active and in good standing, and who during the period listed on
12 a license was actively engaged in the licensee's construction
13 activities.

14 (b) The qualifying individual for the applicant has had within
15 the last 10 years immediately preceding the filing of the
16 application, not less than four years experience as a journeyman,
17 foreman, supervising employee, or contractor in the classification
18 within which the licensee intends to engage in the additional
19 classification as a contractor.

20 (c) The application is, as determined by the registrar, for a
21 classification that is closely related to the classification or
22 classifications in which the licensee is licensed, or the qualifying
23 individual is associated with a licensed general engineering
24 contractor or licensed general building contractor and is applying
25 for a classification that is a significant component of the licensed
26 contractor's construction business as determined by the registrar.
27 This section shall not apply to an applicant who is licensed solely
28 within the limited-specialty classifications.

29 Pursuant to Section 7065, the registrar shall conduct a
30 comprehensive investigation of no less than 3 percent of
31 applications filed under this section to ensure that the applicants
32 met the experience requirements of this section.

33 SEC. 8. Section 7114 of the Business and Professions Code is
34 amended to read:

35 7114. (a) Aiding or abetting an unlicensed person to evade
36 the provisions of this chapter or combining or conspiring with an
37 unlicensed person, or allowing one's license to be used by an
38 unlicensed person, or acting as agent or partner or associate, or
39 otherwise, of an unlicensed person with the intent to evade the
40 provisions of this chapter constitutes a cause for disciplinary action.

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

7 SEC. 9. Section 7141 of the Business and Professions Code is
8 amended to read:

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

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

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

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

35 SEC. 10. Section 7206 of the Business and Professions Code
36 is amended to read:

37 7206. Special meetings shall be held upon request of a majority
38 of the members of the board or upon the call of the president.

39 SEC. 11. Section 7210 of the Business and Professions Code
40 is amended to read:

1 7210. It shall be unlawful for any person to sell, offer for sale,
2 give, hire or furnish under any other arrangement, any guide dog
3 or to engage in the business or occupation of training a guide dog
4 unless he or she holds a valid and unimpaired license issued
5 pursuant to this chapter.

6 SEC. 12. Section 7851 is added to the Business and Professions
7 Code, to read:

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

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

21 (c) The holder of a retired license shall not be required to renew
22 that registration.

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

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

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

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

35 (b) The license fee for a geologist or for a geophysicist and the
36 fee for the certification in a specialty shall be fixed at an amount
37 equal to the renewal fee in effect on the last regular renewal date
38 before the date on which the certificate is issued, except that, with
39 respect to certificates that will expire less than one year after
40 issuance, the fee shall be fixed at an amount equal to 50 percent

1 of the renewal fee in effect on the last regular renewal date before
2 the date on which the certificate is issued. The board may, by
3 appropriate regulation, provide for the waiver or refund of the
4 initial certificate fee where the certificate is issued less than 45
5 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 license fee for a geologist or for a
9 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 licensure as a geologist shall pay an
19 examination fee fixed at an amount equal to the actual cost to the
20 board to administer the examination described in subdivision (d)
21 of Section 7841.

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

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

32 *SEC. 13.5. Section 7887 of the Business and Professions Code*
33 *is amended to read:*

34 7887. The amount of the fees prescribed by this chapter shall
35 be fixed by the board in accordance with the following schedule:

36 (a) The fee for filing each application for ~~registration~~ *licensure*
37 as a geologist or a geophysicist or certification as a specialty
38 geologist or a specialty geophysicist and for administration of the
39 examination *shall be fixed* at not more than two hundred ~~and~~ fifty
40 dollars (\$250).

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

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

14 ~~(d) The temporary registration fee for a geologist or for a~~
15 ~~geophysicist at not more than eighty dollars (\$80).~~

16 ~~(e)~~

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

19 ~~(f)~~

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

23 ~~(g)~~

24 (f) 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)~~

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

32 ~~(i)~~

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

39 (i) *The fee for a retired license shall be fixed at not more than*
40 *50 percent of the fee for filing an application for licensure as a*

1 geologist or a geophysicist in effect on the date of application for
2 a retired license.

3 *SEC. 14. Section 9807 of the Business and Professions Code*
4 *is amended to read:*

5 9807. (a) Notwithstanding any other ~~provision of~~ law, a service
6 dealer licensed under this chapter *and authorized to engage in the*
7 *electronic repair industry, as defined in subdivision (p) of Section*
8 *9801, may install, calibrate, service, maintain, and monitor ignition*
9 *interlock devices.*

10 (b) The bureau shall adopt regulations to implement this section
11 consistent with the standards adopted by the Bureau of Automotive
12 Repair and the Office of Traffic Safety under Section 9882.14.

13 ~~SEC. 14.~~

14 *SEC. 15. Section 17914 of the Business and Professions Code*
15 *is amended to read:*

16 17914. The statement shall be signed as follows:

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

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

20 (c) If the registrant is a general partnership, limited partnership,
21 limited liability partnership, copartnership, joint venture, or
22 unincorporated association other than a partnership, by a general
23 partner.

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

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

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

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

30 *SEC. 16. Section 44011 of the Health and Safety Code is*
31 *amended to read:*

32 44011. (a) All motor vehicles powered by internal combustion
33 engines that are registered within an area designated for program
34 coverage shall be required biennially to obtain a certificate of
35 compliance or noncompliance, except for the following:

36 (1) All motorcycles until the department, pursuant to Section
37 44012, implements test procedures applicable to motorcycles.

38 (2) All motor vehicles that have been issued a certificate of
39 compliance or noncompliance or a repair cost waiver upon a change

1 of ownership or initial registration in this state during the preceding
2 six months.

3 (3) All motor vehicles manufactured prior to the 1976
4 model-year.

5 (4) (A) Except as provided in subparagraph (B), all motor
6 vehicles four or less model-years old.

7 (B) Beginning January 1, 2005, all motor vehicles six or less
8 model-years old, unless the state board finds that providing an
9 exception for these vehicles will prohibit the state from meeting
10 the requirements of Section 176(c) of the federal Clean Air Act
11 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
12 respect to the state implementation plan required by the federal
13 Clean Air Act.

14 (C) All motor vehicles excepted by this paragraph shall be
15 subject to testing and to certification requirements as determined
16 by the department, if any of the following apply:

17 (i) The department determines through remote sensing activities
18 or other means that there is a substantial probability that the vehicle
19 has a tampered emission control system or would fail for other
20 cause a smog check test as specified in Section 44012.

21 (ii) The vehicle was previously registered outside this state and
22 is undergoing initial registration in this state.

23 (iii) The vehicle is being registered as a specially constructed
24 vehicle.

25 (iv) The vehicle has been selected for testing pursuant to Section
26 44014.7 or any other provision of this chapter authorizing
27 out-of-cycle testing.

28 (D) This paragraph does not apply to diesel-powered vehicles.

29 (5) In addition to the vehicles exempted pursuant to paragraph
30 (4), any motor vehicle or class of motor vehicles exempted pursuant
31 to subdivision ~~(b)~~ (c) of Section 44024.5. It is the intent of the
32 Legislature that the department, pursuant to the authority granted
33 by this paragraph, exempt at least 15 percent of the lowest emitting
34 motor vehicles from the biennial smog check inspection.

35 (6) All motor vehicles that the department determines would
36 present prohibitive inspection or repair problems.

37 (7) Any vehicle registered to the owner of a fleet licensed
38 pursuant to Section 44020 if the vehicle is garaged exclusively
39 outside the area included in program coverage, and is not primarily
40 operated inside the area included in program coverage.

1 (8) (A) All diesel-powered vehicles manufactured prior to the
2 1998 model-year.

3 (B) All diesel-powered vehicles that have a gross vehicle weight
4 rating of 8,501 to 10,000 pounds, inclusive, until the department,
5 in consultation with the state board, pursuant to Section 44012,
6 implements test procedures applicable to these vehicles.

7 (C) All diesel-powered vehicles that have a gross vehicle weight
8 rating from 10,001 pounds to 14,000 pounds, inclusive, until the
9 state board and the Department of Motor Vehicles determine the
10 best method for identifying these vehicles, and until the department,
11 in consultation with the state board, pursuant to Section 44012,
12 implements test procedures applicable to these vehicles.

13 (D) All diesel-powered vehicles that have a gross vehicle weight
14 rating of 14,001 pounds or greater.

15 (b) Vehicles designated for program coverage in enhanced areas
16 shall be required to obtain inspections from appropriate smog
17 check stations operating in enhanced areas.

18 (c) For purposes of subdivision (a), a collector motor vehicle,
19 as defined in Section 259 of the Vehicle Code, is exempt from
20 those portions of the test required by subdivision (f) of Section
21 44012 if the collector motor vehicle meets all of the following
22 criteria:

23 (1) Submission of proof that the motor vehicle is insured as a
24 collector motor vehicle, as shall be required by regulation of the
25 bureau.

26 (2) The motor vehicle is at least 35 model-years old.

27 (3) The motor vehicle complies with the exhaust emissions
28 standards for that motor vehicle's class and model-year as
29 prescribed by the department, and the motor vehicle passes a
30 functional inspection of the fuel cap and a visual inspection for
31 liquid fuel leaks.

32 ~~(d) This section shall become operative on January 1, 2010.~~

33 *SEC. 17. Section 13.5 of this bill incorporates amendments to*
34 *Section 7887 of the Business and Professions Code proposed by*
35 *both this bill and Senate Bill 152. It shall only become operative*
36 *if (1) both bills are enacted and become effective on or before*
37 *January 1, 2014, (2) each bill amends Section 7887 of the Business*
38 *and Professions Code, and (3) this bill is enacted after Senate Bill*
39 *152, in which case Section 13 of this bill shall not become*
40 *operative.*

1 ~~SEC. 15.~~

2 *SEC. 18.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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