

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN SENATE APRIL 7, 2014

**SENATE BILL**

**No. 1159**

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**Introduced by Senator Lara**

February 20, 2014

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An act to amend Section 30 of the Business and Professions Code, to amend Section 17520 of the Family Code, and to amend Section 19528 of the Revenue and Taxation Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Lara. Professions and vocations: license applicants: ~~federal~~ *individual* tax identification number.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other licensing bodies. Existing law requires those licensing bodies to require a licensee, at the time of issuance of the license, to provide its federal employer identification ~~number~~, *number* if the licensee is a partnership, or his or her social security number for all other licensees. Existing law requires those licensing bodies to report to the Franchise Tax Board any licensee who fails to provide the federal employer identification number or social security number, and subjects the licensee to a penalty for failing to provide the information after notification, as specified.

This bill would require those licensing bodies to require an applicant other than a partnership to provide either a ~~federal~~ *an individual* tax identification number or social security number, if one has been issued to the applicant, and would require the licensing bodies to report to the Franchise Tax Board, and subject a licensee to a penalty, for failure to

provide that information, as described above. The bill would make other conforming changes.

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

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

1 SECTION 1. Section 30 of the Business and Professions Code  
2 is amended to read:

3 30. (a) Notwithstanding any other law, any board, as defined  
4 in Section 22, and the State Bar and the Bureau of Real Estate shall  
5 at the time of issuance of ~~an initial or renewal~~ *the* license require  
6 that the applicant provide its federal employer identification  
7 number, if the applicant is a partnership, or the applicant's ~~federal~~  
8 *individual* taxpayer identification number or social security number,  
9 if one has been issued, for all other applicants.

10 (b) ~~Any applicant~~ *A licensee* failing to provide the federal  
11 employer identification number, or the ~~federal individual~~ taxpayer  
12 identification number or social security number, if one has been  
13 issued to the individual, shall be reported by the licensing board  
14 to the Franchise Tax Board. If the ~~applicant licensee~~ fails to provide  
15 that information after notification pursuant to paragraph (1) of  
16 subdivision (b) of Section 19528 of the Revenue and Taxation  
17 Code, the ~~applicant licensee~~ shall be subject to the penalty provided  
18 in paragraph (2) of subdivision (b) of Section 19528 of the Revenue  
19 and Taxation Code.

20 (c) In addition to the penalty specified in subdivision (b), a  
21 licensing board ~~shall~~ *may* not process an application for an initial  
22 license unless the applicant provides its federal employer  
23 identification number, or ~~federal individual~~ taxpayer identification  
24 number or social security number, if one has been issued to the  
25 individual, where requested on the application.

26 (d) A licensing board shall, upon request of the Franchise Tax  
27 Board, furnish to the Franchise Tax Board the following  
28 information with respect to every licensee:

29 (1) Name.

30 (2) Address or addresses of record.

31 (3) Federal employer identification number if the licensee is a  
32 partnership, or the licensee's ~~federal individual~~ taxpayer

1 identification number or social security number, if one has been  
2 issued to the individual, for all other licensees.

3 (4) Type of license.

4 (5) Effective date of license or a renewal.

5 (6) Expiration date of license.

6 (7) Whether license is active or inactive, if known.

7 (8) Whether license is new or a renewal.

8 (e) For the purposes of this section:

9 (1) "Licensee" means a person or entity, other than a  
10 corporation, authorized by a license, certificate, registration, or  
11 other means to engage in a business or profession regulated by  
12 this code or referred to in Section 1000 or 3600.

13 (2) "License" includes a certificate, registration, or any other  
14 authorization needed to engage in a business or profession  
15 regulated by this code or referred to in Section 1000 or 3600.

16 (3) "Licensing board" means any board, as defined in Section  
17 22, the State Bar, and the Bureau of Real Estate.

18 (f) The reports required under this section shall be filed on  
19 magnetic media or in other machine-readable form, according to  
20 standards furnished by the Franchise Tax Board.

21 (g) Licensing boards shall provide to the Franchise Tax Board  
22 the information required by this section at a time that the Franchise  
23 Tax Board may require.

24 (h) Notwithstanding Chapter 3.5 (commencing with Section  
25 6250) of Division 7 of Title 1 of the Government ~~Code~~ *Code*, a  
26 federal employer identification number, ~~federal~~ *individual* taxpayer  
27 identification number, or social security number furnished pursuant  
28 to this section shall not be deemed to be a public record and shall  
29 not be open to the public for inspection.

30 (i) Any deputy, agent, clerk, officer, or employee of any  
31 licensing board described in subdivision (a), or any former officer  
32 or employee or other individual who in the course of his or her  
33 employment or duty has or has had access to the information  
34 required to be furnished under this section, may not disclose or  
35 make known in any manner that information, except as provided  
36 in this section to the Franchise Tax Board or as provided in  
37 subdivision (k).

38 (j) It is the intent of the Legislature in enacting this section to  
39 utilize the federal employer identification number, ~~federal~~  
40 *individual* taxpayer identification number, or social security number

1 for the purpose of establishing the identification of persons affected  
2 by state tax laws and for purposes of compliance with Section  
3 17520 of the Family Code and, to that end, the information  
4 furnished pursuant to this section shall be used exclusively for  
5 those purposes.

6 (k) If the board utilizes a national examination to issue a license,  
7 and if a reciprocity agreement or comity exists between the State  
8 of California and the state requesting release of the ~~federal~~  
9 *individual* taxpayer identification number or social security number,  
10 any deputy, agent, clerk, officer, or employee of any licensing  
11 board described in subdivision (a) may release ~~a federal an~~  
12 *individual* taxpayer identification number or social security number  
13 to an examination or licensing entity, only for the purpose of  
14 verification of licensure or examination status.

15 (l) For the purposes of enforcement of Section 17520 of the  
16 Family Code, and notwithstanding any other law, any board, as  
17 defined in Section 22, and the State Bar and the Bureau of Real  
18 Estate shall at the time of issuance of the license require that each  
19 licensee provide the ~~federal individual~~ taxpayer identification  
20 number or social security number, if any has been issued to the  
21 licensee, of each individual listed on the license and any person  
22 who qualifies the license. For the purposes of this subdivision,  
23 “licensee” means any entity that is issued a license by any board,  
24 as defined in Section 22, the State Bar, the Bureau of Real Estate,  
25 and the Department of Motor Vehicles.

26 *SEC. 2. Section 17520 of the Family Code is amended to read:*  
27 17520. (a) As used in this section:

28 (1) “Applicant” means any person applying for issuance or  
29 renewal of a license.

30 (2) “Board” means any entity specified in Section 101 of the  
31 Business and Professions Code, the entities referred to in Sections  
32 1000 and 3600 of the Business and Professions Code, the State  
33 Bar, the Bureau of Real Estate, the Department of Motor Vehicles,  
34 the Secretary of State, the Department of Fish and Game, and any  
35 other state commission, department, committee, examiner, or  
36 agency that issues a license, certificate, credential, permit,  
37 registration, or any other authorization to engage in a business,  
38 occupation, or profession, or to the extent required by federal law  
39 or regulations, for recreational purposes. This term includes all  
40 boards, commissions, departments, committees, examiners, entities,

1 and agencies that issue a license, certificate, credential, permit,  
2 registration, or any other authorization to engage in a business,  
3 occupation, or profession. The failure to specifically name a  
4 particular board, commission, department, committee, examiner,  
5 entity, or agency that issues a license, certificate, credential, permit,  
6 registration, or any other authorization to engage in a business,  
7 occupation, or profession does not exclude that board, commission,  
8 department, committee, examiner, entity, or agency from this term.

9 (3) “Certified list” means a list provided by the local child  
10 support agency to the Department of Child Support Services in  
11 which the local child support agency verifies, under penalty of  
12 perjury, that the names contained therein are support obligors found  
13 to be out of compliance with a judgment or order for support in a  
14 case being enforced under Title IV-D of the Social Security Act.

15 (4) “Compliance with a judgment or order for support” means  
16 that, as set forth in a judgment or order for child or family support,  
17 the obligor is no more than 30 calendar days in arrears in making  
18 payments in full for current support, in making periodic payments  
19 in full, whether court ordered or by agreement with the local child  
20 support agency, on a support arrearage, or in making periodic  
21 payments in full, whether court ordered or by agreement with the  
22 local child support agency, on a judgment for reimbursement for  
23 public assistance, or has obtained a judicial finding that equitable  
24 estoppel as provided in statute or case law precludes enforcement  
25 of the order. The local child support agency is authorized to use  
26 this section to enforce orders for spousal support only when the  
27 local child support agency is also enforcing a related child support  
28 obligation owed to the obligee parent by the same obligor, pursuant  
29 to Sections 17400 and 17604.

30 (5) “License” includes membership in the State Bar, and a  
31 certificate, credential, permit, registration, or any other  
32 authorization issued by a board that allows a person to engage in  
33 a business, occupation, or profession, or to operate a commercial  
34 motor vehicle, including appointment and commission by the  
35 Secretary of State as a notary public. “License” also includes any  
36 driver’s license issued by the Department of Motor Vehicles, any  
37 commercial fishing license issued by the Department of Fish and  
38 Game, and to the extent required by federal law or regulations,  
39 any license used for recreational purposes. This term includes all  
40 licenses, certificates, credentials, permits, registrations, or any

1 other authorization issued by a board that allows a person to engage  
2 in a business, occupation, or profession. The failure to specifically  
3 name a particular type of license, certificate, credential, permit,  
4 registration, or other authorization issued by a board that allows  
5 a person to engage in a business, occupation, or profession, does  
6 not exclude that license, certificate, credential, permit, registration,  
7 or other authorization from this term.

8 (6) “Licensee” means any person holding a license, certificate,  
9 credential, permit, registration, or other authorization issued by a  
10 board, to engage in a business, occupation, or profession, or a  
11 commercial driver’s license as defined in Section 15210 of the  
12 Vehicle Code, including an appointment and commission by the  
13 Secretary of State as a notary public. “Licensee” also means any  
14 person holding a driver’s license issued by the Department of  
15 Motor Vehicles, any person holding a commercial fishing license  
16 issued by the Department of Fish and Game, and to the extent  
17 required by federal law or regulations, any person holding a license  
18 used for recreational purposes. This term includes all persons  
19 holding a license, certificate, credential, permit, registration, or  
20 any other authorization to engage in a business, occupation, or  
21 profession, and the failure to specifically name a particular type  
22 of license, certificate, credential, permit, registration, or other  
23 authorization issued by a board does not exclude that person from  
24 this term. For licenses issued to an entity that is not an individual  
25 person, “licensee” includes any individual who is either listed on  
26 the license or who qualifies for the license.

27 (b) The local child support agency shall maintain a list of those  
28 persons included in a case being enforced under Title IV-D of the  
29 Social Security Act against whom a support order or judgment has  
30 been rendered by, or registered in, a court of this state, and who  
31 are not in compliance with that order or judgment. The local child  
32 support agency shall submit a certified list with the names, social  
33 security numbers, and last known addresses of these persons and  
34 the name, address, and telephone number of the local child support  
35 agency who certified the list to the department. The local child  
36 support agency shall verify, under penalty of perjury, that the  
37 persons listed are subject to an order or judgment for the payment  
38 of support and that these persons are not in compliance with the  
39 order or judgment. The local child support agency shall submit to  
40 the department an updated certified list on a monthly basis.

1 (c) The department shall consolidate the certified lists received  
2 from the local child support agencies and, within 30 calendar days  
3 of receipt, shall provide a copy of the consolidated list to each  
4 board that is responsible for the regulation of licenses, as specified  
5 in this section.

6 (d) On or before November 1, 1992, or as soon thereafter as  
7 economically feasible, as determined by the department, all boards  
8 subject to this section shall implement procedures to accept and  
9 process the list provided by the department, in accordance with  
10 this section. Notwithstanding any other law, all boards shall collect  
11 social security numbers *or individual taxpayer identification*  
12 *numbers, if they have been issued*, from all applicants for the  
13 purposes of matching the names of the certified list provided by  
14 the department to applicants and licensees and of responding to  
15 requests for this information made by child support agencies.

16 (e) (1) Promptly after receiving the certified consolidated list  
17 from the department, and prior to the issuance or renewal of a  
18 license, each board shall determine whether the applicant is on the  
19 most recent certified consolidated list provided by the department.  
20 The board shall have the authority to withhold issuance or renewal  
21 of the license of any applicant on the list.

22 (2) If an applicant is on the list, the board shall immediately  
23 serve notice as specified in subdivision (f) on the applicant of the  
24 board's intent to withhold issuance or renewal of the license. The  
25 notice shall be made personally or by mail to the applicant's last  
26 known mailing address on file with the board. Service by mail  
27 shall be complete in accordance with Section 1013 of the Code of  
28 Civil Procedure.

29 (A) The board shall issue a temporary license valid for a period  
30 of 150 days to any applicant whose name is on the certified list if  
31 the applicant is otherwise eligible for a license.

32 (B) Except as provided in subparagraph (D), the 150-day time  
33 period for a temporary license shall not be extended. Except as  
34 provided in subparagraph (D), only one temporary license shall  
35 be issued during a regular license term and it shall coincide with  
36 the first 150 days of that license term. As this paragraph applies  
37 to commercial driver's licenses, "license term" shall be deemed  
38 to be 12 months from the date the application fee is received by  
39 the Department of Motor Vehicles. A license for the full or

1 remainder of the license term shall be issued or renewed only upon  
2 compliance with this section.

3 (C) In the event that a license or application for a license or the  
4 renewal of a license is denied pursuant to this section, any funds  
5 paid by the applicant or licensee shall not be refunded by the board.

6 (D) This paragraph shall apply only in the case of a driver's  
7 license, other than a commercial driver's license. Upon the request  
8 of the local child support agency or by order of the court upon a  
9 showing of good cause, the board shall extend a 150-day temporary  
10 license for a period not to exceed 150 extra days.

11 (3) (A) The department may, when it is economically feasible  
12 for the department and the boards to do so as determined by the  
13 department, in cases where the department is aware that certain  
14 child support obligors listed on the certified lists have been out of  
15 compliance with a judgment or order for support for more than  
16 four months, provide a supplemental list of these obligors to each  
17 board with which the department has an interagency agreement to  
18 implement this paragraph. Upon request by the department, the  
19 licenses of these obligors shall be subject to suspension, provided  
20 that the licenses would not otherwise be eligible for renewal within  
21 six months from the date of the request by the department. The  
22 board shall have the authority to suspend the license of any licensee  
23 on this supplemental list.

24 (B) If a licensee is on a supplemental list, the board shall  
25 immediately serve notice as specified in subdivision (f) on the  
26 licensee that his or her license will be automatically suspended  
27 150 days after notice is served, unless compliance with this section  
28 is achieved. The notice shall be made personally or by mail to the  
29 licensee's last known mailing address on file with the board.  
30 Service by mail shall be complete in accordance with Section 1013  
31 of the Code of Civil Procedure.

32 (C) The 150-day notice period shall not be extended.

33 (D) In the event that any license is suspended pursuant to this  
34 section, any funds paid by the licensee shall not be refunded by  
35 the board.

36 (E) This paragraph shall not apply to licenses subject to annual  
37 renewal or annual fee.

38 (f) Notices shall be developed by each board in accordance with  
39 guidelines provided by the department and subject to approval by  
40 the department. The notice shall include the address and telephone



1 number of the local child support agency that submitted the name  
2 on the certified list, and shall emphasize the necessity of obtaining  
3 a release from that local child support agency as a condition for  
4 the issuance, renewal, or continued valid status of a license or  
5 licenses.

6 (1) In the case of applicants not subject to paragraph (3) of  
7 subdivision (e), the notice shall inform the applicant that the board  
8 shall issue a temporary license, as provided in subparagraph (A)  
9 of paragraph (2) of subdivision (e), for 150 calendar days if the  
10 applicant is otherwise eligible and that upon expiration of that time  
11 period the license will be denied unless the board has received a  
12 release from the local child support agency that submitted the name  
13 on the certified list.

14 (2) In the case of licensees named on a supplemental list, the  
15 notice shall inform the licensee that his or her license will continue  
16 in its existing status for no more than 150 calendar days from the  
17 date of mailing or service of the notice and thereafter will be  
18 suspended indefinitely unless, during the 150-day notice period,  
19 the board has received a release from the local child support agency  
20 that submitted the name on the certified list. Additionally, the  
21 notice shall inform the licensee that any license suspended under  
22 this section will remain so until the expiration of the remaining  
23 license term, unless the board receives a release along with  
24 applications and fees, if applicable, to reinstate the license during  
25 the license term.

26 (3) The notice shall also inform the applicant or licensee that if  
27 an application is denied or a license is suspended pursuant to this  
28 section, any funds paid by the applicant or licensee shall not be  
29 refunded by the board. The Department of Child Support Services  
30 shall also develop a form that the applicant shall use to request a  
31 review by the local child support agency. A copy of this form shall  
32 be included with every notice sent pursuant to this subdivision.

33 (g) (1) Each local child support agency shall maintain review  
34 procedures consistent with this section to allow an applicant to  
35 have the underlying arrearage and any relevant defenses  
36 investigated, to provide an applicant information on the process  
37 of obtaining a modification of a support order, or to provide an  
38 applicant assistance in the establishment of a payment schedule  
39 on arrearages if the circumstances so warrant.

1 (2) It is the intent of the Legislature that a court or local child  
2 support agency, when determining an appropriate payment schedule  
3 for arrearages, base its decision on the facts of the particular case  
4 and the priority of payment of child support over other debts. The  
5 payment schedule shall also recognize that certain expenses may  
6 be essential to enable an obligor to be employed. Therefore, in  
7 reaching its decision, the court or the local child support agency  
8 shall consider both of these goals in setting a payment schedule  
9 for arrearages.

10 (h) If the applicant wishes to challenge the submission of his  
11 or her name on the certified list, the applicant shall make a timely  
12 written request for review to the local child support agency who  
13 certified the applicant's name. A request for review pursuant to  
14 this section shall be resolved in the same manner and timeframe  
15 provided for resolution of a complaint pursuant to Section 17800.  
16 The local child support agency shall immediately send a release  
17 to the appropriate board and the applicant, if any of the following  
18 conditions are met:

19 (1) The applicant is found to be in compliance or negotiates an  
20 agreement with the local child support agency for a payment  
21 schedule on arrearages or reimbursement.

22 (2) The applicant has submitted a request for review, but the  
23 local child support agency will be unable to complete the review  
24 and send notice of its findings to the applicant within the time  
25 specified in Section 17800.

26 (3) The applicant has filed and served a request for judicial  
27 review pursuant to this section, but a resolution of that review will  
28 not be made within 150 days of the date of service of notice  
29 pursuant to subdivision (f). This paragraph applies only if the delay  
30 in completing the judicial review process is not the result of the  
31 applicant's failure to act in a reasonable, timely, and diligent  
32 manner upon receiving the local child support agency's notice of  
33 findings.

34 (4) The applicant has obtained a judicial finding of compliance  
35 as defined in this section.

36 (i) An applicant is required to act with diligence in responding  
37 to notices from the board and the local child support agency with  
38 the recognition that the temporary license will lapse or the license  
39 suspension will go into effect after 150 days and that the local  
40 child support agency and, where appropriate, the court must have

1 time to act within that period. An applicant's delay in acting,  
2 without good cause, which directly results in the inability of the  
3 local child support agency to complete a review of the applicant's  
4 request or the court to hear the request for judicial review within  
5 the 150-day period shall not constitute the diligence required under  
6 this section which would justify the issuance of a release.

7 (j) Except as otherwise provided in this section, the local child  
8 support agency shall not issue a release if the applicant is not in  
9 compliance with the judgment or order for support. The local child  
10 support agency shall notify the applicant in writing that the  
11 applicant may, by filing an order to show cause or notice of motion,  
12 request any or all of the following:

13 (1) Judicial review of the local child support agency's decision  
14 not to issue a release.

15 (2) A judicial determination of compliance.

16 (3) A modification of the support judgment or order.

17 The notice shall also contain the name and address of the court  
18 in which the applicant shall file the order to show cause or notice  
19 of motion and inform the applicant that his or her name shall  
20 remain on the certified list if the applicant does not timely request  
21 judicial review. The applicant shall comply with all statutes and  
22 rules of court regarding orders to show cause and notices of motion.

23 This section shall not be deemed to limit an applicant from filing  
24 an order to show cause or notice of motion to modify a support  
25 judgment or order or to fix a payment schedule on arrearages  
26 accruing under a support judgment or order or to obtain a court  
27 finding of compliance with a judgment or order for support.

28 (k) The request for judicial review of the local child support  
29 agency's decision shall state the grounds for which review is  
30 requested and judicial review shall be limited to those stated  
31 grounds. The court shall hold an evidentiary hearing within 20  
32 calendar days of the filing of the request for review. Judicial review  
33 of the local child support agency's decision shall be limited to a  
34 determination of each of the following issues:

35 (1) Whether there is a support judgment, order, or payment  
36 schedule on arrearages or reimbursement.

37 (2) Whether the petitioner is the obligor covered by the support  
38 judgment or order.

39 (3) Whether the support obligor is or is not in compliance with  
40 the judgment or order of support.

1 (4) (A) The extent to which the needs of the obligor, taking  
2 into account the obligor's payment history and the current  
3 circumstances of both the obligor and the obligee, warrant a  
4 conditional release as described in this subdivision.

5 (B) The request for judicial review shall be served by the  
6 applicant upon the local child support agency that submitted the  
7 applicant's name on the certified list within seven calendar days  
8 of the filing of the petition. The court has the authority to uphold  
9 the action, unconditionally release the license, or conditionally  
10 release the license.

11 (C) If the judicial review results in a finding by the court that  
12 the obligor is in compliance with the judgment or order for support,  
13 the local child support agency shall immediately send a release in  
14 accordance with subdivision (I) to the appropriate board and the  
15 applicant. If the judicial review results in a finding by the court  
16 that the needs of the obligor warrant a conditional release, the court  
17 shall make findings of fact stating the basis for the release and the  
18 payment necessary to satisfy the unrestricted issuance or renewal  
19 of the license without prejudice to a later judicial determination  
20 of the amount of support arrearages, including interest, and shall  
21 specify payment terms, compliance with which are necessary to  
22 allow the release to remain in effect.

23 (I) The department shall prescribe release forms for use by local  
24 child support agencies. When the obligor is in compliance, the  
25 local child support agency shall mail to the applicant and the  
26 appropriate board a release stating that the applicant is in  
27 compliance. The receipt of a release shall serve to notify the  
28 applicant and the board that, for the purposes of this section, the  
29 applicant is in compliance with the judgment or order for support.  
30 Any board that has received a release from the local child support  
31 agency pursuant to this subdivision shall process the release within  
32 five business days of its receipt.

33 If the local child support agency determines subsequent to the  
34 issuance of a release that the applicant is once again not in  
35 compliance with a judgment or order for support, or with the terms  
36 of repayment as described in this subdivision, the local child  
37 support agency may notify the board, the obligor, and the  
38 department in a format prescribed by the department that the  
39 obligor is not in compliance.

1 The department may, when it is economically feasible for the  
2 department and the boards to develop an automated process for  
3 complying with this subdivision, notify the boards in a manner  
4 prescribed by the department, that the obligor is once again not in  
5 compliance. Upon receipt of this notice, the board shall  
6 immediately notify the obligor on a form prescribed by the  
7 department that the obligor's license will be suspended on a  
8 specific date, and this date shall be no longer than 30 days from  
9 the date the form is mailed. The obligor shall be further notified  
10 that the license will remain suspended until a new release is issued  
11 in accordance with subdivision (h). Nothing in this section shall  
12 be deemed to limit the obligor from seeking judicial review of  
13 suspension pursuant to the procedures described in subdivision  
14 (k).

15 (m) The department may enter into interagency agreements with  
16 the state agencies that have responsibility for the administration  
17 of boards necessary to implement this section, to the extent that it  
18 is cost effective to implement this section. These agreements shall  
19 provide for the receipt by the other state agencies and boards of  
20 federal funds to cover that portion of costs allowable in federal  
21 law and regulation and incurred by the state agencies and boards  
22 in implementing this section. Notwithstanding any other provision  
23 of law, revenue generated by a board or state agency shall be used  
24 to fund the nonfederal share of costs incurred pursuant to this  
25 section. These agreements shall provide that boards shall reimburse  
26 the department for the nonfederal share of costs incurred by the  
27 department in implementing this section. The boards shall  
28 reimburse the department for the nonfederal share of costs incurred  
29 pursuant to this section from moneys collected from applicants  
30 and licensees.

31 (n) Notwithstanding any other law, in order for the boards  
32 subject to this section to be reimbursed for the costs incurred in  
33 administering its provisions, the boards may, with the approval of  
34 the appropriate department director, levy on all licensees and  
35 applicants a surcharge on any fee or fees collected pursuant to law,  
36 or, alternatively, with the approval of the appropriate department  
37 director, levy on the applicants or licensees named on a certified  
38 list or supplemental list, a special fee.

39 (o) The process described in subdivision (h) shall constitute the  
40 sole administrative remedy for contesting the issuance of a

1 temporary license or the denial or suspension of a license under  
2 this section. The procedures specified in the administrative  
3 adjudication provisions of the Administrative Procedure Act  
4 (Chapter 4.5 (commencing with Section 11400) and Chapter 5  
5 (commencing with Section 11500) of Part 1 of Division 3 of Title  
6 2 of the Government Code) shall not apply to the denial,  
7 suspension, or failure to issue or renew a license or the issuance  
8 of a temporary license pursuant to this section.

9 (p) In furtherance of the public policy of increasing child support  
10 enforcement and collections, on or before November 1, 1995, the  
11 State Department of Social Services shall make a report to the  
12 Legislature and the Governor based on data collected by the boards  
13 and the district attorneys in a format prescribed by the State  
14 Department of Social Services. The report shall contain all of the  
15 following:

16 (1) The number of delinquent obligors certified by district  
17 attorneys under this section.

18 (2) The number of support obligors who also were applicants  
19 or licensees subject to this section.

20 (3) The number of new licenses and renewals that were delayed,  
21 temporary licenses issued, and licenses suspended subject to this  
22 section and the number of new licenses and renewals granted and  
23 licenses reinstated following board receipt of releases as provided  
24 by subdivision (h) by May 1, 1995.

25 (4) The costs incurred in the implementation and enforcement  
26 of this section.

27 (q) Any board receiving an inquiry as to the licensed status of  
28 an applicant or licensee who has had a license denied or suspended  
29 under this section or has been granted a temporary license under  
30 this section shall respond only that the license was denied or  
31 suspended or the temporary license was issued pursuant to this  
32 section. Information collected pursuant to this section by any state  
33 agency, board, or department shall be subject to the Information  
34 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)  
35 of Title 1.8 of Part 4 of Division 3 of the Civil Code).

36 (r) Any rules and regulations issued pursuant to this section by  
37 any state agency, board, or department may be adopted as  
38 emergency regulations in accordance with the rulemaking  
39 provisions of the Administrative Procedure Act (Chapter 3.5  
40 (commencing with Section 11340) of Part 1 of Division 3 of Title

1 2 of the Government Code). The adoption of these regulations  
2 shall be deemed an emergency and necessary for the immediate  
3 preservation of the public peace, health, and safety, or general  
4 welfare. The regulations shall become effective immediately upon  
5 filing with the Secretary of State.

6 (s) The department and boards, as appropriate, shall adopt  
7 regulations necessary to implement this section.

8 (t) The Judicial Council shall develop the forms necessary to  
9 implement this section, except as provided in subdivisions (f) and  
10 (l).

11 (u) The release or other use of information received by a board  
12 pursuant to this section, except as authorized by this section, is  
13 punishable as a misdemeanor.

14 (v) The State Board of Equalization shall enter into interagency  
15 agreements with the department and the Franchise Tax Board that  
16 will require the department and the Franchise Tax Board to  
17 maximize the use of information collected by the State Board of  
18 Equalization, for child support enforcement purposes, to the extent  
19 it is cost effective and permitted by the Revenue and Taxation  
20 Code.

21 (w) (1) The suspension or revocation of any driver's license,  
22 including a commercial driver's license, under this section shall  
23 not subject the licensee to vehicle impoundment pursuant to Section  
24 14602.6 of the Vehicle Code.

25 (2) Notwithstanding any other law, the suspension or revocation  
26 of any driver's license, including a commercial driver's license,  
27 under this section shall not subject the licensee to increased costs  
28 for vehicle liability insurance.

29 (x) If any provision of this section or the application thereof to  
30 any person or circumstance is held invalid, that invalidity shall not  
31 affect other provisions or applications of this section which can  
32 be given effect without the invalid provision or application, and  
33 to this end the provisions of this section are severable.

34 (y) All rights to administrative and judicial review afforded by  
35 this section to an applicant shall also be afforded to a licensee.

36 ~~SEC. 2.~~

37 *SEC. 3.* Section 19528 of the Revenue and Taxation Code is  
38 amended to read:

39 19528. (a) Notwithstanding any other law, the Franchise Tax  
40 Board may require any board, as defined in Section 22 of the

1 Business and Professions Code, and the State Bar, the Bureau of  
2 Real Estate, and the Insurance Commissioner (hereinafter referred  
3 to as licensing board) to provide to the Franchise Tax Board the  
4 following information with respect to every licensee:

- 5 (1) Name.
- 6 (2) Address or addresses of record.
- 7 (3) Federal employer identification number, if the licensee is a  
8 partnership, or the licensee's ~~federal~~ *individual* taxpayer  
9 identification number or social security number, if any has been  
10 issued, of all other licensees.
- 11 (4) Type of license.
- 12 (5) Effective date of license or renewal.
- 13 (6) Expiration date of license.
- 14 (7) Whether license is active or inactive, if known.
- 15 (8) Whether license is new or renewal.

16 (b) The Franchise Tax Board may do the following:

17 (1) Send a notice to any licensee failing to provide the federal  
18 employer identification number, ~~federal~~ *individual* taxpayer  
19 identification number, or social security number as required by  
20 subdivision (a) of Section 30 of the Business and Professions Code  
21 and subdivision (a) of Section 1666.5 of the Insurance Code,  
22 describing the information that was missing, the penalty associated  
23 with not providing it, and that failure to provide the information  
24 within 30 days will result in the assessment of the penalty.

25 (2) After 30 days following the issuance of the notice described  
26 in paragraph (1), assess a one-hundred-dollar (\$100) penalty, due  
27 and payable upon notice and demand, for any licensee failing to  
28 provide either its federal employer identification number (if the  
29 licensee is a partnership) or his or her social security number (for  
30 all others) as required in Section 30 of the Business and Professions  
31 Code and Section 1666.5 of the Insurance Code.

32 (c) Notwithstanding Chapter 3.5 (commencing with Section  
33 6250) of Division 7 of Title 1 of the Government Code, the  
34 information furnished to the Franchise Tax Board pursuant to  
35 Section 30 of the Business and Professions Code or Section 1666.5  
36 of the Insurance Code shall not be deemed to be a public record  
37 and shall not be open to the public for inspection.

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