

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1159

Introduced by Senator Lara

February 20, 2014

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: 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 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 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 the license require that the applicant
6 provide its federal employer identification number, if the applicant
7 is a partnership, or the applicant's individual taxpayer identification
8 number or social security number, if one has been issued, for all
9 other applicants.

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

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

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

28 (1) Name.

29 (2) Address or addresses of record.

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

1 number or social security number, if one has been issued to the
2 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, a federal
26 employer identification number, individual taxpayer identification
27 number, or social security number furnished pursuant to this section
28 shall not be deemed to be a public record and shall not be open to
29 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, individual
40 taxpayer identification number, or social security number for the

1 purpose of establishing the identification of persons affected by
2 state tax laws and for purposes of compliance with Section 17520
3 of the Family Code and, to that end, the information furnished
4 pursuant to this section shall be used exclusively for those
5 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 individual
9 taxpayer identification number or social security number, any
10 deputy, agent, clerk, officer, or employee of any licensing board
11 described in subdivision (a) may release an individual taxpayer
12 identification number or social security number to an examination
13 or licensing entity, only for the purpose of verification of licensure
14 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 individual taxpayer identification number or
20 social security number, if any has been issued to the licensee, of
21 each individual listed on the license and any person who qualifies
22 the license. For the purposes of this subdivision, “licensee” means
23 any entity that is issued a license by any board, as defined in
24 Section 22, the State Bar, the Bureau of Real Estate, and the
25 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. 3. Section 19528 of the Revenue and Taxation Code is
37 amended to read:

38 19528. (a) Notwithstanding any other law, the Franchise Tax
39 Board may require any board, as defined in Section 22 of the
40 Business and Professions Code, and the State Bar, the Bureau of

1 Real Estate, and the Insurance Commissioner (hereinafter referred
2 to as licensing board) to provide to the Franchise Tax Board the
3 following information with respect to every licensee:

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

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

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

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