

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE MAY 1, 2014

SENATE BILL

No. 1467

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

March 25, 2014

An act to amend Sections 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, 7011.4, 7685, 7842, ~~and~~ 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and to add Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1467, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Under existing law, the California Board of Accountancy licenses and regulates accountants. Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified. Existing law requires an applicant for registration to furnish satisfactory evidence that the applicant is entitled to registration.

This bill would authorize the board to collect, but not require, a valid electronic mail address at the time of application for, or renewal of, a certified public accountant license. The bill would provide that these electronic mail addresses shall not be considered public records and would prohibit these electronic mail addresses from being disclosed pursuant to specified provisions of law, unless required pursuant to a court order.

Existing law sets forth education, examination, and experience requirements for a certified public accountant license, and requires an applicant to show, to the satisfaction of the board, that he or she has one year of qualifying experience, including any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. Existing law requires the experience to have been performed in accordance with applicable professional standards in order to qualify, and to be completed under the supervision or in the employ of a person licensed to engage in the practice of public accountancy, as specified.

This bill would authorize the board, by regulation, to allow experience in academia to satisfy the one-year requirement described above.

Existing law, until 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. Existing law subjects an individual who holds a practice privilege to certain requirements, including, among others, that the individual shall notify the board of any pending criminal charges, other than a minor traffic violation, in any jurisdiction.

This bill would instead subject an individual holding and exercising a practice privilege in this state to the requirements described above. The bill would also require the individual to report the criminal charges described above to the board in writing within 30 days of the date the individual has knowledge of those charges.

Existing law, until January 1, 2019, authorizes the board to administratively suspend an individual's right to practice in this state under a practice privilege at any time by an order issued by the board or its executive officer, without prior notice or hearing, for the purpose of conducting a disciplinary investigation, proceeding, or inquiry concerning the representations made in the notice, the individual's competence or qualifications to practice under practice privileges, failure to timely respond to a board inquiry or request for information or documents, or under other conditions and circumstances provided for by board regulation. Existing law, beginning January 1, 2019, additionally requires the board to consult the Public Company Accounting Oversight Board (PCAOB) and the United States Securities and Exchange Commission on an every-~~six-month~~ *6-month* basis to identify out-of-state licensees who may have disqualifying conditions,

or may be obliged to cease practice, and to disclose whether those out-of-state licensees are lawfully permitted to exercise the privilege. Existing law provides that disclosure of this information is not to be considered discipline.

This bill would instead require the board to consult with the PCAOB and the United States Securities and Exchange Commission at least once every 6 months, as specified, until January 1, 2019, and would delete those provisions after that date.

This bill would make technical, nonsubstantive changes, and would delete an obsolete provision.

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board ~~of~~ *for* Professional Engineers, Land Surveyors, and Geologists. Existing law requires *all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified.*

This bill would require all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas, and all public school facilities, to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

Existing law requires an applicant for registration as a professional engineer, among other things, to furnish evidence of 6 years or more of qualifying experience in engineering work, as specified, and to successfully pass the second division of the licensure examination. Existing law authorizes the board to issue a certificate of registration as a professional engineer, without a written examination, to a person holding a certificate of registration issued by another state or country if the applicant's qualifications meet the requirements of the act. For purposes of these provisions, the act requires equivalent second division examinations to be 8-hour written examinations prepared or administered by a state or territory, as specified.

This bill would delete the requirement that an equivalent second division examination be an 8-hour examination.

(3) Under the Contractors' State License Law, the Contractors' State License Board licenses and regulates contractors. Under existing law, there is within the board a separate enforcement division that is required to rigorously enforce the act. Existing law specifies that persons employed as enforcement representatives in this division, and designated

by the Director of Consumer Affairs, are not peace officers and are not entitled to safety member retirement benefits.

This bill would make technical, nonsubstantive changes to these provisions.

(4) Existing law, the Funeral Directors and Embalmers Law, regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral services and prices to consumers, as specified. Existing law requires a licensed funeral establishment that maintains an Internet Web site to also post on its Internet Web site the list of funeral goods and services that are required to be included in its general price list, as specified, and requires that information to be provided by a link from the homepage of its Internet Web site, except as specified. A violation of the act is a misdemeanor.

This bill would require that link to use the words “price information” or a similar phrase that includes the word “price.” Because the bill would establish a new crime, the bill would create a state-mandated local program.

~~(4)~~

(5) Under the Geologist and Geophysicist Act, the Board for Professional Engineers, Land Surveyors, and Geologists registers and regulates professional geologists and professional geophysicists and certifies applicants in specialties in geology and geologists-in-training. ~~The act~~ Existing law requires an applicant seeking certification as a petroleum geologist to meet certain requirements including, among other things, having performed a minimum of 3 years of professional geological work under the supervision of a registered petroleum engineer.

This bill would delete the provisions relating to petroleum geologists described above. The bill would also make technical, nonsubstantive changes to one of these provisions.

Existing law, under the Geologist and Geophysicist Act, sets forth procedures for the discipline of a registrant or certificate holder, as specified, subject to provisions governing administrative proceedings.

This bill would set forth additional procedures that would apply to a registrant or certificate holder who has been subject to discipline and who petitions the board for reinstatement or modification of penalty, as specified.

(6) Existing law, the Professional Land Surveyors’ Act, provides for the licensing and regulation of professional land surveyors by the Board

for Professional Engineers, Land Surveyors, and Geologists. The act requires that land survey monuments be set sufficient in number and durability and efficiently placed so as not to be readily disturbed and to assure the perpetuation or easy reestablishment of a survey point or line. The act makes a violation of its provisions a misdemeanor.

The Professional Engineers Act provides for the licensing and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. The act states the intent of the Legislature that the act's registration requirements that are imposed on private professional engineers are also imposed on public entities and requires that at least one registered engineer be designated the person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county. The act makes a violation of its provisions a misdemeanor.

This bill would require that at least one person authorized to practice land surveying be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district. The bill would revise nomenclature associated with actions that affect land survey monuments. The bill would require that the governmental agency performing or permitting construction or maintenance work be responsible for ensuring that the landowner or governmental agency performing the work provides for monument perpetuation. The bill would require that the designated person in responsible charge of professional engineering work for a governmental entity, pursuant to the Professional Engineers Act, be responsible for the requirements associated with monuments under the Professional Land Surveyors' Act, as described above. By creating new duties for local officials and expanding the definition of a crime, the bill would impose a state-mandated local program.

(7) Existing law requires a person transacting business in the state under a fictitious name, as defined, to file, with the county clerk of the county where the business is located, a statement including specified information and to declare that the information is true and correct. Existing law requires that a registrant or an agent filing on behalf of a registrant present a California driver's license or other personal government identification acceptable to the county clerk to adequately determine the registrant's identity or agent's identity, as specified. Existing law authorizes the county clerk to require the registrant to

complete and sign an affidavit of identity statement on a form prescribed by the county clerk, and to require an agent submitting the filings on behalf of a registrant to also complete and sign an affidavit of identity statement declaring that the registrant has authorized the agent to make the filings on behalf of the registrant. Existing law requires a registrant that is a corporation, limited liability company, or limited liability partnership, and that is required by the county clerk to file an affidavit of identity statement, to submit with its affidavit a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing.

This bill would instead authorize the county clerk to require a registrant that is a corporation, limited partnership, limited liability company, or limited liability partnership to submit documentary evidence issued by the Secretary of State indicating the current existence and good standing of that business entity, deemed acceptable by the county clerk, with a notarized affidavit of identity. The bill would further authorize the county clerk to require an agent filing on behalf of the registrant to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing. The bill would also make clarifying changes to these provisions.

(8) Existing law defines and regulates the activities of professional photocopiers, as defined. Existing law requires a professional photocopier to be registered by the county clerk, and provides that a certificate of registration is effective for a 2-year period. Existing law also requires at least one person involved in the management of a professional photocopier to be a licensed notary public. Failure to comply with these provisions is a misdemeanor.

This bill would require the notary commission to remain valid during the 2-year period that the professional photocopier's certificate of registration is effective. The bill would also require the registrant to notify the county clerk and provide an updated valid notary commission if the commission expires prior to the expiration of the certificate of registration. By expanding a crime, the bill would create a state-mandated local program.

(9) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5)

(10) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings and declarations demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating as confidential electronic *mail* addresses provided to the California Board of Accountancy in order to protect the privacy of those individuals applying for a certified public accountant license.

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

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

1 SECTION 1. The Legislature finds and declares that in order
2 to protect the privacy of those individuals applying for a certified
3 public accountant license, it is necessary that electronic *mail*
4 addresses provided to the California Board of Accountancy
5 pursuant to Sections 2 and 3 of this act be confidential.

6 SEC. 2. Section 5070 of the Business and Professions Code is
7 amended to read:

8 5070. (a) Permits to engage in the practice of public
9 accountancy in this state shall be issued by the board only to
10 holders of the certificate of certified public accountant issued under
11 this chapter and to those partnerships, corporations, and other
12 persons who, upon application approved by the board, are
13 registered with the board under this chapter. Notwithstanding any
14 other law, the board may register an entity organized and authorized
15 to practice public accountancy under the laws of another state for
16 the purpose of allowing that entity to satisfy the registration
17 requirement set forth in Section 5096.12, if (1) the certified public
18 accountants providing services in California qualify for the practice
19 privilege, and (2) the entity satisfies all other requirements to
20 register in this state, other than its form of legal organization.

1 (b) All applicants for registration shall furnish satisfactory
2 evidence that the applicant is entitled to registration and shall pay
3 the fee as provided in Article 8 (commencing with Section 5130).
4 Every partnership, corporation, and other person to whom a permit
5 is issued shall, in addition to any other fee ~~which~~ *that* may be
6 payable, pay the initial permit fee provided in Article 8
7 (commencing with Section 5130).

8 (c) The board may collect, but shall not require, a valid
9 electronic *mail* address at the time of application for a certified
10 public accountant license. In the interest of protecting an
11 applicant's privacy, the electronic *mail* address shall not be
12 considered a public record and shall not be disclosed pursuant to
13 Section 27 or pursuant to a request under the California Public
14 Records Act (Chapter 3.5 (commencing with Section 6250) of
15 Division 7 of Title 1 of the Government Code), unless required
16 pursuant to a court order by a court of competent jurisdiction.

17 (d) Each partnership, corporation, and other person issued a
18 permit by the board to practice as a certified public accountant or
19 as a public accountant shall be furnished with a suitable certificate
20 evidencing that registration.

21 SEC. 3. Section 5070.5 of the Business and Professions Code
22 is amended to read:

23 5070.5. (a) (1) A permit issued under this chapter to a certified
24 public accountant or a public accountant expires at 12 midnight
25 on the last day of the month of the legal birthday of the licensee
26 during the second year of a two-year term if not renewed.

27 (2) To renew an unexpired permit, a permitholder shall, before
28 the time at which the permit would otherwise expire, apply for
29 renewal on a form prescribed by the board, pay the renewal fee
30 prescribed by this chapter, and give evidence satisfactory to the
31 board that he or she has complied with the continuing education
32 provisions of this chapter.

33 (3) The board may collect, but shall not require, a valid
34 electronic mail address on the renewal form described in paragraph
35 (1). In the interest of protecting an applicant's privacy, the
36 electronic mail address shall not be considered a public record and
37 shall not be disclosed pursuant to Section 27 or pursuant to a
38 request under the California Public Records Act (Chapter 3.5
39 (commencing with Section 6250) of Division 7 of Title 1 of the

1 Government Code), unless required pursuant to a court order by
2 a court of competent jurisdiction.

3 (b) A permit to practice as an accountancy partnership or an
4 accountancy corporation expires at 12 midnight on the last day of
5 the month in which the permit was initially issued during the
6 second year of a two-year term if not renewed. To renew an
7 unexpired permit, the permitholder shall, before the time at which
8 the permit would otherwise expire, apply for renewal on a form
9 prescribed by the board, pay the renewal fee prescribed by this
10 chapter, and provide evidence satisfactory to the board that the
11 accountancy partnership or accountancy corporation is in
12 compliance with this chapter.

13 SEC. 4. Section 5093 of the Business and Professions Code is
14 amended to read:

15 5093. (a) To qualify for the certified public accountant license,
16 an applicant who is applying under this section shall meet the
17 education, examination, and experience requirements specified in
18 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
19 this article. The board may adopt regulations as necessary to
20 implement this section.

21 (b) (1) An applicant for admission to the certified public
22 accountant examination under this section shall present satisfactory
23 evidence that the applicant has completed a baccalaureate or higher
24 degree conferred by a degree-granting university, college, or other
25 institution of learning accredited by a regional or national
26 accrediting agency included in a list of these agencies published
27 by the United States Secretary of Education under the requirements
28 of the *federal* Higher Education Act of 1965 as amended (20 U.S.C.
29 Sec. 1001 et seq.), or meeting, at a minimum, the standards
30 described in subdivision (c) of Section 5094. The total educational
31 program shall include a minimum of 24 semester units in
32 accounting subjects and 24 semester units in business-related
33 subjects. This evidence shall be provided at the time of application
34 for admission to the examination, except that an applicant who
35 applied, qualified, and sat for at least two subjects of the
36 examination for the certified public accountant license before May
37 15, 2002, may provide this evidence at the time of application for
38 licensure.

39 (A) An applicant enrolled in a program at an institution as
40 described in this paragraph that grants conferral of a baccalaureate

1 degree upon completion of the 150 semester units required by
2 paragraph (2) of this subdivision may satisfy the requirements of
3 this paragraph if the applicant's institution mails the applicant's
4 official transcript or its equivalent together or separately with a
5 letter signed by the institution's registrar, or its equivalent, directly
6 to the board pursuant to subdivision (c) of Section 5094. The letter
7 shall include all of the following:

8 (i) A statement that the applicant is enrolled and in good
9 standing in a program that will result in the conferral of a
10 baccalaureate degree upon completion of either a master's degree
11 or the 150 semester units required by paragraph (2) of this
12 subdivision.

13 (ii) A statement that the applicant has completed all
14 requirements, including general education and elective
15 requirements, for a baccalaureate degree and the only reason the
16 college or university has yet to confer the degree is because the
17 applicant is enrolled in a program that confers a baccalaureate
18 degree upon completion of either a master's degree or the 150
19 semester units required by paragraph (2) of this subdivision.

20 (iii) The date on which the applicant met all of the college's or
21 university's requirements for conferral of a baccalaureate degree.

22 (B) The total educational program for an applicant described in
23 subparagraph (A) shall include a minimum of 24 semester units
24 in accounting subjects and 24 semester units in business-related
25 subjects. This evidence shall be provided at the time of application
26 for admission to the examination, except that an applicant who
27 applied, qualified, and sat for at least two subjects of the
28 examination for the certified public accountant license before May
29 15, 2002, may provide this evidence at the time of application for
30 licensure.

31 (2) An applicant for issuance of the certified public accountant
32 license under this section shall present satisfactory evidence that
33 the applicant has completed at least 150 semester units of college
34 education, including a baccalaureate or higher degree conferred
35 by a college or university, meeting, at a minimum, the standards
36 described in Section 5094, the total educational program to include
37 a minimum of 24 semester units in accounting subjects, 24 semester
38 units in business-related subjects, and, after December 31, 2013,
39 shall also include a minimum of 10 units of ethics study consistent
40 with the requirements set forth in Section 5094.3 and 20 units of

1 accounting study consistent with the regulations promulgated under
2 subdivision (c) of Section 5094.6. This evidence shall be presented
3 at the time of application for the certified public accountant license.
4 Nothing in this paragraph shall be deemed inconsistent with Section
5 5094 or 5094.6. Nothing in this paragraph shall be construed to
6 be inconsistent with prevailing academic practice regarding the
7 completion of units.

8 (c) An applicant for the certified public accountant license shall
9 pass an examination prescribed by the board.

10 (d) (1) The applicant shall show, to the satisfaction of the board,
11 that the applicant has had one year of qualifying experience. This
12 experience may include providing any type of service or advice
13 involving the use of accounting, attest, compilation, management
14 advisory, financial advisory, tax, or consulting skills.

15 (2) To be qualifying under this section, experience shall have
16 been performed in accordance with applicable professional
17 standards. Experience in public accounting shall be completed
18 under the supervision or in the employ of a person licensed or
19 otherwise having comparable authority under the laws of any state
20 or country to engage in the practice of public accountancy.
21 Experience in private or governmental accounting or auditing shall
22 be completed under the supervision of an individual licensed by
23 a state to engage in the practice of public accountancy.

24 (3) Notwithstanding paragraph (2), the board may, by regulation,
25 allow experience in academia to be qualifying under this section.

26 (e) Applicants completing education at a college or university
27 located outside of this state, meeting, at a minimum, the standards
28 described in Section 5094, shall be deemed to meet the educational
29 requirements of this section if the board determines that the
30 education is substantially equivalent to the standards of education
31 specified under this chapter.

32 (f) An applicant who has successfully passed the examination
33 requirement specified under Section 5082 on or before December
34 31, 2013, may qualify for the certified public accountant license
35 without satisfying the 10 semester units of study set forth in Section
36 5094.3 or 20 semester units of accounting study consistent with
37 the regulations promulgated under Section 5094.6, if the applicant
38 completes all other requirements for the issuance of a license on
39 or before December 31, 2015.

1 SEC. 5. Section 5096 of the Business and Professions Code,
2 as amended by Section 3 of Chapter 319 of the Statutes of 2013,
3 is 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 a notice, fee, or other requirement shall not be
31 imposed 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, and is exercising the practice privilege in California:

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 report to the board in writing any pending criminal
22 charges, other than for a minor traffic violation, in any jurisdiction
23 within 30 days of the date the individual has knowledge of those
24 charges.

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

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

1 was intentional, that individual's practice privilege shall be revoked
2 and there shall be no possibility of reinstatement for a minimum
3 of two years.

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

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

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

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

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

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

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

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

1 be prohibited from practicing in this state in the same manner as
2 if a licensee has his or her practice privilege revoked and there
3 shall be no possibility of reinstatement for a minimum of two years.

4 (j) 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. 6. Section 5096.4 of the Business and Professions Code,
8 as added by Section 20 of Chapter 411 of the Statutes of 2012, is
9 amended to read:

10 5096.4. (a) The right of an individual to practice in this state
11 under a practice privilege may be administratively suspended at
12 any time by an order issued by the board or its executive officer,
13 without prior notice or hearing, for the purpose of conducting a
14 disciplinary investigation, proceeding, or inquiry concerning the
15 individual's competence or qualifications to practice under practice
16 privileges, failure to timely respond to a board inquiry or request
17 for information or documents, or under other conditions and
18 circumstances provided for by board regulation. The board shall
19 consult the Public Company Accounting Oversight Board and the
20 United States Securities and Exchange Commission at least once
21 every six months to identify out-of-state licensees who may have
22 disqualifying conditions or who may be obliged to cease practice,
23 and shall disclose, pursuant to this subdivision, whether those
24 out-of-state licensees are lawfully permitted to exercise the
25 privilege. Disclosure of this information shall not be considered
26 discipline.

27 (b) The administrative suspension order is immediately effective
28 when mailed to the individual's address of record or agent for
29 notice and service as provided for in this article.

30 (c) The administrative suspension order shall contain the
31 following:

32 (1) The reason for the suspension.

33 (2) A statement that the individual has the right, within 30 days,
34 to appeal the administrative suspension order and request a hearing.

35 (3) A statement that any appeal hearing will be conducted under
36 the provisions of the Administrative Procedure Act (Chapter 3.5
37 (commencing with Section 11340) of Part 1 of Division 3 of Title
38 2 of the Government Code) applicable to individuals who are
39 denied licensure, including the filing of a statement of issues by
40 the board setting forth the reasons for the administrative suspension

1 of practice privileges and specifying the statutes and rules with
2 which the individual must show compliance by producing proof
3 at the hearing and in addition any particular matters that have come
4 to the attention of the board and that would authorize the
5 administrative suspension, or the revocation of practice privileges.

6 (d) The burden is on the holder of the suspended practice
7 privilege to establish both qualification and fitness to practice
8 under practice privileges.

9 (e) The administrative suspension shall continue in effect until
10 terminated by an order of the board or the executive officer.

11 (f) Administrative suspension is not discipline and shall not
12 preclude any individual from applying for a license to practice
13 public accountancy in this state.

14 (g) Proceedings to appeal an administrative suspension order
15 may be combined or coordinated with proceedings for revocation
16 or discipline of a practice privilege.

17 (h) This section shall become operative on July 1, 2013.

18 (i) This section shall remain in effect only until January 1, 2019,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2019, deletes or extends that date.

21 SEC. 7. Section 5096.4 of the Business and Professions Code,
22 as added by Section 21 of Chapter 411 of the Statutes of 2012, is
23 amended to read:

24 5096.4. (a) The right of an individual to practice in this state
25 under a practice privilege may be administratively suspended at
26 any time by an order issued by the board or its executive officer,
27 without prior notice or hearing, for the purpose of conducting a
28 disciplinary investigation, proceeding, or inquiry concerning the
29 representations made in the notice, the individual's competence
30 or qualifications to practice under practice privileges, failure to
31 timely respond to a board inquiry or request for information or
32 documents, or under other conditions and circumstances provided
33 for by board regulation.

34 (b) The administrative suspension order is immediately effective
35 when mailed to the individual's address of record or agent for
36 notice and service as provided for in this article.

37 (c) The administrative suspension order shall contain the
38 following:

39 (1) The reason for the suspension.

1 (2) A statement that the individual has the right, within 30 days,
2 to appeal the administrative suspension order and request a hearing.

3 (3) A statement that any appeal hearing will be conducted under
4 the Administrative Procedure Act (Chapter 3.5 (commencing with
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code) applicable to individuals who are denied licensure, including
7 the filing of a statement of issues by the board setting forth the
8 reasons for the administrative suspension of practice privileges
9 and specifying the statutes and rules with which the individual
10 must show compliance by producing proof at the hearing and in
11 addition any particular matters that have come to the attention of
12 the board and that would authorize the administrative suspension,
13 or the denial of practice privileges.

14 (d) The burden is on the holder of the suspended practice
15 privilege to establish both qualification and fitness to practice
16 under practice privileges.

17 (e) The administrative suspension shall continue in effect until
18 terminated by an order of the board or the executive officer or
19 expiration of the practice privilege under administrative suspension.

20 (f) Administrative suspension is not discipline and shall not
21 preclude any individual from applying for a license to practice
22 public accountancy in this state or from applying for a new practice
23 privilege upon expiration of the one under administrative
24 suspension, except that the new practice privilege shall not be
25 effective until approved by the board.

26 (g) Notwithstanding any administrative suspension, a practice
27 privilege expires one year from the date of notice unless a shorter
28 period is set by board regulation.

29 (h) Proceedings to appeal an administrative suspension order
30 may be combined or coordinated with proceedings for denial or
31 discipline of a practice privilege.

32 (i) This section shall become operative on January 1, 2019.

33 *SEC. 8. Section 6730.2 of the Business and Professions Code*
34 *is amended to read:*

35 6730.2. (a) It is the intent of the Legislature that the
36 registration requirements that are imposed upon private sector
37 professional engineers and engineering partnerships, firms, or
38 corporations shall be imposed upon the state and any city, county,
39 or city and county that shall adhere to those requirements.
40 Therefore, for the purposes of Section 6730 and this chapter, at

1 least one registered engineer shall be designated the person in
2 responsible charge of professional engineering work for each
3 branch of professional engineering practiced in any department or
4 agency of the state, city, county, or city and county.

5 ~~Any~~

6 (b) Any department or agency of the state or any city, county,
7 or city and county ~~which~~ that has an unregistered person in
8 responsible charge of engineering work on January 1, 1985, shall
9 be exempt from this requirement until that time as the person
10 currently in responsible charge is replaced.

11 (c) *The designated person in responsible charge of professional*
12 *engineering work of any department or agency of the state, city,*
13 *county, city and county, district, or special district pursuant to this*
14 *section is responsible for ensuring compliance with subdivisions*
15 *(b) and (c) of Section 8771.*

16 *SEC. 9. Section 6735 of the Business and Professions Code is*
17 *amended to read:*

18 6735. (a) All civil (including structural and geotechnical)
19 engineering plans, calculations, specifications, and reports
20 (hereinafter referred to as “documents”) shall be prepared by, or
21 under the responsible charge of, a licensed civil engineer and shall
22 include his or her name and license number. Interim documents
23 shall include a notation as to the intended purpose of the document,
24 such as “preliminary,” “not for construction,” “for plan check
25 only,” or “for review only.” All civil engineering plans and
26 specifications that are permitted or that are to be released for
27 construction shall bear the signature and seal or stamp of the
28 licensee and the date of signing and sealing or stamping. All final
29 civil engineering calculations and reports shall bear the signature
30 and seal or stamp of the licensee, and the date of signing and
31 sealing or stamping. If civil engineering plans are required to be
32 signed and sealed or stamped and have multiple sheets, the
33 signature, seal or stamp, and date of signing and sealing or
34 stamping shall appear on each sheet of the plans. If civil
35 engineering specifications, calculations, and reports are required
36 to be signed and sealed or stamped and have multiple pages, the
37 signature, seal or stamp, and date of signing and sealing or
38 stamping shall appear at a minimum on the title sheet, cover sheet,
39 or signature sheet.

1 (b) All civil engineering plans, calculations, specifications, and
 2 reports for the construction of the following structures shall be
 3 prepared by, or under the responsible charge of, a licensed civil
 4 engineer who is also licensed as a structural engineer in
 5 accordance with Section 6736:

6 (1) Hospitals and other medical facilities having surgery and
 7 emergency treatment areas, as provided under Part 7 (commencing
 8 with Section 129675) of Division 107 of the Health and Safety
 9 Code.

10 (2) All public school facilities, as provided under Chapter 3
 11 (commencing with Section 17251) of Part 10.5 of Division 1 of
 12 Title 1 of the Education Code.

13 ~~(b)~~

14 (c) Notwithstanding subdivision (a) or (b), a licensed civil
 15 engineer who signs civil engineering documents shall not be
 16 responsible for damage caused by subsequent changes to or uses
 17 of those documents, if the subsequent changes or uses, including
 18 changes or uses made by state or local governmental agencies, are
 19 not authorized or approved by the licensed civil engineer who
 20 originally signed the documents, provided that the engineering
 21 service rendered by the civil engineer who signed the documents
 22 was not also a proximate cause of the damage.

23 ~~SEC. 8.~~

24 *SEC. 10.* Section 6759 of the Business and Professions Code
 25 is amended to read:

26 6759. The board, upon application therefor, on its prescribed
 27 form, and the payment of the fee fixed by this chapter, may issue
 28 a certificate of registration as a professional engineer, without
 29 written examination, to any person holding a certificate of
 30 registration issued to him or her by any state or country when the
 31 applicant's qualifications meet the requirements of this chapter
 32 and rules established by the board. The board shall not require a
 33 comity applicant to meet any requirement not required of California
 34 applicants. For purposes of this section, equivalent second division
 35 examinations shall be written examinations prepared by or
 36 administered by a state or territory either by single or combined
 37 branch at the level generally administered by the board to persons
 38 who passed or were exempted from the first division examination.
 39 Applicants who have passed an equivalent second division
 40 combined branch or a single branch examination in a branch not

1 recognized for registration in California shall be registered in the
2 branch in which their experience and education indicate the closest
3 relationship.

4 ~~SEC. 9.~~

5 *SEC. 11.* Section 7011.4 of the Business and Professions Code
6 is amended to read:

7 7011.4. (a) Notwithstanding Section 7011, there is in the
8 Contractors' State License Board, a separate enforcement division
9 that shall rigorously enforce this chapter prohibiting all forms of
10 unlicensed activity.

11 (b) Persons employed as enforcement representatives of the
12 Contractors' State License Board and designated by the Director
13 of Consumer Affairs shall have the authority to issue a written
14 notice to appear in court pursuant to Chapter 5c (commencing with
15 Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee
16 so designated is not a peace officer and is not entitled to safety
17 member retirement benefits as a result of that designation. He or
18 she does not have the power of arrest.

19 *SEC. 12.* Section 7685 of the Business and Professions Code
20 is amended to read:

21 7685. (a) (1) Every funeral director shall provide to any
22 person, upon beginning discussion of prices or of the funeral goods
23 and services offered, a written or printed list containing, but not
24 necessarily limited to, the price for professional services offered,
25 which may include the funeral director's services, the preparation
26 of the body, the use of facilities, and the use of automotive
27 equipment. All services included in this price or prices shall be
28 enumerated. The funeral director shall also provide a statement on
29 that list that gives the price range for all caskets offered for sale.

30 (2) The list shall also include a statement indicating that the
31 survivor of the deceased who is handling the funeral arrangements,
32 or the responsible party, is entitled to receive, prior to the drafting
33 of any contract, a copy of any preneed agreement that has been
34 signed and paid for, in full or in part, by or on behalf of the
35 deceased, and that is in the possession of the funeral establishment.

36 (3) The funeral director shall also provide a written statement
37 or list that, at a minimum, specifically identifies a particular casket
38 or caskets by price and by thickness of metal, or type of wood, or
39 other construction, interior and color, in addition to other casket
40 identification requirements under Part 453 of Title 16 of the Code

1 of Federal Regulations and any subsequent version of this
2 regulation, when a request for specific information on a casket or
3 caskets is made in person by any individual. Prices of caskets and
4 other identifying features such as thickness of metal, or type of
5 wood, or other construction, interior and color, in addition to other
6 casket identification requirements required to be given over the
7 telephone by Part 453 of Title 16 of the Code of Federal
8 Regulations and any subsequent version of this regulation, shall
9 be provided over the telephone, if requested.

10 (b) (1) Each licensed funeral establishment that maintains an
11 Internet Web site shall post on its Internet Web site the list of
12 funeral goods and services that are required to be included in the
13 establishment's general price list, pursuant to federal rule, and a
14 statement that the general price list is available upon request.

15 (2) Information posted pursuant to paragraph (1) shall be
16 provided by a link from the home page of the Internet Web site.
17 *site using the words "price information" or a similar phrase that*
18 *includes the word "price."*

19 (3) An establishment that posts on its Internet Web site home
20 page the words "price information" or a similar phrase that includes
21 the word "price," with a link that leads to the establishment's
22 general price list, need not comply with ~~paragraphs~~ *paragraph* (1)
23 or (2).

24 (4) Nothing in this subdivision shall be construed to affect an
25 establishment's obligations under federal or state law effective
26 prior to January 1, 2013.

27 ~~(5) This subdivision shall become operative on January 1, 2013.~~
28 ~~SEC. 10.~~

29 *SEC. 13.* Section 7842 of the Business and Professions Code
30 is amended to read:

31 7842. An applicant for certification in a specialty in geology
32 shall meet all of the requirements of Section 7841 and, in addition,
33 his or her seven years of professional geological work shall include
34 one of the following:

35 (a) A minimum of three years performed under the supervision
36 of a geologist certified in the specialty for which the applicant is
37 seeking certification or under the supervision of a registered civil
38 engineer if the applicant is seeking certification as an engineering
39 geologist, except that prior to July 1, 1970, professional geological
40 work shall qualify under this subdivision if it is performed under

1 the supervision of a geologist qualified in the specialty for which
2 the applicant is seeking certification or under the supervision of a
3 registered civil engineer if the applicant is seeking certification as
4 an engineering geologist.

5 (b) A minimum of five years' experience in responsible charge
6 of professional geological work in the specialty for which the
7 applicant is seeking certification.

8 ~~SEC. 11.~~

9 *SEC. 14.* Section 7860 of the Business and Professions Code
10 is amended to read:

11 7860. (a) The board may, upon its own initiative or upon the
12 receipt of a complaint, investigate the actions of any professional
13 geologist or geophysicist, and make findings thereon.

14 (b) By a majority vote, the board may publicly reprove, suspend
15 for a period not to exceed two years, or revoke the certificate of
16 any geologist or geophysicist registered hereunder, on any of the
17 following grounds:

18 (1) Conviction of a crime substantially related to the
19 qualifications, functions, or duties of a geologist or geophysicist.

20 (2) Misrepresentation, fraud, or deceit by a geologist or
21 geophysicist in his or her practice.

22 (3) Negligence or incompetence by a geologist or geophysicist
23 in his or her practice.

24 (4) Violation of any contract undertaken in the capacity of a
25 geologist or geophysicist.

26 (5) Fraud or deceit in obtaining a certificate to practice as a
27 geologist or geophysicist.

28 (c) By a majority vote, the board may publicly reprove, suspend
29 for a period not to exceed two years, or may revoke the certificate
30 of any geologist or geophysicist registered under this chapter, for
31 unprofessional conduct. Unprofessional conduct includes, but is
32 not limited to, any of the following:

33 (1) Aiding or abetting any person in a violation of this chapter
34 or any regulation adopted by the board pursuant to this chapter.

35 (2) Violating this chapter or any regulation adopted by the board
36 pursuant to this chapter.

37 (3) Conduct in the course of practice as a geologist or
38 geophysicist that violates professional standards adopted by the
39 board.

1 *SEC. 15. Section 7864 is added to the Business and Professions*
2 *Code, to read:*

3 7864. (a) *A petitioner may petition the board for reinstatement*
4 *or modification of penalty, including reduction, modification, or*
5 *termination of probation, after the following minimum periods*
6 *have elapsed from the effective date of the decision ordering the*
7 *disciplinary action, or if the order of the board or any portion of*
8 *it is stayed by a court, from the date the disciplinary action is*
9 *actually implemented in its entirety:*

10 (1) *Except as otherwise provided in this section, at least three*
11 *years for reinstatement of a certificate that was revoked or*
12 *surrendered. However, the board may, in its sole discretion, specify*
13 *in its order of revocation or surrender a lesser period of time that*
14 *shall be at a minimum of one year.*

15 (2) *At least two years for early termination of a probation period*
16 *of three years or more.*

17 (3) *At least one year for early termination of a probation period*
18 *of less than three years.*

19 (4) *At least one year for reduction or modification of a condition*
20 *of probation.*

21 (b) *The board shall notify the Attorney General of the filing of*
22 *the petition. The petitioner and the Attorney General shall be given*
23 *timely notice by letter of the time and place of the hearing on the*
24 *petition, and the petitioner and the Attorney General shall be given*
25 *the opportunity to present both oral and documentary evidence*
26 *and argument to the board. The petitioner shall at all times have*
27 *the burden of proof to establish by clear and convincing evidence*
28 *that he or she is entitled to the relief sought in the petition.*

29 (c) *The board itself or an administrative law judge, if one is*
30 *designated by the board, shall hear the petition and shall prepare*
31 *a written decision setting forth the reasons supporting the decision.*

32 (d) *The board may grant or deny the petition or may impose*
33 *any terms and conditions that it reasonably deems appropriate as*
34 *a condition of reinstatement or reduction or modification of the*
35 *penalty.*

36 (e) *A petition shall not be considered while the petitioner is*
37 *under sentence for any criminal offense, including any period*
38 *during which the petitioner is on court-imposed probation or*
39 *parole. A petition shall not be considered while there is an*

1 *accusation or petition to revoke probation pending against the*
2 *petitioner.*

3 *(f) The board may, in its discretion, deny without hearing or*
4 *argument any petition that is filed pursuant to this section within*
5 *a period of two years from the effective date of a prior decision*
6 *following a hearing under this section.*

7 *(g) Judicial review of the board's decision following a hearing*
8 *under this section may be sought by way of a petition for writ of*
9 *administrative mandamus pursuant to Section 1094.5 of the Code*
10 *of Civil Procedure. The party seeking to overturn the board's*
11 *decision shall have the burden of proof in any mandamus*
12 *proceeding. In the mandamus proceeding, if it is alleged that there*
13 *has been an abuse of discretion because the board's findings are*
14 *not supported by the evidence, abuse of discretion is established*
15 *if the court determines that the findings are not supported by*
16 *substantial evidence in light of the whole record.*

17 *(h) The following definitions shall apply for purposes of this*
18 *section:*

19 *(1) "Certificate" includes a certificate of registration or license*
20 *as a professional geologist or professional geophysicist or*
21 *certification as a geologist-in-training.*

22 *(2) "Petitioner" means a professional geologist or professional*
23 *geophysicist or a geologist-in-training whose certificate has been*
24 *revoked, suspended, or surrendered or placed on probation.*

25 *SEC. 16. Section 8725.1 is added to the Business and*
26 *Professions Code, to read:*

27 *8725.1. It is the intent of the Legislature that the registration*
28 *requirements that are imposed upon private sector professional*
29 *land surveyors and land surveying partnerships, firms, or*
30 *corporations shall be imposed upon the state and any city, county,*
31 *and city and county that shall adhere to those requirements.*
32 *Therefore, for the purposes of Section 8725 and this chapter, at*
33 *least one person authorized to practice land surveying shall be*
34 *designated the person in responsible charge of professional land*
35 *surveying work practiced in any department or agency of the state,*
36 *city, county, city and county, district, or special district.*

37 *SEC. 17. Section 8771 of the Business and Professions Code*
38 *is amended to read:*

39 *8771. (a) Monuments set shall be sufficient in number and*
40 *durability and efficiently placed so as not to be readily disturbed,*

1 to assure, together with monuments already existing, the
2 perpetuation or facile reestablishment of any point or line of the
3 survey.

4 (b) When monuments exist that control the location of
5 subdivisions, tracts, boundaries, roads, streets, or highways, or
6 provide horizontal or vertical survey control, the monuments shall
7 be located and referenced by or under the direction of a licensed
8 land surveyor or registered civil engineer prior to the time when
9 any streets, highways, other rights-of-way, or easements are
10 improved, constructed, reconstructed, maintained, resurfaced, or
11 relocated, and a corner record or record of survey of the references
12 shall be filed with the county surveyor. ~~They~~

13 (c) *A permanent monument shall be reset in the surface of the*
14 *new construction, a suitable monument box placed thereon, or*
15 *permanent or a witness monument or monuments set to perpetuate*
16 *their the location if any monument could be destroyed, damaged,*
17 *covered, disturbed, or otherwise obliterated, and a corner record*
18 *or record of survey shall be filed with the county surveyor prior*
19 *to the recording of a certificate of completion for the project.*
20 *Sufficient controlling monuments shall be retained or replaced in*
21 *their original positions to enable property, right-of-way and*
22 *easement lines, property corners, and subdivision and tract*
23 *boundaries to be reestablished without devious surveys necessarily*
24 *originating on monuments differing from those that currently*
25 *control the area. It shall be the responsibility of*

26 (d) *The governmental agency performing or permitting*
27 *construction or maintenance work is responsible for ensuring that*
28 *either the governmental agency or others landowner performing*
29 *the construction or maintenance work to provide for the*
30 *monumentation provides for monument perpetuation required by*
31 *this section. It*

32 (e) *It shall be the duty of every land surveyor or civil engineer*
33 *to cooperate with assist the governmental agency in matters of*
34 *maps, field notes, and other pertinent records. Monuments set to*
35 *mark the limiting lines of highways, roads, streets or right-of-way*
36 *or easement lines shall not be deemed adequate for this purpose,*
37 *unless specifically noted on the corner record or record of survey*
38 *of the improvement works with direct ties in bearing or azimuth*
39 *and distance between these and other monuments of record.*

40 (e)

1 (f) The decision to file either the required corner record or a
2 record of survey pursuant to subdivision (b) or (c) shall be at the
3 election of the licensed land surveyor or registered civil engineer
4 submitting the document.

5 SEC. 18. Section 17901 of the Business and Professions Code
6 is amended to read:

7 17901. As used in this chapter, “general partner” means:

8 (a) In the case of a partnership, a general partner, as defined in
9 Section 15901.02 of the Corporations Code.

10 (b) In the case of an unincorporated association other than a
11 partnership, a person interested in ~~such~~ the business of the
12 association whose liability with respect to the ~~business~~ association
13 is substantially the same as that of a general partner, as defined in
14 Section 15901.02 of the Corporations Code.

15 SEC. 19. Section 17913 of the Business and Professions Code
16 is amended to read:

17 17913. (a) The fictitious business name statement shall contain
18 all of the information required by this subdivision and shall be
19 substantially in the following form:

20
21 FICTITIOUS BUSINESS NAME STATEMENT

22 The following person (persons) is (are) doing business as

23 * _____

24 at ** _____:

25 *** _____

26 _____

27 _____

28 _____

29 This business is conducted by **** _____

30 The registrant commenced to transact business under the fictitious business
31 name or names listed above on

32 ***** _____

33 I declare that all information in this statement is true and correct. (A registrant
34 who declares as true any material matter pursuant to Section 17913 of the
35 Business and Professions Code that the registrant knows to be false is guilty
36 of a misdemeanor punishable by a fine not to exceed one thousand dollars
37 (\$1,000).)

38 Registrant signature _____

39 Statement filed with the County Clerk of ____ County on _____

40

1 NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF
2 SECTION 17920, A FICTITIOUS NAME STATEMENT
3 GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM
4 THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF
5 THE COUNTY CLERK, EXCEPT, AS PROVIDED IN
6 SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES
7 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH
8 IN THE STATEMENT PURSUANT TO SECTION 17913
9 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS
10 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS
11 NAME STATEMENT MUST BE FILED BEFORE THE
12 EXPIRATION.

13 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF
14 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS
15 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF
16 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW
17 (SEE SECTION 14411 ET SEQ., BUSINESS AND
18 PROFESSIONS CODE).

19

20 (b) The *fictitious business name* statement shall contain the
21 following information set forth in the manner indicated in the form
22 provided by subdivision (a):

23 (1) Where the asterisk (*) appears in the form, insert the
24 fictitious business name or names. Only those businesses operated
25 at the same address and under the same ownership may be listed
26 on one *fictitious business name* statement.

27 (2) Where the two asterisks (**) appear in the form: If the
28 registrant has a place of business in this state, insert the street
29 address, and county, of his or her principal place of business in
30 this state. If the registrant has no place of business in this state,
31 insert the street address, and county, of his or her principal place
32 of business outside this state.

33 (3) Where the three asterisks (***) appear in the form: If the
34 registrant is an individual, insert his or her full name and residence
35 address. If the registrants are a married couple, insert the full name
36 and residence address of both parties to the marriage. If the
37 registrant is a general partnership, copartnership, joint venture, *or*
38 limited liability partnership, ~~or unincorporated association other~~
39 ~~than a partnership~~, insert the full name and residence address of
40 each general partner. If the registrant is a limited partnership, insert

1 the full name and residence address of each general partner. If the
2 registrant is a limited liability company, insert the name and
3 address of the limited liability company, as set out in its articles
4 of organization on file with the California Secretary of State, and
5 the state of organization. If the registrant is a trust, insert the full
6 name and residence address of each trustee. If the registrant is a
7 corporation, insert the name and address of the corporation, as set
8 out in its articles of incorporation on file with the California
9 Secretary of State, and the state of incorporation. If the registrants
10 are state or local registered domestic partners, insert the full name
11 and residence address of each domestic partner. *If the registrant*
12 *is an unincorporated association other than a partnership, insert*
13 *the name of each person who is interested in the business of the*
14 *association and whose liability with respect to the association is*
15 *substantially the same as that of a general partner.*

16 (4) Where the four asterisks (****) appear in the form, insert
17 whichever of the following best describes the nature of the
18 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a
19 limited partnership,” (iv) “a limited liability company,” (v) “an
20 unincorporated association other than a partnership,” (vi) “a
21 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married
22 couple,” (x) “joint venture,” (xi) “state or local registered domestic
23 partners,” or (xii) “a limited liability partnership.”

24 (5) Where the five asterisks (*****) appear in the form, insert
25 the date on which the registrant first commenced to transact
26 business under the fictitious business name or names listed, if
27 already transacting business under that name or names. If the
28 registrant has not yet commenced to transact business under the
29 fictitious business name or names listed, insert the statement, “Not
30 applicable.”

31 (c) The registrant shall declare that all of the information in the
32 *fictitious business* statement is true and correct. A registrant who
33 declares as true any material matter pursuant to this section that
34 the registrant knows to be false is guilty of a misdemeanor
35 punishable by a fine not to exceed one thousand dollars (\$1,000).

36 (d) (1) At the time of filing of the fictitious business name
37 statement, the registrant ~~or agent~~ filing on behalf of the registrant
38 shall present personal identification in the form of a California
39 driver’s license or other government identification acceptable to
40 the county clerk to adequately determine the identity of the

1 registrant ~~or agent~~ filing on behalf of the registrant as provided in
2 subdivision (e) and the county clerk may require the registrant to
3 complete and sign an affidavit of ~~identity statement~~. ~~In identity.~~

4 (2) *In the case of a registrant utilizing an agent for submission*
5 *of the registrant's fictitious business name statement for filing, ~~the~~*
6 *at the time of filing of the fictitious business name statement, the*
7 *agent filing on behalf of the registrant shall present personal*
8 *identification in the form of a California driver's license or other*
9 *government identification acceptable to the county clerk to*
10 *adequately determine the identity of the agent filing on behalf of*
11 *the registrant as provided in subdivision (e). The county clerk may*
12 *also require the agent to ~~complete and sign an affidavit of identity~~*
13 *submit a notarized statement signed by the registrant declaring*
14 *the registrant has authorized the agent to submit the filing on behalf*
15 *of the registrant.*

16 (e) If the registrant is a corporation, a limited liability company,
17 a limited partnership, or a limited liability partnership, ~~an original~~
18 ~~certificate of status~~ *the county clerk may require documentary*
19 *evidence issued by the Secretary of State ~~certifying and deemed~~*
20 *acceptable by the county clerk, indicating the current existence*
21 *and good standing of that business entity ~~shall be deemed~~*
22 *acceptable and shall to be attached to a completed and notarized*
23 *affidavit of identity ~~statement, if required by the county clerk, for~~*
24 *purposes of subdivision (d).*

25 (f) The county clerk may require a registrant that mails a
26 fictitious business name statement to a county clerk's office for
27 filing to submit a completed and notarized affidavit of identity
28 ~~statement~~. A registrant that is a corporation, limited liability
29 company, *limited partnership*, or limited liability partnership, if
30 required by the county clerk to submit an affidavit of ~~identity~~
31 ~~statement~~ *identity*, shall also submit ~~an original certificate of status~~
32 *documentary evidence* issued by the Secretary of State ~~certifying~~
33 *indicating* the current existence and good standing of that business
34 entity.

35 (g) A county clerk that chooses to establish procedures pursuant
36 to this section shall prescribe the form of affidavit of identity
37 ~~statement~~ for filing by a registrant ~~or its agent~~ in that county.

38 ~~(h) This section shall become operative on January 1, 2014.~~

39 *SEC. 20. Section 17914 of the Business and Professions Code*
40 *is amended to read:*

1 17914. The *fictitious business name* statement shall be signed
2 as follows:

- 3 (a) If the registrant is an individual, by the individual.
- 4 (b) If the registrants are a married couple, by either party to the
5 marriage.
- 6 (c) If the registrant is a general partnership, limited partnership,
7 limited liability partnership, copartnership, joint venture, or
8 unincorporated association other than a partnership, by a general
9 partner.
- 10 (d) If the registrant is a limited liability company, by a manager
11 or officer.
- 12 (e) If the registrant is a trust, by a trustee.
- 13 (f) If the registrant is a corporation, by an officer.
- 14 (g) If the registrant is a state or local registered domestic
15 partnership, by one of the domestic partners.

16 *SEC. 21. Section 17916 of the Business and Professions Code*
17 *is amended to read:*

18 17916. ~~(a)~~ Presentation for filing of an original fictitious
19 business name statement and one copy of the statement, with proper
20 identification, accompanied by a completed *and notarized* affidavit
21 of identity ~~statement~~, if required by the county clerk, and other
22 documents required in accordance with Section 17913, payment
23 of the filing fee, and acceptance of the statement by the county
24 clerk constitute filing under this chapter. The county clerk shall
25 note on the copy the file number, the date of filing the original,
26 and the date of expiration and shall certify and deliver the copy to
27 the registrant or the registrant's agent.

28 ~~(b) This section shall become operative on January 1, 2014.~~

29 *SEC. 22. Section 22454 of the Business and Professions Code*
30 *is amended to read:*

31 22454. (a) At least one person involved in the management
32 of a professional photocopier shall be required to hold a current
33 commission from the Secretary of State as a notary public in this
34 state. If the notary commission is held by someone other than the
35 registrant, written confirmation from the notary authorizing the
36 use of their commission for this registration is required.

37 (b) *The notary commission shall remain valid during the*
38 *two-year period that the professional photocopier's certificate of*
39 *registration is effective. The registrant shall notify the county clerk*

1 *and provide an updated valid notary commission if the commission*
2 *expires prior to the expiration of the certificate of registration.*

3 *SEC. 23. No reimbursement is required by this act pursuant*
4 *to Section 6 of Article XIII B of the California Constitution for*
5 *certain costs that may be incurred by a local agency or school*
6 *district because, in that regard, this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

12 *However, if the Commission on State Mandates determines that*
13 *this act contains other costs mandated by the state, reimbursement*
14 *to local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*