

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 3, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 177**

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**Introduced by Assembly Member Bonilla**  
(Coauthor: Senator Hill)

January 26, 2015

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An act to amend Sections 205, 207, 5510, 5517, 5620, 5621, 5622, 6710, ~~and 6714~~ of 6714, 6749, 6797, 7839.2, 7841, 7841.1, 7841.2, 8710, 8759, and 8800 of, to add Sections 6775.2, 7860.2, and 8780.2 to, to repeal Section 7885 of, and to repeal and add Section 7886 of, the Business and Professions Code, relating to professions and ~~vocations~~: vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 177, as amended, Bonilla. Professions and vocations: licensing boards: authority: extension.

~~The~~

(1) *The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land Surveyors, and Geologists, which consists of 15 members, in the Department of Consumer Affairs. The act requires the board to appoint an executive officer, as specified. Existing Under existing law, these provisions are reported on January 1, 2016.*

*This bill would extend the operation of these provisions until January 1, 2020. The bill would add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the*

*board to cooperate in the investigation of a complaint against that licensee or certificate holder. The bill would also make technical amendments to the act.*

*(2) Existing law provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which consists of 10 members, in the ~~department~~. Department of Consumer of Affairs. Existing law establishes, within the jurisdiction of the board, the Landscape Architects Technical Committee for the purpose of, among other things, assisting the board in the examination of candidates for a landscape architect's license. Under existing law, these provisions are repealed on January 1, 2016.*

*This bill would extend the operation of these provisions until January 1, 2020.*

*(3) The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is vested with the power to administer the act. Under existing law, these provisions are repealed on January 1, 2016.*

*This bill would extend the operation of these provisions until January 1, 2020. The bill would also add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.*

*(4) The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists and the certification of applicants in specialties in geology and geologists-in-training by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires an applicant for registration as a geologist to meet certain requirements, including, among others, that he or she has graduated with a major in geological sciences from college or university, and requires an applicant for registration as a geophysicist to meet certain requirements, including, among others, that he or she has completed a combination of at least 30 semester hours in courses, as specified. The act requires an applicant for certification as a geologist-in-training to comply with certain requirements, including, among others that the applicant successfully pass the Fundamentals of Geology examination.*

*This bill would provide for licensure instead of registration under the act. The bill would also allow an applicant for licensure as a*

*geologist to have graduated from a college or university with a major in a discipline other than geological sciences that, in the opinion of the board, is relevant to geology. The bill would also allows an applicant for licensure as a geophysicist to have completed at least the equivalent of 30 semester hours in courses, as specified. The bill would require an applicant for certification as a geologist-in-training to have graduated from a college or university with a major in geological sciences or any other discipline, as specified. The bill would add as a cause for disciplinary action by the board, as specified, if a licensee or certificate holder under the act fails or refuses to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder.*

*(5) Under existing law, there is the Professions and Vocations Fund in the State Treasury, which consists of certain special funds and accounts, including the Professional Engineer’s and Land Surveyor’s Fund and the Geology and Geophysics Account of the Professional Engineer’s and Land Surveyor’s Fund. Under existing law the moneys in the Geology and Geophysics Account are appropriated to carry out the purposes of the Geologist and Geophysicist Act, the moneys in the Professional Engineers’s and Land Surveyor’s Fund are appropriated for the purposes of the Professional Engineers and the Professional Land Surveyor’s Act, and the moneys in those funds are attributable to administrative fines, civil penalties, and criminal penalties, as specified, are not continuously appropriated and are only available for expenditure upon appropriation by the Legislature.*

*This bill would merge the Geology and Geophysics Account of the Professional Engineer’s and Land Surveyor’s Fund into the fund, which would be renamed the Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund, and would require that the fees and civil penalties received under the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act be deposited into that fund. The bill would specify that the fees in the fund are continuously appropriated, as specified.*

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

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

- 1 *SECTION 1. Section 205 of the Business and Professions Code*
- 2 *is amended to read:*

- 1 205. (a) There is in the State Treasury the Professions and  
 2 Vocations Fund. The fund shall consist of the following special  
 3 funds:
- 4 (1) Accountancy Fund.
  - 5 (2) California Architects Board Fund.
  - 6 (3) Athletic Commission Fund.
  - 7 (4) Barbering and Cosmetology Contingent Fund.
  - 8 (5) Cemetery Fund.
  - 9 (6) Contractors' License Fund.
  - 10 (7) State Dentistry Fund.
  - 11 (8) State Funeral Directors and Embalmers Fund.
  - 12 (9) Guide Dogs for the Blind Fund.
  - 13 (10) Home Furnishings and Thermal Insulation Fund.
  - 14 (11) California Architects Board-Landscape Architects Fund.
  - 15 (12) Contingent Fund of the Medical Board of California.
  - 16 (13) Optometry Fund.
  - 17 (14) Pharmacy Board Contingent Fund.
  - 18 (15) Physical Therapy Fund.
  - 19 (16) Private Investigator Fund.
  - 20 (17) Professional ~~Engineer's and~~ *Engineer's*, Land ~~Surveyor's~~  
 21 *Surveyor's, and Geologist's* Fund.
  - 22 (18) Consumer Affairs Fund.
  - 23 (19) Behavioral Sciences Fund.
  - 24 (20) Licensed Midwifery Fund.
  - 25 (21) Court Reporters' Fund.
  - 26 (22) Veterinary Medical Board Contingent Fund.
  - 27 (23) Vocational Nurses Account of the Vocational Nursing and  
 28 Psychiatric Technicians Fund.
  - 29 (24) Electronic and Appliance Repair Fund.
  - 30 ~~(25) Geology and Geophysics Account of the Professional~~  
 31 ~~Engineer's and Land Surveyor's Fund.~~
  - 32 ~~(26)~~
  - 33 (25) Dispensing Opticians Fund.
  - 34 ~~(27)~~
  - 35 (26) Acupuncture Fund.
  - 36 ~~(28)~~
  - 37 (27) Physician Assistant Fund.
  - 38 ~~(29)~~
  - 39 (28) Board of Podiatric Medicine Fund.
  - 40 ~~(30)~~

- 1 (29) Psychology Fund.
- 2 ~~(31)~~
- 3 (30) Respiratory Care Fund.
- 4 ~~(32)~~
- 5 (31) Speech-Language Pathology and Audiology and Hearing
- 6 Aid Dispensers Fund.
- 7 ~~(33)~~
- 8 (32) Board of Registered Nursing Fund.
- 9 ~~(34)~~
- 10 (33) Psychiatric Technician Examiners Account of the
- 11 Vocational Nursing and Psychiatric Technicians Fund.
- 12 ~~(35)~~
- 13 (34) Animal Health Technician Examining Committee Fund.
- 14 ~~(36)~~
- 15 (35) State Dental Hygiene Fund.
- 16 ~~(37)~~
- 17 (36) State Dental Assistant Fund.
- 18 ~~(38)~~
- 19 (37) Structural Pest Control Fund.
- 20 ~~(39)~~
- 21 (38) Structural Pest Control Eradication and Enforcement Fund.
- 22 ~~(40)~~
- 23 (39) Structural Pest Control Research Fund.
- 24 (b) For accounting and recordkeeping purposes, the Professions
- 25 and Vocations Fund shall be deemed to be a single special fund,
- 26 and each of the several special funds therein shall constitute and
- 27 be deemed to be a separate account in the Professions and
- 28 Vocations Fund. Each account or fund shall be available for
- 29 expenditure only for the purposes as are now or may hereafter be
- 30 provided by law.
- 31 *SEC. 2. Section 207 of the Business and Professions Code is*
- 32 *amended to read:*
- 33 207. (a) Notwithstanding any other provision of law, the money
- 34 in any fund described in Section 205 that is attributable to
- 35 administrative fines, civil penalties, and criminal penalties imposed
- 36 by a regulating entity, or cost recovery by a regulating entity from
- 37 enforcement actions and case settlements, shall not be continuously
- 38 appropriated. The money in each fund that is not continuously
- 39 appropriated shall be available for expenditure as provided in this
- 40 code only upon appropriation by the Legislature.

1 (b) Notwithstanding any other provision of law, the annual  
2 Budget Act may appropriate, in a single budget item for each  
3 individual fund described in paragraphs (1) to ~~(40)~~, (39), inclusive,  
4 of subdivision (a) of Section 205, the entire amount available for  
5 expenditure in the budget year for that fund. That appropriation  
6 may include funds that are continuously appropriated and funds  
7 that are not continuously appropriated.

8 ~~SECTION 1.~~

9 *SEC. 3.* Section 5510 of the Business and Professions Code is  
10 amended to read:

11 5510. There is in the Department of Consumer Affairs a  
12 California Architects Board which consists of 10 members.

13 Any reference in law to the California Board of Architectural  
14 Examiners shall mean the California Architects Board.

15 This section shall remain in effect only until January 1, 2020,  
16 and as of that date is repealed. Notwithstanding any other law, the  
17 repeal of this section renders the board subject to review by the  
18 appropriate policy committees of the Legislature.

19 ~~SEC. 2.~~

20 *SEC. 4.* Section 5517 of the Business and Professions Code is  
21 amended to read:

22 5517. The board may appoint a person exempt from civil  
23 service who shall be designated as an executive officer and who  
24 shall exercise the powers and perform the duties delegated by the  
25 board and vested in him or her by this chapter.

26 This section shall remain in effect only until January 1, 2020,  
27 and as of that date is repealed.

28 ~~SEC. 3.~~

29 *SEC. 5.* Section 5620 of the Business and Professions Code is  
30 amended to read:

31 5620. The duties, powers, purposes, responsibilities, and  
32 jurisdiction of the California State Board of Landscape Architects  
33 that were succeeded to and vested with the Department of  
34 Consumer Affairs in accordance with Chapter 908 of the Statutes  
35 of 1994 are hereby transferred to the California Architects Board.  
36 The Legislature finds that the purpose for the transfer of power is  
37 to promote and enhance the efficiency of state government and  
38 that assumption of the powers and duties by the California  
39 Architects Board shall not be viewed or construed as a precedent  
40 for the establishment of state regulation over a profession or

1 vocation that was not previously regulated by a board, as defined  
2 in Section 477.

3 (a) There is in the Department of Consumer Affairs a California  
4 Architects Board as defined in Article 2 (commencing with Section  
5 5510) of Chapter 3.

6 Whenever in this chapter “board” is used, it refers to the  
7 California Architects Board.

8 (b) Except as provided herein, the board may delegate its  
9 authority under this chapter to the Landscape Architects Technical  
10 Committee.

11 (c) After review of proposed regulations, the board may direct  
12 the examining committee to notice and conduct hearings to adopt,  
13 amend, or repeal regulations pursuant to Section 5630, provided  
14 that the board itself shall take final action to adopt, amend, or  
15 repeal those regulations.

16 (d) The board shall not delegate its authority to discipline a  
17 landscape architect or to take action against a person who has  
18 violated this chapter.

19 (e) This section shall remain in effect only until January 1, 2020,  
20 and as of that date is repealed.

21 ~~SEC. 4.~~

22 *SEC. 6.* Section 5621 of the Business and Professions Code is  
23 amended to read:

24 5621. (a) There is hereby created within the jurisdiction of the  
25 board, a Landscape Architects Technical Committee, hereinafter  
26 referred to in this chapter as the landscape architects committee.

27 (b) The landscape architects committee shall consist of five  
28 members who shall be licensed to practice landscape architecture  
29 in this state. The Governor shall appoint three of the members.  
30 The Senate Committee on Rules and the Speaker of the Assembly  
31 shall appoint one member each.

32 (c) The initial members to be appointed by the Governor are as  
33 follows: one member for a term of one year; one member for a  
34 term of two years; and one member for a term of three years. The  
35 Senate Committee on Rules and the Speaker of the Assembly shall  
36 initially each appoint one member for a term of four years.  
37 Thereafter, appointments shall be made for four-year terms,  
38 expiring on June 1 of the fourth year and until the appointment  
39 and qualification of his or her successor or until one year shall

1 have elapsed, whichever first occurs. Vacancies shall be filled for  
2 the unexpired term.

3 (d) No person shall serve as a member of the landscape  
4 architects committee for more than two consecutive terms.

5 (e) This section shall remain in effect only until January 1, 2020,  
6 and as of that date is repealed.

7 ~~SEC. 5.~~

8 *SEC. 7.* Section 5622 of the Business and Professions Code is  
9 amended to read:

10 5622. (a) The landscape architects committee may assist the  
11 board in the examination of candidates for a landscape architect's  
12 license and, after investigation, evaluate and make  
13 recommendations regarding potential violations of this chapter.

14 (b) The landscape architects committee may investigate, assist,  
15 and make recommendations to the board regarding the regulation  
16 of landscape architects in this state.

17 (c) The landscape architects committee may perform duties and  
18 functions that have been delegated to it by the board pursuant to  
19 Section 5620.

20 (d) The landscape architects committee may send a  
21 representative to all meetings of the full board to report on the  
22 committee's activities.

23 (e) This section shall remain in effect only until January 1, 2020,  
24 and as of that date is repealed.

25 ~~SEC. 6.~~

26 *SEC. 8.* Section 6710 of the Business and Professions Code is  
27 amended to read:

28 6710. (a) There is in the Department of Consumer Affairs a  
29 Board for Professional Engineers, Land Surveyors, and Geologists,  
30 which consists of 15 members.

31 (b) Any reference in any law or regulation to the Board of  
32 Registration for Professional Engineers and Land Surveyors, or  
33 the Board for Professional Engineers and Land Surveyors, is  
34 deemed to refer to the Board for Professional Engineers, Land  
35 Surveyors, and Geologists.

36 (c) This section shall remain in effect only until January 1, 2020,  
37 and as of that date is repealed. Notwithstanding any other law, the  
38 repeal of this section renders the board subject to review by the  
39 appropriate policy committees of the Legislature.

1 ~~SEC. 7.~~

2 *SEC. 9.* Section 6714 of the Business and Professions Code is  
3 amended to read:

4 6714. The board shall appoint an executive officer at a salary  
5 to be fixed and determined by the board with the approval of the  
6 Director of Finance.

7 This section shall remain in effect only until January 1, 2020,  
8 and as of that date is repealed.

9 *SEC. 10. Section 6749 of the Business and Professions Code*  
10 *is amended to read:*

11 6749. (a) A professional engineer shall use a written contract  
12 when contracting to provide professional engineering services to  
13 a client pursuant to this chapter. The written contract shall be  
14 executed by the professional engineer and the ~~client, client or his~~  
15 ~~or her representative, the client's representative~~ prior to the  
16 professional engineer commencing work, unless the client  
17 knowingly states in writing that work may be commenced before  
18 the contract is executed. The written contract shall include, but  
19 not be limited to, all of the following:

20 (1) A description of the services to be provided to the client by  
21 the professional engineer.

22 (2) A description of any basis of compensation applicable to  
23 the contract, and the method of payment agreed upon by the parties.

24 (3) The name, address, and license or certificate number of the  
25 professional engineer, and the name and address of the client.

26 (4) A description of the procedure that the professional engineer  
27 and the client will use to accommodate additional services.

28 (5) A description of the procedure to be used by ~~any party~~ *both*  
29 *parties* to terminate the contract.

30 (b) This section shall not apply to any of the following:

31 (1) Professional engineering services rendered by a professional  
32 engineer for which the client will not pay compensation.

33 (2) A professional engineer who has a current or prior  
34 contractual relationship with the client to provide engineering  
35 services, and that client has paid the professional engineer all of  
36 the fees that are due under the contract.

37 (3) If the client knowingly states in writing after full disclosure  
38 of this section that a contract which complies with the requirements  
39 of this section is not required.

1 (4) Professional engineering services rendered by a professional  
 2 engineer to any of the following:

3 (A) A professional engineer licensed or registered under this  
 4 chapter.

5 (B) A land surveyor licensed under Chapter 15 (commencing  
 6 with Section 8700).

7 (C) An architect licensed under Chapter 3 (commencing with  
 8 Section 5500).

9 (D) A contractor licensed under Chapter 9 (commencing with  
 10 Section 7000).

11 (E) A geologist or a geophysicist licensed under Chapter 12.5  
 12 (commencing with Section 7800).

13 (F) A manufacturing, mining, public utility, research and  
 14 development, or other industrial corporation, if the services are  
 15 provided in connection with or incidental to the products, systems,  
 16 or services of that corporation or its affiliates.

17 (G) A public agency.

18 (c) “Written contract” as used in this section includes a contract  
 19 that is in electronic form.

20 *SEC. 11. Section 6775.2 is added to the Business and*  
 21 *Professions Code, to read:*

22 *6775.2. The failure of, or refusal by, a licensee or a certificate*  
 23 *holder to respond to a written request from a representative of the*  
 24 *board to cooperate in the investigation of a complaint against that*  
 25 *licensee or certificate holder constitutes a cause for disciplinary*  
 26 *action under Section 6775 or 6775.1.*

27 *SEC. 12. Section 6797 of the Business and Professions Code*  
 28 *is amended to read:*

29 *6797. (a) The department shall receive and account for all*  
 30 *money derived from the operation of this chapter and, at the end*  
 31 *of each month, shall report such money to the State Controller and*  
 32 *shall pay it to the State Treasurer, who shall keep the money in a*  
 33 *separate fund known as the Professional Engineer’s and Engineer’s,*  
 34 *Land Surveyor’s Surveyor’s, and Geologist’s Fund.*

35 ~~For~~

36 *(b) For accounting and recordkeeping purposes, the Professional*  
 37 *Engineer’s and Engineer’s, Land Surveyor’s Surveyor’s, and*  
 38 *Geologist’s Fund shall be deemed to be a single special fund, and*  
 39 *shall be available for expenditure only for the purposes as are now*  
 40 *or may hereafter be provided by law.*

1 ~~The~~  
2 (c) *The* fees and civil penalties received under this chapter shall  
3 be deposited in the Professional ~~Engineer's and Engineer's, Land~~  
4 ~~Surveyor's Surveyor's, and Geologist's~~ Fund. All moneys in the  
5 fund are hereby appropriated for the purposes of this chapter.

6 *SEC. 13. Section 7839.2 of the Business and Professions Code*  
7 *is amended to read:*

8 7839.2. (a) A *professional* geologist or *professional*  
9 geophysicist shall use a written contract when contracting to  
10 provide geological or geophysical services to a client pursuant to  
11 this chapter. The written contract shall be executed by the  
12 *professional* geologist or *professional* geophysicist and the client  
13 or the client's representative prior to the *professional* geologist or  
14 *professional* geophysicist commencing work, unless the client  
15 states in writing that work may be commenced before the contract  
16 is executed. The written contract shall include, but is not limited  
17 to, all of the following:

18 (1) A description of the services to be provided to the client by  
19 the *professional* geologist or *professional* geophysicist.

20 (2) A description of any basis of compensation applicable to  
21 the contract, and the method of payment agreed upon by the parties.

22 (3) The name, address, and license or certificate number of the  
23 *professional* geologist or *professional* geophysicist, and the name  
24 and address of the client.

25 (4) A description of the procedure that the *professional* geologist  
26 or *professional* geophysicist and the client will use to accommodate  
27 additional services.

28 (5) A description of the procedure to be used by ~~any party~~ *both*  
29 *parties* to terminate the contract.

30 (b) Subdivision (a) shall not apply to any of the following:

31 (1) Geologic or geophysical services rendered by a *professional*  
32 geologist or *professional* geophysicist for which the client will not  
33 pay compensation.

34 (2) A geologist or geophysicist who has a current or prior  
35 contractual relationship with the client to provide geologic or  
36 geophysical services, and who has already been paid the fees that  
37 are due under the contract by the client.

38 (3) If the client executes a waiver in writing after full disclosure  
39 of this section that a contract that complies with the requirements  
40 of this section is not required.

- 1 (4) Geological or geophysical services rendered by a geologist  
 2 or geophysicist to any of the following:
- 3 (A) A geologist or geophysicist licensed under this chapter.
  - 4 (B) An engineer licensed under Chapter 7 (commencing with  
 5 Section 6700).
  - 6 (C) A land surveyor licensed under Chapter 15 (commencing  
 7 with Section 8700).
  - 8 (D) An architect licensed under Chapter 3 (commencing with  
 9 Section 5500).
  - 10 (E) A contractor licensed under Chapter 9 (commencing with  
 11 Section 7000).
  - 12 (F) A public agency.
- 13 (c) As used in this section, “written contract” includes a contract  
 14 in electronic form.
- 15 *SEC. 14. Section 7841 of the Business and Professions Code*  
 16 *is amended to read:*
- 17 7841. An applicant for ~~registration~~ licensure as a geologist  
 18 shall have all the following qualifications:
- 19 (a) Not have committed any acts or crimes constituting grounds  
 20 for denial of licensure under Section 480.
  - 21 (b) Graduation *from a college or university* with a major in  
 22 geological sciences ~~from college or university; or any other~~  
 23 *discipline that, in the opinion of the board, is relevant to geology.*
  - 24 (c) Have a documented record of a minimum of five years of  
 25 professional geological experience of a character satisfactory to  
 26 the board, demonstrating that the applicant is qualified to assume  
 27 responsible charge of this work upon licensure as a geologist. This  
 28 experience shall be gained under the supervision of a geologist or  
 29 geophysicist licensed in this or any other state, or under the  
 30 supervision of others who, in the opinion of the board, have the  
 31 training and experience to have responsible charge of geological  
 32 work. Professional geological work does not include routine  
 33 sampling, laboratory work, or geological drafting.
- 34 Each year of undergraduate study in the geological sciences shall  
 35 count as one-half year of training up to a maximum of two years,  
 36 and each year of graduate study or research counts as a year of  
 37 training.
- 38 Teaching in the geological sciences at college level shall be  
 39 credited year for year toward meeting the requirement in this  
 40 category, provided that the total teaching experience includes six

1 semester units per semester, or equivalent if on the quarter system,  
2 of upper division or graduate courses.

3 Credit for undergraduate study, graduate study, and teaching,  
4 individually, or in any combination thereof, shall in no case exceed  
5 a total of three years towards meeting the requirement for at least  
6 five years of professional geological work as set forth above.

7 The ability of the applicant shall have been demonstrated by the  
8 applicant having performed the work in a responsible position, as  
9 the term “responsible position” is defined in regulations adopted  
10 by the board. The adequacy of the required supervision and  
11 experience shall be determined by the board in accordance with  
12 standards set forth in regulations adopted by it.

13 (d) Successfully pass a written examination that incorporates a  
14 national examination for geologists created by a nationally  
15 recognized entity approved by the board, and a supplemental  
16 California specific examination. The California specific  
17 examination shall test the applicant’s knowledge of state laws,  
18 rules and regulations, and of seismicity and geology unique to  
19 practice within this state.

20 *SEC. 15. Section 7841.1 of the Business and Professions Code*  
21 *is amended to read:*

22 7841.1. An applicant for ~~registration~~ licensure as a geophysicist  
23 shall have all of the following qualifications. This section shall  
24 not apply to applicants for ~~registration~~ licensure as geologists.

25 (a) Not have committed any acts or crimes constituting grounds  
26 for denial of licensure under Section 480.

27 (b) Meet one of the following educational requirements fulfilled  
28 at a school or university whose curricula meet criteria established  
29 by rules of the board.

30 (1) Graduation with a major in a geophysical science or any  
31 other discipline ~~which that~~, in the opinion of the ~~board~~ board, is  
32 relevant to geophysics.

33 (2) Completion of a combination of at least 30 semester hours,  
34 *or the equivalent*, in courses ~~which that~~, in the opinion of the ~~board~~  
35 board, are relevant to geophysics. At least 24 semester hours, or  
36 the equivalent, shall be in the third or fourth year, or graduate  
37 courses.

38 (c) Have at least seven years of professional geophysical work  
39 ~~which that~~ shall include either a minimum of three years of  
40 professional geophysical work under the supervision of a

1 professional geophysicist, except that prior to July 1, 1973,  
2 professional geophysical work shall qualify under this subdivision  
3 if it is under the supervision of a qualified geophysicist, or a  
4 minimum of five years' experience in responsible charge of  
5 professional geophysical work. Professional geophysical work  
6 does not include the routine maintenance or operation of  
7 geophysical instruments, or, even if carried out under the  
8 responsible supervision of a professional geophysicist, the routine  
9 reduction or plotting of geophysical observations.

10 Each year of undergraduate study in the geophysical sciences  
11 referred to in this section shall count as one-half year of training  
12 up to a maximum of two years, and each year of graduate study  
13 or research counts as a year of training.

14 Teaching in the geophysical sciences referred to in this section  
15 at a college level shall be credited year for year toward meeting  
16 the requirement in this category, provided that the total teaching  
17 experience includes six semester units per semester, or equivalent  
18 if on the quarter system, of third or fourth year or graduate courses.

19 Credit for undergraduate study, graduate study, and teaching,  
20 individually, or in any combination thereof, shall in no case exceed  
21 a total of four years towards meeting the requirements for at least  
22 seven years of professional geophysical work as set forth above.

23 The ability of the applicant shall have been demonstrated by his  
24 or her having performed the work in a responsible position, as the  
25 term "responsible position" is defined in regulations adopted by  
26 the board. The adequacy of the required supervision and experience  
27 shall be determined by the board in accordance with standards set  
28 forth in regulations adopted by it.

29 (d) Successfully pass a written examination.

30 *SEC. 16. Section 7841.2 of the Business and Professions Code*  
31 *is amended to read:*

32 7841.2. An applicant for certification as a geologist-in-training  
33 shall comply with all of the following:

34 (a) Not have committed acts or crimes constituting grounds for  
35 denial of certification under Section 480.

36 (b) Successfully pass the Fundamentals of Geology examination.  
37 ~~The applicant shall be eligible to sit for the Fundamentals of~~  
38 ~~Geology examination after graduation with a degree in a geological~~  
39 ~~science from a college or university, the curriculum of which has~~  
40 ~~been approved by the board.~~

1 (c) Graduation from a college or university with a major in  
2 geological sciences or any other discipline that, in the opinion of  
3 the board, is relevant to geology.

4 SEC. 17. Section 7860.2 is added to the Business and  
5 Professions Code, to read:

6 7860.2. The failure of, or refusal by, a licensee or a certificate  
7 holder to respond to a written request from a representative of the  
8 board to cooperate in the investigation of a complaint against that  
9 licensee or certificate holder constitutes a cause for disciplinary  
10 action under Section 7860 or 7860.1.

11 SEC. 18. Section 7885 of the Business and Professions Code  
12 is repealed.

13 ~~7885. (a) The board shall report each month to the State~~  
14 ~~Controller the amount and source of all revenue received by it~~  
15 ~~pursuant to this chapter and at the same time pay the entire amount~~  
16 ~~thereof into the State Treasury for credit to the Geology and~~  
17 ~~Geophysics Account, which is hereby created within the~~  
18 ~~Professional Engineer's and Land Surveyor's Fund established in~~  
19 ~~Section 6797.~~

20 ~~(b) All moneys in the Geology and Geophysics Fund on January~~  
21 ~~1, 2012, shall be transferred on that date to the Geology and~~  
22 ~~Geophysics Account of the Professional Engineer's and Land~~  
23 ~~Surveyor's Fund.~~

24 SEC. 19. Section 7886 of the Business and Professions Code  
25 is repealed.

26 ~~7886. The moneys paid into the Geology and Geophysics~~  
27 ~~Account of the Professional Engineer's and Land Surveyor's Fund~~  
28 ~~pursuant to this chapter are hereby appropriated to be used by the~~  
29 ~~board to carry out the provisions of this chapter.~~

30 SEC. 20. Section 7886 is added to the Business and Professions  
31 Code, to read:

32 7886. (a) The department shall receive and account for all  
33 money derived under the operation of this chapter and, at the end  
34 of each month, shall report such money to the Controller and shall  
35 pay it to the Treasurer, who shall keep the money in a separate  
36 fund known as the Professional Engineer's, Land Surveyor's, and  
37 Geologist's Fund.

38 (b) For accounting and recordkeeping purposes, the  
39 Professional Engineer's, Land Surveyor's, and Geologist's Fund  
40 shall be deemed to be a single special fund and shall be available

1 *for expenditure only for the purposes as are now or may hereafter*  
 2 *be provided by law.*

3 (c) *The fees and civil penalties received under this chapter shall*  
 4 *be deposited in the Professional Engineer's, Land Surveyor's, and*  
 5 *Geologist's Fund. All moneys in the fund are hereby appropriated*  
 6 *for the purposes of this chapter.*

7 *SEC. 21. Section 8710 of the Business and Professions Code*  
 8 *is amended to read:*

9 8710. (a) The Board for Professional Engineers, Land  
 10 Surveyors, and Geologists is vested with power to administer the  
 11 provisions and requirements of this chapter, and may make and  
 12 enforce rules and regulations that are reasonably necessary to carry  
 13 out its provisions.

14 (b) The board may adopt rules and regulations of professional  
 15 conduct that are not inconsistent with state and federal law. The  
 16 rules and regulations may include definitions of incompetence and  
 17 negligence. Every person who holds a license or certificate issued  
 18 by the board pursuant to this chapter, or a license or certificate  
 19 issued to a civil engineer pursuant to Chapter 7 (commencing with  
 20 Section 6700), shall be governed by these rules and regulations.

21 (c) This section shall remain in effect only until January 1, 2016,  
 22 2020, and as of that date is repealed, unless a later enacted statute,  
 23 that is enacted before January 1, 2016, deletes or extends that date.  
 24 ~~repealed.~~ Notwithstanding any other ~~provision~~ of law, the repeal  
 25 of this section renders the board subject to review by the  
 26 appropriate policy committees of the Legislature.

27 *SEC. 22. Section 8759 of the Business and Professions Code*  
 28 *is amended to read:*

29 8759. (a) A licensed land surveyor or ~~registered licensed~~ civil  
 30 engineer authorized to practice land surveying shall use a written  
 31 contract when contracting to provide professional services to a  
 32 client pursuant to this chapter. The written contract shall be  
 33 executed by the licensed land surveyor or ~~registered licensed~~ civil  
 34 engineer and the ~~client, client or his or her representative, the~~  
 35 ~~client's representative~~ prior to the licensed land surveyor or  
 36 ~~registered licensed~~ civil engineer commencing work, unless the  
 37 client knowingly states in writing that work may be commenced  
 38 before the contract is executed. The written contract shall include,  
 39 but not be limited to, all of the following:

- 1 (1) A description of the services to be provided to the client by  
2 the licensed land surveyor or ~~registered~~ *licensed* civil engineer.
- 3 (2) A description of any basis of compensation applicable to  
4 the contract, and the method of payment agreed upon by the parties.
- 5 (3) The name, address, and license or certificate number of the  
6 licensed land surveyor or ~~registered~~ *licensed* civil engineer, and  
7 the name and address of the client.
- 8 (4) A description of the procedure that the licensed land surveyor  
9 or ~~registered~~ *licensed* civil engineer and the client will use to  
10 accommodate additional services.
- 11 (5) A description of the procedure to be used by ~~any party~~ *both*  
12 *parties* to terminate the contract.
- 13 (b) This section shall not apply to any of the following:
- 14 (1) Professional land surveying services rendered by a licensed  
15 land surveyor or ~~registered~~ *licensed* civil engineer for which the  
16 client will not pay compensation.
- 17 (2) A licensed land surveyor or ~~registered~~ *licensed* civil engineer  
18 who has a current or prior contractual relationship with the client  
19 to provide professional services pursuant to this chapter, and that  
20 client has paid the *licensed land surveyor* or *licensed civil engineer*  
21 all of the fees that are due under the contract.
- 22 (3) If the client knowingly states in writing after full disclosure  
23 of this section that a contract which complies with the requirements  
24 of this section is not required.
- 25 (4) Professional services rendered by a licensed land surveyor  
26 or a ~~registered~~ *licensed* civil engineer to any of the following:
- 27 (A) A professional engineer licensed ~~or registered~~ under Chapter  
28 7 (commencing with Section 6700).
- 29 (B) A land surveyor licensed under this chapter.
- 30 (C) An architect licensed under Chapter 3 (commencing with  
31 Section 5500).
- 32 (D) A contractor licensed under Chapter 9 (commencing with  
33 Section 7000).
- 34 (E) A geologist or a geophysicist licensed under Chapter 12.5  
35 (commencing with Section 7800).
- 36 (F) A manufacturing, mining, public utility, research and  
37 development, or other industrial corporation, if the services are  
38 provided in connection with or incidental to the products, systems,  
39 or services of that corporation or its affiliates.
- 40 (G) A public agency.

1 (c) “Written contract” as used in this section includes a contract  
 2 that is in electronic form.

3 *SEC. 23. Section 8780.2 is added to the Business and*  
 4 *Professions Code, to read:*

5 *8780.2. The failure of, or refusal by, a licensee or a certificate*  
 6 *holder to respond to a written request from a representative of the*  
 7 *board to cooperate in the investigation of a complaint against that*  
 8 *licensee or certificate holder constitutes a cause for disciplinary*  
 9 *action under Section 8780 or 8780.1.*

10 *SEC. 24. Section 8800 of the Business and Professions Code*  
 11 *is amended to read:*

12 8800. (a) The department shall receive and account for all  
 13 money derived under the operation of this chapter and, at the end  
 14 of each month, shall report such money to the State Controller and  
 15 shall pay it to the State Treasurer, who shall keep the money in a  
 16 separate fund known as the Professional ~~Engineer’s and Engineer’s,~~  
 17 ~~Land Surveyor’s Surveyor’s,~~ and Geologist’s Fund.

18 ~~For~~

19 (b) For accounting and recordkeeping purposes, the Professional  
 20 ~~Engineer’s and Engineer’s,~~ Land ~~Surveyor’s Surveyor’s,~~ and  
 21 ~~Geologist’s~~ Fund shall be deemed to be a single special fund, and  
 22 shall be available for expenditure only for the purposes as are now  
 23 or may hereafter be provided by law.

24 ~~The~~

25 (c) The fees and civil penalties received under this chapter shall  
 26 be deposited in the Professional ~~Engineer’s and Engineer’s,~~ Land  
 27 ~~Surveyor’s Surveyor’s,~~ and Geologist’s Fund. All moneys in the  
 28 fund are hereby appropriated for the purposes of this chapter.