

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 3, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 177

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

January 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

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

(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. Under existing law, these provisions are ~~reported repealed~~ on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020. The ~~bill~~ bill, until January 1, 2020, 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 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 Under existing law, these provisions are repealed on January 1, 2016.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 allow 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~~ *bill, on and after July 1, 2016*, 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: 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:
 3 205. (a) There is in the State Treasury the Professions and
 4 Vocations Fund. The fund shall consist of the following special
 5 funds:
 6 (1) ~~Accountancy Fund.~~
 7 (2) ~~California Architects Board Fund.~~
 8 (3) ~~Athletic Commission Fund.~~
 9 (4) ~~Barbering and Cosmetology Contingent Fund.~~
 10 (5) ~~Cemetery Fund.~~
 11 (6) ~~Contractors' License Fund.~~
 12 (7) ~~State Dentistry Fund.~~
 13 (8) ~~State Funeral Directors and Embalmers Fund.~~
 14 (9) ~~Guide Dogs for the Blind Fund.~~
 15 (10) ~~Home Furnishings and Thermal Insulation Fund.~~
 16 (11) ~~California Architects Board Landscape Architects Fund.~~
 17 (12) ~~Contingent Fund of the Medical Board of California.~~
 18 (13) ~~Optometry Fund.~~
 19 (14) ~~Pharmacy Board Contingent Fund.~~
 20 (15) ~~Physical Therapy Fund.~~
 21 (16) ~~Private Investigator Fund.~~
 22 (17) ~~Professional Engineer's, Land Surveyor's, and Geologist's~~
 23 ~~Fund.~~
 24 (18) ~~Consumer Affairs Fund.~~
 25 (19) ~~Behavioral Sciences Fund.~~
 26 (20) ~~Licensed Midwifery Fund.~~
 27 (21) ~~Court Reporters' Fund.~~
 28 (22) ~~Veterinary Medical Board Contingent Fund.~~
 29 (23) ~~Vocational Nurses Account of the Vocational Nursing and~~
 30 ~~Psychiatric Technicians Fund.~~
 31 (24) ~~Electronic and Appliance Repair Fund.~~
 32 (25) ~~Dispensing Opticians Fund.~~
 33 (26) ~~Acupuncture Fund.~~
 34 (27) ~~Physician Assistant Fund.~~
 35 (28) ~~Board of Podiatric Medicine Fund.~~
 36 (29) ~~Psychology Fund.~~
 37 (30) ~~Respiratory Care Fund.~~

1 ~~(31) Speech-Language Pathology and Audiology and Hearing~~
2 ~~Aid Dispensers Fund.~~

3 ~~(32) Board of Registered Nursing Fund.~~

4 ~~(33) Psychiatric Technician Examiners Account of the~~
5 ~~Vocational Nursing and Psychiatric Technicians Fund.~~

6 ~~(34) Animal Health Technician Examining Committee Fund.~~

7 ~~(35) State Dental Hygiene Fund.~~

8 ~~(36) State Dental Assistant Fund.~~

9 ~~(37) Structural Pest Control Fund.~~

10 ~~(38) Structural Pest Control Eradication and Enforcement Fund.~~

11 ~~(39) Structural Pest Control Research Fund.~~

12 ~~(b) For accounting and recordkeeping purposes, the Professions~~
13 ~~and Vocations Fund shall be deemed to be a single special fund,~~
14 ~~and each of the several special funds therein shall constitute and~~
15 ~~be deemed to be a separate account in the Professions and~~
16 ~~Vocations Fund. Each account or fund shall be available for~~
17 ~~expenditure only for the purposes as are now or may hereafter be~~
18 ~~provided by law.~~

19 ~~SEC. 2. Section 207 of the Business and Professions Code is~~
20 ~~amended to read:~~

21 ~~207. (a) Notwithstanding any other provision of law, the money~~
22 ~~in any fund described in Section 205 that is attributable to~~
23 ~~administrative fines, civil penalties, and criminal penalties imposed~~
24 ~~by a regulating entity, or cost recovery by a regulating entity from~~
25 ~~enforcement actions and case settlements, shall not be continuously~~
26 ~~appropriated. The money in each fund that is not continuously~~
27 ~~appropriated shall be available for expenditure as provided in this~~
28 ~~code only upon appropriation by the Legislature.~~

29 ~~(b) Notwithstanding any other provision of law, the annual~~
30 ~~Budget Act may appropriate, in a single budget item for each~~
31 ~~individual fund described in paragraphs (1) to (39), inclusive, of~~
32 ~~subdivision (a) of Section 205, the entire amount available for~~
33 ~~expenditure in the budget year for that fund. That appropriation~~
34 ~~may include funds that are continuously appropriated and funds~~
35 ~~that are not continuously appropriated.~~

36 ~~SECTION 1. Section 205 of the Business and Professions Code~~
37 ~~is amended to read:~~

38 ~~205. (a) There is in the State Treasury the Professions and~~
39 ~~Vocations Fund. The fund shall consist of the following special~~
40 ~~funds:~~

- 1 (1) Accountancy Fund.
- 2 (2) California Architects Board Fund.
- 3 (3) Athletic Commission Fund.
- 4 (4) Barbering and Cosmetology Contingent Fund.
- 5 (5) Cemetery Fund.
- 6 (6) Contractors' License Fund.
- 7 (7) State Dentistry Fund.
- 8 (8) State Funeral Directors and Embalmers Fund.
- 9 (9) Guide Dogs for the Blind Fund.
- 10 (10) Home Furnishings and Thermal Insulation Fund.
- 11 (11) California Architects Board-Landscape Architects Fund.
- 12 (12) Contingent Fund of the Medical Board of California.
- 13 (13) Optometry Fund.
- 14 (14) Pharmacy Board Contingent Fund.
- 15 (15) Physical Therapy Fund.
- 16 (16) Private Investigator Fund.
- 17 (17) Professional Engineer's and Land Surveyor's Fund.
- 18 (18) Consumer Affairs Fund.
- 19 (19) Behavioral Sciences Fund.
- 20 (20) Licensed Midwifery Fund.
- 21 (21) Court Reporters' Fund.
- 22 (22) Veterinary Medical Board Contingent Fund.
- 23 (23) Vocational Nurses Account of the Vocational Nursing and
- 24 Psychiatric Technicians Fund.
- 25 (24) Electronic and Appliance Repair Fund.
- 26 (25) Geology and Geophysics Account of the Professional
- 27 Engineer's and Land Surveyor's Fund.
- 28 (26) Dispensing Opticians Fund.
- 29 (27) Acupuncture Fund.
- 30 (28) Physician Assistant Fund.
- 31 (29) Board of Podiatric Medicine Fund.
- 32 (30) Psychology Fund.
- 33 (31) Respiratory Care Fund.
- 34 (32) Speech-Language Pathology and Audiology and Hearing
- 35 Aid Dispensers Fund.
- 36 (33) Board of Registered Nursing Fund.
- 37 (34) Psychiatric Technician Examiners Account of the
- 38 Vocational Nursing and Psychiatric Technicians Fund.
- 39 (35) Animal Health Technician Examining Committee Fund.
- 40 (36) State Dental Hygiene Fund.

- 1 (37) State Dental Assistant Fund.
- 2 (38) Structural Pest Control Fund.
- 3 (39) Structural Pest Control Eradication and Enforcement Fund.
- 4 (40) Structural Pest Control Research Fund.

5 (b) For accounting and recordkeeping purposes, the Professions
6 and Vocations Fund shall be deemed to be a single special fund,
7 and each of the several special funds therein shall constitute and
8 be deemed to be a separate account in the Professions and
9 Vocations Fund. Each account or fund shall be available for
10 expenditure only for the purposes as are now or may hereafter be
11 provided by law.

12 (c) *This section shall become inoperative on July 1, 2016, and,*
13 *as of January 1, 2017, is repealed.*

14 SEC. 2. *Section 205 is added to the Business and Professions*
15 *Code, to read:*

16 205. (a) *There is in the State Treasury the Professions and*
17 *Vocations Fund. The fund shall consist of the following special*
18 *funds:*

- 19 (1) *Accountancy Fund.*
- 20 (2) *California Architects Board Fund.*
- 21 (3) *Athletic Commission Fund.*
- 22 (4) *Barbering and Cosmetology Contingent Fund.*
- 23 (5) *Cemetery Fund.*
- 24 (6) *Contractors' License Fund.*
- 25 (7) *State Dentistry Fund.*
- 26 (8) *State Funeral Directors and Embalmers Fund.*
- 27 (9) *Guide Dogs for the Blind Fund.*
- 28 (10) *Home Furnishings and Thermal Insulation Fund.*
- 29 (11) *California Architects Board-Landscape Architects Fund.*
- 30 (12) *Contingent Fund of the Medical Board of California.*
- 31 (13) *Optometry Fund.*
- 32 (14) *Pharmacy Board Contingent Fund.*
- 33 (15) *Physical Therapy Fund.*
- 34 (16) *Private Investigator Fund.*
- 35 (17) *Professional Engineer's, Land Surveyor's, and Geologist's*
36 *Fund.*
- 37 (18) *Consumer Affairs Fund.*
- 38 (19) *Behavioral Sciences Fund.*
- 39 (20) *Licensed Midwifery Fund.*
- 40 (21) *Court Reporters' Fund.*

- 1 (22) *Veterinary Medical Board Contingent Fund.*
- 2 (23) *Vocational Nurses Account of the Vocational Nursing and*
- 3 *Psychiatric Technicians Fund.*
- 4 (24) *Electronic and Appliance Repair Fund.*
- 5 (25) *Dispensing Opticians Fund.*
- 6 (26) *Acupuncture Fund.*
- 7 (27) *Physician Assistant Fund.*
- 8 (28) *Board of Podiatric Medicine Fund.*
- 9 (29) *Psychology Fund.*
- 10 (30) *Respiratory Care Fund.*
- 11 (31) *Speech-Language Pathology and Audiology and Hearing*
- 12 *Aid Dispensers Fund.*
- 13 (32) *Board of Registered Nursing Fund.*
- 14 (33) *Psychiatric Technician Examiners Account of the*
- 15 *Vocational Nursing and Psychiatric Technicians Fund.*
- 16 (34) *Animal Health Technician Examining Committee Fund.*
- 17 (35) *State Dental Hygiene Fund.*
- 18 (36) *State Dental Assistant Fund.*
- 19 (37) *Structural Pest Control Fund.*
- 20 (38) *Structural Pest Control Eradication and Enforcement Fund.*
- 21 (39) *Structural Pest Control Research Fund.*
- 22 (b) *For accounting and recordkeeping purposes, the Professions*
- 23 *and Vocations Fund shall be deemed to be a single special fund,*
- 24 *and each of the several special funds therein shall constitute and*
- 25 *be deemed to be a separate account in the Professions and*
- 26 *Vocations Fund. Each account or fund shall be available for*
- 27 *expenditure only for the purposes as are now or may hereafter be*
- 28 *provided by law.*
- 29 (c) *This section shall become operative on July 1, 2017.*
- 30 SEC. 3. *Section 207 of the Business and Professions Code is*
- 31 *amended to read:*
- 32 207. (a) *Notwithstanding any other provision of law, the money*
- 33 *in any fund described in Section 205 that is attributable to*
- 34 *administrative fines, civil penalties, and criminal penalties imposed*
- 35 *by a regulating entity, or cost recovery by a regulating entity from*
- 36 *enforcement actions and case settlements, shall not be continuously*
- 37 *appropriated. The money in each fund that is not continuously*
- 38 *appropriated shall be available for expenditure as provided in this*
- 39 *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), inclusive, of
4 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 (c) *This section shall become inoperative on July 1, 2016, and,*
9 *as of January 1, 2017, is repealed.*

10 SEC. 4. Section 207 is added to the *Business and Professions*
11 *Code, to read:*

12 207. (a) *Notwithstanding any other provision of law, the money*
13 *in any fund described in Section 205 that is attributable to*
14 *administrative fines, civil penalties, and criminal penalties imposed*
15 *by a regulating entity, or cost recovery by a regulating entity from*
16 *enforcement actions and case settlements, shall not be continuously*
17 *appropriated. The money in each fund that is not continuously*
18 *appropriated shall be available for expenditure as provided in this*
19 *code only upon appropriation by the Legislature.*

20 (b) *Notwithstanding any other provision of law, the annual*
21 *Budget Act may appropriate, in a single budget item for each*
22 *individual fund described in paragraphs (1) to (39), inclusive, of*
23 *subdivision (a) of Section 205, the entire amount available for*
24 *expenditure in the budget year for that fund. That appropriation*
25 *may include funds that are continuously appropriated and funds*
26 *that are not continuously appropriated.*

27 (c) *This section shall become operative on July 1, 2016.*

28 ~~SEC. 3.~~

29 SEC. 5. Section 5510 of the *Business and Professions Code* is
30 amended to read:

31 5510. There is in the Department of Consumer Affairs a
32 California Architects Board which consists of 10 members.

33 Any reference in law to the California Board of Architectural
34 Examiners shall mean the California Architects Board.

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

1 ~~SEC. 4.~~

2 *SEC. 6.* Section 5517 of the Business and Professions Code is
3 amended to read:

4 5517. The board may appoint a person exempt from civil
5 service who shall be designated as an executive officer and who
6 shall exercise the powers and perform the duties delegated by the
7 board and vested in him or her by this chapter.

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

10 ~~SEC. 5.~~

11 *SEC. 7.* Section 5620 of the Business and Professions Code is
12 amended to read:

13 5620. The duties, powers, purposes, responsibilities, and
14 jurisdiction of the California State Board of Landscape Architects
15 that were succeeded to and vested with the Department of
16 Consumer Affairs in accordance with Chapter 908 of the Statutes
17 of 1994 are hereby transferred to the California Architects Board.
18 The Legislature finds that the purpose for the transfer of power is
19 to promote and enhance the efficiency of state government and
20 that assumption of the powers and duties by the California
21 Architects Board shall not be viewed or construed as a precedent
22 for the establishment of state regulation over a profession or
23 vocation that was not previously regulated by a board, as defined
24 in Section 477.

25 (a) There is in the Department of Consumer Affairs a California
26 Architects Board as defined in Article 2 (commencing with Section
27 5510) of Chapter 3.

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

30 (b) Except as provided herein, the board may delegate its
31 authority under this chapter to the Landscape Architects Technical
32 Committee.

33 (c) After review of proposed regulations, the board may direct
34 the examining committee to notice and conduct hearings to adopt,
35 amend, or repeal regulations pursuant to Section 5630, provided
36 that the board itself shall take final action to adopt, amend, or
37 repeal those regulations.

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

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

3 ~~SEC. 6.~~

4 *SEC. 8.* Section 5621 of the Business and Professions Code is
5 amended to read:

6 5621. (a) There is hereby created within the jurisdiction of the
7 board, a Landscape Architects Technical Committee, hereinafter
8 referred to in this chapter as the landscape architects committee.

9 (b) The landscape architects committee shall consist of five
10 members who shall be licensed to practice landscape architecture
11 in this state. The Governor shall appoint three of the members.
12 The Senate Committee on Rules and the Speaker of the Assembly
13 shall appoint one member each.

14 (c) The initial members to be appointed by the Governor are as
15 follows: one member for a term of one year; one member for a
16 term of two years; and one member for a term of three years. The
17 Senate Committee on Rules and the Speaker of the Assembly shall
18 initially each appoint one member for a term of four years.
19 Thereafter, appointments shall be made for four-year terms,
20 expiring on June 1 of the fourth year and until the appointment
21 and qualification of his or her successor or until one year shall
22 have elapsed, whichever first occurs. Vacancies shall be filled for
23 the unexpired term.

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

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

28 ~~SEC. 7.~~

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

31 5622. (a) The landscape architects committee may assist the
32 board in the examination of candidates for a landscape architect's
33 license and, after investigation, evaluate and make
34 recommendations regarding potential violations of this chapter.

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

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

1 (d) The landscape architects committee may send a
2 representative to all meetings of the full board to report on the
3 committee’s activities.

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

6 ~~SEC. 8.~~

7 *SEC. 10.* Section 6710 of the Business and Professions Code
8 is amended to read:

9 6710. (a) There is in the Department of Consumer Affairs a
10 Board for Professional Engineers, Land Surveyors, and Geologists,
11 which consists of 15 members.

12 (b) Any reference in any law or regulation to the Board of
13 Registration for Professional Engineers and Land Surveyors, or
14 the Board for Professional Engineers and Land Surveyors, is
15 deemed to refer to the Board for Professional Engineers, Land
16 Surveyors, and Geologists.

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

21 ~~SEC. 9.~~

22 *SEC. 11.* Section 6714 of the Business and Professions Code
23 is amended to read:

24 6714. The board shall appoint an executive officer at a salary
25 to be fixed and determined by the board with the approval of the
26 Director of Finance.

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

29 ~~SEC. 10.~~

30 *SEC. 12.* Section 6749 of the Business and Professions Code
31 is amended to read:

32 6749. (a) A professional engineer shall use a written contract
33 when contracting to provide professional engineering services to
34 a client pursuant to this chapter. The written contract shall be
35 executed by the professional engineer and the client or the client’s
36 representative prior to the professional engineer commencing work,
37 unless the client knowingly states in writing that work may be
38 commenced before the contract is executed. The written contract
39 shall include, 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 professional 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 professional engineer, and the name and address of the client.
- 7 (4) A description of the procedure that the professional engineer
8 and the client will use to accommodate additional services.
- 9 (5) A description of the procedure to be used by both parties to
10 terminate the contract.
- 11 (b) This section shall not apply to any of the following:
- 12 (1) Professional engineering services rendered by a professional
13 engineer for which the client will not pay compensation.
- 14 (2) A professional engineer who has a current or prior
15 contractual relationship with the client to provide engineering
16 services, and that client has paid the professional engineer all of
17 the fees that are due under the contract.
- 18 (3) If the client knowingly states in writing after full disclosure
19 of this section that a contract which complies with the requirements
20 of this section is not required.
- 21 (4) Professional engineering services rendered by a professional
22 engineer to any of the following:
- 23 (A) A professional engineer licensed or registered under this
24 chapter.
- 25 (B) A land surveyor licensed under Chapter 15 (commencing
26 with Section 8700).
- 27 (C) An architect licensed under Chapter 3 (commencing with
28 Section 5500).
- 29 (D) A contractor licensed under Chapter 9 (commencing with
30 Section 7000).
- 31 (E) A geologist or a geophysicist licensed under Chapter 12.5
32 (commencing with Section 7800).
- 33 (F) A manufacturing, mining, public utility, research and
34 development, or other industrial corporation, if the services are
35 provided in connection with or incidental to the products, systems,
36 or services of that corporation or its affiliates.
- 37 (G) A public agency.
- 38 (c) “Written contract” as used in this section includes a contract
39 that is in electronic form.

1 ~~SEC. 11.~~

2 *SEC. 13.* Section 6775.2 is added to the Business and
3 Professions Code, to read:

4 6775.2. (a) The failure of, or refusal by, a licensee or a
5 certificate holder to respond to a written request from a
6 representative of the board to cooperate in the investigation of a
7 complaint against that licensee or certificate holder constitutes a
8 cause for disciplinary action under Section 6775 or 6775.1.

9 (b) *This section shall remain in effect only until January 1, 2020,*
10 *and as of that date is repealed.*

11 ~~SEC. 12.~~ Section 6797 of the Business and Professions Code
12 is amended to read:

13 ~~6797.~~ (a) The department shall receive and account for all
14 money derived from the operation of this chapter and, at the end
15 of each month, shall report such money to the State Controller and
16 shall pay it to the State Treasurer, who shall keep the money in a
17 separate fund known as the Professional Engineer's, Land
18 Surveyor's, and Geologist's Fund.

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

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

28 *SEC. 14.* Section 6797 of the Business and Professions Code
29 is amended to read:

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

36 ~~For~~

37 (b) *For* accounting and recordkeeping purposes, the Professional
38 Engineer's and Land Surveyor's Fund shall be deemed to be a
39 single special fund, and shall be available for expenditure only for
40 the purposes as are now 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 Land Surveyor's
4 Fund. All moneys in the fund are hereby appropriated for the
5 purposes of this chapter.

6 (d) This section shall become inoperative on July 1, 2016, and,
7 as of January 1, 2017, is repealed.

8 SEC. 15. Section 6797 is added to the Business and Professions
9 Code, to read:

10 6797. (a) The department shall receive and account for all
11 money derived from the operation of this chapter and, at the end
12 of each month, shall report such money to the State Controller
13 and shall pay it to the State Treasurer, who shall keep the money
14 in a separate fund known as the Professional Engineer's, Land
15 Surveyor's, and Geologist's Fund.

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

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

25 (d) This section shall become operative on July 1, 2016.

26 ~~SEC. 13.~~

27 SEC. 16. Section 7839.2 of the Business and Professions Code
28 is amended to read:

29 7839.2. (a) A professional geologist or professional
30 geophysicist shall use a written contract when contracting to
31 provide geological or geophysical services to a client pursuant to
32 this chapter. The written contract shall be executed by the
33 professional geologist or professional geophysicist and the client
34 or the client's representative prior to the professional geologist or
35 professional geophysicist commencing work, unless the client
36 states in writing that work may be commenced before the contract
37 is executed. The written contract shall include, but is not limited
38 to, all of the following:

39 (1) A description of the services to be provided to the client by
40 the professional geologist or professional geophysicist.

- 1 (2) A description of any basis of compensation applicable to
 2 the contract, and the method of payment agreed upon by the parties.
- 3 (3) The name, address, and license or certificate number of the
 4 professional geologist or professional geophysicist, and the name
 5 and address of the client.
- 6 (4) A description of the procedure that the professional geologist
 7 or professional geophysicist and the client will use to accommodate
 8 additional services.
- 9 (5) A description of the procedure to be used by both parties to
 10 terminate the contract.
- 11 (b) Subdivision (a) shall not apply to any of the following:
- 12 (1) Geologic or geophysical services rendered by a professional
 13 geologist or professional geophysicist for which the client will not
 14 pay compensation.
- 15 (2) A geologist or geophysicist who has a current or prior
 16 contractual relationship with the client to provide geologic or
 17 geophysical services, and who has already been paid the fees that
 18 are due under the contract by the client.
- 19 (3) If the client executes a waiver in writing after full disclosure
 20 of this section that a contract that complies with the requirements
 21 of this section is not required.
- 22 (4) Geological or geophysical services rendered by a geologist
 23 or geophysicist to any of the following:
- 24 (A) A geologist or geophysicist licensed under this chapter.
- 25 (B) An engineer licensed under Chapter 7 (commencing with
 26 Section 6700).
- 27 (C) A land surveyor licensed under Chapter 15 (commencing
 28 with Section 8700).
- 29 (D) An architect licensed under Chapter 3 (commencing with
 30 Section 5500).
- 31 (E) A contractor licensed under Chapter 9 (commencing with
 32 Section 7000).
- 33 (F) A public agency.
- 34 (c) As used in this section, “written contract” includes a contract
 35 in electronic form.
- 36 ~~SEC. 14.~~
- 37 *SEC. 17.* Section 7841 of the Business and Professions Code
 38 is amended to read:
- 39 7841. An applicant for licensure as a geologist shall have all
 40 the following qualifications:

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

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

6 (c) Have a documented record of a minimum of five years of
7 professional geological experience of a character satisfactory to
8 the board, demonstrating that the applicant is qualified to assume
9 responsible charge of this work upon licensure as a geologist. This
10 experience shall be gained under the supervision of a geologist or
11 geophysicist licensed in this or any other state, or under the
12 supervision of others who, in the opinion of the board, have the
13 training and experience to have responsible charge of geological
14 work. Professional geological work does not include routine
15 sampling, laboratory work, or geological drafting.

16 Each year of undergraduate study in the geological sciences shall
17 count as one-half year of training up to a maximum of two years,
18 and each year of graduate study or research counts as a year of
19 training.

20 Teaching in the geological sciences at college level shall be
21 credited year for year toward meeting the requirement in this
22 category, provided that the total teaching experience includes six
23 semester units per semester, or equivalent if on the quarter system,
24 of upper division or graduate courses.

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

29 The ability of the applicant shall have been demonstrated by the
30 applicant having performed the work in a responsible position, as
31 the term “responsible position” is defined in regulations adopted
32 by the board. The adequacy of the required supervision and
33 experience shall be determined by the board in accordance with
34 standards set forth in regulations adopted by it.

35 (d) Successfully pass a written examination that incorporates a
36 national examination for geologists created by a nationally
37 recognized entity approved by the board, and a supplemental
38 California specific examination. The California specific
39 examination shall test the applicant’s knowledge of state laws,

1 rules and regulations, and of seismicity and geology unique to
2 practice within this state.

3 ~~SEC. 15.~~

4 *SEC. 18.* Section 7841.1 of the Business and Professions Code
5 is amended to read:

6 7841.1. An applicant for licensure as a geophysicist shall have
7 all of the following qualifications. This section shall not apply to
8 applicants for licensure as geologists.

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

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

14 (1) Graduation with a major in a geophysical science or any
15 other discipline that, in the opinion of the board, is relevant to
16 geophysics.

17 (2) Completion of a combination of at least 30 semester hours,
18 or the equivalent, in courses that, in the opinion of the board, are
19 relevant to geophysics. At least 24 semester hours, or the
20 equivalent, shall be in the third or fourth year, or graduate courses.

21 (c) Have at least seven years of professional geophysical work
22 that shall include either a minimum of three years of professional
23 geophysical work under the supervision of a professional
24 geophysicist, except that prior to July 1, 1973, professional
25 geophysical work shall qualify under this subdivision if it is under
26 the supervision of a qualified geophysicist, or a minimum of five
27 years' experience in responsible charge of professional geophysical
28 work. Professional geophysical work does not include the routine
29 maintenance or operation of geophysical instruments, or, even if
30 carried out under the responsible supervision of a professional
31 geophysicist, the routine reduction or plotting of geophysical
32 observations.

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

37 Teaching in the geophysical sciences referred to in this section
38 at a college level shall be credited year for year toward meeting
39 the requirement in this category, provided that the total teaching

1 experience includes six semester units per semester, or equivalent
2 if on the quarter system, of third or fourth year 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 four years towards meeting the requirements for at least
6 seven years of professional geophysical work as set forth above.

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

13 (d) Successfully pass a written examination.

14 ~~SEC. 16.~~

15 *SEC. 19.* Section 7841.2 of the Business and Professions Code
16 is amended to read:

17 7841.2. An applicant for certification as a geologist-in-training
18 shall comply with all of the following:

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

21 (b) Successfully pass the Fundamentals of Geology examination.

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

25 ~~SEC. 17.~~

26 *SEC. 20.* Section 7860.2 is added to the Business and
27 Professions Code, to read:

28 7860.2. (a) The failure of, or refusal by, a licensee or a
29 certificate holder to respond to a written request from a
30 representative of the board to cooperate in the investigation of a
31 complaint against that licensee or certificate holder constitutes a
32 cause for disciplinary action under Section 7860 or 7860.1.

33 (b) *This section shall remain in effect only until January 1, 2020,*
34 *and as of that date is repealed.*

35 ~~SEC. 18.~~ Section 7885 of the Business and Professions Code
36 is repealed.

37 *SEC. 21.* Section 7885 of the Business and Professions Code
38 is amended to read:

39 7885. (a) The board shall report each month to the State
40 Controller the amount and source of all revenue received by it

1 pursuant to this chapter and at the same time pay the entire amount
2 thereof into the State Treasury for credit to the Geology and
3 Geophysics Account, which is hereby created within the
4 Professional Engineer's and Land Surveyor's Fund established in
5 Section 6797.

6 (b) All moneys in the Geology and Geophysics Fund on January
7 1, 2012, shall be transferred on that date to the Geology and
8 Geophysics Account of the Professional Engineer's and Land
9 Surveyor's Fund.

10 (c) *This section shall become inoperative on July 1, 2016, and,*
11 *as of January 1, 2017, is repealed.*

12 ~~SEC. 19. Section 7886 of the Business and Professions Code~~
13 ~~is repealed.~~

14 *SEC. 22. Section 7886 of the Business and Professions Code*
15 *is amended to read:*

16 7886. (a) The moneys paid into the Geology and Geophysics
17 Account of the Professional Engineer's and Land Surveyor's Fund
18 pursuant to this chapter are hereby appropriated to be used by the
19 board to carry out the provisions of this chapter.

20 (b) *This section shall become inoperative on July 1, 2016, and,*
21 *as of January 1, 2017, is repealed.*

22 ~~SEC. 20.~~

23 *SEC. 23. Section 7886 is added to the Business and Professions*
24 *Code, to read:*

25 7886. (a) The department shall receive and account for all
26 money derived under the operation of this chapter and, at the end
27 of each month, shall report such money to the Controller and shall
28 pay it to the Treasurer, who shall keep the money in a separate
29 fund known as the Professional Engineer's, Land Surveyor's, and
30 Geologist's Fund.

31 (b) For accounting and recordkeeping purposes, the Professional
32 Engineer's, Land Surveyor's, and Geologist's Fund shall be
33 deemed to be a single special fund and shall be available for
34 expenditure only for the purposes as are now or may hereafter be
35 provided by law.

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

40 (d) *This section shall become operative on July 1, 2016.*

1 ~~SEC. 21.~~

2 *SEC. 24.* Section 8710 of the Business and Professions Code
3 is amended to read:

4 8710. (a) The Board for Professional Engineers, Land
5 Surveyors, and Geologists is vested with power to administer the
6 provisions and requirements of this chapter, and may make and
7 enforce rules and regulations that are reasonably necessary to carry
8 out its provisions.

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

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

20 ~~SEC. 22.~~

21 *SEC. 25.* Section 8759 of the Business and Professions Code
22 is amended to read:

23 8759. (a) A licensed land surveyor or licensed civil engineer
24 authorized to practice land surveying shall use a written contract
25 when contracting to provide professional services to a client
26 pursuant to this chapter. The written contract shall be executed by
27 the licensed land surveyor or licensed civil engineer and the client
28 or the client's representative prior to the licensed land surveyor or
29 licensed civil engineer commencing work, unless the client
30 knowingly states in writing that work may be commenced before
31 the contract is executed. The written contract shall include, but
32 not be limited to, all of the following:

33 (1) A description of the services to be provided to the client by
34 the licensed land surveyor or licensed civil engineer.

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

37 (3) The name, address, and license or certificate number of the
38 licensed land surveyor or licensed civil engineer, and the name
39 and address of the client.

1 (4) A description of the procedure that the licensed land surveyor
2 or licensed civil engineer and the client will use to accommodate
3 additional services.

4 (5) A description of the procedure to be used by both parties to
5 terminate the contract.

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

7 (1) Professional land surveying services rendered by a licensed
8 land surveyor or licensed civil engineer for which the client will
9 not pay compensation.

10 (2) A licensed land surveyor or licensed civil engineer who has
11 a current or prior contractual relationship with the client to provide
12 professional services pursuant to this chapter, and that client has
13 paid the licensed land surveyor or licensed civil engineer all of the
14 fees that are due under the contract.

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

18 (4) Professional services rendered by a licensed land surveyor
19 or a licensed civil engineer to any of the following:

20 (A) A professional engineer licensed under Chapter 7
21 (commencing with Section 6700).

22 (B) A land surveyor licensed under this chapter.

23 (C) An architect licensed under Chapter 3 (commencing with
24 Section 5500).

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

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

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

33 (G) A public agency.

34 (c) "Written contract" as used in this section includes a contract
35 that is in electronic form.

36 ~~SEC. 23.~~

37 *SEC. 26.* Section 8780.2 is added to the Business and
38 Professions Code, to read:

39 8780.2. (a) The failure of, or refusal by, a licensee or a
40 certificate holder to respond to a written request from a

1 representative of the board to cooperate in the investigation of a
2 complaint against that licensee or certificate holder constitutes a
3 cause for disciplinary action under Section 8780 or 8780.1.

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

6 ~~SEC. 24. Section 8800 of the Business and Professions Code~~
7 ~~is amended to read:~~

8 ~~8800. (a) The department shall receive and account for all~~
9 ~~money derived under the operation of this chapter and, at the end~~
10 ~~of each month, shall report such money to the State Controller and~~
11 ~~shall pay it to the State Treasurer, who shall keep the money in a~~
12 ~~separate fund known as the Professional Engineer's, Land~~
13 ~~Surveyor's, and Geologist's Fund.~~

14 ~~(b) For accounting and recordkeeping purposes, the Professional~~
15 ~~Engineer's, Land Surveyor's, and Geologist's Fund shall be~~
16 ~~deemed to be a single special fund, and shall be available for~~
17 ~~expenditure only for the purposes as are now or may hereafter be~~
18 ~~provided by law.~~

19 ~~(c) The fees and civil penalties received under this chapter shall~~
20 ~~be deposited in the Professional Engineer's, Land Surveyor's, and~~
21 ~~Geologist's Fund. All moneys in the fund are hereby appropriated~~
22 ~~for the purposes of this chapter.~~

23 ~~SEC. 27. Section 8800 of the Business and Professions Code~~
24 ~~is amended to read:~~

25 ~~8800. (a) The department shall receive and account for all~~
26 ~~money derived under the operation of this chapter and, at the end~~
27 ~~of each month, shall report such money to the State Controller and~~
28 ~~shall pay it to the State Treasurer, who shall keep the money in a~~
29 ~~separate fund known as the Professional Engineer's and Land~~
30 ~~Surveyor's Fund.~~

31 ~~For~~

32 ~~(b) For accounting and recordkeeping purposes, the Professional~~
33 ~~Engineer's and Land Surveyor's Fund shall be deemed to be a~~
34 ~~single special fund, and shall be available for expenditure only for~~
35 ~~the purposes as are now or may hereafter be provided by law.~~

36 ~~The~~

37 ~~(c) The fees and civil penalties received under this chapter shall~~
38 ~~be deposited in the Professional Engineer's and Land Surveyor's~~
39 ~~Fund. All moneys in the fund are hereby appropriated for the~~
40 ~~purposes of this chapter.~~

- 1 *(d) This section shall become inoperative on July 1, 2016, and,*
- 2 *as of January 1, 2017, is repealed.*
- 3 *SEC. 28. Section 8800 is added to the Business and Professions*
- 4 *Code, to read:*
- 5 *8800. (a) The department shall receive and account for all*
- 6 *money derived under the operation of this chapter and, at the end*
- 7 *of each month, shall report such money to the State Controller*
- 8 *and shall pay it to the State Treasurer, who shall keep the money*
- 9 *in a separate fund known as the Professional Engineer's, Land*
- 10 *Surveyor's, and Geologist's Fund.*
- 11 *(b) For accounting and recordkeeping purposes, the*
- 12 *Professional Engineer's, Land Surveyor's, and Geologist's Fund*
- 13 *shall be deemed to be a single special fund, and shall be available*
- 14 *for expenditure only for the purposes as are now or may hereafter*
- 15 *be provided by law.*
- 16 *(c) The fees and civil penalties received under this chapter shall*
- 17 *be deposited in the Professional Engineer's, Land Surveyor's, and*
- 18 *Geologist's Fund. All moneys in the fund are hereby appropriated*
- 19 *for the purposes of this chapter.*
- 20 *(d) This section shall become operative on July 1, 2016.*