

AMENDED IN SENATE AUGUST 31, 2015

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**

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

January 26, 2015

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An act to amend Sections 207, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6749, 7839.2, 7841, 7841.1, 7841.2, 8710, and 8759 of, to amend and repeal Section 7885 of, to amend, repeal, and add Sections 205, 207, 6797, 7886, and 8800 of, *to add Section 5550.2 to*, 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:~~ *boards.*

(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.~~ *Geologists.* The act requires the board to appoint an executive officer, as specified. ~~Under existing law, these provisions are repealed on January 1, 2016.~~ *officer. Existing law repeals the board and the executive officer position on January 1, 2016.*

This bill would extend the operation of these provisions ~~until~~ to January 1, 2020. The 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 ~~law, the Architects Practice Act~~, 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 Affairs.~~ *and authorizes the board to appoint an executive officer.* 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. Existing law repeals the board, the executive officer position, and the committee on January 1, 2016. Existing law requires a person to pass an examination as a condition of licensure as an architect and authorizes a person to take the examination if he or she meets certain examination eligibility requirements.~~

This bill would extend the operation of ~~these those~~ provisions ~~until~~ to January 1, 2020. ~~The bill would also authorize the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in an Additional Path to Architecture Licensing program, as specified.~~

(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. act until January 1, 2016.~~

This bill would extend ~~the operation of these provisions until that~~ power to January 1, 2020. ~~The bill bill, until January 1, 2020,~~ 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~~ *a specialty* 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~~ *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~~ *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 *relevant to geology*, as specified. 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.

(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 *continuously* 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 *continuously* appropriated for the purposes of the Professional Engineers Act and the Professional Land ~~Surveyor's~~ *Surveyors'* Act, and the moneys in those funds *that* 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, 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.~~

*This bill, beginning July 1, 2016, would abolish the Geology and Geophysics Account of the Professional Engineer’s and Land Surveyor’s Fund and would rename the Professional Engineer’s and Land Surveyor’s Fund as the Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund. The bill would direct those moneys collected under the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act to be deposited into the Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund, a continuously appropriated fund. Because additional moneys, except for fine and penalty money, would be deposited into a continuously appropriated fund, the bill would make an appropriation.*

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.

- 1 (12) Contingent Fund of the Medical Board of California.
- 2 (13) Optometry Fund.
- 3 (14) Pharmacy Board Contingent Fund.
- 4 (15) Physical Therapy Fund.
- 5 (16) Private Investigator Fund.
- 6 (17) Professional Engineer's and Land Surveyor's Fund.
- 7 (18) Consumer Affairs Fund.
- 8 (19) Behavioral Sciences Fund.
- 9 (20) Licensed Midwifery Fund.
- 10 (21) Court Reporters' Fund.
- 11 (22) Veterinary Medical Board Contingent Fund.
- 12 (23) Vocational Nurses Account of the Vocational Nursing and
- 13 Psychiatric Technicians Fund.
- 14 (24) Electronic and Appliance Repair Fund.
- 15 (25) Geology and Geophysics Account of the Professional
- 16 Engineer's and Land Surveyor's Fund.
- 17 (26) Dispensing Opticians Fund.
- 18 (27) Acupuncture Fund.
- 19 (28) Physician Assistant Fund.
- 20 (29) Board of Podiatric Medicine Fund.
- 21 (30) Psychology Fund.
- 22 (31) Respiratory Care Fund.
- 23 (32) Speech-Language Pathology and Audiology and Hearing
- 24 Aid Dispensers Fund.
- 25 (33) Board of Registered Nursing Fund.
- 26 (34) Psychiatric Technician Examiners Account of the
- 27 Vocational Nursing and Psychiatric Technicians Fund.
- 28 (35) Animal Health Technician Examining Committee Fund.
- 29 (36) State Dental Hygiene Fund.
- 30 (37) State Dental Assistant Fund.
- 31 (38) Structural Pest Control Fund.
- 32 (39) Structural Pest Control Eradication and Enforcement Fund.
- 33 (40) Structural Pest Control Research Fund.
- 34 (b) For accounting and recordkeeping purposes, the Professions
- 35 and Vocations Fund shall be deemed to be a single special fund,
- 36 and each of the several special funds therein shall constitute and
- 37 be deemed to be a separate account in the Professions and
- 38 Vocations Fund. Each account or fund shall be available for
- 39 expenditure only for the purposes as are now or may hereafter be
- 40 provided by law.

1 ~~(e) This section shall become inoperative on July 1, 2016, and,~~  
2 ~~as of January 1, 2017, is repealed.~~

3 *(c) This section shall remain in effect only until July 1, 2016,*  
4 *and as of that date is repealed, unless a later enacted statute, that*  
5 *is enacted before July 1, 2016, deletes or extends that date.*

6 SEC. 2. Section 205 is added to the Business and Professions  
7 Code, to read:

8 205. (a) There is in the State Treasury the Professions and  
9 Vocations Fund. The fund shall consist of the following special  
10 funds:

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

- 1 (29) Psychology Fund.
- 2 (30) Respiratory Care Fund.
- 3 (31) Speech-Language Pathology and Audiology and Hearing
- 4 Aid Dispensers Fund.
- 5 (32) Board of Registered Nursing Fund.
- 6 (33) Psychiatric Technician Examiners Account of the
- 7 Vocational Nursing and Psychiatric Technicians Fund.
- 8 (34) Animal Health Technician Examining Committee Fund.
- 9 (35) State Dental Hygiene Fund.
- 10 (36) State Dental Assistant Fund.
- 11 (37) Structural Pest Control Fund.
- 12 (38) Structural Pest Control Eradication and Enforcement Fund.
- 13 (39) Structural Pest Control Research Fund.

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

21 (c) This section shall become operative on July 1, ~~2017~~ 2016.

22 SEC. 3. Section 207 of the Business and Professions Code is  
23 amended to read:

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

32 (b) Notwithstanding any other provision of law, the annual  
33 Budget Act may appropriate, in a single budget item for each  
34 individual fund described in ~~paragraphs (1) to (40), inclusive, of~~  
35 subdivision (a) of Section 205, the entire amount available for  
36 expenditure in the budget year for that fund. That appropriation  
37 may include funds that are continuously appropriated and funds  
38 that are not continuously appropriated.

39 ~~(e) This section shall become inoperative on July 1, 2016, and,~~  
40 ~~as of January 1, 2017, is repealed.~~

1 ~~SEC. 4.~~ Section 207 is added to the Business and Professions  
 2 Code, to read:

3 ~~207. (a) Notwithstanding any other provision of law, the money~~  
 4 ~~in any fund described in Section 205 that is attributable to~~  
 5 ~~administrative fines, civil penalties, and criminal penalties imposed~~  
 6 ~~by a regulating entity, or cost recovery by a regulating entity from~~  
 7 ~~enforcement actions and case settlements, shall not be continuously~~  
 8 ~~appropriated. The money in each fund that is not continuously~~  
 9 ~~appropriated shall be available for expenditure as provided in this~~  
 10 ~~code only upon appropriation by the Legislature.~~

11 ~~(b) Notwithstanding any other provision of law, the annual~~  
 12 ~~Budget Act may appropriate, in a single budget item for each~~  
 13 ~~individual fund described in paragraphs (1) to (39), inclusive, of~~  
 14 ~~subdivision (a) of Section 205, the entire amount available for~~  
 15 ~~expenditure in the budget year for that fund. That appropriation~~  
 16 ~~may include funds that are continuously appropriated and funds~~  
 17 ~~that are not continuously appropriated.~~

18 ~~(c) This section shall become operative on July 1, 2016.~~

19 ~~SEC. 5.~~

20 *SEC. 4.* Section 5510 of the Business and Professions Code is  
 21 amended to read:

22 5510. There is in the Department of Consumer Affairs a  
 23 California Architects Board which consists of 10 members.

24 Any reference in law to the California Board of Architectural  
 25 Examiners shall mean the California Architects Board.

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

30 ~~SEC. 6.~~

31 *SEC. 5.* Section 5517 of the Business and Professions Code is  
 32 amended to read:

33 5517. The board may appoint a person exempt from civil  
 34 service who shall be designated as an executive officer and who  
 35 shall exercise the powers and perform the duties delegated by the  
 36 board and vested in him or her by this chapter.

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

39 *SEC. 6.* Section 5550.2 is added to the Business and Professions  
 40 Code, to read:

1 5550.2. *Notwithstanding subdivision (b) of Section 5552, the*  
2 *board may grant eligibility, based on an eligibility point determined*  
3 *by the Additional Path to Architectural Licensing Program, for a*  
4 *candidate to take the examination for a license to practice*  
5 *architecture if he or she is enrolled in an Additional Path to*  
6 *Architectural Licensing program that integrates the experience*  
7 *and examination components offered by a National Architectural*  
8 *Accrediting Board-accredited degree program.*

9 SEC. 7. Section 5620 of the Business and Professions Code is  
10 amended to read:

11 5620. The duties, powers, purposes, responsibilities, and  
12 jurisdiction of the California State Board of Landscape Architects  
13 that were succeeded to and vested with the Department of  
14 Consumer Affairs in accordance with Chapter 908 of the Statutes  
15 of 1994 are hereby transferred to the California Architects Board.  
16 The Legislature finds that the purpose for the transfer of power is  
17 to promote and enhance the efficiency of state government and  
18 that assumption of the powers and duties by the California  
19 Architects Board shall not be viewed or construed as a precedent  
20 for the establishment of state regulation over a profession or  
21 vocation that was not previously regulated by a board, as defined  
22 in Section 477.

23 (a) There is in the Department of Consumer Affairs a California  
24 Architects Board as defined in Article 2 (commencing with Section  
25 5510) of ~~Chapter 3~~. *Chapter 3 of Division 3.*

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

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

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

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

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

1 SEC. 8. Section 5621 of the Business and Professions Code is  
2 amended to read:

3 5621. (a) There is hereby created within the jurisdiction of the  
4 board, a Landscape Architects Technical Committee, hereinafter  
5 referred to in this chapter as the landscape architects committee.

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

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

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

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

25 SEC. 9. Section 5622 of the Business and Professions Code is  
26 amended to read:

27 5622. (a) The landscape architects committee may assist the  
28 board in the examination of candidates for a landscape architect's  
29 license and, after investigation, evaluate and make  
30 recommendations regarding potential violations of this chapter.

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

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

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

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

3 SEC. 10. Section 6710 of the Business and Professions Code  
4 is amended to read:

5 6710. (a) There is in the Department of Consumer Affairs a  
6 Board for Professional Engineers, Land Surveyors, and Geologists,  
7 which consists of 15 members.

8 (b) Any reference in any law or regulation to the Board of  
9 Registration for Professional Engineers and Land Surveyors, or  
10 the Board for Professional Engineers and Land Surveyors, is  
11 deemed to refer to the Board for Professional Engineers, Land  
12 Surveyors, and Geologists.

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

17 SEC. 11. Section 6714 of the Business and Professions Code  
18 is amended to read:

19 6714. The board shall appoint an executive officer at a salary  
20 to be fixed and determined by the board with the approval of the  
21 Director of Finance.

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

24 SEC. 12. Section 6749 of the Business and Professions Code  
25 is amended to read:

26 6749. (a) A professional engineer shall use a written contract  
27 when contracting to provide professional engineering services to  
28 a client pursuant to this chapter. The written contract shall be  
29 executed by the professional engineer and the client or the client's  
30 representative prior to the professional engineer commencing work,  
31 unless the client knowingly states in writing that work may be  
32 commenced before the contract is executed. The written contract  
33 shall include, but not be limited to, all of the following:

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

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

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

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

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

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

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

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

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

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

17 (A) A professional engineer licensed or registered under this  
18 chapter.

19 (B) A land surveyor licensed under Chapter 15 (commencing  
20 with Section 8700).

21 (C) An architect licensed under Chapter 3 (commencing with  
22 Section 5500).

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

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

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

31 (G) A public agency.

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

34 SEC. 13. Section 6775.2 is added to the Business and  
35 Professions Code, to read:

36 6775.2. (a) The failure of, or refusal by, a licensee or a  
37 certificate holder to respond to a written request from a  
38 representative of the board to cooperate in the investigation of a  
39 complaint against that licensee or certificate holder constitutes a  
40 cause for disciplinary action under Section 6775 or 6775.1.

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

3 SEC. 14. Section 6797 of the Business and Professions Code  
4 is amended to read:

5 6797. (a) The department shall receive and account for all  
6 money derived from the operation of this chapter and, at the end  
7 of each month, shall report such money to the State Controller and  
8 shall pay it to the State Treasurer, who shall keep the money in a  
9 separate fund known as the Professional Engineer's and Land  
10 Surveyor's Fund.

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

15 (c) The fees and civil penalties received under this chapter shall  
16 be deposited in the Professional Engineer's and Land Surveyor's  
17 Fund. All moneys in the fund are hereby appropriated for the  
18 purposes of this chapter.

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

21 *(d) This section shall remain in effect only until July 1, 2016,*  
22 *and as of that date is repealed, unless a later enacted statute, that*  
23 *is enacted before July 1, 2016, deletes or extends that date.*

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

26 6797. (a) The department shall receive and account for all  
27 money derived from the operation of this chapter and, at the end  
28 of each month, shall report such money to the State Controller and  
29 shall pay it to the State Treasurer, who shall keep the money in a  
30 separate fund known as the Professional Engineer's, Land  
31 Surveyor's, and Geologist's Fund.

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

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

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

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

4 7839.2. (a) A professional geologist or professional  
5 geophysicist shall use a written contract when contracting to  
6 provide geological or geophysical services to a client pursuant to  
7 this chapter. The written contract shall be executed by the  
8 professional geologist or professional geophysicist and the client  
9 or the client's representative prior to the professional geologist or  
10 professional geophysicist commencing work, unless the client  
11 states in writing that work may be commenced before the contract  
12 is executed. The written contract shall include, but is not limited  
13 to, all of the following:

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

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

18 (3) The name, address, and license or certificate number of the  
19 professional geologist or professional geophysicist, and the name  
20 and address of the client.

21 (4) A description of the procedure that the professional geologist  
22 or professional geophysicist and the client will use to accommodate  
23 additional services.

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

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

27 (1) Geologic or geophysical services rendered by a professional  
28 geologist or professional geophysicist for which the client will not  
29 pay compensation.

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

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

37 (4) Geological or geophysical services rendered by a geologist  
38 or geophysicist to any of the following:

39 (A) A geologist or geophysicist licensed under this chapter.

1 (B) An engineer licensed under Chapter 7 (commencing with  
2 Section 6700).

3 (C) A land surveyor licensed under Chapter 15 (commencing  
4 with Section 8700).

5 (D) An architect licensed under Chapter 3 (commencing with  
6 Section 5500).

7 (E) A contractor licensed under Chapter 9 (commencing with  
8 Section 7000).

9 (F) A public agency.

10 (c) As used in this section, “written contract” includes a contract  
11 in electronic form.

12 SEC. 17. Section 7841 of the Business and Professions Code  
13 is amended to read:

14 7841. An applicant for licensure as a geologist shall have all  
15 the following qualifications:

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

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

21 (c) Have a documented record of a minimum of five years of  
22 professional geological experience of a character satisfactory to  
23 the board, demonstrating that the applicant is qualified to assume  
24 responsible charge of this work upon licensure as a geologist. This  
25 experience shall be gained under the supervision of a geologist or  
26 geophysicist licensed in this or any other state, or under the  
27 supervision of others who, in the opinion of the board, have the  
28 training and experience to have responsible charge of geological  
29 work. Professional geological work does not include routine  
30 sampling, laboratory work, or geological drafting.

31 Each year of undergraduate study in the geological sciences shall  
32 count as one-half year of training up to a maximum of two years,  
33 and each year of graduate study or research counts as a year of  
34 training.

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

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

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

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

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

20 7841.1. An applicant for licensure as a geophysicist shall have  
21 all of the following qualifications. This section shall not apply to  
22 applicants for licensure as geologists.

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

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

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

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

35 (c) Have at least seven years of professional geophysical work  
36 that shall include either a minimum of three years of professional  
37 geophysical work under the supervision of a professional  
38 geophysicist, except that prior to July 1, 1973, professional  
39 geophysical work shall qualify under this subdivision if it is under  
40 the supervision of a qualified geophysicist, or a minimum of five

1 years' experience in responsible charge of professional geophysical  
2 work. Professional geophysical work does not include the routine  
3 maintenance or operation of geophysical instruments, or, even if  
4 carried out under the responsible supervision of a professional  
5 geophysicist, the routine reduction or plotting of geophysical  
6 observations.

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

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

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

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

26 (d) Successfully pass a written examination.

27 SEC. 19. Section 7841.2 of the Business and Professions Code  
28 is amended to read:

29 7841.2. An applicant for certification as a geologist-in-training  
30 shall comply with all of the following:

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

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

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

37 SEC. 20. Section 7860.2 is added to the Business and  
38 Professions Code, to read:

39 7860.2. (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 ~~7860 or 7860.1~~. 7860.

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

6 SEC. 21. Section 7885 of the Business and Professions Code  
7 is amended to read:

8 7885. (a) The board shall report each month to the State  
9 Controller the amount and source of all revenue received by it  
10 pursuant to this chapter and at the same time pay the entire amount  
11 thereof into the State Treasury for credit to the Geology and  
12 Geophysics Account, which is hereby created within the  
13 Professional Engineer's and Land Surveyor's Fund established in  
14 Section 6797.

15 (b) All moneys in the Geology and Geophysics Fund on January  
16 1, 2012, shall be transferred on that date to the Geology and  
17 Geophysics Account of the Professional Engineer's and Land  
18 Surveyor's Fund.

19 ~~(e) This section shall become inoperative on July 1, 2016, and,  
20 as of January 1, 2017, is repealed.~~

21 *(c) This section shall remain in effect only until July 1, 2016,  
22 and as of that date is repealed, unless a later enacted statute, that  
23 is enacted before July 1, 2016, deletes or extends that date.*

24 SEC. 22. Section 7886 of the Business and Professions Code  
25 is amended to read:

26 7886. (a) 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 ~~(b) This section shall become inoperative on July 1, 2016, and,  
31 as of January 1, 2017, is repealed.~~

32 *(b) This section shall remain in effect only until July 1, 2016,  
33 and as of that date is repealed, unless a later enacted statute, that  
34 is enacted before July 1, 2016, deletes or extends that date.*

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

37 7886. (a) The department shall receive and account for all  
38 money derived under the operation of this chapter and, at the end  
39 of each month, shall report such money to the Controller and shall  
40 pay it to the Treasurer, who shall keep the money in a separate

1 fund known as the Professional Engineer's, Land Surveyor's, and  
2 Geologist's Fund.

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

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

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

13 SEC. 24. Section 8710 of the Business and Professions Code  
14 is amended to read:

15 8710. (a) The Board for Professional Engineers, Land  
16 Surveyors, and Geologists is vested with power to administer the  
17 provisions and requirements of this chapter, and may make and  
18 enforce rules and regulations that are reasonably necessary to carry  
19 out its provisions.

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

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

31 SEC. 25. Section 8759 of the Business and Professions Code  
32 is amended to read:

33 8759. (a) A licensed land surveyor or licensed civil engineer  
34 authorized to practice land surveying shall use a written contract  
35 when contracting to provide professional services to a client  
36 pursuant to this chapter. The written contract shall be executed by  
37 the licensed land surveyor or licensed civil engineer and the client  
38 or the client's representative prior to the licensed land surveyor or  
39 licensed civil engineer commencing work, unless the client  
40 knowingly states in writing that work may be commenced before

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

1 provided in connection with or incidental to the products, systems,  
2 or services of that corporation or its affiliates.

3 (G) A public agency.

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

6 SEC. 26. Section 8780.2 is added to the Business and  
7 Professions Code, to read:

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

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

15 SEC. 27. Section 8800 of the Business and Professions Code  
16 is amended to read:

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

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

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

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

33 *(d) This section shall remain in effect only until July 1, 2016,*  
34 *and as of that date is repealed, unless a later enacted statute, that*  
35 *is enacted before July 1, 2016, deletes or extends that date.*

36 SEC. 28. Section 8800 is added to the Business and Professions  
37 Code, to read:

38 8800. (a) The department shall receive and account for all  
39 money derived under the operation of this chapter and, at the end  
40 of each month, shall report such money to the State Controller and

1 shall pay it to the ~~State~~ Treasurer, who shall keep the money in a  
2 separate fund known as the Professional Engineer's, Land  
3 Surveyor's, and Geologist's Fund.

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

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

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