

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 468

Introduced by Senator Hill

February 25, 2015

An act to amend Sections 7508.1, 7508.2, 7508.3, 7508.4, 7508.5, 7508.6, 7542, 7563, 7566, 7583.4, 7583.6, 7583.12, 7583.22, 7583.23, 7583.33, ~~and 7599.54~~ 7587.8, 7587.9, 7587.10, 7587.12, 7587.14, 7597.1, 7597.2, 7597.3, 7597.5, 7597.6, 7598.51, 7598.53, 7599.32, 7599.33, 7599.34, 7599.36, 7599.37, 7599.38, 7599.39, 7599.40, 7599.41, 7599.42, 7599.44, 7599.45, 7599.54, and 7599.59 of, to add Section 7585.4.1 to, to add Article 10 (commencing with Section 6981) to Chapter 8.5 of, to add Article 12 (commencing with Section 7511.5) to Chapter 11 of, to add Article 8 (commencing with Section 7573.5) to Chapter 11.3 of, to add Article ~~16~~ 6 (commencing with Section 7576) to Chapter 11.4 of, to add Article 9 (commencing with Section 7588.8) to Chapter 11.5 of, and to add Article 15 (commencing with Section 7599.80) to Chapter 11.6 of, Division 3 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as amended, Hill. Bureau of Security and Investigative Services: licensees.

(1) Existing law provides for the regulation, by the Bureau of Security and Investigative Services, of locksmiths and the employers of locksmiths, repossessors, private investigators, private patrol operators, armored contract carriers, firearms and baton training facilities, and employees of those licensees, alarm company operators and alarm agents, and proprietary security services.

This bill would subject the bureau to review by the appropriate policy committees of the Legislature.

(2) Existing law prohibits a licensed private investigator and qualified manager who, in the course of his or her employment or business, carries a deadly weapon to carry or use a firearm unless he or she has in his or her possession a valid firearms qualification card and requires the licensed private investigator and qualified manager to comply with, and be subject to, specified provisions. Under existing law, a firearms qualification card does not authorize the holder of the card to carry a firearm capable of being concealed upon the person in a concealed manner, as specified.

This bill would authorize those licensed private investigators and qualified managers who possess a valid firearms qualification card to also carry a concealed firearm if they satisfy specified conditions.

(3) The Alarm Company Act requires that specified agreements entered into by an alarm company pertaining to alarm systems, including, among others, lease agreements, monitoring agreements, service agreements, and installation agreements, be in writing and to include specified items.

This bill would additionally require all initial residential sales and lease agreements that contain an automatic renewal provision to disclose that the agreement contains an automatic renewal provision, as provided.

(4) The Private Security Services Act provides, among other matters, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs and makes a violation of its provisions a crime. Under existing law, a person required to be registered as a security guard must report to his or her employer, within 24 hours of the incident, the circumstances surrounding the discharge of any firearm in which he or she is involved while acting within the course and scope of his or her employment. Existing law also requires a person registered as a security or patrolperson to deliver to the Director of Consumer Affairs and to local law enforcement a written report describing the circumstances surrounding the discharge of a firearm in which he or she was involved while acting within the course of his or her employment, within 7 days of the incident.

This bill would additionally impose the reporting duties upon the employer of the security guard or patrol person.

(5) Existing law requires security guards, security patrolpersons, persons employed by private patrol operators and armored contract

carriers, and registered uniform security guards to complete specified courses, acquire specified licenses, and be subject to specified provisions relating to their duties and relating to the carrying and use of a firearm or baton, as provided.

This bill would exempt from those provisions a federal law enforcement officer.

(6) Existing law provides that any institution, firm, or individual wishing the approval of the Bureau of Security and Investigative Services to offer the firearms course must complete an application for certification as a firearms training facility, as specified.

This bill would require the bureau, within 90 days after issuance of a “Firearms Training Facility Certificate,” to inspect the facility for compliance with the specified requirements. The bill would authorize the bureau to inspect the facility prior to the issuance of a certificate. The bill would also require the bureau to maintain a program of random and targeted inspections of facilities to ensure compliance with applicable laws relating to the conduct and operation of facilities, and to inform facilities when the bureau determines that the facility is not in compliance with the above-mentioned laws.

(7) Existing law requires the Bureau of Security and Investigative Services to issue a firearms permit to a private patrol operator when specified conditions are satisfied, including that the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of his or her duties, presents no apparent threat to the public safety.

This bill would require an applicant to undergo a psychological evaluation, reviewed by a licensed psychologist shall be of the applicant’s choice, in order to certify the applicant’s psychological capability to exercise appropriate judgment, restraint, and self-control, as provided.

(8) The Collateral Recovery Act, the Private Investigator Act, the Private Security Services Act, and the Alarm Company Act impose, or authorize the imposition of, various fines and civil penalties, or suspend various licenses or permits issued pursuant to those acts, for violations of specified provisions of those acts.

This bill would revise specified fine amounts, civil penalty amounts, and suspensions for violations of specified provisions of the Collateral Recovery Act, the Private Investigator Act, the Private Security Services Act, and the Alarm Company Act.

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

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

1 SECTION 1. Article 10 (commencing with Section 6981) is
2 added to Chapter 8.5 of Division 3 of the Business and Professions
3 Code, to read:

4

5

Article 10. Review

6

7 6981. Notwithstanding any other law, the powers and duties
8 of the bureau, as set forth in this chapter, shall be subject to review
9 by the appropriate policy committees of the Legislature. The review
10 shall be performed as if this chapter were scheduled to be repealed
11 as of January 1, 2020.

12 *SEC. 2. Section 7508.1 of the Business and Professions Code*
13 *is amended to read:*

14 7508.1. The director may assess administrative fines for the
15 following prohibited acts:

16 (a) Knowingly making any false report to his or her employer
17 or client for whom information was being obtained. The fine shall
18 be one hundred dollars (\$100) for the first ~~violation~~, *violation* and
19 five hundred dollars (\$500) for each violation thereafter.

20 (b) Using any identification to indicate registration as a
21 repossessor, other than the bureau-issued registration card, except
22 an employer identification card issued by the repossession agency
23 which has met bureau approval, or a badge, cap insignia, or jacket
24 patch as provided in Section 7508.8. A bureau-issued registration
25 card shall be carried by those individuals specified by Section
26 7506.3, and shall be shown on demand to any bureau employee
27 or law enforcement officer. The fine shall be ~~twenty-five dollars~~
28 *(\$25) one hundred dollars (\$100)* for each violation.

29 (c) Using an alias in connection with the official activities of
30 the licensee's business. ~~A notice of warning shall be issued for the~~
31 ~~first violation. Thereafter the fine shall be twenty-five dollars (\$25)~~
32 ~~for each violation. The fine shall be one hundred dollars (\$100)~~
33 ~~for the first violation and two hundred fifty dollars (\$250) for each~~
34 ~~violation thereafter.~~ *for the first violation and two hundred fifty dollars (\$250) for each*
violation thereafter.

1 (d) Appearing as an assignee party in any court proceeding
2 involving claim and delivery, replevin, or other possessory court
3 action, action to foreclose a chattel mortgage, mechanic's lien,
4 materialman's lien, or any other lien. This section shall not prohibit
5 a licensee from appearing as a defendant in any of the preceding
6 actions. The fine shall be one hundred dollars (\$100) for each
7 violation.

8 *SEC. 3. Section 7508.2 of the Business and Professions Code*
9 *is amended to read:*

10 7508.2. The director may assess administrative fines for any
11 of the following prohibited acts:

12 (a) Recovering collateral or making any money demand in lieu
13 thereof, including, but not limited to, collateral registered under
14 the Vehicle Code, that has been sold under a security agreement
15 before a signed or telegraphic authorization has been received from
16 the legal owner, debtor, lienholder, lessor, or repossession agency
17 acting on behalf of the legal owner, debtor, lienholder, or lessor
18 of the collateral. A telephonic assignment is acceptable if the legal
19 owner, debtor, lienholder, lessor, or repossession agency acting
20 on behalf of the legal owner, debtor, lienholder, or lessor is known
21 to the licensee and a written authorization from the legal owner,
22 debtor, lienholder, lessor, or repossession agency acting on behalf
23 of the legal owner, debtor, lienholder, or lessor is received by the
24 licensee within 10 working days or a request by the licensee for a
25 written authorization from the legal owner, debtor, lienholder,
26 lessor, or repossession agency acting on behalf of the legal owner,
27 debtor, lienholder, or lessor is made in writing within 10 working
28 days. Referrals of assignments from one licensee to another
29 licensee are acceptable. The referral of an assignment shall be
30 made under the same terms and conditions as in the original
31 assignment. The fine shall be ~~twenty-five dollars (\$25) for each~~
32 ~~of the first five violations and one hundred dollars (\$100) one~~
33 *hundred dollars (\$100) for the first violation and five hundred*
34 *dollars (\$500) for each violation thereafter, per audit.*

35 (b) Using collateral or personal effects, which have been
36 recovered, for the personal benefit of a licensee, or officer, partner,
37 manager, registrant, or employee of a licensee. The fine shall be
38 ~~twenty-five dollars (\$25) two hundred fifty dollars (\$250) for the~~
39 ~~first violation and one hundred dollars (\$100) thousand dollars~~
40 *(\$1,000) for each violation thereafter. This subdivision does not*

1 apply to personal effects disposed of pursuant to subdivision (c)
2 of Section 7507.9. Nothing in this subdivision prohibits the using
3 or taking of personal property connected, adjoined, or affixed to
4 the collateral through an unbroken sequence if that use or taking
5 is reasonably necessary to effectuate the recovery in a safe manner
6 or to protect the collateral or personal effects.

7 (c) Selling collateral recovered under this chapter, or making a
8 demand for payment in lieu of repossession. The fine shall be two
9 hundred fifty dollars (\$250) for the first violation and one thousand
10 dollars (\$1,000) for each subsequent violation.

11 (d) Unlawfully entering any private building or secured area
12 without the consent of the owner, or of the person in legal
13 possession thereof, at the time of repossession. The fine shall be
14 five hundred dollars (\$500) for each violation.

15 (e) Committing unlawful assault or battery on another person.
16 The fine shall be ~~five hundred dollars (\$500)~~ *not exceed two*
17 *thousand five hundred dollars (\$2,500)* for each violation.

18 (f) Falsification or alteration of an inventory. The fine shall be
19 ~~twenty-five dollars (\$25) for each violation.~~ *one hundred dollars*
20 *(\$100) for the first violation and two hundred fifty dollars (\$250)*
21 *for each violation thereafter.*

22 (g) Soliciting from the legal owner the recovery of specific
23 collateral registered under the Vehicle Code or under the motor
24 vehicle licensing laws of other states after the collateral has been
25 seen or located on a public street or on public or private property
26 without divulging the location of the vehicle. The fine shall be one
27 hundred dollars (\$100) for the first violation and two hundred fifty
28 dollars (\$250) for each violation thereafter.

29 *SEC. 4. Section 7508.3 of the Business and Professions Code*
30 *is amended to read:*

31 7508.3. A licensee, or any of his or her registrants or
32 employees, or a qualified certificate holder, shall be prohibited
33 from using any false or misleading representation during the course
34 of recovery of collateral and may be ~~issued a notice of warning~~
35 ~~for the first violation; assessed a twenty-five dollar (\$25) fine for~~
36 ~~the second violation; and assessed a one hundred dollar (\$100)~~
37 *assessed a fine of one hundred dollars (\$100) for the first violation*
38 *and a fine of two hundred fifty dollars (\$250) for any subsequent*
39 *violation of any of the following:*

1 (a) The false representation or implication that the individual
2 is vouched for, bonded by, or affiliated with the United States or
3 with any state, county, city, or city and county, including the use
4 of any badge, uniform, or facsimile thereof.

5 (b) The false representation or implication that any individual
6 is an attorney or that any communication is from any attorney.

7 (c) The representation or implication by a repossession agency
8 or its registrants or employees that nonpayment of any debt will
9 result in the arrest or imprisonment of any person or the seizure,
10 garnishment, attachment, or sale of any property or wages of any
11 person, unless the action is lawful and the creditor has instructed
12 the repossession agency to inform the debtor that the creditor
13 intends to take the action.

14 (d) The threat to take any action that cannot legally be taken or
15 that is not intended to be taken.

16 (e) The false representation or implication that the debtor
17 committed any crime or other conduct in order to disgrace the
18 debtor.

19 (f) The use or distribution of any written communication which
20 simulates or is falsely represented to be a document authorized,
21 issued, or approved by any court, official, or agency of the United
22 States or any state, or which creates a false impression as to its
23 source, authorization, or approval.

24 (g) The false representation or implication that documents are
25 legal process.

26 (h) The use of any business, company, or organization name
27 other than the true name of the repossession agency's business,
28 company, or organization.

29 (i) The use of any deceptive forms.

30 *SEC. 5. Section 7508.4 of the Business and Professions Code*
31 *is amended to read:*

32 7508.4. The director may assess administrative fines for any
33 of the following prohibited acts:

34 (a) Conducting business from any location other than that
35 location to which a license was issued or conducting a business as
36 an individual, partnership, limited liability company, or corporation
37 unless the licensee holds a valid license issued to that exact same
38 individual, partnership, limited liability company, or corporation.
39 The fine shall be one thousand dollars (\$1,000) for each violation.

1 (b) Aiding or abetting an unlicensed reposessor or assigning
2 his or her license. “Assigning his or her license” means that no
3 licensee shall permit a registrant, employee, or agent in his or her
4 own name to advertise, engage clients, furnish reports, or present
5 bills to clients, or in any manner whatsoever to conduct business
6 for which a license is required under this chapter. The fine shall
7 be one thousand dollars (\$1,000) for each violation.

8 (c) Failing to register registrants within 15 days. The fine shall
9 be two hundred fifty dollars (\$250) for each of the first two
10 violations and one thousand dollars (\$1,000) for each violation
11 thereafter.

12 (d) Employing a person whose registration has expired or been
13 revoked, denied, suspended, or canceled, if the bureau has furnished
14 a listing of these persons to the licensee. The fine shall be
15 ~~twenty-five dollars (\$25) for each violation.~~ *one hundred fifty*
16 *dollars (\$150) for the first violation and a fine not to exceed one*
17 *thousand dollars (\$1,000) for each violation thereafter.*

18 (e) Failing to notify the bureau, within 30 days, of any change
19 in officers. A notice of warning shall be issued for the first
20 violation. Thereafter, the fine shall be ~~twenty-five dollars (\$25)~~
21 *five hundred dollars (\$500) for each violation.*

22 (f) Failing to submit the notices regarding a violent act or
23 threatened violent act within seven days pursuant to Section 7507.6
24 or to submit a copy of a judgment awarded against the licensee
25 for an amount of more than the then prevailing maximum claim
26 that may be brought in small claims court within seven days
27 pursuant to Section 7507.7. The fine shall be ~~twenty-five dollars~~
28 ~~(\$25) five hundred dollars (\$500) for the first violation and one~~
29 ~~hundred dollars (\$100) per violation thereafter.~~ *one thousand*
30 *dollars (\$1,000) for each violation thereafter.*

31 (g) Failing to include the licensee’s name, address, and license
32 number in any advertisement. ~~A notice of warning shall be issued~~
33 ~~for the first violation. Thereafter, the fine shall be twenty-five~~
34 ~~dollars (\$25) The fine shall be fifty dollars (\$50) for each violation.~~

35 (h) Failing to maintain personal effects for at least 60 days. The
36 fine shall be ~~twenty-five dollars (\$25) one hundred dollars (\$100)~~
37 ~~for the first violation and one hundred dollars (\$100) two hundred~~
38 ~~fifty dollars (\$250) for each violation thereafter.~~

39 (i) Failing to provide a personal effects list or a notice of seizure
40 within the time limits set forth in Section 7507.9 or 7507.10. The

1 fine shall be ~~twenty-five dollars (\$25)~~ *one hundred dollars (\$100)*
2 for the first violation and ~~one hundred dollars (\$100)~~ *two hundred*
3 *fifty dollars (\$250)* for each violation thereafter.

4 (j) Failing to file the required report pursuant to Section 28 of
5 the Vehicle Code. The fine shall be ~~twenty-five dollars (\$25)~~ for
6 ~~each of the first five violations and one hundred dollars (\$100)~~
7 *two hundred fifty dollars (\$250) for the first violation and two*
8 *hundred fifty dollars (\$250) for each violation thereafter, per audit.*

9 (k) Failing to maintain an accurate record and accounting of
10 secure temporary registration forms. The qualified certificate holder
11 shall be fined ~~twenty-five dollars (\$25) for the first violation, one~~
12 ~~hundred dollars (\$100) for the second violation, two hundred fifty~~
13 ~~dollars (\$250) for the third violation, and two hundred fifty dollars~~
14 ~~(\$250) plus a one-year suspension of the privilege to issue~~
15 ~~temporary registrations pursuant to Section 7506.9 for the fourth~~
16 ~~and subsequent violations: two hundred fifty dollars (\$250) for the~~
17 *first violation, five hundred dollars (\$500) for the second violation,*
18 *and one thousand dollars (\$1,000) plus a one-year suspension of*
19 *the privilege to issue temporary registrations pursuant to Section*
20 *7506.9 for the third and subsequent violations.*

21 (l) Representing that a licensee has an office and conducts
22 business at a specific address when that is not the case. The fine
23 shall be five thousand dollars (\$5,000) for each violation.

24 (m) Notwithstanding any other ~~provision of~~ law, the money in
25 the Private Security Services Fund that is attributable to
26 administrative fines imposed pursuant to ~~subdivision (e)~~ *this section*
27 shall not be continuously appropriated and shall be available for
28 expenditure only upon appropriation by the Legislature.

29 *SEC. 6. Section 7508.5 of the Business and Professions Code*
30 *is amended to read:*

31 7508.5. The director may assess administrative fines against
32 a repossession agency registrant for the following acts, in addition
33 to fines imposed pursuant to any other section in this article. The
34 fine shall be ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* for each
35 of the following violations:

36 (a) Knowingly submit a false report.

37 (b) Submitting a report to a client without authorization by his
38 or her employer.

1 (c) Failing to carry a bureau-issued identification card and failing
2 to show that card upon demand to a bureau employee or a law
3 enforcement officer.

4 (d) Failing to register.

5 (e) Failing to return his or her registration card to the employer
6 upon termination.

7 (f) Failing to report a violent act involving the registrant to the
8 licensee or the licensee’s qualified certificate holder within 24
9 hours.

10 *SEC. 7. Section 7508.6 of the Business and Professions Code*
11 *is amended to read:*

12 7508.6. The director may assess administrative fines against
13 any repossession agency licensee, qualified certificate holder, or
14 registrant for failure to notify the bureau within 30 days of any
15 change of residence or business address. The fine shall be
16 ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* for each violation.

17 ~~SEC. 2.~~

18 *SEC. 8.* Article 12 (commencing with Section 7511.5) is added
19 to Chapter 11 of Division 3 of the Business and Professions Code,
20 to read:

21
22 Article 12. Review

23
24 7511.5. Notwithstanding any other law, the powers and duties
25 of the bureau, as set forth in this chapter, shall be subject to review
26 by the appropriate policy committees of the Legislature. The review
27 shall be performed as if this chapter were scheduled to be repealed
28 as of January 1, 2020.

29 ~~SEC. 3.~~

30 *SEC. 9.* Section 7542 of the Business and Professions Code is
31 amended to read:

32 7542. Every licensee and qualified manager who in the course
33 of his or her employment or business carries a deadly weapon shall
34 complete a course of training in the exercise of the powers to arrest
35 as specified in Section 7583.7 and a course of training in the
36 carrying and use of firearms as specified in Article 4 (commencing
37 with Section 7583) of Chapter 11.5. No licensee or qualified
38 manager shall carry or use a firearm unless he or she has met the
39 requirements of Sections 7583.23, 7583.28, and 7583.29 and has
40 in his or her possession a valid firearms qualification card as

1 provided in Section 7583.30. A licensee or qualified manager who
2 possesses a valid firearms qualification card shall comply with
3 and be subject to the provisions of Sections 7583.31, 7583.32, and
4 7583.37. A licensee or qualified manager who possesses a valid
5 firearms qualification card may carry a firearm capable of being
6 concealed upon the person in a concealed manner if he or she
7 complies with applicable provisions set forth in Chapter 4
8 (commencing with Section 26150) of Division 5 of Title 4 of Part
9 6 of the Penal Code.

10 *SEC. 10. Section 7563 of the Business and Professions Code*
11 *is amended to read:*

12 7563. The director, in lieu of suspending or revoking a license
13 issued under this chapter for violations of Sections 7561.1, 7561.3,
14 and 7561.4, may impose a civil penalty not to exceed five hundred
15 dollars (\$500) *for the first violation, and one thousand dollars*
16 *(\$1,000) for each violation thereafter*, upon a licensee, if the
17 director determines that this action better serves the purposes of
18 this chapter.

19 *SEC. 11. Section 7566 of the Business and Professions Code*
20 *is amended to read:*

21 7566. The director may assess administrative fines of *fifty*
22 *dollars (\$50)* against any licensee, registrant, or firearms
23 qualification cardholder *for each violation* for failure to notify the
24 bureau within 30 days of any change of residence or business
25 address. The principal place of business may be at a home or at a
26 business address, but it shall be the place at which the licensee
27 maintains a permanent office.

28 ~~(a) The fine shall be twenty-five dollars (\$25) for each violation~~
29 ~~by a licensee.~~

30 ~~(b) The fine shall be fifteen dollars (\$15) for each violation by~~
31 ~~a registrant or a firearms qualification cardholder.~~

32 ~~SEC. 4.~~

33 *SEC. 12.* Article 8 (commencing with Section 7573.5) is added
34 to Chapter 11.3 of Division 3 of the Business and Professions
35 Code, to read:

36

37 Article 8. Review

38

39 7573.5. Notwithstanding any other law, the powers and duties
40 of the bureau, as set forth in this chapter, shall be subject to review

1 by the appropriate policy committees of the Legislature. The review
2 shall be performed as if this chapter were scheduled to be repealed
3 as of January 1, 2020.

4 ~~SEC. 5.~~

5 *SEC. 13.* Article ~~16~~6 (commencing with Section 7576) is added
6 to Chapter 11.4 of Division 3 of the Business and Professions
7 Code, to read:

8

9

Article ~~16~~.6. Review

10

11 7576. Notwithstanding any other law, the powers and duties
12 of the bureau, as set forth in this chapter, shall be subject to review
13 by the appropriate policy committees of the Legislature. The review
14 shall be performed as if this chapter were scheduled to be repealed
15 as of January 1, 2020.

16 ~~SEC. 6.~~

17 *SEC. 14.* Section 7583.4 of the Business and Professions Code
18 is amended to read:

19 7583.4. Any person registered as a security guard or
20 patrolperson, and the employer of the security guard or
21 patrolperson, shall deliver to the director a written report describing
22 fully the circumstances surrounding any incident involving the
23 discharge of any firearm in which he or she was involved while
24 acting within the course and scope of his or her employment, within
25 seven days after the incident. The report shall be made on a form
26 prescribed by the director which shall include, but not be limited
27 to, the following:

28 (a) The name, address, and date of birth of the guard or
29 patrolperson.

30 (b) The registration number of the guard or patrolperson.

31 (c) The firearm permit number and baton permit number of the
32 guard or patrolperson, if applicable.

33 (d) The name of the employer of the person.

34 (e) The description of any injuries and damages that occurred.

35 (f) The identity of all participants in the incident.

36 (g) Whether a police investigation was conducted relating to
37 the incident.

38 (h) The date and location of the incident. Any report may be
39 investigated by the director to determine if any disciplinary action
40 is necessary.

1 A copy of the report delivered to the director pursuant to this
2 section shall also be delivered within seven days of the incident
3 to the local police or sheriff's department which has jurisdiction
4 over the geographic area where the incident occurred.

5 ~~SEC. 7.~~

6 *SEC. 15.* Section 7583.6 of the Business and Professions Code
7 is amended to read:

8 7583.6. (a) A person entering the employ of a licensee to
9 perform the functions of a security guard or a security patrolperson
10 shall complete a course in the exercise of the power to arrest prior
11 to being assigned to a duty location.

12 (b) Except for a registrant who has completed the course of
13 training required by Section 7583.45, a person registered pursuant
14 to this chapter shall complete not less than 32 hours of training in
15 security officer skills within six months from the date the
16 registration card is issued. Sixteen of the 32 hours shall be
17 completed within 30 days from the date the registration card is
18 issued.

19 (c) A course provider shall issue a certificate to a security guard
20 upon satisfactory completion of a required course, conducted in
21 accordance with the department's requirements. A private patrol
22 operator may provide training programs and courses in addition
23 to the training required in this section. A registrant who is unable
24 to provide his or her employing licensee the certificate of
25 satisfactory completion required by this subdivision shall complete
26 16 hours of the training required by subdivision (b) within 30 days
27 of the date of his employment and shall complete the 16 remaining
28 hours within six months of his or her employment date.

29 (d) The department shall develop and approve by regulation a
30 standard course and curriculum for the skills training required by
31 subdivision (b) to promote and protect the safety of persons and
32 the security of property. For this purpose, the department shall
33 consult with consumers, labor organizations representing private
34 security officers, private patrol operators, educators, and subject
35 matter experts.

36 (e) The course of training required by subdivision (b) may be
37 administered, tested, and certified by any licensee, or by any
38 organization or school approved by the department. The department
39 may approve any person or school to teach the course.

1 (f) (1) On and after January 1, 2005, a licensee shall annually
2 provide each employee registered pursuant to this chapter with
3 eight hours of specifically dedicated review or practice of security
4 officer skills prescribed in either course required in Section 7583.6
5 or 7583.7.

6 (2) A licensee shall maintain at the principal place of business
7 or branch office a record verifying completion of the review or
8 practice training for a period of not less than two years. The records
9 shall be available for inspection by the bureau upon request.

10 (g) This section does not apply to a peace officer as defined in
11 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
12 of the Penal Code who has successfully completed a course of
13 study in the exercise of the power to arrest approved by the
14 Commission on Peace Officer Standards and Training. This section
15 does not apply to armored vehicle guards and federal law
16 enforcement officers.

17 ~~SEC. 8.~~

18 *SEC. 16.* Section 7583.12 of the Business and Professions Code
19 is amended to read:

20 7583.12. (a) ~~No~~ An employee of a licensee shall *not* carry or
21 use a firearm unless the employee has in his or her possession both
22 of the following:

23 (1) A valid guard registration card issued pursuant to this
24 chapter.

25 (2) A valid firearm qualification card issued pursuant to this
26 chapter.

27 (b) An employee of a licensee may carry or use a firearm while
28 working as a security guard or security patrolperson pending receipt
29 of a firearm qualification card if he or she has been approved by
30 the bureau and carries on his or her person a hardcopy printout of
31 the bureau's approval from the bureau's Internet Web site and a
32 valid picture identification.

33 (c) In the event of the loss or destruction of the firearm
34 qualification card, the cardholder may apply to the bureau for a
35 certified replacement of the card, stating the circumstances
36 surrounding the loss, and pay a ten-dollar (\$10) certification fee,
37 whereupon the bureau shall issue a certified replacement of the
38 card.

39 (d) Paragraph (2) of subdivision (a) and subdivision (b) shall
40 not apply to a duly appointed peace officer, as defined in Chapter

1 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
2 Code, who meets all of the following:

3 (1) He or she has successfully completed a course of study in
4 the use of firearms.

5 (2) He or she is authorized to carry a concealed firearm in the
6 course and scope of his or her employment pursuant to Article 2
7 (commencing with Section 25450) of Chapter 2 of Division 5 of
8 Title 4 of Part 6 of the Penal Code.

9 (3) He or she has proof that he or she has applied to the bureau
10 for a firearm qualification card.

11 (e) (1) This section shall not apply to a duly appointed peace
12 officer, as defined in Chapter 4.5 (commencing with Section 830)
13 of Title 3 of Part 2 of the Penal Code, who has written approval
14 from his or her primary employer, as defined in paragraph (2) of
15 subdivision (i) of Section 7583.9, to carry a firearm while working
16 as a security guard or security officer or to a federal law
17 enforcement officer.

18 (2) A peace officer exempt under this subdivision shall carry
19 on his or her person a letter of approval from his or her primary
20 employer authorizing him or her to carry a firearm while working
21 as a security guard or security officer.

22 ~~SEC. 9.~~

23 *SEC. 17.* Section 7583.22 of the Business and Professions Code
24 is amended to read:

25 7583.22. (a) A licensee, qualified manager of a licensee, or
26 security guard who, in the course of his or her employment, may
27 be required to carry a firearm shall, prior to carrying a firearm, do
28 both of the following:

29 (1) Complete a course of training in the carrying and use of
30 firearms.

31 (2) Receive a firearms qualification card or be otherwise
32 qualified to carry a firearm as provided in Section 7583.12.

33 (b) A licensee shall not permit an employee to carry or use a
34 loaded or unloaded firearm, whether or not it is serviceable or
35 operative, unless the employee possesses a valid and current
36 firearms qualification card issued by the bureau or is so otherwise
37 qualified to carry a firearm as provided in Section 7583.12.

38 (c) A pocket card issued by the bureau pursuant to Section
39 7582.13 may also serve as a firearms qualification card if so
40 indicated on the face of the card.

1 (d) Paragraph (1) of subdivision (a) shall not apply to a peace
2 officer as defined in Chapter 4.5 (commencing with Section 830)
3 of Title 3 of Part 2 of the Penal Code, who has successfully
4 completed a course of study in the use of firearms or to a federal
5 law enforcement officer.

6 ~~SEC. 10.~~

7 *SEC. 18.* Section 7583.23 of the Business and Professions Code
8 is amended to read:

9 7583.23. The bureau shall issue a firearms permit when all of
10 the following conditions are satisfied:

11 (a) The applicant is a licensee, a qualified manager of a licensee,
12 or a registered uniformed security guard.

13 (b) A certified firearms training instructor has certified that the
14 applicant has successfully completed a written examination
15 prepared by the bureau and training course in the carrying and use
16 of firearms approved by the bureau.

17 (c) The applicant has filed with the bureau a classifiable
18 fingerprint card, a completed application for a firearms permit on
19 a form prescribed by the director, dated and signed by the applicant,
20 certifying under penalty of perjury that the information in the
21 application is true and correct.

22 (d) The bureau has determined, after investigation, that the
23 carrying and use of a firearm by the applicant, in the course of his
24 or her duties, presents no apparent threat to the public safety, or
25 that the carrying and use of a firearm by the applicant is not in
26 violation of the Penal Code.

27 (e) (1) Each applicant for a firearms permit shall be
28 administered any current standard form of the Minnesota
29 Multiphasic Personality Inventory (MMPI), or other psychological
30 evaluation instrument approved by the bureau, which shall be
31 administered by certified firearms training facility during the
32 firearms training course. The certified firearms training facility
33 shall forward the response data to a psychologist licensed by the
34 California Board of Psychology for evaluation. The licensed
35 psychologist shall be of the applicant's choice. It shall be the
36 responsibility of the applicant to bear the costs of the psychological
37 evaluation.

38 (2) If the licensed psychologist is unable to certify the
39 applicant's psychological capability to exercise appropriate
40 judgment, restraint, and self-control, after evaluating the data, the

1 psychologist shall employ whatever other psychological measuring
2 instruments or techniques deemed necessary to form a professional
3 opinion. The use of any psychological measuring instruments or
4 techniques shall require a full and complete written explanation
5 to the bureau.

6 (3) The psychologist shall forward a written psychological
7 evaluation, on a form prescribed by the bureau, to the bureau within
8 15 days of the evaluation, even if the applicant is found to be
9 psychologically at risk. The bureau may utilize the results of the
10 psychological evaluation for up to six months from the date of the
11 evaluation after which the applicant shall be reexamined. No person
12 who has been found psychologically at risk in the exercise of
13 appropriate judgment, restraint, or self-control shall reapply for
14 permit until one year from the date of being found psychologically
15 at risk.

16 (4) The subdivision does not apply to a peace officer as defined
17 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
18 2 of the Penal Code or to a federal law enforcement officer

19 (f) The applicant has produced evidence to the firearm training
20 facility that he or she is a citizen of the United States or has
21 permanent legal alien status in the United States. Evidence of
22 citizenship or permanent legal alien status shall be that deemed
23 sufficient by the bureau to ensure compliance with federal laws
24 prohibiting possession of firearms by persons unlawfully in the
25 United States and may include, but not be limited to, Department
26 of Justice, Immigration and Naturalization Service Form I-151 or
27 I-551, Alien Registration Receipt Card, naturalization documents,
28 or birth certificates evidencing lawful residence or status in the
29 United States.

30 (g) The application is accompanied by the application fees
31 prescribed in this chapter.

32 ~~SEC. 11.~~

33 *SEC. 19.* Section 7583.33 of the Business and Professions Code
34 is amended to read:

35 7583.33. (a) Any licensee, qualified manager, or a registered
36 uniformed security guard who wishes to carry a baton in the
37 performance of his or her duties, shall qualify to carry the weapon
38 pursuant to Article 5 (commencing with Section 7585).

39 (b) Subdivision (a) does not apply to a peace officer as defined
40 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part

1 2 of the Penal Code who has successfully completed a course of
2 study in the use of batons or to a federal law enforcement officer.

3 ~~SEC. 12.~~

4 *SEC. 20.* Section 7585.4.1 is added to the Business and
5 Professions Code, to read:

6 7585.4.1. (a) (1) Within 90 days after issuance of a “Firearms
7 Training Facility Certificate,” the bureau or its agents or assistants
8 shall inspect the facility for compliance with the applicable
9 requirements of this article and the applicable rules and regulations
10 of the bureau adopted pursuant to this article.

11 (2) The bureau may inspect the establishment for which a
12 certificate application has been made prior to the issuance of the
13 certificate.

14 (b) The bureau shall maintain a program of random and targeted
15 inspections of facilities to ensure compliance with applicable laws
16 relating to the conduct and operation of facilities.

17 (c) If the bureau determines that any facility is not complying
18 with applicable laws relating to the conducting and operation of
19 facilities, notice thereof shall immediately be given to the facility.

20 *SEC. 21. Section 7587.8 of the Business and Professions Code*
21 *is amended to read:*

22 7587.8. The director may assess fines for the following acts
23 pursuant to Article 4 (commencing with Section 7583) only as
24 follows:

25 (a) Violation of subdivisions (a), (b), and (c) of Section 7583.2;
26 ~~one hundred dollars (\$100)~~ *five hundred dollars (\$500)* per
27 violation.

28 (b) Violation of subdivisions (h) and (i) of Section 7583.2; ~~one~~
29 ~~hundred dollars (\$100) for the first violation and two hundred fifty~~
30 ~~dollars (\$250) per violation for each violation thereafter.~~ *two*
31 *hundred fifty dollars (\$250) per violation.*

32 (c) Violation of subdivision (d) of Section 7583.2; ~~one hundred~~
33 ~~dollars (\$100)~~ *five hundred dollars (\$500)* per violation.

34 (d) Violation of subdivision (g) of Section 7583.2; ~~five hundred~~
35 ~~dollars (\$500)~~ *one thousand dollars (\$1,000)* for the first violation
36 and ~~one thousand five hundred dollars (\$1,500)~~ *two thousand five*
37 *hundred dollars (\$2,500)* per violation for each violation thereafter.

38 (e) Violation of subdivision (f) of Section 7583.2; two thousand
39 five hundred dollars (\$2,500) per violation, notwithstanding any
40 other provision of law.

1 *SEC. 22. Section 7587.9 of the Business and Professions Code*
2 *is amended to read:*

3 7587.9. The director may assess fines for the following acts
4 pursuant to Article 4 (commencing with Section 7583) only as
5 follows:

6 (a) Violation of subdivisions (a) and (b) of Section 7583.3;
7 ~~twenty-five dollars (\$25) for the first violation and fifty dollars~~
8 ~~(\$50) per violation for each violation thereafter.~~ *one hundred fifty*
9 *dollars (\$150) per violation.*

10 (b) Violation of subdivision (c) of Section 7583.3; two hundred
11 fifty dollars (\$250) for the first violation and five hundred dollars
12 (\$500) per violation for each violation thereafter.

13 (c) Violation of Section 7583.4; ~~two hundred fifty dollars (\$250)~~
14 ~~for the first violation and five hundred dollars (\$500) per violation~~
15 ~~for each violation thereafter.~~ *five hundred dollars (\$500) per*
16 *violation.*

17 *SEC. 23. Section 7587.10 of the Business and Professions Code*
18 *is amended to read:*

19 7587.10. The director may assess fines for the following acts
20 pursuant to Article 4 (commencing with Section 7583) only as
21 follows:

22 (a) Violation of subdivisions (c) and (d) of Section 7583.37;
23 one hundred dollars (\$100) for the first violation and two hundred
24 dollars (\$200) for each violation thereafter.

25 (b) Violation of subdivision (a) of Section 7583.37; one hundred
26 dollars (\$100) for the first violation and five hundred dollars (\$500)
27 for each violation thereafter.

28 (c) Violation of subdivision (e) of Section 7583.37; one thousand
29 dollars ~~(\$1000);~~ *(\$1,000).*

30 (d) Violation of subdivision (b) of Section 7583.37; one
31 thousand dollars ~~(\$1000) for the first violation and suspension of~~
32 ~~a firearm qualification card for six months for each violation~~
33 ~~thereafter.~~ *(\$1,000) and suspension of a firearm qualification*
34 *card for the first violation and a suspension of a firearm qualification*
35 *card thereafter.*

36 *SEC. 24. Section 7587.12 of the Business and Professions Code*
37 *is amended to read:*

38 7587.12. The director may assess fines for the following acts
39 only as follows:

1 (a) Violations of paragraph (1), (2), (11), or (12) of subdivision
2 (a) of Section 7585.19; ~~one hundred dollars (\$100)~~ *two hundred*
3 *fifty dollars (\$250)* for the first violation and five hundred dollars
4 (\$500) for subsequent violations.

5 (b) Violations of paragraph (3), (7), (8), or (10) of subdivision
6 (a) of Section 7585.19; five hundred dollars (\$500) for each
7 violation.

8 (c) Violations of paragraph (6) of subdivision (a) of Section
9 7585.19; ~~two hundred fifty dollars (\$250)~~ *five hundred dollars*
10 *(\$500)* for each hour shortened.

11 (d) Violations of paragraph (4) of subdivision (a) of Section
12 7585.19; five hundred dollars (\$500) for each violation.

13 (e) Violations of paragraph (5) of subdivision (a) of Section
14 7585.19; five hundred dollars (\$500) for every hour the course has
15 been shortened.

16 (f) Violations of paragraph (9) of subdivision (a) of Section
17 7585.19; one thousand dollars (\$1,000) for each violation.

18 *SEC. 25. Section 7587.14 of the Business and Professions Code*
19 *is amended to read:*

20 7587.14. The director may assess administrative fines *of fifty*
21 *dollars (\$50)* against any licensee, registrant, or firearms
22 qualification cardholder *for each violation* for failure to notify the
23 bureau within 30 days of any change of residence or business
24 address. The principal place of business may be at a home or at a
25 business address, but it shall be the place at which the licensee
26 maintains a permanent office.

27 ~~(a) The fine shall be twenty-five dollars (\$25) for the first~~
28 ~~violation and fifty dollars (\$50) per violation for each violation~~
29 ~~thereafter by a licensee.~~

30 ~~(b) The fine shall be fifty dollars (\$50) for each violation by a~~
31 ~~registrant or a firearms qualification cardholder.~~

32 ~~SEC. 13:~~

33 *SEC. 26.* Article 9 (commencing with Section 7588.8) is added
34 to Chapter 11.5 of Division 3 of the Business and Professions
35 Code, to read:

36
37 **Article 9. Review**

38
39 7588.8. Notwithstanding any other law, the powers and duties
40 of the bureau, as set forth in this chapter, shall be subject to review

1 by the appropriate policy committees of the Legislature. The review
2 shall be performed as if this chapter were scheduled to be repealed
3 as of January 1, 2020.

4 *SEC. 27. Section 7597.1 of the Business and Professions Code*
5 *is amended to read:*

6 7597.1. (a) ~~No~~A licensee, qualified manager, branch office
7 manager, or alarm agent shall *not* carry, use, or possess a loaded
8 or unloaded firearm in the course and scope of his or her
9 employment, whether or not it is serviceable or operative, unless
10 he or she has in his or her possession a valid and current firearms
11 qualification card issued to him or her by the bureau. The card
12 shall be shown to any peace officer or bureau representative upon
13 demand.

14 (b) Subdivision (a) shall not apply to a duly appointed peace
15 officer, as defined in Chapter 4.5 (commencing with Section 830)
16 of Title 3 of Part 2 of the Penal Code, who meets all of the
17 following:

18 (1) He or she has successfully completed a course of study in
19 the use of firearms.

20 (2) He or she is authorized to carry a concealed firearm in the
21 course and scope of his or her employment pursuant to Article 2
22 (commencing with Section 25450) of Chapter 2 of Division 5 of
23 Title 4 of Part 6 of the Penal Code.

24 (3) He or she has proof that he or she has applied to the bureau
25 for a firearms qualification card.

26 (c) A fine of ~~twenty-five dollars (\$25)~~ *two hundred fifty dollars*
27 *(\$250)* may be assessed for the first violation of this section and
28 a fine of ~~one hundred dollars (\$100)~~ *five hundred dollars (\$500)*
29 for each subsequent violation.

30 *SEC. 28. Section 7597.2 of the Business and Professions Code*
31 *is amended to read:*

32 7597.2. ~~No~~(a) A licensee, qualified manager, branch office
33 manager, or alarm agent shall *not* carry any inoperable, replica, or
34 other simulated firearm.

35 ~~A~~

36 (b) A violation of this section shall result in a fine of ~~twenty-five~~
37 ~~dollars (\$25)~~ *one hundred dollars (\$100)* for the first violation and
38 a fine of ~~one hundred dollars (\$100)~~ *two hundred fifty dollars*
39 *(\$250)* for each subsequent violation.

1 SEC. 29. Section 7597.3 of the Business and Professions Code
2 is amended to read:

3 7597.3. ~~No~~(a) A licensee, qualified manager, branch office
4 manager, or alarm agent shall *not* use a firearm which is in
5 violation of law, or in knowing violation of the standards for
6 carrying and usage of firearms, as taught in the course of training
7 in the carrying and use of firearms, including, but not limited to:

8 (a)

9 (1) Illegally using, carrying, or possessing a dangerous weapon.

10 (b)

11 (2) Brandishing a weapon.

12 (c)

13 (3) Drawing a weapon without proper cause.

14 (d)

15 (4) Provoking a shooting incident without cause.

16 (e)

17 (5) Carrying or using a firearm while on duty under the influence
18 of alcohol or dangerous drugs.

19 (f)

20 (6) Carrying or using a firearm of a caliber for which a bureau
21 firearms permit has not been issued.

22 ~~A~~

23 (b) A fine of ~~one hundred dollars (\$100)~~ *one thousand dollars*
24 *(\$1,000)* and a suspension of the firearms permit may be assessed
25 for the first violation of this section and a ~~fine of five hundred~~
26 ~~dollars (\$500) for each subsequent violation.~~ *suspension of the*
27 *firearms permit for a subsequent violation.*

28 SEC. 30. Section 7597.5 of the Business and Professions Code
29 is amended to read:

30 7597.5. ~~No~~(a) A licensee, qualified manager, branch office
31 manager, or alarm agent shall *not* carry or use tear gas or any other
32 nonlethal chemical agent in the performance of his or her duties,
33 unless he or she has in his or her possession proof of completion
34 of a course in the carrying and use of tear gas or other nonlethal
35 chemical agent.

36 ~~A~~

37 (b) A fine of ~~twenty-five dollars (\$25)~~ *one hundred dollars*
38 *(\$100)* may be assessed for the first violation of this section and
39 a fine of ~~one hundred dollars (\$100)~~ *two hundred fifty dollars*
40 *(\$250)* for each subsequent violation.

1 *SEC. 31. Section 7597.6 of the Business and Professions Code*
2 *is amended to read:*

3 7597.6. (a) ~~No~~A licensee, qualified manager, branch office
4 manager, or alarm agent shall *not* carry a pistol, revolver, or other
5 firearm capable of being concealed upon the person in a concealed
6 manner unless one of the following circumstances apply:

7 (1) The person has been issued a permit to carry that firearm in
8 a concealed manner by a local law enforcement agency pursuant
9 to Section 26150, 26155, 26170, or 26215 of the Penal Code.

10 (2) The person is an honorably retired peace officer authorized
11 to carry a concealed firearm pursuant to Section 25650 of the Penal
12 Code or Article 2 (commencing with Section 25450) of Chapter
13 2 of Division 5 of Title 4 of Part 6 of the Penal Code.

14 (3) The person is a duly appointed peace officer, as defined in
15 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
16 of the Penal Code, who is authorized to carry a concealed firearm
17 in the course and scope of his or her employment pursuant to
18 Article 2 (commencing with Section 25450) of Chapter 2 of
19 Division 5 of Title 4 of Part 6 of the Penal Code.

20 (b) A fine of ~~five hundred dollars (\$500)~~ *one thousand dollars*
21 (*\$1,000*) may be assessed for each violation of subdivision (a).

22 *SEC. 32. Section 7598.51 of the Business and Professions Code*
23 *is amended to read:*

24 7598.51. (a) An alarm agent shall carry on his or her person,
25 while on duty, either a valid and current registration card or a
26 temporary application for registration.

27 ~~A fine of ten dollars (\$10) may be assessed for the first violation~~
28 ~~of this section and a fine of twenty-five dollars (\$25) for each~~
29 ~~subsequent violation.~~

30 (b) *A fine of one hundred dollars (\$100) may be assessed for*
31 *each violation of subdivision (a).*

32 *SEC. 33. Section 7598.53 of the Business and Professions Code*
33 *is amended to read:*

34 7598.53. An alarm agent who responds to an alarm system
35 shall wear a prominently displayed patch or other designation
36 which clearly identifies the name of the licensee. An alarm agent
37 who carries a deadly weapon while responding to an alarm system
38 shall wear a recognizable uniform with a prominently displayed
39 patch or other designation which clearly identifies the name of the
40 licensee. The uniform must be distinguishable from the uniforms

1 worn by local regular law enforcement officers. A violation of this
2 section may result in a fine of ~~twenty-five dollars (\$25)~~ *two*
3 *hundred fifty dollars (\$250)* for each violation.

4 *SEC. 34. Section 7599.32 of the Business and Professions*
5 *Code, as added by Section 21 of Chapter 291 of the Statutes of*
6 *2012, is amended to read:*

7 7599.32. (a) A licensee shall notify the bureau within 30 days
8 of any change of its officers required to be named pursuant to
9 Section 7593.4 and of any addition of a new partner.

10 (b) Applications, on forms prescribed by the director, shall be
11 submitted by all new officers and partners. The director may
12 suspend or revoke a license issued under this chapter if the director
13 determines that the new officer or partner has committed any act
14 which constitutes grounds for the denial of a license pursuant to
15 Section 7591.10.

16 (c) A notice of warning may be issued for the first violation of
17 this section and a fine of ~~twenty-five dollars (\$25)~~ *five hundred*
18 *dollars (\$500)* for each subsequent violation.

19 ~~(d) This section shall become operative on January 1, 2016.~~

20 *SEC. 35. Section 7599.33 of the Business and Professions Code*
21 *is amended to read:*

22 7599.33. ~~No~~ A licensee shall ~~not~~ conduct ~~business business~~,
23 as defined in Section ~~7599.20~~ 7599.20, from any location other
24 than that location for which a license or branch office registration
25 was issued. A violation of this section may result in a fine of
26 ~~twenty-five dollars (\$25)~~ *five hundred dollars (\$500) for the first*
27 *violation of this section and a fine of one thousand dollars (\$1,000)*
28 for each *subsequent* violation.

29 *SEC. 36. Section 7599.34 of the Business and Professions*
30 *Code, as added by Section 23 of Chapter 291 of the Statutes of*
31 *2012, is amended to read:*

32 7599.34. ~~(a) No~~ A licensee shall ~~not~~ conduct a business as an
33 individual, partnership, or corporation unless the licensee holds a
34 valid license issued to that exact same individual, partnership, or
35 corporation. A violation of this section may result in a fine of ~~one~~
36 ~~hundred dollars (\$100)~~ *five hundred dollars (\$500)* for each
37 violation.

38 ~~(b) This section shall become operative on January 1, 2016.~~

39 *SEC. 37. Section 7599.36 of the Business and Professions Code*
40 *is amended to read:*

1 7599.36. (a) Each licensee shall maintain a file or record
2 containing the name, address, commencing date of employment,
3 and position of each employee, and the date of termination. Those
4 files and records shall be retained during the time of employment
5 and for a period of not less than two years thereafter, and, together
6 with usual payroll records, shall be available for inspection by the
7 bureau, and copies thereof and information pertaining thereto or
8 contained therein shall be submitted to the bureau upon written
9 request. A violation concerning the maintenance of the files or
10 records may result in a fine of ~~twenty-five dollars (\$25)~~ *two*
11 *hundred fifty dollars (\$250)* for each violation.

12 ~~A~~
13 (b) A failure of a licensee to respond to the bureau's request to
14 forward copies of the files or records and information pertaining
15 thereto or contained therein within 30 days of the bureau's request
16 may result in a fine of ~~twenty-five dollars (\$25) and ten dollars~~
17 ~~(\$10) for each additional day that elapses following the 30th day.~~
18 *two hundred fifty dollars (\$250) for each violation.*

19 *SEC. 38. Section 7599.37 of the Business and Professions Code*
20 *is amended to read:*

21 7599.37. Each licensee shall maintain an accurate and current
22 record of proof of completion of the course of training in the
23 exercise of the power to arrest as required by Section 7598.1, by
24 each of his or her employees. A violation of this section may result
25 in a fine of ~~twenty-five dollars (\$25)~~ *five hundred dollars (\$500)*
26 for each violation.

27 *SEC. 39. Section 7599.38 of the Business and Professions Code*
28 *is amended to read:*

29 7599.38. Each licensee shall certify an employee's completion
30 of the course of training in the exercise of power to arrest, or obtain
31 proof that the training has been administered by a bureau-approved
32 training facility, prior to allowing the employee to respond to an
33 alarm system as required by Section 7598.1. A violation of this
34 section may result in a fine of ~~one hundred dollars (\$100)~~ *five*
35 *hundred dollars (\$500)* for each violation.

36 *SEC. 40. Section 7599.39 of the Business and Professions*
37 *Code, as added by Section 12 of Chapter 1210 of the Statutes of*
38 *1982, is amended to read:*

39 7599.39. Within three working days, each licensee shall verify
40 proof of current and valid registration issued by the bureau for

1 each employee who is subject to registration, or shall require an
2 employee to complete and submit an application for registration
3 after employing an individual who does not possess a current and
4 valid registration from the bureau. “Within three working days”
5 means 72 hours from the time an employee is first compensated
6 for alarm agent services for a licensee. A violation of this section
7 may result in a fine of ~~twelve dollars (\$12) for the first 10~~
8 ~~violations and fifty dollars (\$50) for each subsequent violation.~~
9 *two hundred fifty dollars for each violation.*

10 *SEC. 41. Section 7599.40 of the Business and Professions Code*
11 *is amended to read:*

12 7599.40. ~~No~~A licensee shall *not* allow any employee to carry
13 a firearm or other deadly weapon without first ascertaining that
14 the employee is proficient in the use of each weapon to be carried.
15 A current and valid firearm qualification card which indicates the
16 specific caliber of the firearm which may be carried shall be
17 deemed evidence of proficiency. A firearm qualification permit is
18 not valid unless the employee holds a valid, current registration
19 card. With respect to other deadly weapons, evidence of proficiency
20 shall include a certificate from a training facility, certifying that
21 the employee is proficient in the use of that particular deadly
22 weapon. A violation of this section may result in a fine of ~~two~~
23 ~~hundred fifty dollars (\$250)~~ *two thousand five hundred dollars*
24 *(\$2,500) for each violation.*

25 *SEC. 42. Section 7599.41 of the Business and Professions Code*
26 *is amended to read:*

27 7599.41. A licensee shall maintain an accurate and current
28 record of all firearms or other deadly weapons that are in the
29 possession of the licensee, or of any employee of the licensee,
30 while on duty. The record shall contain the make, model, and serial
31 number, or a description of any other deadly weapon, and the name
32 of the person who has title of ownership. A violation of this section
33 may result in a fine of ~~twenty-five dollars (\$25)~~ *five hundred*
34 *dollars (\$500) for each violation.*

35 *SEC. 43. Section 7599.42 of the Business and Professions*
36 *Code, as added by Section 25 of Chapter 291 of the Statutes of*
37 *2012, is amended to read:*

38 7599.42. ~~(a)~~ Within seven days after any violent incident
39 involving a dangerous weapon, that has been caused by or occurred
40 upon a licensee or any officer, partner, qualified manager, or

1 employee of a licensee, while acting within the course and scope
 2 of his or her employment, and that results in bodily injury to any
 3 person or death of any person involved in that incident or of any
 4 discharge of a weapon, excluding any discharge which occurs on
 5 the range, the licensee or his or her manager shall mail or deliver
 6 to the chief a detailed report of the incident. The report shall
 7 describe fully the circumstances surrounding the incident, any
 8 injuries or damages incurred, the identity of all participants, and
 9 whether a police investigation was conducted. A violation of this
 10 section ~~may result in a fine of twenty-five dollars (\$25) for the~~
 11 ~~first violation and one hundred dollars (\$100) for each subsequent~~
 12 ~~violation.~~ *by a license or any officer, partner, managing member,*
 13 *or qualified manager may result in a fine of one thousand dollars*
 14 *(\$1,000) for the first violation and two thousand five hundred*
 15 *dollars (\$2,500) for each subsequent violation. A violation of this*
 16 *section by an employee of a license may result in a fine of five*
 17 *hundred dollars (\$500) for each violation.*

18 ~~(b) This section shall become operative on January 1, 2016.~~

19 *SEC. 44. Section 7599.44 of the Business and Professions Code*
 20 *is amended to read:*

21 7599.44. Every advertisement by a licensee soliciting or
 22 advertising business shall contain his or her name and license
 23 number as they appear in the records of the bureau. A violation of
 24 this section may result in a ~~Notice of Warning for the first violation,~~
 25 ~~and a fine of twenty-five dollars (\$25) for each subsequent~~
 26 ~~violation.~~ *fine of five hundred dollars (\$500) for the first violation*
 27 *and one thousand dollars (\$1,000) for each subsequent violation.*

28 *SEC. 45. Section 7599.45 of the Business and Professions Code*
 29 *is amended to read:*

30 7599.45. ~~No~~ *A licensee or employee of a licensee shall not*
 31 *enter any private building or portion thereof, excepting premises*
 32 *open to the public, without the consent of the owner or the person*
 33 *in legal possession thereof. A violation of this section may result*
 34 *in a fine of twenty-five dollars (\$25) for the first violation and one*
 35 *hundred dollars (\$100) for each subsequent violation.* *one hundred*
 36 *dollars (\$100) for each violation.*

37 ~~SEC. 14.~~

38 *SEC. 46. Section 7599.54 of the Business and Professions Code*
 39 *is amended to read:*

1 7599.54. Every agreement, including, but not limited to, lease
2 agreements, monitoring agreements, and service agreements,
3 including all labor, services, and materials to be provided for the
4 installation of an alarm system, shall be in writing. All amendments
5 subject to the provisions of this section to an initial agreement
6 shall be in writing. Each initial agreement shall contain, but not
7 be limited to, the following:

8 (a) The name, business address, business telephone number,
9 and license number of the licensed alarm company operator and
10 the registration number of any alarm agent who solicited or
11 negotiated the agreement.

12 (b) The approximate dates when the work will begin and be
13 substantially completed.

14 (c) A description of the work to be done, a description of the
15 materials to be used, and the agreed consideration for the work.

16 (d) A disclosure that alarm company operators are licensed and
17 regulated by the Bureau of Security and Investigative Services,
18 Department of Consumer Affairs, Sacramento, CA, 95814.

19 (e) A description of the alarm system including the major
20 components thereof and services to be provided to the purchaser
21 once the alarm is installed, including response or monitoring
22 services, if any.

23 (f) Other matters agreed to by the parties of the contract. The
24 agreement shall be legible and shall be in a form as to clearly
25 describe any other document which is to be incorporated into the
26 contract, and, before any work is done, the client shall be furnished
27 with a copy of the written agreement signed by the licensee.

28 (g) A statement setting forth that upon completion of the
29 installation of the alarm system, the alarm company shall
30 thoroughly instruct the purchaser in the proper use of the alarm
31 system.

32 (h) In the event a mechanic's lien is to be utilized, a
33 notice-to-owner statement which shall describe, in nontechnical
34 language and in a clear and coherent manner using words with
35 common and everyday meaning, the pertinent provisions of this
36 state's mechanics' lien laws and the rights and responsibilities of
37 an owner of property and a contractor thereunder, including the
38 provisions relating to the filing of a contract concerning a work of
39 improvement with the county recorder and the recording in the
40 office of a contractor's payment bond for private work.

1 (i) For agreements entered into on or after January 1, 2016, if
2 the agreement contains an automatic renewal provision, the
3 agreement shall include a separate and clear disclosure advising
4 the consumer that the agreement he or she is entering into contains
5 an automatic renewal provision. The disclosure shall specify that
6 if the consumer fails to provide notification of nonrenewal, as
7 required in the agreement, it will result in the automatic renewal
8 of the agreement and shall include the period of time of the renewal
9 term.

10 (j) In addition to the above, every initial residential sales and
11 lease agreement, the total cost which over the time period fixed
12 by the agreement exceeds two hundred fifty dollars (\$250),
13 including the cost of all labor, service, or material to be provided
14 by the licensee for the installation, shall include, but not be limited
15 to, the following:

16 (1) A schedule of payments showing the amount of each
17 payment as a sum in dollars and cents. This schedule of payments
18 shall be referenced to the amount of work for services to be
19 performed or to any materials or equipment to be supplied.

20 (2) If the payment schedule contained in the agreement provides
21 for a down payment to be paid to the licensee by the owner or the
22 tenant before commencement of the work, that down payment
23 shall not exceed one thousand dollars (\$1,000) or 10 percent of
24 the contract price, excluding finance charges, whichever is the
25 lesser.

26 (3) In no event shall the payment schedule provide that the
27 licensee receive, nor shall the licensee actually receive, payment
28 in excess of 100 percent of the value of the work performed on
29 the project at any time, excluding finance charges, except that the
30 licensee may receive an initial down payment authorized by
31 paragraph (2). A failure by the licensee, without legal excuse, to
32 substantially commence work within 20 days of the approximate
33 date specified in the contract when work is to commence, shall
34 postpone the next succeeding payment to the licensee for that
35 period of time equivalent to the time between when substantial
36 commencement was to have occurred and when it did occur.

37 (4) A notice-to-owner statement which shall describe, in
38 nontechnical language and in a clear and coherent manner using
39 words with common and everyday meaning, the pertinent
40 provisions of this state's mechanics' lien laws and the rights and

1 responsibilities of an owner of property and a contractor thereunder,
 2 including the provisions relating to the filing of a contract
 3 concerning a work of improvement with the county recorder and
 4 the recording in the office of a contractor’s payment bond for
 5 private work.

6 (5) A description of what constitutes substantial commencement
 7 of work pursuant to the contract.

8 (6) A disclosure that failure by the licensee, without legal
 9 excuse, to substantially commence work within 20 days from the
 10 approximate date specified in the agreement when the work will
 11 begin is a violation of the Alarm Company Act.

12 (7) A disclosure informing the buyer of any potential permit
 13 fees which may be required by local jurisdictions concerning the
 14 monitoring of an existing alarm system.

15 (8) This section shall not be construed to prohibit the parties to
 16 a residential alarm system sale contract from agreeing to a contract
 17 or account subject to Chapter 1 (commencing with Section 1801)
 18 of Title 2 of Part 4 of Division 3 of the Civil Code.

19 (k) A violation of this section or failure to commence work
 20 pursuant to paragraph (6) of ~~subdivision(j)~~ *subdivision (j)* may
 21 result in a fine of one hundred dollars (\$100) for the first violation
 22 and a fine of five hundred dollars (\$500) for each subsequent
 23 violation.

24 *SEC. 47. Section 7599.59 of the Business and Professions Code*
 25 *is amended to read:*

26 7599.59. The director may assess administrative fines of *fifty*
 27 *dollars (\$50)* against any licensee, qualified certificate holder,
 28 firearms qualification card holder, or registrant *for each violation*
 29 *for failure to notify the bureau within 30 days of any change of*
 30 *residence or business address.*

31 ~~(a) The fine shall be twenty-five dollars (\$25) for each violation~~
 32 ~~by a licensee or qualified certificate holder.~~

33 ~~(b) The fine shall be fifteen dollars (\$15) for each violation by~~
 34 ~~a firearms qualification card holder or registrant.~~

35 ~~SEC. 15.~~

36 *SEC. 48. Article 15 (commencing with Section 7599.80) is*
 37 *added to Chapter 11.6 of Division 3 of the Business and Professions*
 38 *Code, to read:*

1 Article 15. Review

2
3 7599.80. Notwithstanding any other law, the powers and duties
4 of the bureau, as set forth in this chapter, shall be subject to review
5 by the appropriate policy committees of the Legislature. The review
6 shall be performed as if this chapter were scheduled to be repealed
7 as of January 1, 2020.

O