

AMENDED IN ASSEMBLY JULY 1, 2015

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, 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 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, repossessioners, 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~~. *patrolperson*.

(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~~ *would, beginning July 1, 2017, require an applicant for a firearms permit or the renewal of a firearms permit to undergo a psychological evaluation, reviewed by a licensed psychologist shall be of the applicant’s choice, evaluation by a licensed psychologist* in order to certify the applicant’s psychological capability to exercise appropriate judgment, restraint, and self-control, as provided. *The bill would authorize the bureau to decide whether an applicant be administered an additional evaluation after the discharge of a firearm, as described.*

(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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

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 The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2020.

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

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

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

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

(c) Using an alias in connection with the official activities of the licensee's business. The fine shall be one hundred dollars

1 (\$100) for the first violation and two hundred fifty dollars (\$250)
2 for each violation thereafter.

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

10 SEC. 3. Section 7508.2 of the Business and Professions Code
11 is amended to read:

12 7508.2. The director may assess administrative fines for any
13 of the following prohibited acts:

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

36 (b) Using collateral or personal effects, which have been
37 recovered, for the personal benefit of a licensee, or officer, partner,
38 manager, registrant, or employee of a licensee. The fine shall be
39 two hundred fifty dollars (\$250) for the first violation and one
40 thousand dollars (\$1,000) for each violation thereafter. This

1 subdivision does not apply to personal effects disposed of pursuant
2 to subdivision (c) of Section 7507.9. Nothing in this subdivision
3 prohibits the using or taking of personal property connected,
4 adjoined, or affixed to the collateral through an unbroken sequence
5 if that use or taking is reasonably necessary to effectuate the
6 recovery in a safe manner or to protect the collateral or personal
7 effects.

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

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

16 (e) Committing unlawful assault or battery on another person.
17 The fine shall not exceed two thousand five hundred dollars
18 (\$2,500) for each violation.

19 (f) Falsification or alteration of an inventory. The fine shall be
20 one hundred dollars (\$100) for the first violation and two hundred
21 fifty dollars (\$250) 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~~ *is* prohibited
33 from using any false or misleading representation during the course
34 of recovery of collateral and may be assessed a fine of one hundred
35 dollars (\$100) for the first violation and a fine of two hundred fifty
36 dollars (\$250) for any subsequent violation of any of the following:

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

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

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

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

12 (e) The false representation or implication that the debtor
13 committed any crime or other conduct in order to disgrace the
14 debtor.

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

20 (g) The false representation or implication that documents are
21 legal process.

22 (h) The use of any business, company, or organization name
23 other than the true name of the repossession agency's business,
24 company, or organization.

25 (i) The use of any deceptive forms.

26 SEC. 5. Section 7508.4 of the Business and Professions Code
27 is amended to read:

28 7508.4. The director may assess administrative fines for any
29 of the following prohibited acts:

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

36 (b) Aiding or abetting an unlicensed reposessor or assigning
37 his or her license. "Assigning his or her license" means that no
38 licensee shall permit a registrant, employee, or agent in his or her
39 own name to advertise, engage clients, furnish reports, or present
40 bills to clients, or in any manner whatsoever to conduct business

1 for which a license is required under this chapter. The fine shall
2 be one thousand dollars (\$1,000) for each violation.

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

7 (d) Employing a person whose registration has expired or been
8 revoked, denied, suspended, or canceled, if the bureau has furnished
9 a listing of these persons to the licensee. The fine shall be one
10 hundred fifty dollars (\$150) for the first violation and a fine not
11 to exceed one thousand dollars (\$1,000) for each violation
12 thereafter.

13 (e) Failing to notify the bureau, within 30 days, of any change
14 in officers. A notice of warning shall be issued for the first
15 violation. Thereafter, the fine shall be five hundred dollars (\$500)
16 for each violation.

17 (f) Failing to submit the notices regarding a violent act or
18 threatened violent act within seven days pursuant to Section 7507.6
19 or to submit a copy of a judgment awarded against the licensee
20 for an amount of more than the then prevailing maximum claim
21 that may be brought in small claims court within seven days
22 pursuant to Section 7507.7. The fine shall be five hundred dollars
23 (\$500) for the first violation and one thousand dollars (\$1,000) for
24 each violation thereafter.

25 (g) Failing to include the licensee's name, address, and license
26 number in any advertisement. The fine shall be fifty dollars (\$50)
27 for each violation.

28 (h) Failing to maintain personal effects for at least 60 days. The
29 fine shall be one hundred dollars (\$100) for the first violation and
30 two hundred fifty dollars (\$250) for each violation thereafter.

31 (i) Failing to provide a personal effects list or a notice of seizure
32 within the time limits set forth in Section 7507.9 or 7507.10. The
33 fine shall be one hundred dollars (\$100) for the first violation and
34 two hundred fifty dollars (\$250) for each violation thereafter.

35 (j) Failing to file the required report pursuant to Section 28 of
36 the Vehicle Code. The fine shall be two hundred fifty dollars (\$250)
37 for the first violation and two hundred fifty dollars (\$250) for each
38 violation thereafter, per audit.

39 (k) Failing to maintain an accurate record and accounting of
40 secure temporary registration forms. The qualified certificate holder

1 shall be fined two hundred fifty dollars (\$250) for the first
2 violation, five hundred dollars (\$500) for the second violation, and
3 one thousand dollars (\$1,000) plus a one-year suspension of the
4 privilege to issue temporary registrations pursuant to Section
5 7506.9 for the third and subsequent violations.

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

9 (m) Notwithstanding any other law, the money in the Private
10 Security Services Fund that is attributable to administrative fines
11 imposed pursuant to this section shall not be continuously
12 appropriated and shall be available for expenditure only upon
13 appropriation by the Legislature.

14 SEC. 6. Section 7508.5 of the Business and Professions Code
15 is amended to read:

16 7508.5. The director may assess administrative fines against
17 a repossession agency registrant for the following acts, in addition
18 to fines imposed pursuant to any other section in this article. The
19 fine shall be fifty dollars (\$50) for each of the following violations:

20 (a) Knowingly ~~submit~~ *submitting* a false report.

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

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

26 (d) Failing to register.

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

29 (f) Failing to report a violent act involving the registrant to the
30 licensee or the licensee's qualified certificate holder within 24
31 hours.

32 SEC. 7. Section 7508.6 of the Business and Professions Code
33 is amended to read:

34 7508.6. The director may assess administrative fines against
35 any repossession agency licensee, qualified certificate holder, or
36 registrant for failure to notify the bureau within 30 days of any
37 change of residence or business address. The fine shall be fifty
38 dollars (\$50) for each violation.

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

4
 5
 6

Article 12. Review

7 7511.5. 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. 9. Section 7542 of the Business and Professions Code is
 13 amended to read:

14 7542. Every licensee and qualified manager who in the course
 15 of his or her employment or business carries a deadly weapon shall
 16 complete a course of training in the exercise of the powers to arrest
 17 as specified in Section 7583.7 and a course of training in the
 18 carrying and use of firearms as specified in Article 4 (commencing
 19 with Section 7583) of Chapter 11.5. ~~No~~ A licensee or qualified
 20 manager shall *not* carry or use a firearm unless he or she has met
 21 the requirements of ~~Sections 7583.23, 7583.28, and subdivisions~~
 22 *(a) to (d), inclusive, and subdivision (g) of Section 7583.23, and*
 23 *Sections 7583.28 and 7583.29* and has in his or her possession a
 24 valid firearms qualification card as provided in Section 7583.30.
 25 A licensee or qualified manager who possesses a valid firearms
 26 qualification card shall comply with and be subject to the
 27 provisions of Sections 7583.31, 7583.32, and 7583.37. A licensee
 28 or qualified manager who ~~posses~~ *possesses* a valid firearms
 29 qualification card may carry a firearm capable of being concealed
 30 upon the person in a concealed manner if he or she complies with
 31 applicable provisions set forth in Chapter 4 (commencing with
 32 Section 26150) of Division 5 of Title 4 of Part 6 of the Penal Code.

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

35 7563. The director, in lieu of suspending or revoking a license
 36 issued under this chapter for violations of Sections 7561.1, 7561.3,
 37 and 7561.4, may impose a civil penalty not to exceed five hundred
 38 dollars (\$500) for the first violation, and one thousand dollars
 39 (\$1,000) for each violation thereafter, upon a licensee, if the

1 director determines that this action better serves the purposes of
2 this chapter.

3 SEC. 11. Section 7566 of the Business and Professions Code
4 is amended to read:

5 7566. The director may assess administrative fines of fifty
6 dollars (\$50) against any licensee, registrant, or firearms
7 qualification cardholder for each violation for failure to notify the
8 bureau within 30 days of any change of residence or business
9 address. The principal place of business may be at a home or at a
10 business address, but it shall be the place at which the licensee
11 maintains a permanent office.

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

15
16 Article 8. Review

17
18 7573.5. Notwithstanding any other law, the powers and duties
19 of the bureau, as set forth in this chapter, shall be subject to review
20 by the appropriate policy committees of the Legislature. The review
21 shall be performed as if this chapter were scheduled to be repealed
22 as of January 1, 2020.

23 SEC. 13. Article 6 (commencing with Section 7576) is added
24 to Chapter 11.4 of Division 3 of the Business and Professions
25 Code, to read:

26
27 Article 6. Review

28
29 7576. Notwithstanding any other law, the powers and duties
30 of the bureau, as set forth in this chapter, shall be subject to review
31 by the appropriate policy committees of the Legislature. The review
32 shall be performed as if this chapter were scheduled to be repealed
33 as of January 1, 2020.

34 SEC. 14. Section 7583.4 of the Business and Professions Code
35 is amended to read:

36 7583.4. Any person registered as a security guard or
37 patrolperson, and the employer of the security guard or
38 patrolperson, shall deliver to the director a written report describing
39 fully the circumstances surrounding any incident involving the
40 discharge of any firearm in which he or she was involved while

1 acting within the course and scope of his or her employment, within
2 seven days after the incident. The report shall be made on a form
3 prescribed by the director which shall include, but not be limited
4 to, the following:

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

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

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

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

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

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

13 (g) Whether a police investigation was conducted relating to
14 the incident.

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

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

22 SEC. 15. Section 7583.6 of the Business and Professions Code
23 is amended to read:

24 7583.6. (a) A person entering the employ of a licensee to
25 perform the functions of a security guard or a security patrolperson
26 shall complete a course in the exercise of the power to arrest prior
27 to being assigned to a duty location.

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

35 (c) A course provider shall issue a certificate to a security guard
36 upon satisfactory completion of a required course, conducted in
37 accordance with the department's requirements. A private patrol
38 operator may provide training programs and courses in addition
39 to the training required in this section. A registrant who is unable
40 to provide his or her employing licensee the certificate of

1 satisfactory completion required by this subdivision shall complete
2 16 hours of the training required by subdivision (b) within 30 days
3 of the date of his *or her* employment and shall complete the 16
4 remaining hours within six months of his or her employment date.

5 (d) The department shall develop and approve by regulation a
6 standard course and curriculum for the skills training required by
7 subdivision (b) to promote and protect the safety of persons and
8 the security of property. For this purpose, the department shall
9 consult with consumers, labor organizations representing private
10 security officers, private patrol operators, educators, and subject
11 matter experts.

12 (e) The course of training required by subdivision (b) may be
13 administered, tested, and certified by any licensee, or by any
14 organization or school approved by the department. The department
15 may approve any person or school to teach the course.

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

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

25 (g) This section does not apply to a peace officer as defined in
26 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
27 of the Penal Code who has successfully completed a course of
28 study in the exercise of the power to arrest approved by the
29 Commission on Peace Officer Standards and Training. This section
30 does not apply to armored vehicle guards and federal law
31 enforcement officers.

32 SEC. 16. Section 7583.12 of the Business and Professions
33 Code is amended to read:

34 7583.12. (a) An employee of a licensee shall not carry or use
35 a firearm unless the employee has in his or her possession both of
36 the following:

37 (1) A valid guard registration card issued pursuant to this
38 chapter.

39 (2) A valid firearm qualification card issued pursuant to this
40 chapter.

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

7 (c) In the event of the loss or destruction of the firearm
8 qualification card, the cardholder may apply to the bureau for a
9 certified replacement of the card, stating the circumstances
10 surrounding the loss, and pay a ten-dollar (\$10) certification fee,
11 whereupon the bureau shall issue a certified replacement of the
12 card.

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

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

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

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

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

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

36 SEC. 17. Section 7583.22 of the Business and Professions
37 Code is amended to read:

38 7583.22. (a) A licensee, qualified manager of a licensee, or
39 security guard who, in the course of his or her employment, may

1 be required to carry a firearm shall, prior to carrying a firearm, do
2 both of the following:

3 (1) Complete a course of training in the carrying and use of
4 firearms.

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

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

12 (c) A pocket card issued by the bureau pursuant to Section
13 7582.13 may also serve as a firearms qualification card if so
14 indicated on the face of the card.

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

20 SEC. 18. Section 7583.23 of the Business and Professions
21 Code is amended to read:

22 7583.23. The bureau shall issue a firearms permit when all of
23 the following conditions are satisfied:

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

26 (b) A certified firearms training instructor has certified that the
27 applicant has successfully completed a written examination
28 prepared by the bureau and training course in the carrying and use
29 of firearms approved by the bureau.

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

35 (d) The bureau has determined, after investigation, that the
36 carrying and use of a firearm by the applicant, in the course of his
37 or her duties, presents no apparent threat to the public safety, or
38 that the carrying and use of a firearm by the applicant is not in
39 violation of the Penal Code.

1 ~~(e) (1) Each applicant for a firearms permit shall be~~
2 ~~administered any current standard form of the Minnesota~~
3 ~~Multiphasic Personality Inventory (MMPI), or other psychological~~
4 ~~evaluation instrument approved by the bureau, which shall be~~
5 ~~administered by certified firearms training facility during the~~
6 ~~firearms training course. The certified firearms training facility~~
7 ~~shall forward the response data to a psychologist licensed by the~~
8 ~~California Board of Psychology for evaluation. The licensed~~
9 ~~psychologist shall be of the applicant's choice. It shall be the~~
10 ~~responsibility of the applicant to bear the costs of the psychological~~
11 ~~evaluation.~~

12 ~~(2) If the licensed psychologist is unable to certify the~~
13 ~~applicant's psychological capability to exercise appropriate~~
14 ~~judgment, restraint, and self-control, after evaluating the data, the~~
15 ~~psychologist shall employ whatever other psychological measuring~~
16 ~~instruments or techniques deemed necessary to form a professional~~
17 ~~opinion. The use of any psychological measuring instruments or~~
18 ~~techniques shall require a full and complete written explanation~~
19 ~~to the bureau.~~

20 ~~(e) (1) Beginning July 1, 2017, each applicant for a firearms~~
21 ~~permit or renewal permit shall undergo a psychological evaluation~~
22 ~~by a licensed psychologist, or his or her designee, the purpose of~~
23 ~~which is to assess the applicant's psychological capability to~~
24 ~~exercise appropriate judgment, restraint, and self-control. The~~
25 ~~licensed psychologist, or his or her designee, shall employ~~
26 ~~whatever psychological measuring instruments or techniques~~
27 ~~deemed necessary to render a professional opinion. If the applicant~~
28 ~~or renewal applicant does not pass the assessment or falls outside~~
29 ~~the range of acceptable results set by the provider of the~~
30 ~~assessment, upon request by the applicant, the certified firearms~~
31 ~~training facility shall forward the response data to a psychologist~~
32 ~~licensed by the California Board of Psychology for evaluation.~~

33 ~~(2) The applicant may choose the licensed psychologist and~~
34 ~~bear the costs of the evaluation. If the applicant seeks employment~~
35 ~~with, or is employed by, a licensee that has an established and~~
36 ~~approved process for the Minnesota Multiphasic Personality~~
37 ~~Inventory (MMPI) or other psychological evaluation, the applicant~~
38 ~~may choose to submit the response data to a licensed psychologist~~
39 ~~chosen by the licensee. A licensee employing this process may bear~~
40 ~~the costs of the evaluation.~~

1 (3) The psychologist shall forward a written psychological
2 evaluation, on a form prescribed by the bureau, to the bureau within
3 15 days of the evaluation, even if the applicant is found to be
4 psychologically at risk. The bureau may utilize the results of the
5 psychological evaluation for up to six months from the date of the
6 evaluation after which the applicant shall be reexamined. ~~No~~
7 *Included in the written psychological evaluation shall be the*
8 *assessment measures used and the reason for their inclusion. A*
9 *person who has been found psychologically at risk in the exercise*
10 *of appropriate judgment, restraint, or self-control shall not reapply*
11 *for a permit until one year from the date of being found*
12 *psychologically at risk.*

13 ~~(4) The~~

14 *(4) The bureau may decide if the applicant shall be administered*
15 *an additional psychological evaluation instrument after the*
16 *discharge of a firearm that requires the written report described*
17 *in Section 7583.4 in order to retain the firearms permit.*

18 ~~(5) This subdivision does not apply to a peace officer as defined~~
19 ~~in Chapter 4.5 (commencing with Section 830) of Title 3 of Part~~
20 ~~2 of the Penal Code or to a federal law enforcement officer. the~~
21 ~~following:~~

22 *(A) A peace officer as defined in Chapter 4.5 (commencing with*
23 *Section 830) of Title 3 of Part 2 of the Penal Code.*

24 *(B) A federal law enforcement officer.*

25 *(C) A security guard applying for a renewal firearms permit*
26 *where his or her employer verifies that the applicant has been*
27 *employed for at least five years in an armed position in which*
28 *period the applicant has not had a firearms incident or violent*
29 *incident, as described in Section 7583.4. The employer shall submit*
30 *verification of this information on a form prescribed by the bureau.*

31 ~~(6) This subdivision does not prohibit a licensee from imposing~~
32 ~~additional requirements or taking additional steps to ensure that~~
33 ~~employees are qualified to work with firearms.~~

34 (f) The applicant has produced evidence to the firearm training
35 facility that he or she is a citizen of the United States or has
36 permanent legal alien status in the United States. Evidence of
37 citizenship or permanent legal alien status shall be that deemed
38 sufficient by the bureau to ensure compliance with federal laws
39 prohibiting possession of firearms by persons unlawfully in the
40 United States and may include, but not be limited to, *the United*

1 *States* Department of Justice, Immigration and Naturalization
2 Service Form I-151 or I-551, Alien Registration Receipt Card,
3 naturalization documents, or birth certificates evidencing lawful
4 residence or status in the United States.

5 (g) The application is accompanied by the application fees
6 prescribed in this chapter.

7 SEC. 19. Section 7583.33 of the Business and Professions
8 Code is amended to read:

9 7583.33. (a) Any licensee, qualified manager, or a registered
10 uniformed security guard who wishes to carry a baton in the
11 performance of his or her duties, shall qualify to carry the weapon
12 pursuant to Article 5 (commencing with Section 7585).

13 (b) Subdivision (a) does not apply to a peace officer as defined
14 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
15 2 of the Penal Code who has successfully completed a course of
16 study in the use of batons or to a federal law enforcement officer.

17 SEC. 20. Section 7585.4.1 is added to the Business and
18 Professions Code, to read:

19 7585.4.1. (a) (1) Within 90 days after issuance of a “Firearms
20 Training Facility Certificate,” the bureau or its agents or assistants
21 shall inspect the facility for compliance with the applicable
22 requirements of this article and the applicable rules and regulations
23 of the bureau adopted pursuant to this article.

24 (2) The bureau may inspect the establishment for which a
25 certificate application has been made prior to the issuance of the
26 certificate.

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

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

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

35 7587.8. The director may assess fines for the following acts
36 pursuant to Article 4 (commencing with Section 7583) only as
37 follows:

38 (a) Violation of subdivisions (a), (b), and (c) of Section 7583.2;
39 five hundred dollars (\$500) per violation.

1 (b) Violation of subdivisions (h) and (i) of Section 7583.2; two
2 hundred fifty dollars (\$250) per violation.

3 (c) Violation of subdivision (d) of Section 7583.2; five hundred
4 dollars (\$500) per violation.

5 (d) Violation of subdivision (g) of Section 7583.2; one thousand
6 dollars (\$1,000) for the first violation and two thousand five
7 hundred dollars (\$2,500) per violation for each violation thereafter.

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

11 SEC. 22. Section 7587.9 of the Business and Professions Code
12 is amended to read:

13 7587.9. The director may assess fines for the following acts
14 pursuant to Article 4 (commencing with Section 7583) only as
15 follows:

16 (a) Violation of subdivisions (a) and (b) of Section 7583.3; one
17 hundred fifty dollars (\$150) per violation.

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

21 (c) Violation of Section 7583.4; five hundred dollars (\$500) per
22 violation.

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

25 7587.10. The director may assess fines for the following acts
26 pursuant to Article 4 (commencing with Section 7583) only as
27 follows:

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

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

34 (c) Violation of subdivision (e) of Section 7583.37; one thousand
35 dollars (\$1,000).

36 (d) Violation of subdivision (b) of Section 7583.37; one
37 thousand dollars (\$1,000) and suspension of a firearm qualification
38 card for the first violation and a suspension of a firearm
39 qualification card thereafter.

1 SEC. 24. Section 7587.12 of the Business and Professions
2 Code is amended to read:

3 7587.12. The director may assess fines for the following acts
4 only as follows:

5 (a) Violations of paragraph (1), (2), (11), or (12) of subdivision
6 (a) of Section 7585.19; two hundred fifty dollars (\$250) for the
7 first violation and five hundred dollars (\$500) for subsequent
8 violations.

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

12 (c) Violations of paragraph (6) of subdivision (a) of Section
13 7585.19; five hundred dollars (\$500) for each hour shortened.

14 (d) Violations of paragraph (4) of subdivision (a) of Section
15 7585.19; five hundred dollars (\$500) for each violation.

16 (e) Violations of paragraph (5) of subdivision (a) of Section
17 7585.19; five hundred dollars (\$500) for every hour the course has
18 been shortened.

19 (f) Violations of paragraph (9) of subdivision (a) of Section
20 7585.19; one thousand dollars (\$1,000) for each violation.

21 SEC. 25. Section 7587.14 of the Business and Professions
22 Code is amended to read:

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

30 SEC. 26. Article 9 (commencing with Section 7588.8) is added
31 to Chapter 11.5 of Division 3 of the Business and Professions
32 Code, to read:

33
34 Article 9. Review
35

36 7588.8. Notwithstanding any other law, the powers and duties
37 of the bureau, as set forth in this chapter, shall be subject to review
38 by the appropriate policy committees of the Legislature. The review
39 shall be performed as if this chapter were scheduled to be repealed
40 as of January 1, 2020.

1 SEC. 27. Section 7597.1 of the Business and Professions Code
2 is amended to read:

3 7597.1. (a) A licensee, qualified manager, branch office
4 manager, or alarm agent shall not carry, use, or possess a loaded
5 or unloaded firearm in the course and scope of his or her
6 employment, whether or not it is serviceable or operative, unless
7 he or she has in his or her possession a valid and current firearms
8 qualification card issued to him or her by the bureau. The card
9 shall be shown to any peace officer or bureau representative upon
10 demand.

11 (b) Subdivision (a) 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 meets all of the
14 following:

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

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

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

23 (c) A fine of two hundred fifty dollars (\$250) may be assessed
24 for the first violation of this section and a fine of five hundred
25 dollars (\$500) for each subsequent violation.

26 SEC. 28. Section 7597.2 of the Business and Professions Code
27 is amended to read:

28 7597.2. (a) A licensee, qualified manager, branch office
29 manager, or alarm agent shall not carry any inoperable, replica, or
30 other simulated firearm.

31 (b) A violation of this section shall result in a fine of one
32 hundred dollars (\$100) for the first violation and a fine of two
33 hundred fifty dollars (\$250) for each subsequent violation.

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

36 7597.3. (a) A licensee, qualified manager, branch office
37 manager, or alarm agent shall not use a firearm which is in
38 violation of law, or in knowing violation of the standards for
39 carrying and usage of firearms, as taught in the course of training
40 in the carrying and use of firearms, including, but not limited to:

- 1 (1) Illegally using, carrying, or possessing a dangerous weapon.
- 2 (2) Brandishing a weapon.
- 3 (3) Drawing a weapon without proper cause.
- 4 (4) Provoking a shooting incident without cause.
- 5 (5) Carrying or using a firearm while on duty under the influence
- 6 of alcohol or dangerous drugs.
- 7 (6) Carrying or using a firearm of a caliber for which a bureau
- 8 firearms permit has not been issued.

9 (b) A fine of one thousand dollars (\$1,000) and a suspension of
 10 the firearms permit may be assessed for the first violation of this
 11 section and a suspension of the firearms permit for a subsequent
 12 violation.

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

15 7597.5. (a) A licensee, qualified manager, branch office
 16 manager, or alarm agent shall not carry or use tear gas or any other
 17 nonlethal chemical agent in the performance of his or her duties,
 18 unless he or she has in his or her possession proof of completion
 19 of a course in the carrying and use of tear gas or other nonlethal
 20 chemical agent.

21 (b) A fine of one hundred dollars (\$100) may be assessed for
 22 the first violation of this section and a fine of two hundred fifty
 23 dollars (\$250) for each subsequent violation.

24 SEC. 31. Section 7597.6 of the Business and Professions Code
 25 is amended to read:

26 7597.6. (a) A licensee, qualified manager, branch office
 27 manager, or alarm agent shall not carry a pistol, revolver, or other
 28 firearm capable of being concealed upon the person in a concealed
 29 manner unless one of the following circumstances apply:

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

33 (2) The person is an honorably retired peace officer authorized
 34 to carry a concealed firearm pursuant to Section 25650 of the Penal
 35 Code or Article 2 (commencing with Section 25450) of Chapter
 36 2 of Division 5 of Title 4 of Part 6 of the Penal Code.

37 (3) The person is a duly appointed peace officer, as defined in
 38 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
 39 of the Penal Code, who is authorized to carry a concealed firearm
 40 in the course and scope of his or her employment pursuant to

1 Article 2 (commencing with Section 25450) of Chapter 2 of
2 Division 5 of Title 4 of Part 6 of the Penal Code.

3 (b) A fine of one thousand dollars (\$1,000) may be assessed for
4 each violation of subdivision (a).

5 SEC. 32. Section 7598.51 of the Business and Professions
6 Code is amended to read:

7 7598.51. (a) An alarm agent shall carry on his or her person,
8 while on duty, either a valid and current registration card or a
9 temporary application for registration.

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

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

14 7598.53. An alarm agent who responds to an alarm system
15 shall wear a prominently displayed patch or other designation
16 which clearly identifies the name of the licensee. An alarm agent
17 who carries a deadly weapon while responding to an alarm system
18 shall wear a recognizable uniform with a prominently displayed
19 patch or other designation which clearly identifies the name of the
20 licensee. The uniform must be distinguishable from the uniforms
21 worn by local regular law enforcement officers. A violation of this
22 section may result in a fine of two hundred fifty dollars (\$250) for
23 each violation.

24 SEC. 34. Section 7599.32 of the Business and Professions
25 Code, as added by Section 21 of Chapter 291 of the Statutes of
26 2012, is amended to read:

27 7599.32. (a) A licensee shall notify the bureau within 30 days
28 of any change of its officers required to be named pursuant to
29 Section 7593.4 and of any addition of a new partner.

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

36 (c) A notice of warning may be issued for the first violation of
37 this section and a fine of five hundred dollars (\$500) for each
38 subsequent violation.

39 SEC. 35. Section 7599.33 of the Business and Professions
40 Code is amended to read:

1 7599.33. A licensee shall not conduct business, as defined in
 2 Section 7599.20, from any location other than that location for
 3 which a license or branch office registration was issued. A violation
 4 of this section may result in a fine of five hundred dollars (\$500)
 5 for the first violation of this section and a fine of one thousand
 6 dollars (\$1,000) for each subsequent violation.

7 SEC. 36. Section 7599.34 of the Business and Professions
 8 Code, as added by Section 23 of Chapter 291 of the Statutes of
 9 2012, is amended to read:

10 7599.34. A licensee shall not conduct a business as an
 11 individual, partnership, or corporation unless the licensee holds a
 12 valid license issued to that exact same individual, partnership, or
 13 corporation. A violation of this section may result in a fine of five
 14 hundred dollars (\$500) for each violation.

15 SEC. 37. Section 7599.36 of the Business and Professions
 16 Code is amended to read:

17 7599.36. (a) Each licensee shall maintain a file or record
 18 containing the name, address, commencing date of employment,
 19 and position of each employee, and the date of termination. Those
 20 files and records shall be retained during the time of employment
 21 and for a period of not less than two years thereafter, and, together
 22 with usual payroll records, shall be available for inspection by the
 23 bureau, and copies thereof and information pertaining thereto or
 24 contained therein shall be submitted to the bureau upon written
 25 request. A violation concerning the maintenance of the files or
 26 records may result in a fine of two hundred fifty dollars (\$250) for
 27 each violation.

28 (b) A failure of a licensee to respond to the bureau’s request to
 29 forward copies of the files or records and information pertaining
 30 thereto or contained therein within 30 days of the bureau’s request
 31 may result in a fine of two hundred fifty dollars (\$250) for each
 32 violation.

33 SEC. 38. Section 7599.37 of the Business and Professions
 34 Code is amended to read:

35 7599.37. Each licensee shall maintain an accurate and current
 36 record of proof of completion of the course of training in the
 37 exercise of the power to arrest as required by Section 7598.1, by
 38 each of his or her employees. A violation of this section may result
 39 in a fine of five hundred dollars (\$500) for each violation.

1 SEC. 39. Section 7599.38 of the Business and Professions
2 Code is amended to read:

3 7599.38. Each licensee shall certify an employee's completion
4 of the course of training in the exercise of power to arrest, or obtain
5 proof that the training has been administered by a bureau-approved
6 training facility, prior to allowing the employee to respond to an
7 alarm system as required by Section 7598.1. A violation of this
8 section may result in a fine of five hundred dollars (\$500) for each
9 violation.

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

13 7599.39. Within three working days, each licensee shall verify
14 proof of current and valid registration issued by the bureau for
15 each employee who is subject to registration, or shall require an
16 employee to complete and submit an application for registration
17 after employing an individual who does not possess a current and
18 valid registration from the bureau. "Within three working days"
19 means 72 hours from the time an employee is first compensated
20 for alarm agent services for a licensee. A violation of this section
21 may result in a fine of two hundred fifty dollars (\$250) for each
22 violation.

23 SEC. 41. Section 7599.40 of the Business and Professions
24 Code is amended to read:

25 7599.40. A licensee shall not allow any employee to carry a
26 firearm or other deadly weapon without first ascertaining that the
27 employee is proficient in the use of each weapon to be carried. A
28 current and valid firearm qualification card which indicates the
29 specific caliber of the firearm which may be carried shall be
30 deemed evidence of proficiency. A firearm qualification permit is
31 not valid unless the employee holds a valid, current registration
32 card. With respect to other deadly weapons, evidence of proficiency
33 shall include a certificate from a training facility, certifying that
34 the employee is proficient in the use of that particular deadly
35 weapon. A violation of this section may result in a fine of two
36 thousand five hundred dollars (\$2,500) for each violation.

37 SEC. 42. Section 7599.41 of the Business and Professions
38 Code is amended to read:

39 7599.41. A licensee shall maintain an accurate and current
40 record of all firearms or other deadly weapons that are in the

1 possession of the licensee, or of any employee of the licensee,
 2 while on duty. The record shall contain the make, model, and serial
 3 number, or a description of any other deadly weapon, and the name
 4 of the person who has title of ownership. A violation of this section
 5 may result in a fine of five hundred dollars (\$500) for each
 6 violation.

7 SEC. 43. Section 7599.42 of the Business and Professions
 8 Code, as added by Section 25 of Chapter 291 of the Statutes of
 9 2012, is amended to read:

10 7599.42. Within seven days after any violent incident involving
 11 a dangerous weapon, that has been caused by or occurred upon a
 12 licensee or any officer, partner, qualified manager, or employee
 13 of a licensee, while acting within the course and scope of his or
 14 her employment, and that results in bodily injury to any person or
 15 death of any person involved in that incident or of any discharge
 16 of a weapon, excluding any discharge which occurs on the range,
 17 the licensee or his or her manager shall mail or deliver to the chief
 18 a detailed report of the incident. The report shall describe fully the
 19 circumstances surrounding the incident, any injuries or damages
 20 incurred, the identity of all participants, and whether a police
 21 investigation was conducted. A violation of this section by a ~~licensee~~
 22 *licensee* or any officer, partner, managing member, or qualified
 23 manager may result in a fine of one thousand dollars (\$1,000) for
 24 the first violation and two thousand five hundred dollars (\$2,500)
 25 for each subsequent violation. A violation of this section by an
 26 employee of a ~~licensee~~ *licensee* may result in a fine of five hundred
 27 dollars (\$500) for each violation.

28 SEC. 44. Section 7599.44 of the Business and Professions
 29 Code is amended to read:

30 7599.44. Every advertisement by a licensee soliciting or
 31 advertising business shall contain his or her name and license
 32 number as they appear in the records of the bureau. A violation of
 33 this section may result in a fine of five hundred dollars (\$500) for
 34 the first violation and one thousand dollars (\$1,000) for each
 35 subsequent violation.

36 SEC. 45. Section 7599.45 of the Business and Professions
 37 Code is amended to read:

38 7599.45. A licensee or employee of a licensee shall not enter
 39 any private building or portion thereof, excepting premises open
 40 to the public, without the consent of the owner or the person in

1 legal possession thereof. A violation of this section may result in
2 a fine of one hundred dollars (\$100) for each violation.

3 SEC. 46. Section 7599.54 of the Business and Professions
4 Code is amended to read:

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

12 (a) The name, business address, business telephone number,
13 and license number of the licensed alarm company operator and
14 the registration number of any alarm agent who solicited or
15 negotiated the agreement.

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

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

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

23 (e) A description of the alarm system including the major
24 components thereof and services to be provided to the purchaser
25 once the alarm is installed, including response or monitoring
26 services, if any.

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

32 (g) A statement setting forth that upon completion of the
33 installation of the alarm system, the alarm company shall
34 thoroughly instruct the purchaser in the proper use of the alarm
35 system.

36 (h) In the event a mechanic's lien is to be utilized, a
37 notice-to-owner statement which shall describe, in nontechnical
38 language and in a clear and coherent manner using words with
39 common and everyday meaning, the pertinent provisions of this
40 state's mechanics' lien laws and the rights and responsibilities of

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

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

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

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

24 (2) If the payment schedule contained in the agreement provides
25 for a ~~down payment~~ *downpayment* to be paid to the licensee by
26 the owner or the tenant before commencement of the work, that
27 ~~down payment~~ *downpayment* shall not exceed one thousand dollars
28 (\$1,000) or 10 percent of the contract price, excluding finance
29 charges, whichever is the lesser.

30 (3) In no event shall the payment schedule provide that the
31 licensee receive, nor shall the licensee actually receive, payment
32 in excess of 100 percent of the value of the work performed on
33 the project at any time, excluding finance charges, except that the
34 licensee may receive an initial ~~down payment~~ *downpayment*
35 authorized by paragraph (2). A failure by the licensee, without
36 legal excuse, to substantially commence work within 20 days of
37 the approximate date specified in the contract when work is to
38 commence, shall postpone the next succeeding payment to the
39 licensee for that period of time equivalent to the time between

1 when substantial commencement was to have occurred and when
2 it did occur.

3 (4) A notice-to-owner statement which shall describe, in
4 nontechnical language and in a clear and coherent manner using
5 words with common and everyday meaning, the pertinent
6 provisions of this state’s mechanics’ lien laws and the rights and
7 responsibilities of an owner of property and a contractor thereunder,
8 including the provisions relating to the filing of a contract
9 concerning a work of improvement with the county recorder and
10 the recording in the office of a contractor’s payment bond for
11 private work.

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

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

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

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

25 (k) A violation of this section or failure to commence work
26 pursuant to paragraph (6) of subdivision (j) may result in a fine of
27 one hundred dollars (\$100) for the first violation and a fine of five
28 hundred dollars (\$500) for each subsequent violation.

29 SEC. 47. Section 7599.59 of the Business and Professions
30 Code is amended to read:

31 7599.59. The director may assess administrative fines of fifty
32 dollars (\$50) against any licensee, qualified certificate holder,
33 firearms qualification card holder, or registrant for each violation
34 for failure to notify the bureau within 30 days of any change of
35 residence or business address.

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