

Introduced by Senator HillFebruary 12, 2016

An act to amend Sections 1636.4, 2811.5, 8516, 8518, and 8555 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as introduced, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria. That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.

This bill would delete the authorization to contract with outside consultants and would instead authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards, and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.

(3) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements.

(4) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee

for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

Existing law provides that the laws governing structural pest control operators, including licensure, does not apply to persons engaged in the live capture and removal of vertebrate pests, bees, or wasps from a structure without the use of pesticides.

This bill would instead apply those laws to persons that engage in the live capture and removal of vertebrate pests without the use of pesticides. By requiring persons that engaged in the live capture and removal of vertebrate pests without the use of pesticides to comply with the laws governing structural pest control operators, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program. By requiring those person to be licensed, this bill would require them to pay a licensee fee that would go into a continuously appropriated fund, which would, therefore, result in an appropriation.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. It is the intent of the Legislature to enact future
2 legislation that would establish a Dental Corps Scholarship
3 Program within the Health and Professions Education Foundation
4 to increase the supply of dentists serving in medically underserved
5 areas.

6 SEC. 2. Section 1636.4 of the Business and Professions Code
7 is amended to read:

8 1636.4. (a) The Legislature recognizes the need to ensure that
9 graduates of foreign dental schools who have received an education
10 that is equivalent to that of accredited institutions in the United
11 States and that adequately prepares their students for the practice
12 of dentistry shall be subject to the same licensure requirements as
13 graduates of approved dental schools or colleges. It is the purpose
14 of this section to provide for the evaluation of foreign dental
15 schools and the approval of those foreign dental schools that
16 provide an education that is equivalent to that of similar accredited
17 institutions in the United States and that adequately prepare their
18 students for the practice of dentistry.

19 (b) The board shall be responsible for the approval of foreign
20 dental schools based on standards established pursuant to
21 subdivision (d). ~~The board may contract with outside consultants
22 or a national professional organization to survey and evaluate
23 foreign dental schools. The consultant or organization shall report
24 to the board regarding its findings in the survey and evaluation.~~

25 (c) *The board may, in lieu of conducting its own survey and
26 evaluation of a foreign dental school, accept the findings of any
27 commission or accreditation agency approved by the board if the
28 findings meet the standards of subdivision (c) and adopt those
29 findings as the board's own.*

1 ~~(e) The board shall establish a technical advisory group to review~~
2 ~~and comment upon the survey and evaluation of a foreign dental~~
3 ~~school contracted for pursuant to subdivision (b), prior to any final~~
4 ~~action by the board regarding certification of the foreign dental~~
5 ~~school. The technical advisory group shall be selected by the board~~
6 ~~and shall consist of four dentists, two of whom shall be selected~~
7 ~~from a list of five recognized United States dental educators~~
8 ~~recommended by the foreign school seeking approval. None of~~
9 ~~the members of the technical advisory group shall be affiliated~~
10 ~~with the school seeking certification.~~

11 ~~(d)~~

12 (c) Any foreign dental school that wishes to be approved
13 pursuant to this section shall make application to the board for this
14 approval, which shall be based upon a finding *by the board* that
15 the educational program of the foreign dental school is equivalent
16 to that of similar accredited institutions in the United States and
17 adequately prepares its students for the practice of dentistry.
18 Curriculum, faculty qualifications, student attendance, plant and
19 facilities, and other relevant factors shall be reviewed and
20 evaluated. ~~The board, with the cooperation of the technical advisory~~
21 ~~group,~~ *board* shall identify by rule the standards and review
22 procedures and methodology to be used in the approval process
23 consistent with this subdivision. The board shall not grant approval
24 if deficiencies found are of such magnitude as to prevent the
25 students in the school from receiving an educational base suitable
26 for the practice of dentistry.

27 ~~(e)~~

28 (d) Periodic surveys and evaluations of all approved schools
29 ~~shall may~~ be made to ensure continued compliance with this
30 section. Approval shall include provisional and full approval. The
31 provisional form of approval shall be for a period determined by
32 the board, not to exceed three years, and shall be granted to an
33 institution, in accordance with rules established by the board, to
34 provide reasonable time for the school seeking permanent approval
35 to overcome deficiencies found by the board. Prior to the expiration
36 of a provisional approval and before the full approval is granted,
37 the school shall be required to submit evidence that deficiencies
38 noted at the time of initial application have been remedied. A
39 school granted full approval shall provide evidence of continued
40 compliance with this section. In the event that the board denies

1 approval or reapproval, the board shall give the school a specific
 2 listing of the deficiencies that caused the denial and the
 3 requirements for remedying the deficiencies, and shall permit the
 4 school, upon request, to demonstrate by satisfactory evidence,
 5 within 90 days, that it has remedied the deficiencies listed by the
 6 board.

7 ~~(f)~~

8 (e) A school shall pay a registration fee established by rule of
 9 the board, not to exceed one thousand dollars (\$1,000), at the time
 10 of application for approval and shall pay all reasonable costs and
 11 expenses ~~the board incurs~~ *incurred* for ~~the conduct of~~ *conducting*
 12 the approval survey.

13 ~~(g)~~

14 (f) The board shall renew approval upon receipt of a renewal
 15 application, accompanied by a fee not to exceed five hundred
 16 dollars (\$500). Each fully approved institution shall submit a
 17 renewal application every seven years. Any approval that is not
 18 renewed shall automatically expire.

19 SEC. 3. Section 2811.5 of the Business and Professions Code
 20 is amended to read:

21 2811.5. (a) Each person renewing his or her license under
 22 Section 2811 shall submit proof satisfactory to the board that,
 23 during the preceding two-year period, he or she has been informed
 24 of the developments in the registered nurse field or in any special
 25 area of practice engaged in by the licensee, occurring since the
 26 last renewal thereof, either by pursuing a course or courses of
 27 continuing education in the registered nurse field or relevant to
 28 the practice of the licensee, and approved by the board, or by other
 29 means deemed equivalent by the board.

30 (b) For purposes of this section, the board shall, by regulation,
 31 establish standards for continuing education. The standards shall
 32 be established in a manner to assure that a variety of alternative
 33 forms of continuing education are available to licensees, including,
 34 but not limited to, academic studies, in-service education, institutes,
 35 seminars, lectures, conferences, workshops, extension studies, and
 36 home study programs. The standards shall take cognizance of
 37 specialized areas of ~~practice~~. *practice, and content shall be based*
 38 *on generally accepted scientific principles.* The continuing
 39 education standards established by the board shall not exceed 30
 40 hours of direct participation in a course or courses approved by

1 the board, or its equivalent in the units of measure adopted by the
2 board.

3 *(c) The board shall audit continuing education providers at*
4 *least once every five years to ensure adherence to regulatory*
5 *requirements, and shall withhold or rescind approval from any*
6 *provider that is in violation of the regulatory requirements.*

7 ~~(e)~~

8 *(d) The board shall encourage continuing education in spousal*
9 *or partner abuse detection and treatment. In the event the board*
10 *establishes a requirement for continuing education coursework in*
11 *spousal or partner abuse detection or treatment, that requirement*
12 *shall be met by each licensee within no more than four years from*
13 *the date the requirement is imposed.*

14 ~~(d)~~

15 *(e) In establishing standards for continuing education, the board*
16 *shall consider including a course in the special care needs of*
17 *individuals and their families facing end-of-life issues, including,*
18 *but not limited to, all of the following:*

- 19 (1) Pain and symptom management.
- 20 (2) The psycho-social dynamics of death.
- 21 (3) Dying and bereavement.
- 22 (4) Hospice care.

23 ~~(e)~~

24 *(f) In establishing standards for continuing education, the board*
25 *may include a course on pain management.*

26 ~~(f)~~

27 *(g) This section shall not apply to licensees during the first two*
28 *years immediately following their initial licensure in California*
29 *or any other governmental jurisdiction.*

30 ~~(g)~~

31 *(h) The board may, in accordance with the intent of this section,*
32 *make exceptions from continuing education requirements for*
33 *licensees residing in another state or country, or for reasons of*
34 *health, military service, or other good cause.*

35 SEC. 4. Section 8516 of the Business and Professions Code is
36 amended to read:

37 8516. (a) This section, and Section 8519, apply only to wood
38 destroying pests or organisms.

39 (b) ~~No~~A registered company or licensee shall *not* commence
40 work on a contract, or sign, issue, or deliver any documents

1 expressing an opinion or statement relating to the absence or
2 presence of wood destroying pests or organisms until an inspection
3 has been made by a licensed Branch 3 field representative or
4 ~~operator~~. *operator employed by a registered company, except as*
5 *provided in Section 8519.5.* The address of each property inspected
6 or upon which work is completed shall be reported on a form
7 prescribed by the board and shall be filed with the board no later
8 than 10 business days after the commencement of an inspection
9 or upon completed work.

10 Every property inspected pursuant to this subdivision or Section
11 8518 shall be assessed a filing fee pursuant to Section 8674.

12 Failure of a registered company to report and file with the board
13 the address of any property inspected or work completed pursuant
14 to Section 8518 or this section is grounds for disciplinary action
15 and shall subject the registered company to a fine of not more than
16 two thousand five hundred dollars (\$2,500). *The address of an*
17 *inspection report prepared for use by an attorney for litigation*
18 *purposes shall not be required to be reported to the board and*
19 *shall not be assessed a filing fee.*

20 A written inspection report conforming to this section and a form
21 approved by the board shall be prepared and delivered to the person
22 requesting the inspection *and the property owner*, or to the ~~person's~~
23 *property owner's* designated ~~agent~~ *agent*, within 10 business days
24 ~~of~~ *from the start of the* inspection, except that an inspection report
25 prepared for use by an attorney for litigation purposes is not
26 required to be reported to the ~~board~~. *board or the property owner.*
27 *An inspection report may be a complete, limited, supplemental, or*
28 *reinspection report, as defined by Section 1993 of Title 16 of the*
29 *California Code of Regulations.* The report shall be delivered
30 before work is commenced on any property. The registered
31 company shall retain for three years all ~~original~~ inspection reports,
32 field notes, and activity forms.

33 Reports shall be made available for inspection and reproduction
34 to the executive officer of the board or his or her duly authorized
35 representative during business hours. ~~Original~~ *All* inspection reports
36 or copies thereof shall be submitted to the board upon ~~request~~
37 *demand* within two business days. The following shall be set forth
38 in the report:

39 (1) The *start* date of the inspection and the name of the licensed
40 field representative or operator making the inspection.

- 1 (2) The name and address of the person or firm ordering the
2 report.
- 3 (3) The name and address of *the property owner and* any person
4 who is a party in interest.
- 5 (4) The address or location of the property.
- 6 (5) A general description of the building or premises inspected.
- 7 (6) A foundation diagram or sketch of the structure or structures
8 or portions of the structure or structures inspected, ~~indicating~~
9 ~~thereon~~ *including* the approximate location of any infested or
10 infested areas evident, and the parts of the structure where
11 conditions that would ordinarily subject those parts to attack by
12 wood destroying pests or organisms exist. *Reporting of the infested*
13 *or infested wood members, or parts of the structure identified,*
14 *shall be listed in the inspection report to clearly identify them, as*
15 *is typical in standard construction components, including, but not*
16 *limited to, siding, studs, rafters, floor joists, fascia, subfloor,*
17 *sheathing, and trim boards.*
- 18 (7) Information regarding the substructure, foundation walls
19 and footings, porches, patios and steps, air vents, abutments, attic
20 spaces, roof framing that includes the eaves, rafters, fascias,
21 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
22 or other parts subject to attack by wood destroying pests or
23 organisms. Conditions usually deemed likely to lead to infestation
24 or infection, such as earth-wood contacts, excessive cellulose
25 debris, faulty grade levels, excessive moisture conditions, evidence
26 of roof leaks, and insufficient ventilation are to be reported.
- 27 (8) One of the following statements, as appropriate, printed in
28 bold type:
 - 29 (A) The exterior surface of the roof was not inspected. If you
30 want the water tightness of the roof determined, you should contact
31 a roofing contractor who is licensed by the Contractors' State
32 License Board.
 - 33 (B) The exterior surface of the roof was inspected to determine
34 whether or not wood destroying pests or organisms are present.
- 35 (9) Indication or description of any areas that are inaccessible
36 or not inspected with recommendation for further inspection if
37 practicable. If, after the report has been made in compliance with
38 this section, authority is given later to open inaccessible areas, a
39 supplemental report on conditions in these areas shall be made.
- 40 (10) Recommendations for corrective measures.

1 (11) Information regarding the pesticide or pesticides to be used
2 for their control *or prevention* as set forth in subdivision (a) of
3 Section 8538.

4 (12) The inspection report shall clearly disclose that if requested
5 by the person ordering the original report, a reinspection of the
6 structure will be performed if an estimate or bid for making repairs
7 was given with the original inspection report, or thereafter.

8 ~~(13) The inspection report shall contain the following statement,~~
9 ~~printed in boldface type:~~

10 —
11 ~~“NOTICE: Reports on this structure prepared by various~~
12 ~~registered companies should list the same findings (i.e. termite~~
13 ~~infestations, termite damage, fungus damage, etc.). However,~~
14 ~~recommendations to correct these findings may vary from company~~
15 ~~to company. You have a right to seek a second opinion from~~
16 ~~another company.”~~

17 —
18 An estimate or bid for repairs shall be given separately allocating
19 the costs to perform each and every recommendation for corrective
20 measures as specified in subdivision (c) with the original inspection
21 report if the person who ordered the original inspection report so
22 requests, and if the registered company is regularly in the business
23 of performing *each* corrective ~~measures~~; *measure*.

24 If no estimate or bid was given with the original inspection
25 report, or thereafter, then the registered company shall not be
26 required to perform a reinspection.

27 A reinspection shall be an inspection of those items previously
28 listed on an original report to determine if the recommendations
29 have been completed. Each reinspection shall be reported on an
30 original inspection report form and shall be labeled ~~“Reinspection”~~
31 ~~in capital letters by rubber stamp or typewritten: “Reinspection.”~~
32 Each reinspection shall also identify the original report by date.

33 After four months from an original inspection, all inspections
34 shall be original inspections and not reinspections.

35 Any reinspection shall be performed for not more than the price
36 of the registered company’s original inspection price and shall be
37 completed within 10 ~~working~~ *business* days after a reinspection
38 has been ordered.

39 ~~(13) The inspection report shall contain the following statement,~~
40 ~~printed in boldface type:~~

1
2 “NOTICE: Reports on this structure prepared by various
3 registered companies should list the same findings (i.e. termite
4 infestations, termite damage, fungus damage, etc.). However,
5 recommendations to correct these findings may vary from company
6 to company. You have a right to seek a second opinion from
7 another company.”

8
9 (c) At the time a report is ordered, the registered company or
10 licensee shall inform the person or entity ordering the report, that
11 a separated report is available pursuant to this subdivision. If a
12 separated report is requested at the time the inspection report is
13 ordered, the registered company or licensee shall separately identify
14 on the report each recommendation for corrective measures as
15 follows:

- 16 (1) The infestation or infection that is evident.
17 (2) The conditions that are present that are deemed likely to
18 lead to infestation or infection.

19 If a registered company or licensee fails to inform as required
20 by this subdivision and a dispute arises, or if any other dispute
21 arises as to whether this subdivision has been complied with, a
22 separated report shall be provided within 24 hours of the request
23 but, in no event, later than the next business day, and at no
24 additional cost.

25 (d) When a corrective condition is identified, either as paragraph
26 (1) or (2) of subdivision (c), and the responsible party, as negotiated
27 ~~between the buyer and the seller,~~ *property owner of the property*
28 *owner’s designated agent* chooses not to correct those conditions,
29 the registered company or licensee shall not be liable for damages
30 resulting from a failure to correct those conditions or subject to
31 any disciplinary action by the board. Nothing in this subdivision,
32 however, shall relieve a registered company or a licensee of any
33 liability resulting from negligence, fraud, dishonest dealing, other
34 violations pursuant to this chapter, or contractual obligations
35 between the registered company or licensee and the responsible
36 parties.

37 (e) The inspection report form prescribed by the board shall
38 separately identify the infestation or infection that is evident and
39 the conditions that are present that are deemed likely to lead to
40 infestation or infection. If a separated form is requested, the form

1 shall explain the infestation or infection that is evident and the
2 conditions that are present that are deemed likely to lead to
3 infestation or infection and the difference between those conditions.
4 In no event, however, shall conditions deemed likely to lead to
5 infestation or infection be characterized as actual “defects” or as
6 actual “active” infestations or infections or in need of correction
7 as a precondition to issuing a certification pursuant to Section
8 8519.

9 (f) The report and any contract entered into shall also state
10 specifically when any guarantee for the work is made, and if so,
11 the specific terms of the guarantee and the period of time for which
12 the guarantee shall be in effect. *If a guarantee extends beyond*
13 *three years, the registered company shall maintain all original*
14 *inspection reports, field notes, activity forms, and notices of*
15 *completion for the duration of the guarantee period and for one*
16 *year after the guarantee expires.*

17 ~~(g) Control service is defined as the regular reinspection of a~~
18 ~~property after a report has been made in compliance with this~~
19 ~~section and any corrections as have been agreed upon have been~~
20 ~~completed.—For purposes of this section, “control service~~
21 ~~agreement” means an agreement, including extended warranties,~~
22 ~~to have a licensee conduct over a period of time regular inspections~~
23 ~~and other activities related to the control or eradication of wood~~
24 ~~destroying pests and organisms. Under a control service agreement~~
25 ~~a registered company shall refer to the original report and contract~~
26 ~~in a manner as to identify them clearly, and the report shall be~~
27 ~~assumed to be a true report of conditions as originally issued,~~
28 ~~except it may be modified after a control service inspection. A~~
29 ~~registered company is not required to issue a report as outlined in~~
30 ~~paragraphs (1) to (11), inclusive, of subdivision (b) after each~~
31 ~~control service inspection. If after control service inspection, no~~
32 ~~modification of the original report is made in writing, then it will~~
33 ~~be assumed that conditions are as originally reported. A control~~
34 ~~service contract shall state specifically the particular wood~~
35 ~~destroying pests or organisms and the portions of the buildings or~~
36 ~~structures covered by the contract.~~

37 (h) A registered company or licensee may enter into and
38 maintain a control service agreement provided the following
39 requirements are met:

- 1 (1) The control service agreement shall be in writing, signed by
2 both parties, and shall specifically include the following:
- 3 ~~(A) The wood destroying pests and organisms that could infest~~
4 ~~and infect the structure.~~
- 5 ~~(B)~~
- 6 (A) The wood destroying pests and organisms covered by the
7 control service agreement. ~~Any~~
- 8 (B) Any wood destroying pest or organism that is not covered
9 must be specifically listed.
- 10 (C) The type and manner of treatment to be used to correct the
11 infestations or infections.
- 12 (D) The structures or buildings, or portions thereof, covered by
13 the agreement, including a statement specifying whether the
14 coverage for purposes of periodic inspections is limited or full.
15 Any exclusions from those described in the original report must
16 be specifically listed.
- 17 (E) A reference to the original inspection ~~report and agreement.~~
18 ~~report.~~
- 19 (F) The frequency of the inspections to be provided, the fee to
20 be charged for each renewal, and the duration of the agreement.
- 21 (G) Whether the fee includes structural repairs.
- 22 (H) If the services provided are guaranteed, and, if so, the terms
23 of the guarantee.
- 24 (I) A statement that all corrections of infestations or infections
25 covered by the control service agreement shall be completed within
26 six months of discovery, unless otherwise agreed to in writing by
27 both parties.
- 28 (2) *The original inspection report, the control service agreement,*
29 *and completion report shall be maintained for three years after*
30 *the cancellation of the control service agreement.*
- 31 ~~(2)~~
- 32 (3) Inspections made pursuant to a control service agreement
33 shall be conducted by a Branch 3 licensee. Section 8506.1 does
34 not modify this provision.
- 35 ~~(3)~~
- 36 (4) A full inspection of the property covered by the control
37 service agreement shall be conducted and a report filed pursuant
38 to subdivision (b) at least once every three years from the date that
39 the agreement was entered into, unless the consumer cancels the

1 contract within three years from the date the agreement was entered
 2 into.

3 ~~(4) A~~

4 (5) *Under a control service agreement, a written report shall*
 5 *be required for the correction of any infestation or infection unless*
 6 *all of the following conditions are met:*

7 (A) The infestation or infection has been previously reported.

8 (B) The infestation or infection is covered by the control service
 9 agreement.

10 (C) There is no additional charge for correcting the infestation
 11 or infection.

12 (D) Correction of the infestation or infection takes place within
 13 45 days of its discovery.

14 (E) Correction of the infestation or infection does not include
 15 fumigation.

16 ~~(5)~~

17 (6) All notice requirements pursuant to Section 8538 shall apply
 18 to all pesticide treatments conducted under control service
 19 agreements.

20 ~~(6) For purposes of this section, “control service agreement”~~
 21 ~~means any agreement, including extended warranties, to have a~~
 22 ~~licensee conduct over a period of time regular inspections and~~
 23 ~~other activities related to the control or eradication of wood~~
 24 ~~destroying pests and organisms.~~

25 (i) All work recommended by a registered company, where an
 26 estimate or bid for making repairs was given with the original
 27 inspection report, or thereafter, shall be recorded on this report or
 28 a separate work agreement and shall specify a price for each
 29 recommendation. This information shall be provided to the person
 30 requesting the inspection, and shall be retained by the registered
 31 company with the inspection report copy for three years.

32 SEC. 5. Section 8518 of the Business and Professions Code is
 33 amended to read:

34 8518. (a) When a registered company completes work under
 35 a contract, it shall prepare, on a form prescribed by the board, a
 36 notice of work completed and not completed, and shall furnish
 37 that notice to the owner of the property or the owner’s agent within
 38 10 business days after completing the work. The notice shall
 39 include a statement of the cost of the completed work and estimated
 40 cost of work not completed.

1 (b) The address of each property inspected or upon which work
2 was completed shall be reported on a form prescribed by the board
3 and shall be filed with the board no later than 10 business days
4 after completed work.

5 (c) A filing fee shall be assessed pursuant to Section 8674 for
6 every property upon which work is completed.

7 (d) Failure of a registered company to report and file with the
8 board the address of any property upon which work was completed
9 pursuant to subdivision (b) of Section 8516 or ~~Section 8518~~ *this*
10 *section* is grounds for disciplinary action and shall subject the
11 registered company to a fine of not more than two thousand five
12 hundred dollars (\$2,500).

13 (e) The registered company shall retain for three years all
14 original notices of work completed, work not completed, and
15 activity forms.

16 (f) Notices of work completed and not completed shall be made
17 available for inspection and reproduction to the executive officer
18 of the board or his or her duly authorized representative during
19 business hours. Original notices of work completed or not
20 completed or copies thereof shall be submitted to the board upon
21 request within two business days.

22 (g) *This section shall only apply to work relating to wood*
23 *destroying pests or organisms.*

24 SEC. 6. Section 8555 of the Business and Professions Code is
25 amended to read:

26 8555. This chapter does not apply to:

27 (a) Public utilities operating under the regulations of the Public
28 Utilities Commission, except to work performed upon property of
29 the utilities not subject to the jurisdiction of the Public Utilities
30 Commission or work done by the utility for hire.

31 (b) Persons engaged only in agricultural pest control work under
32 permit or license by the Department of Pesticide Regulation or a
33 county agricultural commissioner.

34 (c) Pest control performed by persons upon property that they
35 own, lease or rent, except that the persons shall be subject to the
36 limitations imposed by Article 3 of this chapter.

37 (d) Governmental agencies, state, federal, city, or county
38 officials, and their employees while officially engaged.

39 (e) Authorized representatives of an educational institution or
40 state or federal agency engaged in research or study of pest control,

1 or engaged in investigation or preparation for expert opinion or
2 testimony. A professional engaging in research, study,
3 investigation, or preparation for expert opinion or testimony on
4 his or her own behalf shall comply with the requirements of this
5 chapter.

6 (f) Certified architects and registered civil engineers, acting
7 solely within their professional capacity, except that they shall be
8 subject to the limitations imposed by Article 3 of this chapter.

9 (g) Persons engaged in the live capture and removal or exclusion
10 of ~~vertebrate pests, bees, bees~~ or wasps from a structure without
11 the use of pesticides, provided those persons maintain insurance
12 coverage as described in Section 8692. ~~“Vertebrate pests” include,~~
13 ~~but are not limited to, bats, raccoons, skunks, and squirrels, but do~~
14 ~~not include mice, rats, or pigeons. This section does not exempt a~~
15 ~~person from the provisions of Chapter 1.5 (commencing with~~
16 ~~Section 2050) of Division 3 of the Fish and Game Code.~~

17 SEC. 7. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.