

AMENDED IN ASSEMBLY JUNE 13, 2016

AMENDED IN SENATE APRIL 20, 2016

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1044

Introduced by Senator Nguyen
(Coauthor: Assembly Member Chiu)

February 12, 2016

An act *to amend Section 7414 of, and to add Sections 7407.1 and 7408.1 to*, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1044, as amended, Nguyen. Barbering and cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practices of barbering, cosmetology, and electrolysis by the State Board of Barbering and Cosmetology. Existing law also requires any person, firm, or corporation operating an establishment where any activity licensed under the act is practiced to apply to the board for a license. Existing law requires protection of the public to be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Under existing law, whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is required to be paramount.

Under existing law, the board is authorized to assess administrative fines for a violation of the act or a violation of any rules and regulations adopted by the board pursuant to the act. Existing law requires the board to establish by regulation a schedule of administrative fines for violations of the act.

This bill would require the board to determine by regulation when a fine is required to be assessed against both the holder of the establishment license and the individual licensee for the same violation. The bill would also require the board to determine by regulation when a fine shall be assessed to only the holder of the establishment license or to only an individual licensee for the same violation. In making these determinations, the bill would require the board to consider specified factors.

Existing law requires the board to issue a citation with respect to any violation for which an administrative fine is authorized to be assessed. Existing law requires these citations to be in writing and to describe with particularity the nature of the violation alleged to have occurred. Under existing law, the administrative fine, if any, is required to be attached at the time the citation is written.

The bill would authorize the board to enter into a payment plan for citations with administrative fines exceeding \$500. The bill would require the board to define by regulation the parameters of the payment plans, as specified.

Existing law prohibits issuing a license to, or renewing any issued licenses of, persons who fail to pay administrative fines that were not contested or were contested but the appeal has been adjudicated, until all fines are paid in addition to any application, renewal, or delinquency fees which are required.

The bill would instead authorize making the issuance of a license to, or the renewal of a license of, a person who fails to pay administrative fines that were not contested or that were contested but the appeal has been adjudicated contingent upon all fines being paid in addition to any application, renewal, or delinquency fees which are required.

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. Section 7407.1 is added to the Business and
- 2 Professions Code, to read:
- 3 7407.1. The board shall determine by regulation when a fine
- 4 shall be assessed to both the holder of the establishment license
- 5 and the individual licensee for the same violation. The board shall
- 6 also determine by regulation when a fine shall be assessed to only
- 7 the holder of the establishment license or to only an individual

1 licensee for the same violation. In making these determinations,
2 the board shall consider the egregiousness of the violation of the
3 health and safety regulations and whether the violation is a repeated
4 violation by licensees within the same establishment.

5 SEC. 2. Section 7408.1 is added to the Business and Professions
6 Code, to read:

7 7408.1. The board may enter into a payment plan for citations
8 with administrative fines that exceed five hundred dollars (\$500).
9 The board shall define by regulation the parameters of the payment
10 plan, which shall include, but shall not be not limited to, the terms
11 of the plan and grounds for cancellation of the plan.

12 SEC. 3. Section 7414 of the Business and Professions Code is
13 amended to read:

14 7414. ~~Persons who fail~~ *The issuance of a license to, or the*
15 *renewal of a license of, a person who fails to pay administrative*
16 *fines that were not contested or that were contested but the appeal*
17 *has been adjudicated, shall not be issued a license or allowed to*
18 ~~renew any licenses issued to them until~~ *adjudicated may be made*
19 *contingent upon all fines are being paid in addition to any*
20 *application, renewal, or delinquency fees which are required.*