

Senate Bill No. 299

CHAPTER 334

An act to amend Sections 7070 and 7090 of the Business and Professions Code, relating to contractors.

[Approved by Governor August 20, 1997. Filed with Secretary of State August 21, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 299, Mountjoy. Contractors.

(1) Existing law requires an applicant for a contractor's license to show that there has never been a refusal of licensure or a revocation for reasons that would preclude the granting of the license applied for.

This bill would provide that where the Contractors' State License Board has denied an application it shall inform the applicant of the earliest date upon which he or she may reapply for licensure, which shall be one year from a specified date, unless the board prescribes an earlier date, as specified.

(2) Existing law requires the Registrar of Contractors upon the finding that any licensed or registered contractor has willfully and deliberately violated any state or local law relating to the issuance of building permits, as specified, to suspend or revoke licensure.

This bill would instead require the registrar to take disciplinary action against the contractor's license.

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

SECTION 1. Section 7070 of the Business and Professions Code is amended to read:

7070. An applicant shall show that he or she has never been denied a license or had a license revoked for reasons that would preclude the granting of the license applied for. Where the board has denied an application for license under this chapter or Chapter 2 (commencing with Section 480) of Division 1.5, it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the earliest date that the applicant may reapply for a license, which shall be one year from the effective date of the decision or service of notice under subdivision (b) of Section 485, unless the board prescribes an earlier date.

SEC. 2. Section 7090 of the Business and Professions Code is amended to read:

7090. The registrar may upon his or her own motion and shall upon the verified complaint in writing of any person, investigate the



actions of any applicant, contractor, or home improvement salesperson within the state and may deny the licensure or the renewal of licensure of, or cite, temporarily suspend, or permanently revoke any license or registration if the applicant, licensee, or registrant, is guilty of or commits any one or more of the acts or omissions constituting causes for disciplinary action.

The registrar may proceed to take disciplinary action as in this article provided against an applicant or a person licensed or registered under the provisions of this chapter even though the grounds or cause for such disciplinary action arose upon projects or while the applicant, licensee, or registrant was acting in a capacity or under circumstances or facts which, under the provisions of Sections 7044, 7045, 7046, and 7048, would otherwise exempt the person or his or her operations from the provisions of this chapter.

Notwithstanding any provision of this chapter, if the registrar finds that any contractor licensed or registered under the provisions of this chapter has willfully and deliberately violated any state or local law relating to the issuance of building permits, other than failure to obtain a county or city permit for repair, maintenance, and adjustment of equipment where such repair, maintenance, or adjustment is valued at less than five hundred dollars (\$500) for labor or materials, or where the repair of a part or component part of mechanical equipment consists of replacing such part or component part of mechanical equipment in need of repair with the identical part or component part, the registrar shall take disciplinary action against the contractor's license in accordance with this chapter.

For the purpose of this section, there shall be a rebuttable presumption affecting the burden of proof that construction performed without a permit is a willful and deliberate violation.

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