

AMENDED IN SENATE MAY 7, 1997

SENATE BILL

No. 857

Introduced by Senator ~~Monteith~~ Polanco

February 26, 1997

An act to ~~add Section 7067 to~~ amend Section 7057 of, and to add Section 7019.1 to, the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 857, as amended, ~~Monteith~~ Polanco. Contractors: licensing.

(1) *The Contractors' State License Law defines a general building contractor as a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than 2 unrelated building trades or crafts, or to do or superintend the whole or any part thereof, with specified exception.*

This bill would prohibit, on and after January 1, 1998, a general building contractor from contracting for any project that includes certain enumerated classifications, except as specified, and would also specify the legislative intent with respect to the enactment of these provisions.

(2) *Existing law provides that if funding is made available for that purpose, the Contractors' State License Board may contract with licensed professionals, as appropriate, for the site investigation of consumer complaints.*

This bill would require the board to furnish a copy of any opinion prepared by the licensed professional, including any contractor, retained pursuant to the above provision, to the complainant, to the licensee against whom the complaint has been made, and, upon request, to other specified persons. The bill would also require the opinion to include prescribed information.

~~The Contractors' State License Law imposes various requirements on an applicant for purposes of obtaining licensure as a contractor.~~

~~This bill would also require an applicant for a license to meet any minimum education requirements established under this law.~~

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

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

1 ~~SECTION 1. Section 7067 is added to the Business and~~
2 *SECTION 1. Section 7019.1 is added to the Business*
3 *and Professions Code, to read:*
4 *7019.1. (a) The board shall furnish a copy of any*
5 *opinion prepared by the licensed professional, including*
6 *any contractor, retained pursuant to Section 7019, to the*
7 *complainant, to the licensee against whom the complaint*
8 *has been made, and, upon request, to the successors,*
9 *receivers, trustees, executors, administrators, assignees,*
10 *or guarantors of either party, if directly or collaterally*
11 *interested under this chapter or otherwise as provided by*
12 *law.*
13 *(b) The opinion specified in subdivision (a) shall*
14 *include all of the following:*
15 *(1) An identification of the nature of the condition that*
16 *produced the complaint and the proximate cause or basis*
17 *or contributing cause of that condition.*
18 *(2) Whether the item of complaint was a subject of*
19 *work contemplated in any contract between the*
20 *complainant and the licensee.*



1 (3) Whether the cause or basis of the condition
2 complained of constituted a departure from plans, codes,
3 or accepted trade standards.

4 (4) What the code provisions or trade standards
5 specified in paragraph (3) are.

6 (5) The reason why the licensed professional believes
7 the condition resulted from a departure from plans,
8 codes, or trade standards.

9 (6) The extent of the damages, if any, suffered by the
10 complainant as a result of the work that produced the
11 condition complained of and the cost to correct each
12 item.

13 (7) The source or basis of the cost estimates specified
14 in paragraph (6).

15 (c) The opinion shall also provide the name,
16 identification, and address of the professional who
17 prepared the opinion, a statement listing the licenses,
18 including specialty licenses related to the work or
19 condition that is the subject of the complaint, and a
20 statement of any special knowledge, skill, experience,
21 training, and education upon which that professional
22 relied, the date or dates of any inspection of the site or
23 other investigation, and the date of the report. If any of
24 the information listed in subdivision (b) is omitted from
25 the copy of the opinion, the opinion shall state the reason
26 for this omission.

27 (d) The board shall make the opinion available on, or
28 promptly following, the earliest date upon which the
29 opinion or the information from it is furnished to the
30 registrar or any of his or her deputies for the purpose of
31 mediation or the purpose of preparing a citation pursuant
32 to Section 7099, or to any arbitrator or arbitration panel,
33 or the date of service of any accusation pursuant to
34 Section 11505 of the Government Code on any matter
35 upon which the opinion relates.

36 SEC. 2. Section 7057 of the Business and Professions
37 Code is amended to read:

38 7057. ~~A~~ (a) Except as provided in this section, a
39 general building contractor is a contractor whose
40 principal contracting business is in connection with any



1 structure built, being built, or to be built, for the support,
2 shelter and enclosure of persons, animals, chattels or
3 movable property of any kind, requiring in its
4 construction the use of more than two unrelated building
5 trades or crafts, or to do or superintend the whole or any
6 part thereof.

7 This does not include anyone who merely furnishes
8 materials or supplies under Section 7045 without
9 fabricating them into, or consuming them in the
10 performance of the work of the general building
11 contractor.

12 *(b) On and after January 1, 1998, no general building*
13 *contractor shall contract for any project that includes the*
14 *following classifications: “C-4” Boiler, Hot Water Heating*
15 *and Steam Fitting, “C-5” Carpentry, “C-8” Concrete,*
16 *“C-9” Drywall, “C-10” Electrical, “C-11” Elevator*
17 *Installation, “C-13” Fencing, “C-16” Fire Protection,*
18 *“C-17” Glazing, “C-20” Warm Air Heating, Ventilating*
19 *and Air Conditioning, “C-21” Building Moving and*
20 *Demolition, “C-26” Glazing, “C-27” Landscaping, “C-29”*
21 *Masonry, “C-33” Painting and Decorating, “C-35”*
22 *Plastering, “C-36” Plumbing, “C-38” Refrigeration,*
23 *“C-39” Roofing, “C-42” Sanitation System, “C-47”*
24 *General Manufactured Housing, “C-50” Reinforcing*
25 *Steel, “C-51” Structural Steel, “C-53” Swimming Pool,*
26 *“C-55” Water Conditioning, “C-57” Well Drilling, and*
27 *“C-60” Welding, unless the general building contractor*
28 *holds the appropriate specialty license, or subcontracts*
29 *with the appropriately licensed specialty license, or*
30 *subcontracts with the appropriately licensed specialty*
31 *contractor.*

32 *(c) In addition to the prohibition specified in*
33 *subdivision (b), no general building contractor shall*
34 *contract for any project that includes the “C-16” Fire*
35 *Protection classification as provided for in Section 7026.12*
36 *or the “C-57” Well Drilling classification as provided for*
37 *in Section 13750.5 of the Water Code, unless the general*
38 *building contractor holds the specialty license, or*
39 *subcontracts with the appropriately licensed specialty*
40 *contractor.*



1 SEC. 3. It is the intent of the Legislature to amend
2 Section 7057 of the Business and Professions Code in order
3 to modify the holding in *Home Depot, U.S.A., Inc. v.*
4 *Contractors' State License Bd.*, 41 Cal. App. 4th 1592, to
5 the extent the holding is inconsistent with Section 7057 of
6 the Business and Professions Code.

7 The limitations applicable to general building
8 contractors performing in the role of specified specialty
9 building contractors for which other standards and
10 criteria have been established, are necessary to serve as
11 a means of protecting the public against contractors who
12 have not demonstrated competence in specified specialty
13 aspects of work for which a specialty license is required
14 and as a means of facilitating the selection and provision
15 of contracting services by and for the public that provides
16 recognition to those persons or entities that have
17 demonstrated experience, competence, and appropriate
18 qualifications in those specialties specified in Section 7057
19 of the Business and Professions Code. The "C" specialties
20 specified in Section 7057 of the Business and Professions
21 Code have been determined by the Legislature to be of
22 particular concern to the health, safety, and well-being of
23 the consumer and the employees of the contractor and
24 the public. In addition, experience has shown that
25 consumers need and deserve to be protected against
26 work being performed by contractors not licensed in
27 specialty areas, and that the majority of consumer abuses
28 occur and the focus of enforcement is needed most in
29 these areas.

30 ~~Professions Code, to read:~~

31 ~~7067. An applicant for a license shall meet any~~
32 ~~minimum education requirements established under this~~
33 ~~chapter.~~

