

AMENDED IN ASSEMBLY JUNE 14, 2000

AMENDED IN SENATE APRIL 13, 2000

SENATE BILL

No. 1863

**Introduced by Committee on Business and Professions
(Senators Figueroa (Chair), Johannessen, Kelley, Murray,
O'Connell, Polanco, and Speier)**

February 24, 2000

An act to amend Sections 128.5, 130, 149, 205, 5151, 5154, 5502, 5536, 5565, 5601, 5602, 5603, 5610, 5640, 5642, 5650, 5651, 5681, 5682, 5683, 8761, and ~~8781~~ 8771 of, to amend and repeal Section 5620 of, to add Sections 5110, 5111, 5112, and 5113 to, and to repeal Section 5643 of, the Business and Professions Code, and to amend Section 13401 of the Corporations Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1863, as amended, Committee on Business and Professions. ~~Landscape architects: land surveyors: civil engineers~~ Professions and vocations.

(1) Existing law provides for the licensing and regulation of *architects and* landscape architects by the California ~~Board of Architectural Examiners~~ *Architects Board*. Existing law provides that it is a misdemeanor for any person to engage in the practice of *architecture or* landscape architecture and other associated activities without a license. Existing law authorizes the board to issue a temporary *landscape architect* certificate to a person from another state meeting certain qualifications. Existing law also provides for a written

landscape architect examination in order to obtain a license, which examination may be waived by the board if the applicant is licensed in another state and has passed a uniform national examination as well as a written examination in that state, as specified.

This bill would increase the fines applicable to a violation of these provisions. ~~This bill~~ and would delete the provisions relating to the *issuance of a landscape architect* temporary certificate. This bill would allow the board to waive the requirement for the *landscape architect* written examination if an applicant has passed an equivalent written examination or meets a certain certification, and passes a California supplemental examination, if that supplemental examination is required of all California applicants. This bill would make other related changes.

(2) Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors.

This bill would make various changes relating to the requirements governing a map or plat issued by a licensed land surveyor or registered civil engineer and the requirements relating to the filing of a corner record or record of survey.

(3) *Under existing law, the California Board of Accountancy regulates those engaged in the practice of public accounting and requires, among other matters, that an applicant for a certified public accountant license pass an examination, as specified.*

This bill would authorize the board to take specified actions against any individual it suspects has committed particular acts in connection with applying for or taking a licensing examination, as defined, including incidents of cheating or subverting an examination.

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 128.5 of the Business and*
2 *Professions Code is amended to read:*



1 128.5. (a) Notwithstanding any other provision of
2 law, if at the end of any fiscal year, an agency within the
3 Department of Consumer Affairs, except the agencies
4 referred to in subdivision (b), has unencumbered funds
5 in an amount—~~which~~ *that* equals or is more than the
6 agency's operating budget for the next two fiscal years,
7 the agency shall reduce license or other fees, whether the
8 license or other fees be fixed by statute or may be
9 determined by the agency within limits fixed by statute,
10 during the following fiscal year in an amount—~~which~~ *that*
11 will reduce any surplus funds of the agency to an amount
12 less than the agency's operating budget for the next two
13 fiscal years.

14 (b) Notwithstanding any other provision of law, if at
15 the end of any fiscal year, the California—~~Board of~~
16 ~~Architectural Examiners~~ *Architects Board*, the Board of
17 Behavioral Science Examiners, the Veterinary Medical
18 Board, the Court Reporters Board of California, the
19 Medical Board of California, the Board of Vocational
20 Nursing and Psychiatric Technicians, or the Bureau of
21 Security and Investigative Services has unencumbered
22 funds in an amount—~~which~~ *that* equals or is more than the
23 agency's operating budget for the next two fiscal years,
24 the agency shall reduce license or other fees, whether the
25 license or other fees be fixed by statute or may be
26 determined by the agency within limits fixed by statute,
27 during the following fiscal year in an amount—~~which~~ *that*
28 will reduce any surplus funds of the agency to an amount
29 less than the agency's operating budget for the next two
30 fiscal years.

31 *SEC. 2. Section 130 of the Business and Professions*
32 *Code is amended to read:*

33 130. (a) Notwithstanding any other provision of law,
34 the term of office of any member of an agency designated
35 in subdivision (b) shall be for a term of four years expiring
36 on June 1.

37 (b) Subdivision (a) applies to the following boards or
38 committees:

- 39 (1) Medical Board of California.
40 (2) California Board of Podiatric Medicine.



- 1 (3) Physical Therapy Board.
- 2 (4) Board of Registered Nursing.
- 3 (5) Board of Vocational Nursing and Psychiatric
- 4 Technicians.
- 5 (6) State Board of Optometry.
- 6 (7) California State Board of Pharmacy.
- 7 (8) Veterinary Medical Board.
- 8 (9) California—Board—of—Architectural—Examiners
- 9 *Architects Board.*
- 10 (10) Landscape Architect Technical Committee.
- 11 (11) State—Board—Bureau of Barbering and
- 12 Cosmetology.
- 13 (12) Board for Professional Engineers and Land
- 14 Surveyors.
- 15 (13) Contractors’ State License Board.
- 16 (14) State Board of Guide Dogs for the Blind.
- 17 (15) State Board of Funeral Directors and Embalmers.
- 18 (16) Board of Behavioral ~~Science Examiners~~ *Sciences.*
- 19 (17) Structural Pest Control Board.
- 20 (18) Cemetery ~~Board~~ *and Funeral Bureau.*
- 21 (19) Bureau of Electronic and Appliance Repair
- 22 ~~Advisory Board.~~
- 23 (20) Court Reporters Board of California.
- 24 (21) State Board—of—Registration for Geologists and
- 25 Geophysicists.
- 26 (22) State Athletic Commission.
- 27 (23) Osteopathic Medical Board of California.
- 28 (24) The Respiratory Care Board of California.
- 29 (25) The Acupuncture ~~Committee~~ *Board.*
- 30 (26) The Board of Psychology.
- 31 *SEC. 3. Section 149 of the Business and Professions*
- 32 *Code is amended to read:*
- 33 149. (a) If, upon investigation, an agency designated
- 34 in subdivision (e) has probable cause to believe that a
- 35 person is advertising in a telephone directory with
- 36 respect to the offering or performance of services,
- 37 without being properly licensed by or registered with the
- 38 agency to offer or perform those services, the agency may
- 39 issue a citation under Section 148 containing an order of



1 correction that requires the violator to do both of the
2 following:

3 (1) Cease the unlawful advertising.

4 (2) Notify the telephone company furnishing services
5 to the violator to disconnect the telephone service
6 furnished to any telephone number contained in the
7 unlawful advertising.

8 (b) This action is stayed if the person to whom a
9 citation is issued under subdivision (a) notifies the agency
10 in writing that he or she intends to contest the citation.
11 The agency shall afford an opportunity for a hearing, as
12 specified in Section 125.9.

13 (c) If the person to whom a citation and order of
14 correction is issued under subdivision (a) fails to comply
15 with the order of correction after that order is final, the
16 agency shall inform the Public Utilities Commission of the
17 violation and the Public Utilities Commission shall
18 require the telephone corporation furnishing services to
19 that person to disconnect the telephone service furnished
20 to any telephone number contained in the unlawful
21 advertising.

22 (d) The good faith compliance by a telephone
23 corporation with an order of the Public Utilities
24 Commission to terminate service issued pursuant to this
25 section shall constitute a complete defense to any civil or
26 criminal action brought against the telephone
27 corporation arising from the termination of service.

28 (e) Subdivision (a) shall apply to the following boards,
29 bureaus, committees, commissions, or programs:

30 (1) The ~~State Board~~ *Bureau* of Barbering and
31 Cosmetology.

32 (2) The State Board of Funeral Directors and
33 Embalmers.

34 (3) The Veterinary Medical Board.

35 (4) The Hearing Aid Dispensers ~~Examining~~ *Advisory*
36 Committee.

37 (5) The ~~State Board~~ of Landscape Architects
38 *Technical Committee*.

39 (6) The California Board of Podiatric Medicine.

40 (7) The Respiratory Care Board of California.



- 1 (8) The Bureau of Home Furnishings and Thermal
 2 Insulation.
- 3 (9) The Bureau of Security and Investigative Services.
- 4 (10) The Bureau of Electronic and Appliance Repair.
- 5 (11) The Bureau of Automotive Repair.
- 6 (12) The Tax Preparers Program.
- 7 (13) The California ~~Board of Architectural Examiners~~
 8 *Architects Board*.
- 9 (14) The Speech-Language Pathology and Audiology
 10 ~~Examining Committee Board~~.
- 11 (15) The Board for Professional Engineers and Land
 12 Surveyors.
- 13 (16) The Board of Behavioral ~~Science Examiners~~
 14 *Sciences*.
- 15 (17) The State Board ~~of Registration~~ for Geologists and
 16 Geophysicists.
- 17 (18) The Structural Pest Control Board.
- 18 (19) The Acupuncture ~~Examining Committee Board~~.
- 19 (20) The Board of Psychology.
- 20 (21) The ~~State California~~ Board of Accountancy.
- 21 *SEC. 4. Section 205 of the Business and Professions*
 22 *Code is amended to read:*
- 23 205. (a) There is in the State Treasury the Professions
 24 and Vocations Fund. The fund shall consist of the
 25 following special funds:
- 26 (1) Accountancy Fund.
- 27 (2) California ~~Board of Architectural Examiners'~~
 28 *Architects Board* Fund.
- 29 (3) Athletic Commission Fund.
- 30 (4) ~~Board Bureau~~ of Barbering and Cosmetology
 31 Contingent Fund.
- 32 (5) Cemetery Fund.
- 33 (6) Contractors' License Fund.
- 34 (7) State Dentistry Fund.
- 35 (8) State Funeral Directors and Embalmers' Fund.
- 36 (9) Guide Dogs for the Blind Fund.
- 37 (10) Bureau of Home Furnishings and Thermal
 38 Insulation Fund.
- 39 (11) State Board of Landscape Architects' Fund.



- 1 (12) Contingent Fund of the Medical Board of
2 California.
- 3 (13) Optometry Fund.
- 4 (14) Pharmacy Board Contingent Fund.
- 5 (15) Physical Therapy Fund.
- 6 (16) Private Investigator Fund.
- 7 (17) Professional Engineers' and Land Surveyors'
8 Fund.
- 9 (18) Consumer Affairs Fund.
- 10 (19) Behavioral Science Examiners Fund.
- 11 (20) Licensed Midwifery Fund.
- 12 (21) Court Reporters' Fund.
- 13 (22) Structural Pest Control Fund.
- 14 (23) Veterinary Medical Board Contingent Fund.
- 15 (24) Vocational Nurses Account of the Vocational
16 Nursing and Psychiatric Technicians Fund.
- 17 (25) State Dental Auxiliary Fund.
- 18 (26) Electronic and Appliance Repair Fund.
- 19 (27) Geology and Geophysics Fund.
- 20 (28) Dispensing Opticians Fund.
- 21 (29) Acupuncture Fund.
- 22 (30) Hearing Aid Dispensers Fund.
- 23 (31) Physician Assistant Fund.
- 24 (32) Board of Podiatric Medicine Fund.
- 25 (33) Psychology Fund.
- 26 (34) Respiratory Care Fund.
- 27 (35) Speech-Language Pathology and Audiology
28 Fund.
- 29 (36) Board of Registered Nursing Fund.
- 30 (37) Nursing Home Administrator's State License
31 Examining Board Fund.
- 32 (38) Psychiatric Technician Examiners Account of the
33 Vocational ~~Nurse~~ *Nursing* and Psychiatric ~~Technician~~
34 ~~Examiners-Technicians~~ Fund.
- 35 (39) Animal Health Technician Examining
36 Committee Fund.
- 37 (40) Tax Preparers Fund.
- 38 (41) Structural Pest Control Education and
39 Enforcement Fund.
- 40 (42) Structural Pest Control Research Fund.



1 (b) For accounting and recordkeeping purposes, the
2 Professions and Vocations Fund shall be deemed to be a
3 single special fund, and each of the several special funds
4 therein shall constitute and be deemed to be a separate
5 account in the Professions and Vocations Fund. Each
6 account or fund shall be available for expenditure only for
7 the purposes as are now or may hereafter be provided by
8 law.

9 *SEC. 5. Section 5110 is added to the Business and*
10 *Professions Code, to read:*

11 *5110. (a) After notice and an opportunity for a*
12 *hearing, the board may deny an application to take the*
13 *licensing examination, deny admission to current and*
14 *future licensing examinations, void examination grades,*
15 *and deny an application for a license or registration to any*
16 *individual who has committed any of the following acts:*

17 *(1) Made any false, fraudulent, or materially*
18 *misleading statement or a material omission in any*
19 *application for a license, examination, or registration.*

20 *(2) Cheated or subverted or attempted to subvert any*
21 *licensing examination.*

22 *(3) Aided, abetted, or conspired with any other person*
23 *to violate paragraph (1) or (2).*

24 *(4) Any act that if committed by an applicant for*
25 *licensure would be grounds for denial of a license or*
26 *registration under Section 480 or if committed by a*
27 *licensee or a registrant would be grounds for discipline*
28 *under Section 5100.*

29 *(5) Any act committed outside of this state that would*
30 *be a violation of this article if committed within this state.*

31 *(b) Neither the withdrawal of an application for*
32 *examination, licensure, or registration, nor the expulsion*
33 *or voluntary departure from an examination shall deprive*
34 *the board of its authority to deny an application for, or*
35 *admittance to, current or future licensing examinations,*
36 *or to commence or continue a proceeding based on a*
37 *violation of this article.*

38 *(c) Nothing in this article shall be construed to limit*
39 *the authority of the board to refuse admittance to or to*
40 *remove from the licensing examination, any person*



1 suspected of cheating or failing to comply with
2 examination procedures or requirements.

3 (d) The term “licensing examination” includes the
4 Uniform Certified Public Accountant examination, ethics
5 examination, and any other professional or vocational
6 licensing examination offered or administered by, or
7 through, the board or other agencies within or outside of
8 this state, for professional or vocational licensing
9 purposes.

10 (e) The board may take any of the actions described
11 in subdivision (a) based upon any determination,
12 decision, ruling, or finding made by any state or other
13 governmental entity, foreign or domestic, that any
14 individual has committed any of the actions described in
15 paragraphs (1) to (5), inclusive, of subdivision (a).

16 (f) The provisions of this section are in addition to any
17 other remedies that may be available under other
18 provisions of law including, but not limited to, those set
19 forth in Sections 123, 480, and 496.

20 SEC. 6. Section 5111 is added to the Business and
21 Professions Code, to read:

22 5111. Cheating on, or subverting or attempting to
23 subvert any licensing examination includes, but is not
24 limited to, engaging in, soliciting, or procuring any of the
25 following:

26 (a) Any communication between one or more
27 examinees and any person, other than a proctor or exam
28 official, while the examination is in progress.

29 (b) Any communication between one or more
30 examinees and any other person at any time concerning
31 the content of the examination including, but not limited
32 to, any exam question or answer, unless the examination
33 has been publicly released by the examining authority or
34 jurisdiction.

35 (c) The taking of all or a part of the examination by a
36 person other than the applicant.

37 (d) Possession or use at any time during the
38 examination or while the examinee is on the examination
39 premises of any device, material, or document that is not
40 expressly authorized for use by examinees during the



1 examination including, but not limited to, notes, crib
2 sheets, text books, and electronic devices.

3 (e) Failure to follow any exam instruction or rule
4 related to exam security.

5 (f) Providing false, fraudulent, or materially
6 misleading information concerning education,
7 experience, or other qualifications as part of, or in support
8 of, any application for admission to any professional or
9 vocational examination.

10 SEC. 7. Section 5112 is added to the Business and
11 Professions Code, to read:

12 5112. (a) The board may deny an application to take
13 the licensing examination, deny admittance to current
14 and future licensing examinations, and void examination
15 grades on the grounds set forth in Section 5110 using
16 either of the following procedures:

17 (1) Notifying the individual in writing of all of the
18 following:

19 (A) The action the board has taken.

20 (B) The reasons the action was taken.

21 (C) The earliest date on which the individual may
22 reapply for admittance to the licensing examination.

23 (D) The individual's right to a hearing under the
24 provisions of Chapter 5 (commencing with Section
25 11500) of Division 3 of Title 2 of the Government Code if
26 a written request for a hearing is made within 60 days
27 from the date of the board's notice. If the individual does
28 not request a hearing, the board's action shall become
29 final at the expiration of this 60-day period.

30 (2) Filing and serving a statement of issues in
31 accordance with Section 11504 of the Government Code.

32 (b) The board shall issue the notice of action under
33 paragraph (1) of subdivision (a) or file and serve the
34 statement of issues under paragraph (2) of subdivision
35 (a) within five years of the last day of the examination
36 with respect to which the alleged prohibited act was
37 committed or within three years of the discovery of the
38 commission of the alleged prohibited act, whichever
39 occurs later.



1 SEC. 8. Section 5113 is added to the Business and
2 Professions Code, to read:

3 5113. An individual who has been denied admission to
4 the licensing examination under Section 5110 may
5 petition the board for admission to the Certified Public
6 Accountant examination not less than one year after the
7 effective date of the decision issued by the board
8 following a hearing held pursuant to the provisions of
9 Chapter 5 (commencing with Section 11500) of Division
10 3 of Title 2 of the Government Code or, if there was no
11 hearing, may petition the board not less than one year
12 after the notice of action issued by the board becomes
13 final as provided in subparagraph (D) of paragraph (1)
14 of subdivision (a) of Section 5112, unless the decision or
15 notice of action issued by the board specifies a different
16 timeframe within this petition may be filed.

17 SEC. 9. Section 5151 of the Business and Professions
18 Code is amended to read:

19 5151. An applicant for registration as an accountancy
20 corporation shall supply to the board all necessary and
21 pertinent documents and information requested by the
22 board concerning the applicant's plan of operation. The
23 board may provide forms of application. If the board finds
24 that the corporation is duly organized and existing under
25 the General Corporation Law or the foreign corporation
26 is duly qualified for the transaction of intrastate business
27 pursuant to the General Corporation Law, that, *except as*
28 *otherwise permitted under Section 5053 or 5079*, each
29 officer, director, shareholder ~~and, except as otherwise~~
30 ~~permitted under Section 5053, each~~, or employee who
31 will render professional services is a licensed person as
32 defined in the Moscone-Knox Professional Corporation
33 Act, or a person licensed to render the same professional
34 services in the jurisdiction or jurisdictions in which the
35 person practices, and that from the application it appears
36 that the affairs of the corporation will be conducted in
37 compliance with law and the rules and regulations of the
38 board, the board shall upon payment of the registration
39 fee in ~~such~~ *the* amount as it may determine, issue a
40 certificate of registration. The applicant shall include



1 with the application; for each shareholder of the
2 corporation licensed in a foreign country but not in this
3 state or in any other state, territory, or possession of the
4 United States, a certificate from the authority in the
5 foreign country currently having final jurisdiction over
6 the practice of accounting, which shall verify the
7 shareholder's admission to practice in the foreign
8 country, the date thereof, and the fact that the
9 shareholder is currently in good standing as the
10 equivalent of a certified public accountant or public
11 accountant. If the certificate is not in English, there shall
12 be included with the certificate a duly authenticated
13 English translation thereof. The application shall be
14 signed and verified by an officer of the corporation.

15 *SEC. 10. Section 5154 of the Business and Professions*
16 *Code is amended to read:*

17 5154. Except as provided in *Section 5079 of this code*
18 *and in Section 13403 of the Corporations Code*, each
19 director, shareholder, and officer of an accountancy
20 corporation shall be a licensed person as defined in the
21 Moscone-Knox Professional Corporation Act, or a person
22 licensed to render the same professional services in the
23 jurisdiction or jurisdictions in which the person practices.

24 *SEC. 11. Section 5502 of the Business and Professions*
25 *Code is amended to read:*

26 5502. As used in this chapter, board refers to the
27 California ~~Board of Architectural Examiners~~ *Architects*
28 *Board*.

29 *SEC. 12. Section 5536 of the Business and Professions*
30 *Code is amended to read:*

31 5536. (a) It is a misdemeanor, punishable by a fine of
32 not less than one hundred dollars (\$100) nor more than
33 ~~one five~~ *five* thousand dollars ~~(\$1,000)~~ *(\$5,000)*, or by
34 imprisonment in the county jail not exceeding one year,
35 or by both *that* fine and imprisonment, for any person
36 who is not licensed to practice architecture under this
37 chapter; to practice architecture in this state ~~or~~, to use
38 any term confusingly similar to the word architect, ~~or~~, to
39 use the stamp of a licensed architect, as provided in
40 Section 5536.1, or to advertise or put out any sign or card



1 or other device ~~which~~ *that* might indicate to the public
2 that he or she is an architect ~~or~~, that he or she is qualified
3 to engage in the practice of architecture, or *that he or she*
4 is an architectural designer.

5 (b) It is a misdemeanor, punishable as specified in
6 subdivision (a), for any person who is not licensed to
7 practice architecture under this chapter to affix a stamp
8 or seal ~~which~~ *that* bears the legend “State of California”
9 or words or symbols that represent or imply that ~~such~~ *the*
10 person is so licensed by the state to plans, specifications,
11 or instruments of service.

12 (c) It is a misdemeanor, punishable as specified in
13 subdivision (a), for any person to advertise or represent
14 that he or she is a “registered building designer” or is
15 registered or otherwise licensed by the state as a building
16 designer.

17 *SEC. 13. Section 5565 of the Business and Professions*
18 *Code is amended to read:*

19 5565. The decision may:

20 (a) Provide for the immediate complete suspension by
21 the holder of the license of all operations as an architect
22 during the period fixed by the decision.

23 (b) Permit the holder of the license to complete any
24 or all contracts for the performance of architectural
25 services shown by evidence taken at the hearing to be
26 then unfinished.

27 (c) Impose upon the holder of the license compliance
28 with any specific conditions as may be just in connection
29 with his or her operations as an architect disclosed at the
30 hearing, and may further provide that until those
31 conditions are complied with no application for
32 restoration of the suspended or revoked license shall be
33 accepted by the board.

34 (d) Assess a fine not in excess of five thousand dollars
35 (\$5,000) against the holder of a license for any of the
36 causes specified in Section 5577. A fine may be assessed in
37 lieu of, or in addition to, a suspension or revocation. All
38 fines collected pursuant to this subdivision shall be
39 deposited to the credit of the California *Architects* Board
40 of ~~Architectural Examiners~~ Fund.



1 SEC. 14. Section 5601 of the Business and Professions
2 Code is amended to read:

3 5601. Within 10 days after the beginning of every
4 month, all fees collected by the department for the month
5 preceding, under the provisions of this chapter, shall be
6 paid into the State Treasury to the credit of the California
7 Architects Board of Architectural Examiners Fund.

8 SEC. 15. Section 5602 of the Business and Professions
9 Code is amended to read:

10 5602. The money paid into the California Architects
11 Board of Architectural Examiners Fund, which is hereby
12 continued in existence, shall be used in the manner
13 prescribed by law to defray the expenses of the board in
14 carrying out and enforcing the provisions of this chapter.

15 SEC. 16. Section 5603 of the Business and Professions
16 Code is amended to read:

17 5603. The board shall make available to local building
18 departments, and others upon request, an official roster
19 listing the name, license number, and address of all its
20 licensees issued licenses pursuant to this chapter and who
21 are in good standing. The roster shall be open to
22 inspection by the public during office hours of the board.
23 Except for local building departments, the board may
24 charge a fee for the maintenance, publication, and
25 distribution of the roster, not to exceed the actual cost. All
26 fees collected pursuant to this section shall be deposited
27 in the California Architects Board of Architectural
28 Examiners Fund.

29 SEC. 17. Section 5610 of the Business and Professions
30 Code is amended to read:

31 5610. A professional architectural corporation is a
32 corporation which is authorized to render professional
33 services, as defined in Section 13401 of the Corporations
34 Code, so long as that corporation and its shareholders,
35 officers, directors, and employees rendering professional
36 services who are licensed architects, are in compliance
37 with the Moscone-Knox Professional Corporation Act
38 (Part 4 (commencing with Section 13400) of Division 3 of
39 Title 1 of the Corporations Code), this article, and all
40 other statutes and regulations pertaining to the



1 corporation and the conduct of its affairs. With respect to
2 an architectural corporation, the governmental agency
3 referred to in the Moscone-Knox Professional
4 Corporation Act is the California *Architects* Board—of
5 ~~Architectural Examiners~~.

6 *SEC. 18. Section 5620 of the Business and Professions*
7 *Code is amended to read:*

8 5620. The duties, powers, purposes, responsibilities,
9 and jurisdiction of the California State Board of
10 Landscape Architects that were succeeded to and vested
11 with the Department of Consumer Affairs in accordance
12 with Chapter 908 of the Statutes of 1994 are hereby
13 transferred to the California *Architects* Board—of
14 ~~Architectural Examiners~~. The Legislature finds that the
15 purpose for the transfer of power is to promote and
16 enhance the efficiency of state government and that
17 assumption of the powers and duties by the California
18 *Architects* Board—of ~~Architectural Examiners~~ shall not be
19 viewed or construed as a precedent for the establishment
20 of state regulation over a profession or vocation that was
21 not previously regulated by a board, as defined in Section
22 477.

23 (a) There is in the Department of Consumer Affairs a
24 California *Architects* Board—of ~~Architectural Examiners~~
25 as defined in Article 2 (commencing with Section 5510)
26 of Chapter 3.

27 Whenever in this chapter “board” is used it refers to the
28 California *Architects* Board—of ~~Architectural Examiners~~.

29 (b) Except as provided herein, the board may
30 delegate its authority under this chapter to the
31 Landscape Architect Technical Committee.

32 (c) After review of proposed regulations, the board
33 may direct the examining committee to notice and
34 conduct hearings to adopt, amend, or repeal regulations
35 pursuant to Section 5630, provided that the board itself
36 shall take final action to adopt, amend, or repeal those
37 regulations.

38 (d) The board shall not delegate its authority to
39 discipline a landscape architect or to take action against
40 a person who has violated this chapter.



1 (e) This section shall become inoperative on July 1,
2 2004, and as of January 1, 2005, is repealed, unless a later
3 enacted statute, that becomes operative on or before
4 January 1, 2005, deletes or extends the date on which it
5 becomes inoperative and is repealed.

6 *SEC. 19.* Section 5640 of the Business and Professions
7 Code is amended to read:

8 5640. It is a misdemeanor, punishable by a fine of not
9 less than one hundred dollars (\$100) nor more than five
10 thousand dollars (\$5,000) or by imprisonment in the
11 county jail not exceeding six months, or by both that fine
12 and imprisonment, for any person, who, without
13 possessing a valid, unrevoked license as provided in this
14 chapter, engages in the practice of landscape
15 architecture or uses the title or term “Landscape
16 Architect” in any sign, card, listing, advertisement, or in
17 any other manner that would imply or indicate that he or
18 she is a landscape architect as defined in Section 5615.

19 ~~SEC. 2.~~

20 *SEC. 20.* Section 5642 of the Business and Professions
21 Code is amended to read:

22 5642. This chapter shall not be deemed to prevent a
23 landscape architect from forming a partnership, firm, or
24 corporation with, or employing, persons who are not
25 landscape architects if the signature, date, and license
26 number of the landscape architect appears on all
27 instruments of service. In no case shall the other members
28 of the partnership, firm, or corporation be designated or
29 described as landscape architects.

30 The name of the licensed landscape architect shall
31 appear wherever the firm name is used in the professional
32 practice of the partnership, firm, or corporation, and the
33 landscape architect shall reside in California when the
34 partnership, firm, or corporation maintains a California
35 office or mailing address. The name of the licensee shall
36 appear on all partnership, firm, or corporation stationery,
37 brochures, business cards and any instruments of service
38 used or provided in the professional practice of the
39 partnership, firm, or corporation.



1 No partnership, firm, or corporation shall engage in the
2 practice of landscape architecture unless the work is
3 under the immediate and responsible direction of a
4 licensee of the board.

5 Failure of any person to comply with this section
6 constitutes a ground for disciplinary action.

7 ~~SEC. 3.~~

8 *SEC. 21.* Section 5643 of the Business and Professions
9 Code is repealed.

10 ~~SEC. 4.~~

11 *SEC. 22.* Section 5650 of the Business and Professions
12 Code is amended to read:

13 5650. Subject to the rules and regulations governing
14 examinations, any person, over the age of 18 years, who
15 has had six years of training and educational experience
16 in actual practice of landscape architectural work shall be
17 entitled to an examination for a ~~certificate~~ license to
18 practice landscape architecture. A degree from a school
19 of landscape architecture approved by the board shall be
20 deemed equivalent to four years of training and
21 educational experience in the actual practice of
22 landscape architecture. Before taking the examination, a
23 person shall file an application therefor with the
24 executive officer and pay the application fee fixed by this
25 chapter.

26 *SEC. 23.* Section 5651 of the Business and Professions
27 Code is amended to read:

28 5651. (a) The board shall by means of examination,
29 ascertain the professional qualifications of all applicants
30 for licenses to practice landscape architecture in this state
31 and shall issue a license to every person whom it finds to
32 be qualified on payment of the initial license fee
33 prescribed by this chapter.

34 (b) The examination shall consist of a written
35 examination. The written examination may be waived by
36 the board if the applicant (1) has passed a written
37 examination equivalent to that which was required in
38 California at that time or is certified by the Council of
39 Landscape Architects Registration Boards and has
40 submitted proof of job experience equivalent to that



1 which is required of California candidates and (2) has
2 passed the California supplemental examination if, at the
3 time of application, it is required of all California
4 applicants.

5 ~~SEC. 5.~~

6 *SEC. 24.* Section 5681 of the Business and Professions
7 Code is amended to read:

8 5681. The fees prescribed by this chapter for
9 landscape architect applicants and landscape architect
10 licensees shall be fixed by the board as follows:

11 (a) The application fee for reviewing an applicant's
12 eligibility to take any section of the examination may not
13 exceed one hundred dollars (\$100).

14 (b) The fee for any section of the examination
15 administered by the board shall not exceed the actual cost
16 to the board for purchasing and administering each exam.

17 (c) The fee for an original license may not exceed four
18 hundred dollars (\$400), except that, if the license is issued
19 less than one year before the date on which it will expire,
20 then the fee shall equal 50 percent of the fee fixed by the
21 board for an original license. The board may, by
22 appropriate regulation, provide for the waiver or refund
23 of the initial license fee where the license is issued less
24 than 45 days before the date on which it will expire.

25 (d) The fee for a duplicate license may not exceed fifty
26 dollars (\$50).

27 (e) The renewal fee may not exceed four hundred
28 dollars (\$400).

29 (f) The penalty for failure to notify the board of a
30 change of address within 30 days from an actual change
31 in address may not exceed fifty dollars (\$50).

32 (g) The delinquency fee shall be 50 percent of the
33 renewal fee for the license in effect on the date of the
34 renewal of the license, but not less than fifty dollars (\$50)
35 nor more than two hundred dollars (\$200).

36 (h) The fee for filing an application for approval of a
37 school pursuant to Section 5650 may not exceed six
38 hundred dollars (\$600) charged and collected on an
39 biennial basis.

40 ~~SEC. 6.~~



1 SEC. 25. Section 5682 of the Business and Professions
2 Code is amended to read:

3 5682. Within 10 days after the beginning of every
4 month, all fees collected by the department for the month
5 preceding, under the provisions of this chapter, shall be
6 paid into the State Treasury to the credit of the California
7 ~~Board of Architectural Examiners-Landscape Architects~~
8 *Board-Landscape Architects* Fund, which is hereby
9 created.

10 SEC. 26. Section 5683 of the Business and Professions
11 Code is amended to read:

12 5683. The money paid into the California ~~Board of~~
13 ~~Architectural Examiners-Landscape~~ *Architects*
14 *Board-Landscape Architects* Fund is continuously
15 appropriated to the board for expenditure in the manner
16 prescribed by law to defray the expenses of the board and
17 in carrying out and enforcing the provisions of this
18 chapter.

19 SEC. 27. Section 8761 of the Business and Professions
20 Code is amended to read:

21 8761. Any licensed land surveyor or registered civil
22 engineer may practice land surveying and prepare maps,
23 plats, reports, descriptions, or other documentary
24 evidence in connection therewith. All maps, plats,
25 reports, descriptions, or other documents issued by the
26 licensed land surveyor or registered civil engineer shall
27 be signed by the surveyor or engineer to indicate the
28 surveyor's or engineer's responsibility for them. In
29 addition to the signature, the map, plat, report,
30 description, or other document shall bear the seal or
31 stamp of the licensee or registrant and the expiration date
32 of the license or registration. If the map, plat, report,
33 description, or other document has multiple pages or
34 sheets, the signature, seal or stamp, and expiration date
35 of the license or registration need only appear on the
36 originals of the map or plat and on the title sheet of the
37 report, description, or other document.

38 It is unlawful for any person to sign, stamp, seal, or
39 approve any map, plat, report, description, or other



1 document unless the person is authorized to practice land
2 surveying.

3 ~~SEC. 7.~~

4 *SEC. 28.* Section 8771 of the Business and Professions
5 Code is amended to read:

6 8771. (a) Monuments set shall be sufficient in
7 number and durability and efficiently placed so as not to
8 be readily disturbed, to assure, together with monuments
9 already existing, the perpetuation or facile
10 reestablishment of any point or line of the survey.

11 (b) When monuments exist that control the location of
12 subdivisions, tracts, boundaries, roads, streets, or
13 highways, or provide survey control, the monuments
14 shall be located and referenced by or under the direction
15 of a licensed land surveyor or registered civil engineer
16 prior to the time when any streets, highways, other
17 rights-of-way, or easements are improved, constructed,
18 reconstructed, or relocated and a corner record or record
19 of survey of the references shall be filed with the county
20 surveyor. They shall be reset in the surface of the new
21 construction, a suitable monument box placed thereon, or
22 permanent witness monuments set to perpetuate their
23 location and a corner record or record of survey filed with
24 the county surveyor prior to the recording of a certificate
25 of completion for the project. Sufficient controlling
26 monuments shall be retained or replaced in their original
27 positions to enable property, right-of-way and easement
28 lines, property corners, and subdivision and tract
29 boundaries to be reestablished without devious surveys
30 necessarily originating on monuments differing from
31 those that currently control the area. It shall be the
32 responsibility of the governmental agency or others
33 performing construction work to provide for the
34 monumentation required by this section. It shall be the
35 duty of every land surveyor or civil engineer to cooperate
36 with the governmental agency in matters of maps, field
37 notes, and other pertinent records. Monuments set to
38 mark the limiting lines of highways, roads, streets or
39 right-of-way or easement lines shall not be deemed
40 adequate for this purpose unless specifically noted on the



1 corner record or record of survey of the improvement
2 works with direct ties in bearing or azimuth and distance
3 between these and other monuments of record.

4 (c) The decision to file either a corner record or a
5 record of survey pursuant to subdivision (b) shall be at
6 the election of the licensed land surveyor or registered
7 engineer submitting the document.

8 *SEC. 29. Section 13401 of the Corporations Code is*
9 *amended to read:*

10 13401. As used in this part:

11 (a) "Professional services" means any type of
12 professional services that may be lawfully rendered only
13 pursuant to a license, certification, or registration
14 authorized by the Business and Professions Code or the
15 Chiropractic Act.

16 (b) "Professional corporation" means a corporation
17 organized under the General Corporation Law or
18 pursuant to subdivision (b) of Section 13406 that is
19 engaged in rendering professional services in a single
20 profession, except as otherwise authorized in Section
21 13401.5, pursuant to a certificate of registration issued by
22 the governmental agency regulating the profession as
23 herein provided and that in its practice or business
24 designates itself as a professional or other corporation as
25 may be required by statute. However, any professional
26 corporation or foreign professional corporation
27 rendering professional services by persons duly licensed
28 by the Medical Board of California or any examining
29 committee under the jurisdiction of the board, the
30 *Dental Board of—Dental—Examiners California*, the
31 California State Board of Pharmacy, the Veterinary
32 Medical Board, the California *Architects Board—of*
33 ~~Architectural Examiners~~, the Court Reporters Board of
34 California, the Board of Behavioral Sciences, or the Board
35 of Registered Nursing shall not be required to obtain a
36 certificate of registration in order to render those
37 professional services.

38 (c) "Foreign professional corporation" means a
39 corporation organized under the laws of a state of the
40 United States other than this state that is engaged in a



1 profession of a type for which there is authorization in the
2 Business and Professions Code for the performance of
3 professional services by a foreign professional
4 corporation.

5 (d) “Licensed person” means any natural person who
6 is duly licensed under the provisions of the Business and
7 Professions Code or the Chiropractic Act to render the
8 same professional services as are or will be rendered by
9 the professional corporation or foreign professional
10 corporation of which he or she is or intends to become, an
11 officer, director, shareholder, or employee.

12 (e) “Disqualified person” means a licensed person
13 who for any reason becomes legally disqualified
14 (temporarily or permanently) to render the professional
15 services that the particular professional corporation or
16 foreign professional corporation of which he or she is an
17 officer, director, shareholder, or employee is or was
18 rendering.

