

AMENDED IN ASSEMBLY SEPTEMBER 4, 2001

AMENDED IN ASSEMBLY AUGUST 20, 2001

AMENDED IN ASSEMBLY JULY 12, 2001

AMENDED IN SENATE APRIL 30, 2001

SENATE BILL

No. 136

Introduced by Senator Figueroa

(Coauthors: Senators Johannessen and Polanco)

(Coauthors: Assembly Members Aanestad, Correa, and Thomson)

January 29, 2001

An act to amend Sections 5800, 5810, 6710, 6714, 6735, 6735.3, 6735.4, 6795, 6799, 7200, 7215.6, 8710, 8741.1, 8801, 8805, 22251, 22254, 22255, and 22259 of, to add Sections 5801.1, 5811, and 5812 to, the Business and Professions Code, relating to professional boards, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Figueroa. Professional boards.

Existing law provides for the establishment of various professional boards and professional titling and regulatory programs within the Department of Consumer Affairs, including the ~~interior designer titling act~~, the Board for Professional Engineers and Land Surveyors, the State Board of Guide Dogs for the Blind, and the Tax Preparer ~~program~~ *Program*. Funds in the Professional Engineer's and Land Surveyor's Fund are continuously appropriated for purposes of the Board for Professional Engineers and Land Surveyors.

This bill would extend the operation of the titling provisions relating to ~~interior designers~~, the Board for Professional Engineers and Land

Surveyors, the State Board of Guide Dogs for the Blind, and the Tax Preparer Program. The bill would authorize the Board for Professional Engineers and Land Surveyors to increase registration fees for professional engineers and would thereby make an appropriation by including fee amounts deposited in a continuously appropriated fund. The bill would modify various other provisions relating to professional engineers, interior designers, and tax preparers. Because the bill would impose crimes and penalties for an extended period of time, the bill would impose a state-mandated local program.

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. Section 5800 of the Business and Professions
- 2 Code is amended to read:
- 3 5800. As used in this chapter:
- 4 (a) “Certified interior designer” means a person who prepares
- 5 and submits nonstructural or nonseismic plans consistent with
- 6 Sections 5805 and 5538 to local building departments that are of
- 7 sufficient complexity so as to require the skills of a licensed
- 8 contractor to implement them, and who engages in programming,
- 9 planning, designing, and documenting the construction and
- 10 installation of nonstructural or nonseismic elements, finishes and
- 11 furnishings within the interior spaces of a building, and has
- 12 demonstrated by means of education, experience and examination,
- 13 the competency to protect and enhance the health, safety, and
- 14 welfare of the public.
- 15 (b) An “interior design organization” means a nonprofit
- 16 organization, exempt from taxation under Section 501(c)(3) of
- 17 Title 26 of the United States Code, of certified interior designers
- 18 whose governing board shall include representatives of the public,
- 19 except that an organization that is not currently exempt under that
- 20 section that submits an application to the Internal Revenue Service



1 requesting an exemption under that section shall be eligible to be
2 an interior design organization if it meets the requirements under
3 that section within a reasonable period of time.

4 SEC. 2. Section 5801.1 is added to the Business and
5 Professions Code, to read:

6 5801.1. The procedure for the issuance of a stamp by an
7 interior design organization under Section 5801, including the
8 examinations recognized and required by the organization, shall
9 be subject to the occupational analyses and examination validation
10 required by Section 139 every five to seven years.

11 SEC. 3. Section 5810 of the Business and Professions Code
12 is amended to read:

13 5810. This chapter shall be subject to the review required by
14 Division 1.2 (commencing with Section 473).

15 This chapter shall remain in effect only until January 1, 2004,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2004, deletes or extends that date.

18 SEC. 4. Section 5811 is added to the Business and Professions
19 Code, to read:

20 5811. An interior design organization issuing stamps under
21 Section 5801 shall do the following:

22 (a) Report to the Joint Legislative Sunset Review Committee
23 by September 1, 2002, on outreach efforts, examinations,
24 finances, interactions of the organization, and materials and
25 information.

26 (b) Have an audit conducted independently of their revenues
27 and expenditures and provide the results of the audit to the Joint
28 Legislative Sunset Review Committee within a reasonable time.

29 SEC. 5. Section 5812 is added to the Business and Professions
30 Code, to read:

31 5812. It is an unfair business practice for any person to
32 represent themselves as a “certified interior designer” unless they
33 comply with the requirements of this chapter.

34 SEC. 6. Section 6710 of the Business and Professions Code
35 is amended to read:

36 6710. (a) There is in the Department of Consumer Affairs a
37 Board for Professional Engineers and Land Surveyors, which
38 consists of 13 members.

39 (b) Any reference in any law or regulation to the Board of
40 Registration for Professional Engineers and Land Surveyors is

1 deemed to refer to the Board for Professional Engineers and Land
2 Surveyors.

3 (c) This section shall become inoperative on July 1, 2004, and,
4 as of January 1, 2005, is repealed, unless a later enacted statute,
5 that becomes effective on or before January 1, 2005, deletes or
6 extends the dates on which it becomes inoperative and is repealed.
7 The repeal of this section renders the board subject to the review
8 required by Division 1.2 (commencing with Section 473).
9 However, the review of the board shall be limited to only those
10 unresolved issues identified by the Joint Legislative Sunset
11 Review Committee.

12 SEC. 7. Section 6714 of the Business and Professions Code
13 is amended to read:

14 6714. The board shall appoint an executive officer at a salary
15 to be fixed and determined by the board with the approval of the
16 Director of Finance.

17 This section shall become inoperative on July 1, 2004, and, as
18 of January 1, 2005, is repealed, unless a later enacted statute, that
19 becomes effective on or before January 1, 2005, deletes or extends
20 the dates on which it becomes inoperative and is repealed.

21 SEC. 7.2. Section 6735 of the Business and Professions Code
22 is amended to read:

23 6735. (a) All civil (including structural and geotechnical)
24 engineering plans, calculations, specifications, and reports
25 (hereinafter referred to as “documents”) shall be prepared by, or
26 under the responsible charge of, a registered civil engineer and
27 shall include his or her name and license number. Interim
28 documents shall include a notation as to the intended purpose of
29 the document, such as “preliminary,” “not for construction,”
30 “for plan check only,” or “for review only.” All civil engineering
31 plans and specifications that are permitted or that are to be released
32 for construction shall bear the signature and seal or stamp of the
33 registrant, the date of signing and sealing or stamping, and the
34 expiration date of the certificate or authority. All final civil
35 engineering calculations and reports shall bear the signature and
36 seal or stamp of the registrant, the date of signing and sealing or
37 stamping, and the expiration date of the certificate or authority. If
38 civil engineering plans are required to be signed and sealed or
39 stamped and have multiple sheets, the signature, seal or stamp,
40 date of signing and sealing or stamping, and expiration date of the



1 certificate or authority shall appear on each sheet of the plans. If
2 civil engineering specifications, calculations, and reports are
3 required to be signed and sealed or stamped and have multiple
4 pages, the signature, seal or stamp, date of signing and sealing or
5 stamping, and expiration date of the certificate or authority shall
6 appear at a minimum on the title sheet, cover sheet, or signature
7 sheet.

8 (b) Notwithstanding subdivision (a), a registered civil engineer
9 who signs civil engineering documents shall not be responsible for
10 damage caused by subsequent changes to or uses of those
11 documents, if the subsequent changes or uses, including changes
12 or uses made by state or local governmental agencies, are not
13 authorized or approved by the registered engineer who originally
14 signed the documents, provided that the engineering service
15 rendered by the civil engineer who signed the documents was not
16 also a proximate cause of the damage.

17 SEC. 7.4. Section 6735.3 of the Business and Professions
18 Code is amended to read:

19 6735.3. (a) All electrical engineering plans, specifications,
20 calculations, and reports (hereinafter referred to as “documents”)
21 prepared by, or under the responsible charge of, a registered
22 electrical engineer shall include his or her name and license
23 number. Interim documents shall include a notation as to the
24 intended purpose of the document, such as “preliminary,” “not
25 for construction,” “for plan check only,” or “for review only.”
26 All electrical engineering plans and specifications that are
27 permitted or that are to be released for construction shall bear the
28 signature and seal or stamp of the registrant, the date of signing and
29 sealing or stamping, and the expiration date of the registration. All
30 final electrical engineering calculations and reports shall bear the
31 signature and seal or stamp of the registrant, the date of signing and
32 sealing or stamping, and the expiration date of the registration. If
33 electrical engineering plans are required to be signed and sealed or
34 stamped and have multiple sheets, the signature, seal or stamp,
35 date of signing and sealing or stamping, and expiration date of the
36 registration shall appear on each sheet of the plans. If electrical
37 engineering specifications, calculations, and reports are required
38 to be signed and sealed or stamped and have multiple pages, the
39 signature, seal or stamp, date of signing and sealing or stamping,

1 and expiration date of the registration shall appear at a minimum
2 on the title sheet, cover sheet, or signature sheet.

3 (b) Notwithstanding subdivision (a), a registered electrical
4 engineer who signs electrical engineering documents shall not be
5 responsible for damage caused by subsequent changes to or uses
6 of those documents, if the subsequent changes or uses, including
7 changes or uses made by state or local governmental agencies, are
8 not authorized or approved by the registered engineer who
9 originally signed the documents, provided that the engineering
10 service rendered by the electrical engineer who signed the
11 documents was not also a proximate cause of the damage.

12 SEC. 7.6. Section 6735.4 of the Business and Professions
13 Code is amended to read:

14 6735.4. (a) All mechanical engineering plans, specifications,
15 calculations, and reports (hereinafter referred to as “documents”)
16 prepared by, or under the responsible charge of, a registered
17 mechanical engineer shall include his or her name and license
18 number. Interim documents shall include a notation as to the
19 intended purpose of the document, such as “preliminary,” “not
20 for construction,” “for plan check only,” or “for review only.”
21 All mechanical engineering plans and specifications that are
22 permitted or that are to be released for construction shall bear the
23 signature and seal or stamp of the registrant, the date of signing and
24 sealing or stamping, and the expiration date of the registration. All
25 final mechanical engineering calculations and reports shall bear
26 the signature and seal or stamp of the registrant, the date of signing
27 and sealing or stamping, and the expiration date of the registration.
28 If mechanical engineering plans are required to be signed and
29 sealed or stamped and have multiple sheets, the signature, seal or
30 stamp, date of signing and sealing or stamping, and expiration date
31 of the certificate of registration shall appear on each sheet of the
32 plans. If mechanical engineering specifications, calculations, and
33 reports are required to be signed and sealed or stamped and have
34 multiple pages, the signature, seal or stamp, date of signing and
35 sealing or stamping, and expiration date of the registration shall
36 appear at a minimum on the title sheet, cover sheet, or signature
37 sheet.

38 (b) Notwithstanding subdivision (a), a registered mechanical
39 engineer who signs mechanical engineering documents shall not
40 be responsible for damage caused by subsequent changes to or uses



1 of those documents, if the subsequent changes or uses, including
2 changes or uses made by state or local governmental agencies, are
3 not authorized or approved by the registered engineer who
4 originally signed the documents, provided that the engineering
5 service rendered by the mechanical engineer who signed the
6 documents was not also a proximate cause of the damage.

7 SEC. 8. Section 6795 of the Business and Professions Code
8 is amended to read:

9 6795. Certificates of registration as a professional engineer,
10 and certificates of authority, shall be valid for a period of two years
11 from the assigned date of renewal. Biennial renewals shall be
12 staggered on a monthly basis. To renew an unexpired certificate,
13 the certificate holder shall, on or before the date of expiration
14 indicated on the renewal receipt, apply for renewal on a form
15 prescribed by the board, and pay the renewal fee prescribed by this
16 chapter.

17 SEC. 9. Section 6799 of the Business and Professions Code
18 is amended to read:

19 6799. The amount of the fees prescribed by this chapter shall
20 be fixed by the board in accordance with the following schedule:

21 (a) The fee for filing each application for registration as a
22 professional engineer and each application for authority level
23 designation at not more than four hundred dollars (\$400), and for
24 each application for certification as an engineer-in-training at not
25 more than one hundred dollars (\$100).

26 (b) The temporary registration fee for a professional engineer
27 at not more than 25 percent of the application fee in effect on the
28 date of application.

29 (c) The renewal fee for each branch of professional engineering
30 in which registration is held, and the renewal fee for each authority
31 level designation held, at no more than the professional engineer
32 application fee currently in effect.

33 (d) The fee for a retired license at not more than 50 percent of
34 the professional engineer application fee in effect on the date of
35 application.

36 (e) The delinquency fee at not more than 50 percent of the
37 renewal fee in effect on the date of reinstatement.

38 (f) The board shall establish by regulation an appeal fee for
39 examination. The regulation shall include provisions for an
40 applicant to be reimbursed the appeal fee if the appeal results in



1 passage of examination. The fee charged shall be no more than the
2 costs incurred by the board.

3 (g) All other document fees are to be set by the board by rule.

4 Applicants wishing to be examined in more than one branch of
5 engineering shall be required to pay the additional fee for each
6 examination after the first.

7 SEC. 10. Section 7200 of the Business and Professions Code
8 is amended to read:

9 7200. (a) There is in the Department of Consumer Affairs a
10 State Board of Guide Dogs for the Blind in whom enforcement of
11 this chapter is vested. The board shall consist of seven members
12 appointed by the Governor. One member shall be the Director of
13 Rehabilitation or his or her designated representative. The
14 remaining members shall be persons who have shown a particular
15 interest in dealing with the problems of the blind, and at least two
16 of them shall be blind persons who use guide dogs.

17 (b) This section shall become inoperative on July 1, 2008, and,
18 as of January 1, 2009, is repealed, unless a later enacted statute,
19 which becomes effective on or before January 1, 2009, deletes or
20 extends the dates on which it becomes inoperative and is repealed.

21 SEC. 11. Section 7215.6 of the Business and Professions
22 Code is amended to read:

23 7215.6. (a) In order to provide a procedure for the resolution
24 of disputes between guide dog users and guide dog schools relating
25 to the continued physical custody and use of a guide dog, in all
26 cases except those in which the dog user is the unconditional legal
27 owner of the dog, the following arbitration procedure shall be
28 established as a pilot project.

29 (b) This procedure establishes an arbitration panel for the
30 settlement of disputes between a guide dog user and a licensed
31 guide dog school regarding the continued use of a guide dog by the
32 user in all cases except those in which the dog user is the
33 unconditional legal owner of the dog. The disputes which may be
34 subject to this procedure concern differences between the user and
35 school over whether or not a guide dog should continue to be used,
36 differences between the user and school regarding the treatment of
37 a dog by the user, and differences over whether or not a user should
38 continue to have custody of a dog pending investigation of charges
39 of abuse. It specifically does not address issues such as admissions
40 to schools, training practices, or other issues relating to school



standards. The board and its representative are not parties to any dispute described in this section.

(c) The licensed guide dog schools in California and the board shall provide to guide dog users graduating from guide dog programs in these schools a new avenue for the resolution of disputes that involve continued use of a guide dog, or the actual physical custody of a guide dog. Guide dog users who are dissatisfied with decisions of schools regarding continued use of guide dogs may appeal to the board to convene an arbitration panel composed of all of the following:

(1) One person designated by the guide dog user.

(2) One person designated by the licensed guide dog school.

(3) A representative of the board who shall coordinate the activities of the panel and serve as chair.

(d) If the guide dog user or guide dog school wishes to utilize the arbitration panel, this must be stated in writing to the board. The findings and decision of the arbitration panel shall be final and binding. By voluntarily agreeing to having a dispute resolved by the arbitration panel and subject to its procedures, each party to the dispute shall waive any right for subsequent judicial review.

(e) A licensed guide dog school that fails to comply with any provision of this section shall automatically be subject to a penalty of two hundred fifty dollars (\$250) per day for each day in which a violation occurs. The penalty shall be paid to the board. The license of a guide dog school shall not be renewed until all penalties have been paid.

The fine shall be assessed without advance hearing, but the licensee may apply to the board for a hearing on the issue of whether the fine should be modified or set aside. This application shall be in writing and shall be received by the board within 30 days after service of notice of the fine. Upon receipt of this written request, the board shall set the matter for hearing within 60 days.

(f) As a general rule, custody of the guide dog shall remain with the guide dog user pending a resolution by the arbitration panel. In circumstances where the immediate health and safety of the guide dog user or guide dog is threatened, the licensed school may take custody of the dog at once. However, if the dog is removed from the user's custody without the user's concurrence, the school shall provide to the board the evidence that caused this action to be taken at once and without fail; and within five calendar days a

1 special committee of two members of the board shall make a
2 determination regarding custody of the dog pending hearing by the
3 arbitration panel.

4 (g) The arbitration panel shall decide the best means to
5 determine final resolution in each case. This shall include, but is
6 not limited to, a hearing of the matter before the arbitration panel
7 at the request of either party to the dispute, an opportunity for each
8 party in the dispute to make presentations before the arbitration
9 panel, examination of the written record, or any other inquiry as
10 will best reveal the facts of the disputes. In any case, the panel shall
11 make its findings and complete its examination within 45 calendar
12 days of the date of filing the request for arbitration, and a decision
13 shall be rendered within 10 calendar days of the examination.

14 All arbitration hearings shall be held at sites convenient to the
15 parties and with a view to minimizing costs. Each party to the
16 arbitration shall bear its own costs, except that the arbitration
17 panel, by unanimous agreement, may modify this arrangement.

18 (h) The board may study the effectiveness of the arbitration
19 panel pilot project in expediting resolution and reducing conflict
20 in disputes between guide dog users and guide dog schools and
21 may share its findings with the Legislature upon request.

22 (i) This section shall cease to be operative on July 1, 2008, and
23 as of January 1, 2009, is repealed, unless a later enacted statute,
24 which is enacted before January 1, 2009, deletes or extends that
25 date.

26 ~~SEC. 13.~~

27 *SEC. 12.* Section 8710 of the Business and Professions Code
28 is amended to read:

29 8710. (a) The Board for Professional Engineers and Land
30 Surveyors is vested with power to administer the provisions and
31 requirements of this chapter, and may make and enforce rules and
32 regulations that are reasonably necessary to carry out its
33 provisions.

34 (b) The board may adopt rules and regulations of professional
35 conduct that are not inconsistent with state and federal law. The
36 rules and regulations may include definitions of incompetence and
37 negligence. Every person who holds a license or certificate issued
38 by the board pursuant to this chapter, or a license or certificate
39 issued to a civil engineer pursuant to Chapter 7 (commencing with
40 Section 6700), shall be governed by these rules and regulations.



(c) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section shall render the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of this board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

~~SEC. 14.~~

SEC. 13. Section 8741.1 of the Business and Professions Code is amended to read:

8741.1. The second division of the examination for licensure as a land surveyor shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of the provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state. The board shall prepare and distribute to applicants for the second division of the examination a plain language pamphlet describing the provisions of this chapter and the board's rules and regulations regulating the practice of land surveying in the state.

The board shall use the national examination on or before June 1, 2003. In the meantime, the board may continue to provide the current state-only second division examination and administer the test on the provisions of this chapter and board rules as a separate part of the second division examination for licensure as a land surveyor.

~~SEC. 15.~~

SEC. 14. Section 8801 of the Business and Professions Code is amended to read:

8801. Licenses issued under this chapter expire every two years, if not renewed. Biennial renewals shall be staggered on a quarterly basis. To renew an unexpired license the licenseholder shall on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

~~SEC. 16.~~

1 *SEC. 15.* Section 8805 of the Business and Professions Code
2 is amended to read:

3 8805. The amount of the fees prescribed by this chapter shall
4 be fixed by the board in accordance with the following schedule:

5 (a) The fee for filing each application for licensure as a land
6 surveyor at not more than four hundred dollars (\$400), and for
7 each application for certification as a land surveyor-in-training
8 (LSIT) at not more than one hundred dollars (\$100).

9 (b) The temporary registration fee for a land surveyor at not
10 more than 25 percent of the application fee in effect on the date of
11 application.

12 (c) The renewal fee for a land surveyor at not more than the
13 application fee.

14 (d) The fee for a retired license at not more than 50 percent of
15 the professional land surveyor application fee in effect on the date
16 of application.

17 (e) The delinquency fee at not more than 50 percent of the
18 renewal fee in effect on the date of reinstatement.

19 (f) The board shall establish by regulation an appeal fee for
20 examination. The regulation shall include provisions for an
21 applicant to be reimbursed the appeal fee if the appeal results in
22 passage of examination. The fee shall be no more than the costs
23 incurred by the board.

24 (g) All other document fees are to be set by the board by rule.

25 ~~SEC. 17.~~

26 *SEC. 16.* Section 22251 of the Business and Professions Code
27 is amended to read:

28 22251. For the purposes of this chapter, the following words
29 have the following meanings:

30 (a) (1) Except as otherwise provided in paragraph (2), “tax
31 preparer” includes:

32 (A) A person who, for a fee or for other consideration, assists
33 with or prepares tax returns for another person or who assumes
34 final responsibility for completed work on a return on which
35 preliminary work has been done by another person, or who holds
36 himself or herself out as offering those services. A person engaged
37 in that activity shall be deemed to be a separate person for the
38 purposes of this chapter, irrespective of affiliation with, or
39 employment by, another tax preparer.

(B) A corporation, partnership, association, or other entity that has associated with it persons not exempted under Section 22258, which persons shall have as part of their responsibilities the preparation of data and ultimate signatory authority on tax returns or that holds itself out as offering those services or having that authority.

(2) Notwithstanding paragraph (1), “tax preparer” does not include an employee who, as part of the regular clerical duties of his or her employment, prepares his or her employer’s income, sales, or payroll tax returns.

(b) “Tax return” means a return, declaration, statement, refund claim, or other document required to be made or filed in connection with state or federal income taxes or state bank and corporation franchise taxes.

(c) An “approved curriculum provider,” for purposes of basic instruction as described in subdivision (a) of Section 22255, and continuing education as described in subdivision (b) of Section 22255, is one who has been approved by the council as defined in subdivision (d), or by the Bureau for Private Postsecondary and Vocational Education under Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code. A curriculum provider who is approved by the tax education council is exempt from Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code.

(d) “Council” means the California Tax Education Council which is a single organization made up of not more than one representative from each professional society, association, or other entity operating as a California nonprofit corporation which chooses to participate in the council and which represents tax preparers, enrolled agents, attorneys, or certified public accountants with a membership of at least 200 for the last three years, and not more than one representative from each for-profit tax preparation corporation which chooses to participate in the council and which has at least 200 employees and has been operating in California for the last three years. The council shall establish a process by which two *individuals who are* tax preparers, *pursuant to Section 22255*, are appointed to the council with full voting privileges, to serve terms as determined by the council, and with initial terms to be served on a staggered basis, providing that a person exempt from the requirements of this title

1 pursuant to Section 22258 shall not be eligible for appointment,
2 other than an employee of an individual in an exempt category.

3 *SEC. 17. Section 22254 of the Business and Professions Code*
4 *is amended to read:*

5 22254. A provider of tax preparer education for tax preparers
6 shall meet standards and procedures as approved by the council;
7 ~~or by the Bureau for Private Postsecondary and Vocational~~
8 ~~Education.~~ The council shall either approve or decline to approve
9 providers of tax preparer education within 120 days of receiving
10 a request for approval. If approval is not declined within 120 days,
11 the provider shall be deemed approved. A listing of those
12 providers approved by the council shall be made available to tax
13 preparers upon request.

14 *SEC. 18. Section 22255 of the Business and Professions Code*
15 *is amended to read:*

16 22255. (a) The council shall issue a “certificate of
17 completion” to the tax preparer when the tax preparer
18 demonstrates that he or she has (1) completed not less than 60
19 hours of instruction in basic personal income tax law, theory, and
20 practice by an approved curriculum provider within the previous
21 18 months; and (2) provides evidence of compliance with the
22 bonding requirement of Section 22250, including the name of the
23 surety company, the bond number, and the bond expiration date.
24 Of the required 60 hours, 45 hours shall be concerned with federal
25 tax curriculum and 15 hours shall be concerned with state tax
26 curriculum.

27 (b) A tax preparer shall complete on an annual basis not less
28 than 20 hours of continuing education, including 12 hours in
29 federal taxation, four hours in California taxation and an
30 additional four hours in either federal or California taxation from
31 an approved curriculum provider. The council shall issue annually
32 a “statement of compliance” when the tax preparer demonstrates
33 that he or she has (1) completed the required 20 hours of
34 continuing education, and (2) provides evidence of compliance
35 with the bonding requirement of Section 22250, including the
36 name of the surety company, the bond number, and the bond
37 expiration date.

38 (c) An individual who possesses a minimum of two recent
39 years experience in the preparation of personal income tax returns
40 may petition the council to review the experience and determine

1 if it is the equivalent of the required qualifying education. The
2 council may provide that individual with a “certificate of
3 completion” if it is determined that the experience is the
4 equivalent of the required hours. Tax preparation performed in
5 situations that violate this chapter, by an individual who is neither
6 registered nor exempted, may not be used toward the qualifying
7 experience needed for registration as a tax preparer.

8 SEC. 19. Section 22259 of the Business and Professions Code
9 is amended to read:

10 22259. This chapter shall be subject to the review required by
11 Division 1.2 (commencing with Section 473).

12 This chapter shall become inoperative on July 1, 2008, and, as
13 of January 1, 2009, is repealed, unless a later enacted statute,
14 which becomes effective on or before January 1, 2009, deletes or
15 extends that date on which it becomes inoperative and is repealed.

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

