

AMENDED IN SENATE AUGUST 24, 2009

AMENDED IN SENATE JUNE 26, 2009

AMENDED IN SENATE JUNE 17, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 660

Introduced by Assembly Member Torrico

February 25, 2009

An act to amend Section 7145.5 of the Business and Professions Code, and to add Chapter 1.9 (commencing with Section 13200) to Part 2 of Division 12 of, and to repeal Sections 13200.02 and 13200.05 of, the Health and Safety Code, relating to fire suppression.

LEGISLATIVE COUNSEL'S DIGEST

AB 660, as amended, Torrico. Sprinkler fitters: licensing.

Existing law establishes the Office of the State Fire Marshal for specified purposes and requires the appointment by the Governor of the State Fire Marshal. Existing law requires the State Fire Marshal to adopt and administer regulations and building standards he or she deems necessary in order to, among other things, establish and control a program for servicing, testing, and maintaining all automatic fire extinguishing systems, including fire sprinkler systems.

The Contractors' State License Law provides for the licensing and regulation of contractors by the Contractors' State License Board. Under that law, the registrar may refuse to issue, reinstate, reactivate, or renew a license or may suspend a license for the failure of a licensee to resolve all outstanding final liabilities, which include taxes, additions to tax, penalties, interest, and any fees that may be assessed by the board or other specified state agencies.

This bill would include the assessments of the State Fire Marshal among the liabilities for which a license may be affected for nonpayment.

This bill would enact a comprehensive program for the certification and regulation of sprinkler fitters, as defined, by the State Fire Marshal. The bill would prohibit a person from performing work on any fire suppression system, as defined, unless he or she possesses a valid sprinkler fitter or limited scope sprinkler fitter certificate issued by the State Fire Marshal, except as specified, and would prohibit a person or entity from employing a person to perform work on a fire suppression system without such a certificate or permit. The bill would provide for the issuance of, and would set forth eligibility standards for, various certificates and permits, and would require the State Fire Marshal to adopt a schedule of fees in amounts necessary to cover the cost of administering and enforcing these provisions.

This bill would provide for the enforcement of these provisions by the State Fire Marshal, and would require the State Fire Marshal to revoke or suspend a certificate or permit, or reprimand a certificate or permit holder, for specified reasons. The bill would also provide that a person licensed under the Contractors' State License Law who violates these provisions shall be subject to disciplinary action by the Contractors' State License Board, ~~and would allow the board to suspend a license, registration, or certificate under certain circumstances.~~ A knowing and willful violation of these licensing and regulatory provisions would be a misdemeanor. By creating a new crime, 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: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 7145.5 of the Business and Professions
- 2 Code is amended to read:
- 3 7145.5. (a) The registrar may refuse to issue, reinstate,
- 4 reactivate, or renew a license or may suspend a license for the

1 failure of a licensee to resolve all outstanding final liabilities, which
2 include taxes, additions to tax, penalties, interest, and any fees that
3 may be assessed by the board, the Department of Industrial
4 Relations, the Employment Development Department, the State
5 Fire Marshal, or the Franchise Tax Board.

6 (1) Until the debts covered by this section are satisfied, the
7 qualifying person and any other personnel of record named on a
8 license that has been suspended under this section shall be
9 prohibited from serving in any capacity that is subject to licensure
10 under this chapter, but shall be permitted to act in the capacity of
11 a nonsupervising bona fide employee.

12 (2) The license of any other renewable licensed entity with any
13 of the same personnel of record that have been assessed an
14 outstanding liability covered by this section shall be suspended
15 until the debt has been satisfied or until the same personnel of
16 record disassociate themselves from the renewable licensed entity.

17 (b) The refusal to issue a license or the suspension of a license
18 as provided by this section shall be applicable only if the registrar
19 has mailed a notice preliminary to the refusal or suspension that
20 indicates that the license will be refused or suspended by a date
21 certain. This preliminary notice shall be mailed to the licensee at
22 least 60 days before the date certain.

23 (c) In the case of outstanding final liabilities assessed by the
24 Franchise Tax Board, this section shall be operative within 60 days
25 after the Contractors' State License Board has provided the
26 Franchise Tax Board with the information required under Section
27 30, relating to licensing information that includes the federal
28 employee identification number or social security number.

29 (d) All versions of the application for contractors' licenses shall
30 include, as part of the application, an authorization by the applicant,
31 in the form and manner mutually agreeable to the Franchise Tax
32 Board and the board, for the Franchise Tax Board to disclose the
33 tax information that is required for the registrar to administer this
34 section. The Franchise Tax Board may from time to time audit
35 these authorizations.

36 SEC. 2. Chapter 1.9 (commencing with Section 13200) is added
37 to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 1.9. SPRINKLER FITTER CERTIFICATION ACT

13200. The Legislature finds and declares that:

(a) The types of fire suppression systems used in society and the manner in which they are constructed and installed have a direct and substantial impact on public health, safety, and the environment.

(b) Improper construction or installation of fire suppression systems can be potentially lethal, cause serious damage to property, and have other adverse effects on public health and safety.

(c) Establishing minimum standards for work performed on fire suppression sprinkler systems, and criteria for the training, testing, and certification of the persons performing work in the sprinkler fitter trade, is essential to protecting public health and safety.

13200.01. The following definitions apply for the purposes of this chapter:

(a) “Direct and immediate supervision” means to be physically on the project site while supervising others.

(b) “Fire suppression system” means an automatic or manual system designed to protect occupants or structures from fire. “Fire suppression system” includes, but is not limited to, a water sprinkler system, water spray system, foam water system, foam-water spray system, carbon dioxide system, foam extinguishing system, dry chemical system, wet chemical system, halogenated system, and other chemical systems used for fire protection. “Fire suppression system” also includes sprinkler piping, risers, standpipes, aboveground supply lines, tank heaters, hose connections to sprinkler systems, air lines, thermal systems used in connection with sprinklers, and pumps dedicated for fire suppression.

(c) “Limited scope sprinkler fitter certificate” means a certificate permitting the holder to perform work on a fire suppression system, but limited to only that work subject to NFPA 13R Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height, as published by the National Fire Protection Association.

(d) “Sprinkler fitter” means a person, other than an apprentice regulated under this chapter, who performs work on a fire suppression system.

1 (e) “Sprinkler fitter apprentice permit” means a permit issued
2 pursuant to Section 13200.05.

3 (f) “Sprinkler fitter certificate” means a certificate issued to a
4 sprinkler fitter pursuant to Section 13200.04.

5 (g) “Sprinkler fitter trainee permit” means a permit issued to a
6 person pursuant to Section 13200.06.

7 (h) “Sprinkler fitter apprenticeship program” means any
8 apprenticeship training program that is registered with and
9 approved by the United States Department of Labor, Bureau of
10 Apprenticeship and Training in accordance with the requirements
11 of Part 29 of Title 29 of the Code of Federal Regulations, or any
12 state apprenticeship agency, and consists of a minimum 8,000
13 hours of documented practical experience of work on fire
14 suppression systems, of which at least 700 of these hours are in
15 related instruction, including classroom or shop instruction in the
16 sprinkler fitter trade.

17 (i) “Work on a fire suppression system” means the onsite layout,
18 onsite fabrication, testing, inspection, certification, work, and
19 practice concerning the construction, installation, alteration, or
20 extension of fire suppression systems. “Work on a fire suppression
21 system” shall not include any of the following:

22 (1) Work performed on a fire alarm system, portable fire
23 extinguisher, or dry standpipe that is not connected to a fire
24 suppression system.

25 (2) Work performed on yard hydrants and underground water
26 supply lines up to the point the piping enters the building.

27 (3) Demolition work.

28 (4) Work performed on one- and two-family dwellings and
29 manufactured homes as defined in the most recent edition of the
30 California Building Code.

31 (5) An inspection or other service performed by a state or local
32 fire official.

33 (6) The servicing, testing, or maintaining of automatic fire
34 extinguishing systems under Chapter 1.8 (commencing with
35 Section 13195), or the regulations adopted pursuant to that chapter.

36 13200.02. (a) Except as provided in subdivision (g) and Section
37 13200.08, a person shall not perform work on any fire suppression
38 system unless he or she possesses a valid sprinkler fitter or limited
39 scope sprinkler fitter certificate issued by the State Fire Marshal.

(b) A person or entity shall not employ a person or cause or direct a person to perform work on a fire suppression system unless the person performing that work possesses either of the following:

(1) A valid sprinkler fitter or limited scope sprinkler fitter certificate issued pursuant to this chapter.

(2) A valid sprinkler fitter apprentice or sprinkler fitter trainee permit issued pursuant to this chapter. The holder of a sprinkler fitter apprentice or trainee permit shall be directly or immediately supervised by a holder of a valid sprinkler fitter or limited scope sprinkler fitter certificate, as appropriate.

(c) A person or entity shall not contract to perform work on a fire suppression system without holding a valid sprinkler fitter or limited scope sprinkler fitter certificate issued pursuant to this chapter, or employing certified sprinkler fitters as required by this chapter. Each employee of an entity who physically performs work on a fire suppression system shall hold the appropriate certificate or permit issued pursuant to this chapter.

(d) A person shall not solicit, by sign, listing, or any other form of advertisement, work regulated by this chapter unless he or she has been certified in accordance with this chapter or employs sprinkler fitters certified pursuant to this chapter.

(e) The requirements of this chapter do not apply to a person performing work on his or her private residence if that residence is not used for commercial purposes.

(f) (1) A person may work on a fire suppression system if he or she holds a valid sprinkler fitter trainee permit issued pursuant to Section 13200.06 and both of the following requirements are satisfied:

(A) The work performed is limited to work subject to NFPA 13R Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height, as published by the National Fire Protection Association.

(B) The work is performed under the direct and immediate supervision of a holder of a valid sprinkler fitter or limited scope sprinkler fitter certificate, as appropriate, in accordance with this chapter.

(2) A person may work on a fire suppression system if he or she holds a valid sprinkler fitter apprentice permit issued pursuant to Section 13200.05 if the work performed is within the scope of the permit, and if the work is performed only under the direct and

1 immediate supervision of a holder of a valid sprinkler fitter or
2 limited scope sprinkler fitter certificate, as appropriate, in
3 accordance with this chapter.

4 (g) This section shall remain in effect only until January 1, 2014,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2014, deletes or extends that date.

7 13200.03. (a) Except as provided in subdivision (g), a person
8 shall not perform work on any fire suppression system unless he
9 or she possesses a valid sprinkler fitter or limited scope sprinkler
10 fitter certificate issued by the State Fire Marshal.

11 (b) A person shall not employ a person or cause or direct a
12 person to perform work on a fire suppression system unless the
13 person performing that work possesses either of the following:

14 (1) A valid sprinkler fitter or limited scope sprinkler fitter
15 certificate issued pursuant to this chapter.

16 (2) A valid sprinkler fitter apprentice permit issued pursuant to
17 this chapter if directly or immediately supervised by a holder of a
18 valid sprinkler fitter or limited scope sprinkler fitter certificate, as
19 appropriate, and in accordance with this chapter.

20 (c) A person or entity shall not contract to perform work on a
21 fire suppression system without holding a valid sprinkler fitter or
22 limited scope sprinkler fitter certificate issued pursuant to this
23 chapter or employing certified sprinkler fitters as required by this
24 chapter. Each employee of an entity who physically performs work
25 on a fire suppression system shall hold the appropriate certificate
26 or permit issued pursuant to this chapter.

27 (d) A person shall not solicit, by sign, listing, or any other form
28 of advertisement, work regulated by this chapter unless he has
29 been certified in accordance with this chapter or employs sprinkler
30 fitters certified pursuant to this chapter.

31 (e) The requirements of this chapter do not apply to a person
32 performing work on his or her private residence if that residence
33 is not used for commercial purposes.

34 (f) A person may work on a fire suppression system if he or she
35 holds a valid sprinkler fitter apprentice permit issued pursuant to
36 Section 13200.05 if the work performed is within the scope of the
37 permit, and if the work is performed only under the direct and
38 immediate supervision of a holder of a valid sprinkler fitter or
39 limited scope sprinkler fitter certificate, as appropriate, in
40 accordance with this chapter.

1 (g) This section shall become operative on January 1, 2014.

2 13200.04. (a) The State Fire Marshal shall award a sprinkler
3 fitter certificate under this chapter to a person who files an
4 application and pays the application fee as established by the State
5 Fire Marshal, and who does any of the following:

6 (1) Provides evidence demonstrating that he or she has
7 successfully completed an approved sprinkler fitter apprenticeship
8 program, and takes and passes an examination as established by
9 the State Fire Marshal.

10 (2) Provides evidence demonstrating that he or she has
11 successfully completed a plumbing or pipefitters apprenticeship
12 program approved by the Department of Industrial Relations,
13 Division of Apprenticeship Standards, on or before January 1,
14 2010, and takes and passes an examination as established by the
15 State Fire Marshal.

16 (3) With respect to a person who holds a valid C-16 license as
17 a fire protection contractor, as set forth in Section 832.16 of Title
18 16 of the California Code of Regulations, takes and passes a written
19 examination given by the State Fire Marshal.

20 (4) Satisfies the requirements of Section 13200.07.

21 (5) Satisfies the requirements of Section 13200.08.

22 (b) The State Fire Marshal shall award a limited scope sprinkler
23 fitter certificate under this chapter to a person who files an
24 application and pays the application fee as established by the State
25 Fire Marshal, and who does any of the following:

26 (1) Provides evidence demonstrating that he or she has
27 successfully completed at least 3,600 hours of documented practical
28 experience of work on fire suppression systems, of which at least
29 350 hours were in related instruction, including classroom or shop
30 instruction while in any state or federally approved sprinkler fitter
31 apprenticeship program, and who takes and passes an examination
32 as established by the State Fire Marshal.

33 (2) Satisfies the requirements of Section 13200.07.

34 (3) Satisfies the requirements of Section 13200.08.

35 (c) (1) Each person holding a sprinkler fitter certificate or
36 limited scope sprinkler fitter certificate under this chapter shall,
37 after the completion of one year following his or her initial
38 certification, complete a minimum of eight hours annually of skill
39 training related specifically to the installation of fire suppression
40 systems.

1 (2) Courses for the training required by this subdivision shall
2 be preapproved by the State Fire Marshal.

3 (d) A sprinkler fitter or limited scope sprinkler fitter certificate
4 under this chapter shall be valid for a period of one year from date
5 of issuance.

6 (e) The State Fire Marshal shall renew for a period of one year
7 a sprinkler fitter or limited scope sprinkler fitter certificate that is
8 valid and in good standing upon receiving a completed renewal
9 application, proof of completion of at least eight hours of
10 continuing education for that period in accordance with subdivision
11 (c), and a renewal fee as determined by the State Fire Marshal.

12 (f) The State Fire Marshal shall issue a photo identification card
13 to each person who receives a sprinkler fitter or limited scope
14 sprinkler fitter certificate, or sprinkler fitter apprentice or sprinkler
15 fitter trainee permit. Each certificate or permitholder shall maintain
16 the photo identification card in his or her possession at all times
17 when performing work on a fire suppression system.

18 13200.05. (a) A person who does not possess a valid sprinkler
19 fitter or limited scope sprinkler fitter certificate may obtain a
20 sprinkler fitter apprentice permit if the person does both of the
21 following:

22 (1) Files an application and pays an application fee as established
23 by the State Fire Marshal.

24 (2) Provides evidence to the State Fire Marshal, in a form
25 acceptable to the State Fire Marshal, that he or she is enrolled in
26 and attending an approved fire sprinkler fitter apprenticeship
27 program of a federally approved apprenticeship agency that
28 complies with the requirements of Part 29 of Title 29 of the Code
29 of Federal Regulations, any sprinkler fitter apprenticeship program
30 approved by the State Fire Marshal, or a plumbing or pipefitters
31 apprenticeship program approved by the Department of Industrial
32 Relations, Division of Apprenticeship Standards.

33 (b) A sprinkler fitter apprentice permit issued under this section
34 shall be valid for a period of three years from date of issuance.

35 (c) The State Fire Marshal shall renew for a period of up to three
36 years a sprinkler fitter apprentice permit issued under this section
37 if the permit is valid and in good standing and the State Fire
38 Marshal has received a completed renewal application and a
39 renewal fee as determined by the State Fire Marshal.

(d) A sprinkler fitter apprentice permit shall remain valid only while the holder is enrolled in an approved apprenticeship program.

13200.06. (a) A person who does not possess a valid sprinkler fitter or limited scope sprinkler fitter certificate may obtain a sprinkler fitter trainee permit if the person files an application and pays an application fee as established by the State Fire Marshal.

(b) A sprinkler fitter trainee permit shall be valid only until January 1, 2014, and shall not be reissued or renewed.

(c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

13200.07. The State Fire Marshal shall issue a sprinkler fitter or limited scope sprinkler fitter certificate, without examination, to a person who satisfies the following requirements:

(a) Files an application and pays an application fee as established by the State Fire Marshal.

(b) Provides evidence acceptable to the State Fire Marshal that he or she is a currently practicing, competent sprinkler fitter who holds a similar authorization granted by a state with qualification requirements that are substantially similar to, or greater than, those established under this chapter, provided that the state grants authorization to any competent person holding a certificate under this chapter.

13200.08. (a) The State Fire Marshal shall issue a sprinkler fitter certificate, without examination, to any person who, on or before June 30, 2010, submits the necessary certification application to the State Fire Marshal, pays all required fees, and submits evidence acceptable to the State Fire Marshal that he or she has done any of the following:

(1) Successfully completed any state or federally approved sprinkler fitter apprenticeship program.

(2) Performed at least 8,000 hours of documented practical experience of work on fire suppression systems within the past five years.

(3) Successfully completed a plumbing or pipefitters apprenticeship program approved by the Department of Industrial Relations, Division of Apprenticeship Standards on or before January 1, 2010.

(b) The State Fire Marshal shall issue a limited scope sprinkler fitter certificate, without examination, to any person who, on or

1 before June 30, 2010, submits the necessary certification
2 application to the State Fire Marshal, pays all required fees, and
3 submits evidence acceptable to the State Fire Marshal that he or
4 she has done any of the following:

5 (1) Successfully completed any state or federally approved
6 sprinkler fitter apprenticeship program.

7 (2) Performed at least 3,600 hours of documented practical
8 experience of work on fire suppression systems within the past
9 five years.

10 (3) Successfully completed a plumbing or pipefitters
11 apprenticeship program approved by the Department of Industrial
12 Relations, Division of Apprenticeship Standards on or before
13 January 1, 2010.

14 (c) A certificate issued pursuant to this section shall expire on
15 December 31, 2010, and thereafter be renewed in accordance with
16 the act.

17 13200.09. (a) The State Fire Marshal shall maintain a central
18 registry of the names of all persons to whom it has issued sprinkler
19 fitter or limited scope sprinkler fitter certificates and sprinkler fitter
20 apprentice or sprinkler fitter trainee permits.

21 (b) The certificate and permit registry shall be maintained on a
22 publicly accessible Internet Web site and shall be updated on a
23 monthly basis.

24 13200.10. (a) The State Fire Marshal shall adopt a schedule
25 of fees to be paid by holders of certificates and permits in amounts
26 that are determined by the State Fire Marshal to be necessary to
27 cover the cost of administering and enforcing the provisions of
28 this chapter. Any city or county fire department, or any district
29 providing fire protection services, may adopt a schedule of fees
30 as required to cover the cost of enforcing the provisions of this
31 chapter.

32 (b) Original and renewal certificates and permits shall be valid
33 for the period from January 1 to December 31. The annual renewal
34 period shall begin on September 1 and end on November 1
35 preceding the year for which the renewal is requested. A penalty
36 of 50 percent of the certificate or permit fee shall be assessed in
37 all cases in which the renewal fees are not paid on or before the
38 November 1 preceding the year for which renewal is requested.

39 (c) All original and renewal fees collected pursuant to this
40 section shall be deposited in the State Fire Marshal Licensing and

1 Certification Fund established pursuant to Section 13137 and shall
2 be available, upon appropriation by the Legislature, only for the
3 purposes specified in this chapter.

4 13200.11. It shall be unlawful and a violation of this chapter
5 for any person to do any of the following:

6 (a) Perform work on a fire suppression system without
7 possessing a valid sprinkler fitter or limited scope sprinkler fitter
8 certificate, or a sprinkler fitter apprentice or trainee permit, pursuant
9 to this chapter.

10 (b) Employ a person, or cause or direct a person, to perform
11 work on a fire suppression system unless the person performing
12 that work holds a sprinkler fitter or limited scope sprinkler fitter
13 certificate, or sprinkler fitter apprentice or trainee permit, issued
14 pursuant to this chapter.

15 (c) Engage in other conduct prohibited by Section 13200.02 of
16 this chapter.

17 (d) Obtain a certificate or permit pursuant to this chapter through
18 error, fraud, or intentional or reckless misrepresentation.

19 (e) Impersonate another person, use an expired or revoked
20 certificate or permit issued pursuant to this chapter, or use a
21 sprinkler fitter apprentice permit when the holder is not enrolled
22 in an approved apprenticeship program.

23 (f) Give false or forged evidence of any kind to the State Fire
24 Marshal or any employee thereof in an application for the issuance
25 or renewal of a certificate or permit under this chapter.

26 (g) Knowingly or recklessly make a material false statement
27 regarding a person's certificate or permit status with intent to
28 influence, persuade, or induce an individual to contract for services
29 regulated under this chapter.

30 13200.12. (a) The requirements of this chapter shall be
31 enforced by the State Fire Marshal pursuant to Sections 13145 and
32 13146.

33 (b) The State Fire Marshal may inspect project worksites where
34 work on fire suppression systems is being performed to ensure
35 that persons performing that work possess valid certificates or
36 permits as required by this chapter. The State Fire Marshal shall
37 require persons performing that work to provide proof of applicable
38 certificates or permits and shall maintain records of inspections
39 conducted for this purpose.

(c) In any circumstance in which the State Fire Marshal determines that work on fire suppression systems is being performed in violation of this chapter, he or she shall issue or cause to be issued a stop work order requiring that work to cease. The work shall not be resumed until a full investigation has been undertaken and verification has been made that all work on the fire suppression system in question has been performed by duly authorized persons.

13200.13. (a) The State Fire Marshal shall revoke or suspend a sprinkler fitter or limited scope sprinkler fitter certificate or sprinkler fitter apprentice or trainee permit, or reprimand a certificate or permitholder, for incompetence or for any violation of this chapter or of rules or regulations of the State Fire Marshal issued pursuant to this chapter.

(b) (1) Any person who violates any provision of this chapter or any applicable rule, regulation, permit or other order of the State Fire Marshal shall be subject to a civil penalty of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) for each act or violation.

(2) Each day a person performs work on a fire suppression system without a valid sprinkler fitter or limited scope sprinkler fitter certificate or apprentice or trainee permit as required by this chapter shall constitute a separate violation.

(c) Any person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who violates any provision of this chapter shall be subject to Section 7110 of the Business and Professions Code and, accordingly, shall be subject to disciplinary action by the Contractors' State License Board.

(d) A person who knowingly or willfully violates this chapter or any applicable rule or regulation adopted pursuant to this chapter shall be guilty of a misdemeanor.

~~(e) In addition to any disciplinary action taken by the State Fire Marshal or the Contractors' State License Board, the board, after a hearing, may suspend, for a period of up to one year, any license, registration, or certificate issued by the state to a person or entity that knowingly or recklessly employs or directs a person to perform work on a fire suppression system in violation of this chapter.~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O