

AMENDED IN SENATE JUNE 30, 2010

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 to~~ *appoint* 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 *holder* or permitholder, for specified reasons. The bill would also provide that a person licensed under the Contractors' State License Law who violates these provisions ~~shall~~ *would* be subject to disciplinary action by the Contractors' State License Board. 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:

1 7145.5. (a) The registrar may refuse to issue, reinstate,
2 reactivate, or renew a license or may suspend a license for the
3 failure of a licensee to resolve all outstanding final liabilities, which
4 include taxes, additions to tax, penalties, interest, and any fees that
5 may be assessed by the board, the Department of Industrial
6 Relations, the Employment Development Department, the State
7 Fire Marshal, or the Franchise Tax Board.

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

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

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

25 (c) In the case of outstanding final liabilities assessed by the
26 Franchise Tax Board, this section shall be operative within 60 days
27 after the Contractors' State License Board has provided the
28 Franchise Tax Board with the information required under Section
29 30, relating to licensing information that includes the federal
30 employee identification number or social security number.

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

38 SEC. 2. Chapter 1.9 (commencing with Section 13200) is added
39 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.

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

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

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

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

(i) “Work on a fire suppression system” means the onsite layout, onsite fabrication, testing, inspection, certification, work, and practice concerning the construction, installation, alteration, or extension of fire suppression systems, *and the servicing, testing, or maintaining of automatic fire extinguishing systems under Chapter 1.8 (commencing with Section 13195), or the regulations adopted pursuant to that chapter.* “Work on a fire suppression system” shall not include any of the following:

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

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

(3) Demolition work.

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

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

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

13200.02. (a) Except as provided in subdivision (g) and Section 13200.08, a person shall not perform work on any fire suppression

1 system unless he or she possesses a valid sprinkler fitter or limited
2 scope sprinkler fitter certificate issued by the State Fire Marshal.

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

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

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

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

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

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

27 (f)

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

32 (A) The work performed is limited to work subject to NFPA
33 13R Installation of Sprinkler Systems in Residential Occupancies
34 Up To and Including Four Stories in Height, as published by the
35 National Fire Protection Association.

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

1 (2) A person may work on a fire suppression system if he or
2 she holds a valid sprinkler fitter apprentice permit issued pursuant
3 to Section 13200.05 if the work performed is within the scope of
4 the permit, and if the work is performed only under the direct and
5 immediate supervision of a holder of a valid sprinkler fitter or
6 limited scope sprinkler fitter certificate, as appropriate, in
7 accordance with this chapter.

8 ~~(g)~~

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

12 13200.03. (a) Except as provided in subdivision (g), a person
13 shall not perform work on any fire suppression system unless he
14 or she possesses a valid sprinkler fitter or limited scope sprinkler
15 fitter certificate issued by the State Fire Marshal.

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

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

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

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

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

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

39 ~~(f)~~

1 (e) A person may work on a fire suppression system if he or she
2 holds a valid sprinkler fitter apprentice permit issued pursuant to
3 Section 13200.05 if the work performed is within the scope of the
4 permit, and if the work is performed only under the direct and
5 immediate supervision of a holder of a valid sprinkler fitter or
6 limited scope sprinkler fitter certificate, as appropriate, in
7 accordance with this chapter.

8 ~~(g)~~

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

10 13200.04. (a) The State Fire Marshal shall award a sprinkler
11 fitter certificate under this chapter to a person who files an
12 application and pays the application fee as established by the State
13 Fire Marshal, and who does any of the following:

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

18 (2) Provides evidence demonstrating that he or she has
19 successfully completed a plumbing or pipefitters apprenticeship
20 program approved by the Department of Industrial Relations,
21 Division of Apprenticeship Standards, on or before January 1,
22 2010, and takes and passes an examination as established by the
23 State Fire Marshal.

24 (3) With respect to a person who holds a valid C-16 license as
25 a fire protection contractor, as set forth in Section 832.16 of Title
26 16 of the California Code of Regulations, takes and passes a written
27 examination given by the State Fire Marshal.

28 (4) Satisfies the requirements of Section 13200.07.

29 (5) Satisfies the requirements of Section 13200.08.

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

34 (1) Provides evidence demonstrating that he or she has
35 successfully completed at least 3,600 hours of documented practical
36 experience of work on fire suppression systems, of which at least
37 350 hours were in related instruction, including classroom or shop
38 instruction while in any state or federally approved sprinkler fitter
39 apprenticeship program, and who takes and passes an examination
40 as established by the State Fire Marshal.

1 (2) Satisfies the requirements of Section 13200.07.

2 (3) Satisfies the requirements of Section 13200.08.

3 (c) (1) Each person holding a sprinkler fitter certificate or
4 limited scope sprinkler fitter certificate under this chapter shall,
5 after the completion of one year following his or her initial
6 certification, complete a minimum of eight hours annually of skill
7 training related specifically to the installation of fire suppression
8 systems.

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

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

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

20 (f) The State Fire Marshal shall issue a photo identification card
21 to each person who receives a sprinkler fitter or limited scope
22 sprinkler fitter certificate, or sprinkler fitter apprentice or sprinkler
23 fitter trainee permit. Each certificate *holder* or permitholder shall
24 maintain the photo identification card in his or her possession at
25 all times when performing work on a fire suppression system.

26 13200.05. (a) A person who does not possess a valid sprinkler
27 fitter or limited scope sprinkler fitter certificate may obtain a
28 sprinkler fitter apprentice permit if the person does both of the
29 following:

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

32 (2) Provides evidence to the State Fire Marshal, in a form
33 acceptable to the State Fire Marshal, that he or she is enrolled in
34 and attending an approved fire sprinkler fitter apprenticeship
35 program of a federally approved apprenticeship agency that
36 complies with the requirements of Part 29 of Title 29 of the Code
37 of Federal Regulations, any sprinkler fitter apprenticeship program
38 approved by the State Fire Marshal, or a plumbing or pipefitters
39 apprenticeship program approved by the Department of Industrial
40 Relations, Division of Apprenticeship Standards.

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

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

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

10 13200.06. (a) A person who does not possess a valid sprinkler
11 fitter or limited scope sprinkler fitter certificate may obtain a
12 sprinkler fitter trainee permit if the person files an application and
13 pays an application fee as established by the State Fire Marshal.

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

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

19 13200.07. The State Fire Marshal shall issue a sprinkler fitter
20 or limited scope sprinkler fitter certificate, without examination,
21 to a person who satisfies the following requirements:

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

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

31 13200.08. (a) The State Fire Marshal shall issue a sprinkler
32 fitter certificate, without examination, to any person who, on or
33 before June 30, 2010, submits the necessary certification
34 application to the State Fire Marshal, pays all required fees, and
35 submits evidence acceptable to the State Fire Marshal that he or
36 she has done any of the following:

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

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

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

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

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

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

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

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

26 13200.09. (a) The State Fire Marshal shall maintain a central
27 registry of the names of all persons to whom it has issued sprinkler
28 fitter or limited scope sprinkler fitter certificates and sprinkler fitter
29 apprentice or sprinkler fitter trainee permits.

30 (b) The certificate and permit registry shall be maintained on a
31 publicly accessible Internet Web site and shall be updated on a
32 monthly basis.

33 13200.10. (a) The State Fire Marshal shall adopt a schedule
34 of fees to be paid by holders of certificates and permits in amounts
35 that are determined by the State Fire Marshal to be necessary to
36 cover the cost of administering and enforcing the provisions of
37 this chapter. Any city or county fire department, or any district
38 providing fire protection services, may adopt a schedule of fees
39 as required to cover the cost of enforcing the provisions of this
40 chapter.

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

(c) All original and renewal fees collected pursuant to this section shall be deposited in the State Fire Marshal Licensing and Certification Fund established pursuant to Section 13137 and shall be available, upon appropriation by the Legislature, only for the purposes specified in this chapter.

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

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

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

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

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

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

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

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

1 13200.12. (a) The requirements of this chapter shall be
2 enforced by the State Fire Marshal pursuant to Sections 13145 and
3 13146.

4 (b) The State Fire Marshal may inspect project worksites where
5 work on fire suppression systems is being performed to ensure
6 that persons performing that work possess valid certificates or
7 permits as required by this chapter. The State Fire Marshal shall
8 require persons performing that work to provide proof of applicable
9 certificates or permits and shall maintain records of inspections
10 conducted for this purpose.

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

19 13200.13. (a) The State Fire Marshal shall revoke or suspend
20 a sprinkler fitter or limited scope sprinkler fitter certificate or
21 sprinkler fitter apprentice or trainee permit, or reprimand a
22 certificate *holder* or permitholder, for incompetence or for any
23 violation of this chapter or of rules or regulations of the State Fire
24 Marshal issued pursuant to this chapter.

25 (b) (1) Any person who violates any provision of this chapter
26 or any applicable rule, regulation, permit or other order of the State
27 Fire Marshal shall be subject to a civil penalty of not less than five
28 hundred dollars (\$500) and not more than one thousand dollars
29 (\$1,000) for each act or violation.

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

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

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

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.