

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 969

Introduced by Senator Vargas

January 17, 2012

An act to add ~~Article 7 (commencing with Section 4918) to Chapter 11 of Division 2 of the Business and Professions Code and repeal Chapter 10 (commencing with Section 122370) of Part 6 of Division 105 of the Health and Safety Code~~, relating to pet grooming.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Vargas. Pet groomers.

Existing law provides for the licensure and regulation of veterinarians and registered veterinary technicians by the Veterinary Medical Board.

This bill would ~~create~~ *enact, until January 1, 2017, provisions governing the certification of pet groomers and creating the California Pet Grooming Council and to administer the certification process.* The bill would make it an unfair business practice for any person engaged in pet grooming to advertise or hold himself or herself out as a registered, certified, or licensed pet groomer without being certified and regulated by the council. The bill would establish the requirements necessary to obtain a certificate as a pet groomer or a pet bather and brusher and set forth the duties and obligations of a certified pet groomer or a pet bather and brusher, as specified. The bill would set forth the duties of the council with regard to the regulation of pet groomers and pet bathers and brushers and require the board to adopt a fee schedule that would apply to certificate holders. The bill would set forth standards

for discipline and authorize the council to impose administrative penalties for a violation of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Chapter 10 (commencing with Section 122370)
2 is added to Part 6 of Division 105 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 10. PET GROOMERS
6

7 122370. The following definitions shall apply for purposes of
8 this chapter:

9 (a) "Council" means the California Pet Grooming Council.

10 (b) "Pet" means any animal placed in the care of a pet groomer
11 for grooming or styling.

12 (c) "Pet groomer" means an individual who bathes, brushes,
13 clips, or styles a pet for compensation.

14 (d) "Pet grooming" means the act of bathing, brushing, clipping,
15 or styling a pet.

16 (e) "Pet grooming facility" means a commercial establishment
17 where a pet may be bathed, brushed, clipped, or styled.

18 122371. (a) The California Pet Grooming Council shall be
19 created and shall have the responsibilities and duties set forth in
20 this chapter. The council may take any reasonable actions to carry
21 out the responsibilities and duties set forth in this chapter,
22 including, but not limited to, hiring staff and entering into
23 contracts.

24 (b) (1) The council shall be composed of the following members:

25 (A) Two members from Society for the Prevention of Cruelty to
26 Animals (SPCA) associations, one from northern California, and
27 one from southern California, unless that entity chooses not to
28 exercise this right of selection.

29 (B) One member selected by each state or nationwide pet
30 specialty retailer that provides pet grooming services, with gross
31 annual sales exceeding one hundred fifty million dollars
32 (\$150,000,000), unless the entity chooses not to exercise this right
33 of selection.

1 (C) One member selected by the State Humane Association of
2 California, unless that entity chooses not to exercise this right of
3 selection.

4 (D) One member selected by the Director of Consumer Affairs,
5 unless he or she chooses not to exercise this right of selection.

6 (E) One member selected by the Veterinary Medical Board,
7 unless that entity chooses not to exercise this right of selection.

8 (F) One member selected by the California Animal Control
9 Directors Association, unless that entity chooses not to exercise
10 this right of selection.

11 (G) One member selected by the National Dog Groomers
12 Association of America, Inc., unless that entity chooses not to
13 exercise this right of selection.

14 (H) Two members selected by the State Bar of California who
15 have animal law experience and who have been nominated by a
16 fellow animal law attorney, unless that entity chooses not to
17 exercise the right of selection.

18 (I) One member who is a registered veterinary technician
19 selected by the California Registered Veterinary Technicians
20 Association.

21 (J) One member who is a licensed veterinarian selected by the
22 California Veterinary Medical Association.

23 (2) The council's bylaws shall establish a process for appointing
24 other professional members as determined by the council, including
25 two members who represent pet groomers who own or operate
26 independent facilities and are not affiliated with a pet specialty
27 retailer described in subparagraph (B) of paragraph (1) or another
28 retailer of comparable size.

29 (3) The initial members of the council shall establish the council,
30 initiate the request for tax-exempt status from the Internal Revenue
31 Service, and solicit input from the pet grooming community
32 concerning the operations of the council. The initial members of
33 the council, in their discretion, may immediately undertake to issue
34 the certificates authorized by this chapter after adopting the
35 necessary bylaws or other rules, or may establish by adoption of
36 bylaws the permanent governing structure prior to issuing
37 certificates.

38 (c) The council shall establish fees reasonably related to the
39 cost of providing services and carrying out its ongoing

1 responsibilities and duties. Initial and renewal fees shall be
2 established by the council annually.

3 (d) The meetings of the council shall be subject to the rules of
4 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
5 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
6 the Government Code).

7 122372. (a) The council shall issue a certificate under this
8 chapter to an applicant who satisfies the requirements of this
9 chapter.

10 (b) In order to obtain certification as a pet groomer, an
11 applicant shall submit a written application and shall provide the
12 council with satisfactory evidence that he or she meets all of the
13 following requirements:

14 (1) The applicant is 18 years of age or older.

15 (2) The applicant has successfully completed a curriculum,
16 approved by the council, in pet grooming and related subjects,
17 totaling a minimum of 300 hours, that incorporates appropriate
18 school assessment of student knowledge and skills and that
19 provides a minimum of 1,000 hours of hands-on experience in pet
20 grooming; or has a minimum of 1,000 hours of hands-on
21 experience in pet grooming and successfully passes a pet grooming
22 certification test established by the council.

23 (3) All fees required by the council have been paid.

24 (c) The council shall issue a certificate to an applicant who
25 meets the qualifications of this chapter and who holds a current
26 and valid registration, certification, or license from any other state
27 whose requirements meet or exceed those defined within this
28 chapter. The council shall have discretion to give credit for
29 comparable academic work completed by an applicant in a
30 program outside of California.

31 (d) An applicant applying for a pet bather and brusher
32 certificate shall file with the council a written application provided
33 by the council, showing to the satisfaction of the council that he
34 or she meets both of the following requirements:

35 (1) The applicant is 18 years of age or older.

36 (2) Any of the following:

37 (A) The applicant has successfully completed a curriculum,
38 approved by the council, in pet grooming and related subjects,
39 totaling a minimum of 300 hours, that incorporates appropriate
40 school assessment of student knowledge and skills.

1 (B) The applicant has a minimum of 300 hours of training under
2 the supervision of a certified pet groomer.

3 (C) The applicant has successfully completed a pet grooming
4 certification test established by the council.

5 (e) Prior to the issuance of a certificate by the council, every
6 applicant shall provide proof that he or she is insured against
7 negligent acts associated with his or her activity as a pet groomer.

8 (f) Any certification issued under this chapter shall be subject
9 to renewal every two years in a manner prescribed by the council,
10 and shall expire unless renewed in that manner. The council may
11 provide for the late renewal of a license.

12 122373. (a) The council may discipline a certificate holder
13 by any, or a combination, of the following methods:

14 (1) Placing the certificate holder on probation.

15 (2) Suspending the certificate and the rights conferred by this
16 article on a certificate holder for a period not to exceed one year.

17 (3) Revoking the certificate.

18 (4) Suspending or staying the disciplinary order, or portions of
19 it, with or without conditions.

20 (5) Taking other action as the council, as authorized by this
21 article or its bylaws, deems proper.

22 (b) The council may issue an initial certificate on probation,
23 with specific terms and conditions, to any applicant.

24 (c) (1) Notwithstanding any other law, if the council receives
25 notice that a certificate holder has been arrested and charges have
26 been filed by the appropriate prosecuting agency against the
27 certificate holder alleging a violation of subdivision (b) of Section
28 597 of the Penal Code, the council shall take all of the following
29 actions:

30 (A) Immediately suspend, on an interim basis, the certificate of
31 that certificate holder.

32 (B) Notify the certificate holder within 10 days at the address
33 last filed with the council that the certificate has been suspended,
34 and the reason for the suspension.

35 (C) Notify within 10 days any business that the council has in
36 its records as employing the certificate holder that the certificate
37 has been suspended.

38 (2) Upon notice to the council that the charges described in
39 paragraph (1) have resulted in a conviction, the suspended
40 certificate shall become subject to permanent revocation. The

1 council shall provide notice to the certificate holder within 10 days
2 that it has evidence of a valid record of conviction and that the
3 certificate will be revoked unless the certificate holder provides
4 evidence within 15 days that the conviction is either invalid or that
5 the information is otherwise erroneous.

6 (3) Upon notice that the charges have resulted in an acquittal,
7 or have otherwise been dismissed prior to conviction, the certificate
8 shall be immediately reinstated and the certificate holder and any
9 business that received notice pursuant to subparagraph (C) of
10 paragraph (1) shall be notified of the reinstatement within 10 days.

11 122374. (a) Upon the request of any law enforcement agency,
12 the council shall provide information concerning a certificate
13 holder, including, but not limited to, the current status of the
14 certificate, any history of disciplinary actions taken against the
15 certificate holder, the home and work addresses of the certificate
16 holder, and any other information in the council's possession that
17 is necessary to verify facts relevant to an investigation being
18 conducted by a law enforcement agency.

19 (b) The council shall accept information provided by any law
20 enforcement agency or any other representative of a local
21 government agency. The council shall have the responsibility to
22 review any information received and to take any actions authorized
23 by this chapter that are warranted by that information.

24 122375. It is a violation of this chapter for a certificate holder
25 to commit, and the council may deny an application for a certificate
26 or discipline a certificate holder for committing, any of the
27 following:

28 (a) Unprofessional conduct, including, but not limited to, denial
29 of licensure, revocation, suspension, restriction, or any other
30 disciplinary action against a certificate holder by another state
31 or territory of the United States, by any other government agency,
32 or by another professional licensing board established under this
33 division. A certified copy of the decision, order, or judgment shall
34 be conclusive evidence of these actions.

35 (b) Procuring a certificate by fraud, misrepresentation, or
36 mistake.

37 (c) Violating or attempting to violate, directly or indirectly, or
38 assisting in or abetting the violation of, or conspiring to violate,
39 any provision or term of this chapter or any rule or bylaw adopted
40 by the council.

1 (d) Conviction of any felony, or conviction of a misdemeanor
2 that is substantially related to Section 597 of the Penal Code, in
3 which event the record of the conviction shall be conclusive
4 evidence of the crime.

5 (e) Impersonating an applicant or acting as a proxy for an
6 applicant in any examination referred to under this chapter for
7 the issuance of a certificate.

8 (f) Committing any fraudulent, dishonest, or corrupt act that is
9 substantially related to the qualifications or duties of a certificate
10 holder.

11 122376. (a) No certificate holder or certificate applicant may
12 be disciplined or denied a certificate pursuant to Section 122375
13 except according to procedures satisfying the requirements of this
14 section. A denial or discipline not in accord with this section or
15 subdivision (c) of Section 122373 shall be void and without effect.

16 (b) Any denial of a certificate to an applicant or any discipline
17 imposed on a certificate holder shall be done in good faith and in
18 a fair and reasonable manner. Any procedure that conforms to
19 the requirements of subdivision (c) is fair and reasonable, but a
20 court may also find other procedures to be fair and reasonable
21 when the full circumstances of the certificate denial or certificate
22 holder discipline are considered.

23 (c) A procedure is fair and reasonable when the procedures in
24 subdivision (c) of Section 122373 are followed, or if all of the
25 following apply:

26 (1) The procedure has been set forth in the articles or bylaws,
27 or copies of the procedure are sent annually to all the members
28 as required by the articles or bylaws.

29 (2) The procedure provides for the giving of 15 days' prior
30 notice of the denial or discipline and the reasons therefor.

31 (3) The procedure provides an opportunity for the certificate
32 applicant or certificate holder to be heard, orally or in writing,
33 not less than five days before the effective date of the denial or
34 discipline by a person or body authorized to decide that the
35 proposed denial or discipline not take place.

36 (d) Any notice required under this section may be given by any
37 method reasonably calculated to provide actual notice. Any notice
38 given by mail must be given by first-class or certified mail sent to
39 the last address of the certificate applicant or certificate holder
40 shown on the council's records.

1 (e) Any action challenging a certificate denial or certificate
2 holder discipline, including any claim alleging defective notice,
3 shall be commenced within one year after the date of the certificate
4 denial or certificate holder discipline. If the action is successful,
5 the court may order any relief, including reinstatement, that it
6 finds equitable under the circumstances.

7 (f) This section governs only the procedures for certificate denial
8 or certificate holder discipline and not the substantive grounds
9 therefor. A certificate denial or certificate holder discipline based
10 upon substantive grounds that violates contractual or other rights
11 of the member or is otherwise unlawful is not made valid by
12 compliance with this section.

13 (g) The council shall be sued only in the venue of its principal
14 office.

15 122377. It shall be the responsibility of any certificate holder
16 to notify the council of his or her home address, as well as the
17 address of any business establishment where he or she regularly
18 works as a pet groomer or pet bather and brusher, whether as an
19 employee or as an independent contractor. A certificate holder
20 shall notify the council within 30 days of changing either his or
21 her home address or the address of the business establishment
22 where he or she regularly works as a pet groomer or pet bather
23 and brusher.

24 122378. A certificate holder shall include the name under
25 which he or she is certified and his or her certificate number in
26 any and all advertising and shall display his or her certificate at
27 his or her place of business.

28 122379. (a) Notwithstanding Section 122372, the council may
29 grant a pet groomer or a pet bather and brusher certificate to any
30 person who applies on or after January 1, 2013, with one of the
31 following:

32 (1) A current valid pet grooming permit or license from a
33 California city, county, or city and county and documentation
34 evidencing that the person has provided at least 500 hours of pet
35 grooming services to members of the public for compensation.

36 (2) Documentation evidencing that the person has completed
37 at least a 100-hour pet grooming curriculum and has provided at
38 least 500 hours of pet grooming services to members of the public
39 for compensation. For purposes of this subdivision, evidence of
40 practice shall include either of the following:

1 (A) A W-2 form or employer's affidavit containing the dates of
2 the applicant's employment.

3 (B) Tax returns indicating self-employment as a pet groomer,
4 pet bather and brusher, or any other title that may demonstrate
5 experience in the field of pet grooming.

6 (b) After reviewing the information submitted under subdivision
7 (a), the council may require additional information necessary to
8 enable it to determine whether to issue a certificate.

9 (c) (1) A person applying for a pet groomer certificate on or
10 after January 1, 2013, who meets the educational requirements of
11 paragraph (2) of subdivision (a), but who has not completed the
12 required number of practice hours prior to submitting an
13 application pursuant to this section, may apply for a conditional
14 certificate.

15 (2) An applicant for a conditional certificate shall, within five
16 years of being issued the conditional certificate, be required to
17 complete at least 30 hours of additional education per year from
18 schools or courses described in paragraph (5) until he or she has
19 completed a total of at least 300 hours of education, which may
20 include hours previously completed in a pet grooming curriculum
21 described in paragraph (2) of subdivision (a).

22 (3) Upon successful completion of the requirements of this
23 subdivision, the council shall issue a certificate to the person that
24 is not conditional.

25 (4) A conditional certificate issued to any person pursuant to
26 this subdivision shall immediately be nullified, without need for
27 further action by the council, if the time period specified in
28 paragraph (2) expires without proof of completion of the
29 requirements having been filed with the council.

30 (5) Any additional education required by this section may be
31 completed through any of the following:

32 (A) A curriculum approved by the council.

33 (B) A provider approved by, or registered with, the Department
34 of Consumer Affairs.

35 (d) Nothing in this section shall preclude the council from
36 exercising any power or authority conferred by this article with
37 respect to a conditional certificate holder.

38 122380. (a) It is an unfair business practice for any person to
39 advertise or put out any sign or card or other device, or to
40 represent to the public through any print or electronic media, that

1 he or she is certified, registered, or licensed by a governmental
2 agency as a pet groomer or pet bather and brusher.

3 (b) It is an unfair business practice for any person to hold
4 himself or herself out as, or use the title of, “certified pet groomer”
5 or “certified pet brusher and bather” or to use any other term
6 such as “licensed” or “registered” that implies or suggests that
7 the person is certified as a pet groomer or a pet bather and brusher
8 without meeting the requirements of this chapter.

9 (c) The superior court in and for the county in which any person
10 acts as a pet groomer in violation of the provisions of this chapter
11 may, upon a petition by any person, issue an injunction or other
12 appropriate order restraining the conduct. The proceedings under
13 this paragraph shall be governed by Chapter 3 (commencing with
14 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

15 122381. (a) Every application for admission to examination
16 and certification shall be in writing, on forms prepared and
17 furnished by the council.

18 (b) Each application shall be accompanied by the required fee,
19 and shall contain proof of the qualifications of the applicant for
20 examination and certification. It shall be verified by the oath of
21 the applicant. Every applicant shall, as a condition of admittance
22 to the examination facility, present satisfactory proof of
23 identification. Satisfactory proof of identification shall be in the
24 form of a valid, unexpired driver’s license or identification card,
25 containing the photograph of the person to whom it was issued,
26 issued by any state, federal, or other governmental entity.

27 122382. (a) The examination of applicants for certification
28 shall include both a practical demonstration and a written test
29 and shall embrace the subjects typically taught in a curriculum
30 approved by the council.

31 (b) The examination shall not be confined to any particular
32 system or method. It shall be consistent in both practical and
33 technical requirements, and of sufficient thoroughness to satisfy
34 the board as to the applicant’s skill in, and knowledge of, the
35 practice of the occupation for which a certificate is sought.

36 (c) The scope of examinations shall be consistent with the
37 definition of the activities licensed under this chapter, and shall
38 be as the council, by regulation, may require to protect the health
39 and safety of consumers of the services provided by certificate
40 holders.

1 (d) The council's examinations shall be limited to job-related
2 questions, activities, and practical services. The examinations may
3 include other demonstrations and tests as the council, in its
4 discretion, may require.

5 122383. All examinations shall be prepared by or under the
6 direction of the council. The council shall establish standards and
7 procedures governing administration and grading and shall
8 exercise supervision as may be necessary to ensure compliance
9 therewith.

10 122384. Any person who fails the pet groomer's certification
11 examination shall be eligible to retake the examination upon
12 compliance with the provisions of this chapter.

13 122385. The council may contract or otherwise arrange for
14 reasonably required physical accommodations and facilities to
15 conduct examinations.

16 122386. The form and content of a certificate issued by the
17 council shall be determined by the council.

18 122387. The council shall create a record of those certified
19 pursuant to this chapter. The record shall include a certificate
20 holder's first and last name, license number, and a record of any
21 disciplinary action taken against the licensee, including the
22 suspension or revocation of the certificate holder's pet grooming
23 certification.

24 122388. Certificates issued under this chapter, unless
25 specifically excepted, shall be issued for a two-year period and
26 shall expire at midnight on the last day of the month of issuance
27 by the council.

28 122389. Except as otherwise provided in this chapter, a
29 certificate that has expired for failure of the certificate holder to
30 renew within the time fixed by this chapter may be renewed at any
31 time within five years following its expiration upon application
32 and payment of all accrued and unpaid renewal fees, delinquency
33 fees, and fines. Renewal under this section shall be effective on
34 the date on which the application is filed, or on the date on which
35 the accrued renewal fees, delinquency fee, or fines are paid, if
36 any, whichever occurs last. If so renewed, the certificate shall
37 continue in effect through the expiration date provided in this
38 chapter which next occurs following the effective date of the
39 renewal, when it shall expire if it is not again renewed.

122390. Except as otherwise provided in this chapter, a certificate which has not been renewed within five years following its expiration shall be deemed canceled and may not be renewed, restored, reinstated, or reissued thereafter. The holder of the canceled certificate may obtain a new certificate only by submitting an application, paying all required fees, and qualifying for and passing the examination that would be required if the holder were applying for the certificate for the first time.

122391. A suspended certificate is subject to expiration and shall be renewed by the certificate holder as provided in this chapter, but that renewal does not entitle the certificate holder, while the certificate remains suspended and before it is reinstated, to engage in the pet grooming activity, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended.

122392. A revoked certificate is subject to expiration as provided in this chapter, but may not be renewed. If it is reinstated pursuant to an administrative or court proceeding after its expiration, the certificate holder, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount established by the council pursuant to Section 122393.

122393. (a) The council shall establish a schedule of fees payable under this chapter, including, but not limited to, all of the following:

- (1) Application and examination fees.
- (2) Initial certification fees.
- (3) Renewal fees.
- (4) Reinstatement fees.
- (5) Delinquency fees.
- (6) Duplicate certificate fees.
- (7) Processing fee, not to exceed twenty dollars (\$20) to cover the costs of processing the application and certificate.

(b) No fee established pursuant to subdivision (a) shall be in excess of the costs to the council of administering the activity covered by that fee.

122394. This chapter shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SECTION 1.—Article 7 (commencing with Section 4918) is added to Chapter 11 of Division 2 of the Business and Professions Code, to read:

Article 7. Pet Groomers

4918.—The following definitions shall apply for purposes of this article:

(a) “Council” means the California Pet Grooming Council.

(b) “Pet” means any animal placed in the care of a pet groomer for grooming or styling.

(c) “Pet groomer” means an individual, licensed as a pet groomer, who bathes, brushes, clips, or styles a pet for compensation.

(d) “Pet grooming” means the act of bathing, brushing, clipping, or styling a pet.

(e) “Pet grooming facility” means a commercial establishment where a pet may be bathed, brushed, clipped, or styled.

4918.1.—(a) The California Pet Grooming Council shall be created and shall have the responsibilities and duties set forth in this article. The council may take any reasonable actions to carry out the responsibilities and duties set forth in this article, including, but not limited to, hiring staff and entering into contracts.

(b) (1) The council shall be composed of the following members:

(A) Two members from Society for the Prevention of Cruelty to Animals (SPCA) associations, one from northern California, and one from southern California, unless that entity chooses not to exercise this right of selection.

(B) One member selected by each state or nationwide pet specialty retailer that provides pet grooming services, with gross annual sales exceeding one hundred fifty million dollars (\$150,000,000), unless the entity chooses not to exercise this right of selection.

(C) One member selected by the State Humane Association of California, unless that entity chooses not to exercise this right of selection.

(D) One member selected by the Director of Consumer Affairs, unless he or she chooses not to exercise this right of selection.

~~(E) One member selected by the Veterinary Medical Board, unless that entity chooses not to exercise this right of selection.~~

~~(F) One member selected by the California Animal Control Directors Association, unless that entity chooses not to exercise this right of selection.~~

~~(G) One member selected by the National Dog Groomers Association of America, Inc., unless that entity chooses not to exercise this right of selection.~~

~~(H) Two members selected by the State Bar of California, who have animal law experience and who have been nominated by a fellow animal law attorney, unless that entity chooses not to exercise the right of selection.~~

~~(2) The council's bylaws shall establish a process for appointing other professional members as determined by the council.~~

~~(3) The initial members of the council shall establish the council, initiate the request for tax-exempt status from the Internal Revenue Service, and solicit input from the pet grooming community concerning the operations of the council. The initial members of the council, in their discretion, may immediately undertake to issue the certificates authorized by this article after adopting the necessary bylaws or other rules, or may establish by adoption of bylaws the permanent governing structure prior to issuing certificates.~~

~~(c) The council shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties. Initial and renewal fees shall be established by the council annually.~~

~~(d) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~4918.2. (a) The council shall issue a certificate under this article to an applicant who satisfies the requirements of this article.~~

~~(b) In order to obtain certification as a pet groomer, an applicant shall submit a written application and provide the council with satisfactory evidence that he or she meets all of the following requirements:~~

~~(1) The applicant is 18 years of age or older.~~

~~(2) The applicant has successfully completed a curriculum, approved by the council, in pet grooming and related subjects,~~

1 totaling a minimum of 300 hours, that incorporates appropriate
2 school assessment of student knowledge and skills and that
3 provides a minimum of 1,000 hours of hands-on experience in pet
4 grooming; or has a minimum of 1,000 hours of hands-on
5 experience in pet grooming and successfully passes a pet grooming
6 certification test established by the council.

7 (3) All fees required by the council have been paid.

8 (c) The council shall issue a certificate to an applicant who
9 meets the qualifications of this article and who holds a current and
10 valid registration, certification, or license from any other state
11 whose licensure requirements meet or exceed those defined within
12 this article. The council shall have discretion to give credit for
13 comparable academic work completed by an applicant in a program
14 outside of California.

15 (d) An applicant applying for a pet bather and brusher certificate
16 shall file with the council a written application provided by the
17 council, showing to the satisfaction of the council that he or she
18 meets both of the following requirements:

19 (1) The applicant is 18 years of age or older.

20 (2) Any of the following:

21 (A) The applicant has successfully completed a curriculum,
22 approved by the council, in pet grooming and related subjects,
23 totaling a minimum of 300 hours, that incorporates appropriate
24 school assessment of student knowledge and skills.

25 (B) The applicant has a minimum of 300 hours of training under
26 the supervision of a certified pet groomer.

27 (C) The applicant has successfully completed a pet grooming
28 certification test established by the council.

29 (e) Prior to the issuance of a certificate by the council, every
30 applicant shall provide proof that he or she is insured against
31 negligent acts associated with his or her activity as a pet groomer.

32 (f) Any certification issued under this article shall be subject to
33 renewal every two years in a manner prescribed by the council,
34 and shall expire unless renewed in that manner. The council may
35 provide for the late renewal of a license.

36 4918.3. (a) The council may discipline a certificate holder by
37 any, or a combination, of the following methods:

38 (1) Placing the certificate holder on probation.

39 (2) Suspending the certificate and the rights conferred by this
40 article on a certificate holder for a period not to exceed one year.

1 ~~(3) Revoking the certificate.~~

2 ~~(4) Suspending or staying the disciplinary order, or portions of~~
3 ~~it, with or without conditions.~~

4 ~~(5) Taking other action as the council, as authorized by this~~
5 ~~article or its bylaws, deems proper.~~

6 ~~(b) The council may issue an initial certificate on probation,~~
7 ~~with specific terms and conditions, to any applicant.~~

8 ~~(c) (1) Notwithstanding any other law, if the council receives~~
9 ~~notice that a certificate holder has been arrested and charges have~~
10 ~~been filed by the appropriate prosecuting agency against the~~
11 ~~certificate holder alleging a violation of subdivision (b) of Section~~
12 ~~597 of the Penal Code or any requirement of Section 4918.12, the~~
13 ~~council shall take all of the following actions:~~

14 ~~(A) Immediately suspend, on an interim basis, the certificate of~~
15 ~~that certificate holder.~~

16 ~~(B) Notify the certificate holder within 10 days at the address~~
17 ~~last filed with the council that the certificate has been suspended,~~
18 ~~and the reason for the suspension.~~

19 ~~(C) Notify any business within 10 days that the council has in~~
20 ~~its records as employing the certificate holder that the certificate~~
21 ~~has been suspended.~~

22 ~~(2) Upon notice to the council that the charges described in~~
23 ~~paragraph (1) have resulted in a conviction, the suspended~~
24 ~~certificate shall become subject to permanent revocation. The~~
25 ~~council shall provide notice to the certificate holder within 10 days~~
26 ~~that it has evidence of a valid record of conviction and that the~~
27 ~~certificate will be revoked unless the certificate holder provides~~
28 ~~evidence within 15 days that the conviction is either invalid or that~~
29 ~~the information is otherwise erroneous.~~

30 ~~(3) Upon notice that the charges have resulted in an acquittal,~~
31 ~~or have otherwise been dismissed prior to conviction, the certificate~~
32 ~~shall be immediately reinstated and the certificate holder and any~~
33 ~~business that received notice pursuant to subparagraph (C) of~~
34 ~~paragraph (1) shall be notified of the reinstatement within 10 days.~~

35 ~~4918.4. (a) Upon the request of any law enforcement agency,~~
36 ~~the council shall provide information concerning a certificate~~
37 ~~holder, including, but not limited to, the current status of the~~
38 ~~certificate, any history of disciplinary actions taken against the~~
39 ~~certificate holder, the home and work addresses of the certificate~~
40 ~~holder, and any other information in the council's possession that~~

1 is necessary to verify facts relevant to an investigation being
2 conducted by a law enforcement agency.

3 (b) The council shall accept information provided by any law
4 enforcement agency or any other representative of a local
5 government agency. The council shall have the responsibility to
6 review any information received and to take any actions authorized
7 by this article that are warranted by that information.

8 4918.5. It is a violation of this article for a certificate holder
9 to commit, and the council may deny an application for a certificate
10 or discipline a certificate holder for committing, any of the
11 following:

12 (a) Unprofessional conduct, including, but not limited to, denial
13 of licensure, revocation, suspension, restriction, or any other
14 disciplinary action against a certificate holder by another state or
15 territory of the United States, by any other government agency, or
16 by another professional licensing board established under this
17 division. A certified copy of the decision, order, or judgment shall
18 be conclusive evidence of these actions.

19 (b) Procuring a certificate by fraud, misrepresentation, or
20 mistake.

21 (c) Violating or attempting to violate, directly or indirectly, or
22 assisting in or abetting the violation of, or conspiring to violate,
23 any provision or term of this article or any rule or bylaw adopted
24 by the council.

25 (d) Conviction of any felony, or conviction of a misdemeanor
26 that is substantially related to Section 597 of the Penal Code, in
27 which event the record of the conviction shall be conclusive
28 evidence of the crime.

29 (e) Impersonating an applicant or acting as a proxy for an
30 applicant in any examination referred to under this article for the
31 issuance of a certificate.

32 (f) Committing any fraudulent, dishonest, or corrupt act that is
33 substantially related to the qualifications or duties of a certificate
34 holder.

35 4918.6. (a) No certificate holder or certificate applicant may
36 be disciplined or denied a certificate pursuant to Section 4918.5
37 except according to procedures satisfying the requirements of this
38 section. A denial or discipline not in accord with this section or
39 subdivision (c) of Section 4918.3 shall be void and without effect.

~~(b) Any denial of a certificate to an applicant or any discipline imposed on a certificate holder shall be done in good faith and in a fair and reasonable manner. Any procedure that conforms to the requirements of subdivision (c) is fair and reasonable, but a court may also find other procedures to be fair and reasonable when the full circumstances of the certificate denial or certificate holder discipline are considered.~~

~~(c) A procedure is fair and reasonable when the procedures in subdivision (c) of Section 4918.3 are followed, or if all of the following apply:~~

~~(1) The procedure has been set forth in the articles or bylaws, or copies of the procedure are sent annually to all the members as required by the articles or bylaws.~~

~~(2) The procedure provides for the giving of 15 days' prior notice of the denial or discipline and the reasons therefor.~~

~~(3) The procedure provides an opportunity for the certificate applicant or certificate holder to be heard, orally or in writing, not less than five days before the effective date of the denial or discipline by a person or body authorized to decide that the proposed denial or discipline not take place.~~

~~(d) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last address of the certificate applicant or certificate holder shown on the council's records.~~

~~(e) Any action challenging a certificate denial or certificate holder discipline, including any claim alleging defective notice, shall be commenced within one year after the date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.~~

~~(f) This section governs only the procedures for certificate denial or certificate holder discipline and not the substantive grounds therefor. A certificate denial or certificate holder discipline based upon substantive grounds that violates contractual or other rights of the member or is otherwise unlawful is not made valid by compliance with this section.~~

~~(g) The council shall be sued only in the venue of its principal office.~~

1 ~~4918.7. It shall be the responsibility of any certificate holder~~
2 ~~to notify the council of his or her home address, as well as the~~
3 ~~address of any business establishment where he or she regularly~~
4 ~~works as a pet groomer or pet bather and brusher, whether as an~~
5 ~~employee or as an independent contractor. A certificate holder~~
6 ~~shall notify the council within 30 days of changing either his or~~
7 ~~her home address or the address of the business establishment~~
8 ~~where he or she regularly works as a pet groomer or pet bather~~
9 ~~and brusher.~~

10 ~~4918.8. A certificate holder shall include the name under which~~
11 ~~he or she is certified and his or her certificate number in any and~~
12 ~~all advertising and shall display his or her certificate at his or her~~
13 ~~place of business.~~

14 ~~4918.9. (a) Notwithstanding Section 4918.2, the council may~~
15 ~~grant a pet groomer or a pet bather and brusher certificate to any~~
16 ~~person who applies on or before January 1, 2013, with one of the~~
17 ~~following:~~

18 ~~(1) A current valid pet grooming permit or license from a~~
19 ~~California city, county, or city and county and documentation~~
20 ~~evidencing that the person has provided at least 500 hours of pet~~
21 ~~grooming services to members of the public for compensation.~~

22 ~~(2) Documentation evidencing that the person has completed~~
23 ~~at least a 100-hour pet grooming curriculum and has provided at~~
24 ~~least 500 hours of pet grooming services to members of the public~~
25 ~~for compensation. For purposes of this subdivision, evidence of~~
26 ~~practice shall include either of the following:~~

27 ~~(A) A W-2 form or employer's affidavit containing the dates~~
28 ~~of the applicant's employment.~~

29 ~~(B) Tax returns indicating self-employment as a pet groomer,~~
30 ~~pet bather and brusher, or any other title that may demonstrate~~
31 ~~experience in the field of pet grooming.~~

32 ~~(b) After reviewing the information submitted under subdivision~~
33 ~~(a), the council may require additional information necessary to~~
34 ~~enable it to determine whether to issue a certificate.~~

35 ~~(c) (1) A person applying for a pet groomer certificate on or~~
36 ~~before January 1, 2013, who meets the educational requirements~~
37 ~~of paragraph (2) of subdivision (a), but who has not completed the~~
38 ~~required number of practice hours prior to submitting an application~~
39 ~~pursuant to this section, may apply for a conditional certificate.~~

~~(2) An applicant for a conditional certificate shall, within five years of being issued the conditional certificate, be required to complete at least 30 hours of additional education per year from schools or courses described in paragraph (5) until he or she has completed a total of at least 300 hours of education, which may include hours previously completed in a pet grooming curriculum described in paragraph (2) of subdivision (a).~~

~~(3) Upon successful completion of the requirements of this subdivision, the council shall issue a certificate to the person that is not conditional.~~

~~(4) A conditional certificate issued to any person pursuant to this subdivision shall immediately be nullified, without need for further action by the council, if the time period specified in paragraph (2) expires without proof of completion of the requirements having been filed with the council.~~

~~(5) Any additional education required by this section may be completed through any of the following:~~

~~(A) An approved curriculum.~~

~~(B) A provider approved by, or registered with, the council or the Department of Consumer Affairs.~~

~~(C) A provider that establishes to the satisfaction of the council that its curriculum is an appropriate educational program for this purpose.~~

~~(d) Nothing in this section shall preclude the council from exercising any power or authority conferred by this article with respect to a conditional certificate holder.~~

~~4918.11. (a) It is an unfair business practice for any person to state, to hold himself or herself out, or advertise or put out any sign or card or other device, or to represent to the public through any print or electronic media, that he or she is certified, registered, or licensed by a governmental agency as a pet groomer or pet bather and brusher without meeting the requirements of this article.~~

~~(b) The superior court in and for the county in which any person acts as a pet groomer in violation of the provisions of this chapter may, upon a petition by any person, issue an injunction or other appropriate order restraining the conduct. The proceedings under this paragraph shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.~~

~~(c) A violation of this article shall not be subject to Section 4831.~~

4918.13. For purposes of certification, the council shall approve a curriculum for training pet groomers. Application forms for a curriculum provider requesting approval shall be furnished by the council. Approval by the council shall be for a two-year period. Reapplication for approval by the council shall be made at the end of the two-year period.

4919. (a) Students engaged in performing grooming services while enrolled in a curriculum approved by the council shall not be required to be certified under this article if they perform those services under the appropriate supervision of a certified pet groomer.

(b) Individuals engaged in performing grooming services while not enrolled in a curriculum approved by the council shall not be required to be certified under this article if they perform those services under the direct supervision of a certified pet groomer and while in training for the pet groomer's examination.

4919.5. (a) Every application for admission to examination and certification shall be in writing, on forms prepared and furnished by the council.

(b) Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination and certification. It shall be verified by the oath of the applicant. Every applicant shall, as a condition of admittance to the examination facility, present satisfactory proof of identification. Satisfactory proof of identification shall be in the form of a valid, unexpired driver's license or identification card, containing the photograph of the person to whom it was issued, issued by any state, federal, or other government entity.

4919.7. (a) The examination of applicants for certification shall include both a practical demonstration and a written test and shall embrace the subjects typically taught in a program approved by the council.

(b) The examination shall not be confined to any particular system or method. It shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation for which a certificate is sought.

(c) The scope of examinations shall be consistent with the definition of the activities licensed under this article, and shall be

1 as the council, by regulation, may require to protect the health and
2 safety of consumers of the services provided by certificate holders.

3 ~~(d) The council's examinations shall be limited to job-related~~
4 ~~questions, activities, and practical services. The examinations may~~
5 ~~include other demonstrations and tests as the council, in its~~
6 ~~discretion, may require.~~

7 ~~4920.— All examinations shall be prepared by or under the~~
8 ~~direction of the council. The council shall establish standards and~~
9 ~~procedures governing administration and grading and shall exercise~~
10 ~~supervision as may be necessary to ensure compliance therewith.~~

11 ~~4920.5.— Any person who fails the pet groomer's certification~~
12 ~~examination may be eligible to retake the examination upon~~
13 ~~compliance with the provisions of this article.~~

14 ~~4920.7.— The council may contract or otherwise arrange for~~
15 ~~reasonably required physical accommodations and facilities to~~
16 ~~conduct examinations.~~

17 ~~4921.— The form and content of a certificate issued by the~~
18 ~~council shall be determined by the council.~~

19 ~~4921.3.— The council shall create a record of those certified~~
20 ~~pursuant to this article. The record shall include a certificate~~
21 ~~holder's first and last name, license number, and a record of any~~
22 ~~disciplinary action taken against the licensee, including the~~
23 ~~suspension or revocation of the certificate holder's pet grooming~~
24 ~~certification.~~

25 ~~4921.7.— Certificates issued under this article, unless specifically~~
26 ~~excepted, shall be issued for a two-year period and shall expire at~~
27 ~~midnight on the last day of the month of issuance by the council.~~

28 ~~4922.— Except as otherwise provided in this article, a certificate~~
29 ~~that has expired for failure of the certificate holder to renew within~~
30 ~~the time fixed by this article may be renewed at any time within~~
31 ~~five years following its expiration upon application and payment~~
32 ~~of all accrued and unpaid renewal fees, delinquency fees, and fines.~~
33 ~~Renewal under this section shall be effective on the date on which~~
34 ~~the application is filed, or on the date on which the accrued renewal~~
35 ~~fees, delinquency fee, or fines are paid, if any, whichever occurs~~
36 ~~last. If so renewed, the certificate shall continue in effect through~~
37 ~~the expiration date provided in this article which next occurs~~
38 ~~following the effective date of the renewal, when it shall expire if~~
39 ~~it is not again renewed.~~

1 ~~4922.3. Except as otherwise provided in this article, a certificate~~
2 ~~which has not been renewed within five years following its~~
3 ~~expiration shall be deemed canceled and may not be renewed,~~
4 ~~restored, reinstated, or reissued thereafter. The holder of the~~
5 ~~canceled certificate may obtain a new certificate only by submitting~~
6 ~~an application, paying all required fees, and qualifying for and~~
7 ~~passing the examination that would be required if the holder were~~
8 ~~applying for the certificate for the first time.~~

9 ~~4922.5. A suspended certificate is subject to expiration and~~
10 ~~shall be renewed by the certificate holder as provided in this article;~~
11 ~~but that renewal does not entitle the certificate holder, while the~~
12 ~~certificate remains suspended and before it is reinstated, to engage~~
13 ~~in the pet grooming activity, or in any other activity or conduct in~~
14 ~~violation of the order or judgment by which the certificate was~~
15 ~~suspended.~~

16 ~~4922.7. A revoked certificate is subject to expiration as~~
17 ~~provided in this article, but may not be renewed. If it is reinstated~~
18 ~~pursuant to an administrative or court proceeding after its~~
19 ~~expiration, the certificate holder, as a condition precedent to its~~
20 ~~reinstatement, shall pay a reinstatement fee in an amount~~
21 ~~established by the council pursuant to Section 4923.~~

22 ~~4923. (a) The council shall establish a schedule of fees payable~~
23 ~~under this article, including, but not limited to, all of the following:~~

- 24 ~~(1) Application and examination fees.~~
25 ~~(2) Initial certification fees.~~
26 ~~(3) Renewal fees.~~
27 ~~(4) Reinstatement fees.~~
28 ~~(5) Delinquency fees.~~
29 ~~(6) Duplicate certificate fees.~~
30 ~~(7) Processing fee, not to exceed twenty dollars (\$20) to cover~~
31 ~~the costs of processing the application and certificate.~~

32 ~~(b) No fee established pursuant to subdivision (a) shall be in~~
33 ~~excess of the costs to the council of administering that fee.~~