

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2683

Introduced by Assembly Member Negrete McLeod

February 24, 2006

An act to amend Section 5588 of the Business and Professions Code, relating to architects.

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, as amended, Negrete McLeod. Architecture: report on judgment, settlement, or arbitration award.

Existing law provides for the licensing and regulation of architects by the California Architects Board. Existing law requires a licensee to report to the board any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee if the action alleges fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture and the amount or value of the judgment, settlement, or award is \$5,000 or more.

~~This bill would make failure of a licensee to comply with this requirement, or conspiracy or collusion not to comply with the requirement or to hinder or impede any other person in complying with the requirement, a misdemeanor punishable by a specified fine. Because this bill would create a new crime, it 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. A licensee who fails to comply with this requirement is subject to disciplinary action.~~

~~This bill would provide that a licensee who fails to comply with this requirement may also be subject to a civil penalty, as specified, as an additional intermediate sanction.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

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

- 1 SECTION 1. Section 5588 of the Business and Professions
- 2 Code is amended to read:
- 3 5588. (a) A licensee shall report to the board in writing
- 4 within 30 days of the date the licensee has knowledge of any
- 5 civil action judgment, settlement, arbitration award, or
- 6 administrative action resulting in a judgment, settlement, or
- 7 arbitration award against the licensee in any action alleging
- 8 fraud, deceit, negligence, incompetence, or recklessness by the
- 9 licensee in the practice of architecture if the amount or value of
- 10 the judgment, settlement, or arbitration award is five thousand
- 11 dollars (\$5,000) or greater.
- 12 (b) The report required by subdivision (a) shall be signed by
- 13 the licensee and shall set forth the facts that constitute the
- 14 reportable event. If the reportable event involves the action of an
- 15 administrative agency or court, the report shall set forth all of the
- 16 following:
- 17 (1) The title of the matter.
- 18 (2) The court or agency name.
- 19 (3) The docket number.
- 20 (4) The claim or file number.
- 21 (5) The date on which the reportable event occurred.
- 22 (c) A licensee shall promptly respond to oral or written
- 23 inquiries from the board concerning the reportable events,
- 24 including inquiries made by the board in conjunction with license
- 25 renewal.

1 (d) Failure of a licensee to report to the board in the time and
2 manner required by this section shall be grounds for disciplinary
3 action.

4 ~~(e) Failure of a licensee to comply with this section shall be a~~
5 ~~misdemeanor punishable by a fine of not less than one hundred~~
6 ~~dollars (\$100) or more than one thousand dollars (\$1,000).~~
7 ~~Knowing and intentional failure to comply with this section, or~~
8 ~~conspiracy or collusion not to comply with this section or to~~
9 ~~hinder or impede any other person in complying with this~~
10 ~~section, shall be a misdemeanor punishable by a fine of not less~~
11 ~~than ten thousand dollars (\$10,000) or more than one hundred~~
12 ~~thousand dollars (\$100,000).~~

13 ~~SEC. 2.— No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the~~
18 ~~penalty for a crime or infraction, within the meaning of Section~~
19 ~~17556 of the Government Code, or changes the definition of a~~
20 ~~crime within the meaning of Section 6 of Article XIII B of the~~
21 ~~California Constitution.~~

22 *(e) Any licensee who fails to comply with this section may be*
23 *subject to a civil penalty of not less than one hundred dollars*
24 *(\$100) and not more than one thousand dollars (\$1,000) as an*
25 *additional intermediate sanction imposed by the board in lieu of*
26 *revoking the licensee’s license. Any licensee who knowingly and*
27 *intentionally fails to comply with this section may be subject to a*
28 *civil penalty of up to twenty thousand dollars (\$20,000) as an*
29 *additional intermediate sanction imposed by the board in lieu of*
30 *revoking the licensee’s license.*