

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE MAY 2, 2013

AMENDED IN SENATE APRIL 18, 2013

**SENATE BILL**

**No. 308**

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**Introduced by Senator ~~Price~~ *Lieu***  
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

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An act to amend Sections 5810, 5812, 7200, 7215.6, 7303, and 7362 of, and to add Sections 5806, 5807, and 5811.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 308, as amended, ~~Price~~ *Lieu*. Professions and vocations.

(1) Existing law authorizes a certified interior designer, as defined, to obtain a stamp from an interior design organization, as defined, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. Existing law provides that these provisions are repealed on January 1, 2014, and shall be subject to review by the Joint Sunset Review Committee.

This bill would instead repeal those provisions on January 1, 2018, and would make them subject to review by the appropriate policy committees of the Legislature.

The bill would require a certified interior designer to use a written contract that includes specified information when contracting to provide interior design services to a client pursuant to these provisions and

require that nothing in these provisions prohibit interior design or interior decorator services by any person or retail activity.

The bill would require all meetings of an interior design organization to be subject to the open meeting requirements applicable to state agencies.

(2) Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including the State Board of Guide Dogs for the Blind. Existing law requires that the board consist of certain members. Existing law establishes a pilot project to provide an arbitration procedure for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

(3) Existing law provides for the licensure and regulation of barbering and cosmetology by the State Board of Barbering and Cosmetology and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2014.

This bill would instead repeal these provisions on January 1, 2016, and specify that the board would be subject to review by the appropriate policy committees of the Legislature upon repeal.

Existing law provides that a board-approved school of barbering and cosmetology is one that is licensed by the Bureau for Private Postsecondary Education or a public school in the state, and offers a course of instruction approved by the board.

This bill would require a school to be approved by the board before it is approved by the Bureau for Private Postsecondary Education and authorize both entities to simultaneously process a school's application for approval. The bill would also authorize the board to revoke, suspend, or deny its approval of a school on specified grounds.

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. Section 5806 is added to the Business and
- 2 Professions Code, to read:
- 3 5806. Nothing in this chapter shall prohibit interior design or
- 4 interior decorator services by any person or retail activity.

1 SEC. 2. Section 5807 is added to the Business and Professions  
2 Code, to read:

3 5807. (a) A certified interior designer shall use a written  
4 contract when contracting to provide interior design services to a  
5 client pursuant to this chapter. The written contract shall be  
6 executed by the certified interior designer and the client, or his or  
7 her representative, prior to the certified interior designer  
8 commencing work. The written contract shall include, but not be  
9 limited to, all of the following:

10 (1) A description of the services to be provided to the client by  
11 the certified interior designer.

12 (2) A description of any basis of compensation applicable to  
13 the contract and the method of payment agreed upon by the parties.

14 (3) The name, address, and certification number of the certified  
15 interior designer and the name and address of the client.

16 (4) A description of the procedure that the certified interior  
17 designer and the client will use to accommodate additional services.

18 (5) A description of the procedure to be used by any party to  
19 terminate the contract.

20 (6) A three-day rescission clause in accordance with Chapter 2  
21 (commencing with Section 1688) of Title 5 of Part 2 of Division  
22 3 of the Civil Code.

23 (7) A written disclosure stating whether the certified interior  
24 designer carries errors and omissions insurance.

25 (b) Subdivision (a) shall not apply to any of the following:

26 (1) Interior design services rendered by a certified interior  
27 designer for which the client will not pay compensation.

28 (2) Interior design services rendered by a certified interior  
29 designer to any of the following:

30 (A) An architect licensed under Chapter 3 (commencing with  
31 Section 5500).

32 (B) A landscape architect licensed under Chapter 3.5  
33 (commencing with Section 5615).

34 (C) An engineer licensed under Chapter 7 (commencing with  
35 Section 6700).

36 (c) As used in this section, “written contract” includes a contract  
37 in electronic form.

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

1 5810. (a) This chapter shall be subject to review by the  
2 appropriate policy committees of the Legislature.

3 (b) This chapter shall remain in effect only until January 1,  
4 2018, and as of that date is repealed, unless a later enacted statute,  
5 that is enacted before January 1, 2018, deletes or extends that date.

6 SEC. 4. Section 5811.1 is added to the Business and Professions  
7 Code, to read:

8 5811.1. The meetings of an interior design organization issuing  
9 stamps under Section 5801 shall be subject to the rules of the  
10 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
11 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
12 the Government Code).

13 SEC. 5. Section 5812 of the Business and Professions Code is  
14 amended to read:

15 5812. It is an unfair business practice for any person to  
16 represent or hold himself or herself out as, or to use the title  
17 “certified interior designer” or any other term, such as “licensed,”  
18 “registered,” or “CID,” that implies or suggests that the person is  
19 certified as an interior designer when he or she does not hold a  
20 valid certification as provided in Sections 5800 and 5801.

21 SEC. 6. Section 7200 of the Business and Professions Code is  
22 amended to read:

23 7200. (a) There is in the Department of Consumer Affairs a  
24 State Board of Guide Dogs for the Blind in whom enforcement of  
25 this chapter is vested. The board shall consist of seven members  
26 appointed by the Governor. One member shall be the Director of  
27 Rehabilitation or his or her designated representative. The  
28 remaining members shall be persons who have shown a particular  
29 interest in dealing with the problems of the blind, and at least two  
30 of them shall be blind persons who use guide dogs.

31 (b) This section shall remain in effect only until January 1, 2018,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2018, deletes or extends that date.  
34 Notwithstanding any other law, the repeal of this section renders  
35 the board subject to review by the appropriate policy committees  
36 of the Legislature.

37 SEC. 7. Section 7215.6 of the Business and Professions Code  
38 is amended to read:

39 7215.6. (a) In order to provide a procedure for the resolution  
40 of disputes between guide dog users and guide dog schools relating

1 to the continued physical custody and use of a guide dog, in all  
2 cases except those in which the dog user is the unconditional legal  
3 owner of the dog, the following arbitration procedure shall be  
4 established as a pilot project.

5 (b) This procedure establishes an arbitration panel for the  
6 settlement of disputes between a guide dog user and a licensed  
7 guide dog school regarding the continued use of a guide dog by  
8 the user in all cases except those in which the dog user is the  
9 unconditional legal owner of the dog. The disputes that may be  
10 subject to this procedure concern differences between the user and  
11 school over whether or not a guide dog should continue to be used,  
12 differences between the user and school regarding the treatment  
13 of a dog by the user, and differences over whether or not a user  
14 should continue to have custody of a dog pending investigation of  
15 charges of abuse. It specifically does not address issues such as  
16 admissions to schools, training practices, or other issues relating  
17 to school standards. The board and its representative are not parties  
18 to any dispute described in this section.

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

- 27 (1) One person designated by the guide dog user.
- 28 (2) One person designated by the licensed guide dog school.
- 29 (3) A representative of the board who shall coordinate the  
30 activities of the panel and serve as chair.

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

37 (e) (1) A licensed guide dog school that fails to comply with  
38 any provision of this section shall automatically be subject to a  
39 penalty of two hundred fifty dollars (\$250) per day for each day  
40 in which a violation occurs. The penalty shall be paid to the board.

1 The license of a guide dog school shall not be renewed until all  
2 penalties have been paid.

3 (2) The penalty shall be assessed without advance hearing, but  
4 the licensee may apply to the board for a hearing on the issue of  
5 whether the penalty should be modified or set aside. This  
6 application shall be in writing and shall be received by the board  
7 within 30 days after service of notice of the penalty. Upon receipt  
8 of this written request, the board shall set the matter for hearing  
9 within 60 days.

10 (f) As a general rule, custody of the guide dog shall remain with  
11 the guide dog user pending a resolution by the arbitration panel.  
12 In circumstances where the immediate health and safety of the  
13 guide dog user or guide dog is threatened, the licensed school may  
14 take custody of the dog at once. However, if the dog is removed  
15 from the user's custody without the user's concurrence, the school  
16 shall provide to the board the evidence that caused this action to  
17 be taken at once and without fail; and within five calendar days a  
18 special committee of two members of the board shall make a  
19 determination regarding custody of the dog pending hearing by  
20 the arbitration panel.

21 (g) (1) The arbitration panel shall decide the best means to  
22 determine final resolution in each case. This shall include, but is  
23 not limited to, a hearing of the matter before the arbitration panel  
24 at the request of either party to the dispute, an opportunity for each  
25 party in the dispute to make presentations before the arbitration  
26 panel, examination of the written record, or any other inquiry as  
27 will best reveal the facts of the disputes. In any case, the panel  
28 shall make its findings and complete its examination within 45  
29 calendar days of the date of filing the request for arbitration, and  
30 a decision shall be rendered within 10 calendar days of the  
31 examination.

32 (2) All arbitration hearings shall be held at sites convenient to  
33 the parties and with a view to minimizing costs. Each party to the  
34 arbitration shall bear its own costs, except that the arbitration panel,  
35 by unanimous agreement, may modify this arrangement.

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

1 (i) This section shall remain in effect only until January 1, 2018,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2018, deletes or extends that date.

4 SEC. 8. Section 7303 of the Business and Professions Code is  
5 amended to read:

6 7303. (a) Notwithstanding Article 8 (commencing with Section  
7 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
8 Government Code, there is in the Department of Consumer Affairs  
9 the State Board of Barbering and Cosmetology in which the  
10 administration of this chapter is vested.

11 (b) The board shall consist of nine members. Five members  
12 shall be public members, and four members shall represent the  
13 professions. The Governor shall appoint three of the public  
14 members and the four professional members. The Senate  
15 Committee on Rules and the Speaker of the Assembly shall each  
16 appoint one public member. Members of the board shall be  
17 appointed for a term of four years, except that of the members  
18 appointed by the Governor, two of the public members and two  
19 of the professions members shall be appointed for an initial term  
20 of two years. No board member may serve longer than two  
21 consecutive terms.

22 (c) The board may appoint an executive officer who is exempt  
23 from civil service. The executive officer shall exercise the powers  
24 and perform the duties delegated by the board and vested in him  
25 or her by this chapter. The appointment of the executive officer is  
26 subject to the approval of the director. In the event that a newly  
27 authorized board replaces an existing or previous bureau, the  
28 director may appoint an interim executive officer for the board  
29 who shall serve temporarily until the new board appoints a  
30 permanent executive officer.

31 (d) The executive officer shall provide examiners, inspectors,  
32 and other personnel necessary to carry out the provisions of this  
33 chapter.

34 (e) This section shall remain in effect only until January 1, 2016,  
35 and as of that date is repealed, unless a later enacted statute, that  
36 is enacted before January 1, 2016, deletes or extends that date.  
37 Notwithstanding any other law, the repeal of this section renders  
38 the board subject to review by the appropriate policy committees  
39 of the Legislature.

1 SEC. 9. Section 7362 of the Business and Professions Code is  
2 amended to read:

3 7362. (a) A school approved by the board is one that is first  
4 approved by the board and subsequently approved by the Bureau  
5 for Private Postsecondary Education or is a public school in this  
6 state, and provides a course of instruction approved by the board.  
7 However, notwithstanding any other law, both the board and the  
8 Bureau for Private Postsecondary Education may simultaneously  
9 process a school's application for approval.

10 (b) The board shall determine by regulation the required subjects  
11 of instruction to be completed in all approved courses, including  
12 the minimum hours of technical instruction and minimum number  
13 of practical operations for each subject, and shall determine how  
14 much training is required before a student may begin performing  
15 services on paying patrons.

16 (c) Notwithstanding any other law, the board may revoke,  
17 suspend, or deny approval of a school ~~on~~, *in a proceeding that*  
18 *shall be conducted in accordance with Chapter 5 (commencing*  
19 *with Section 11500) of Part 1 of Division 3 of Title 2 of the*  
20 *Government Code, when an owner or employee of the school has*  
21 *engaged in any of the grounds acts specified in paragraphs (1) to*  
22 *(8), inclusive, for disciplinary action against a school, the*  
23 *proceedings for which shall be conducted in accordance with*  
24 *Chapter 5 (commencing with Section 11500) of Part 1 of Division*  
25 *3 of Title 2 of the Government Code. inclusive.*

26 (1) Unprofessional conduct which includes, but is not limited  
27 to, any of the following:

28 (A) Incompetence or gross negligence, including repeated failure  
29 to comply with generally accepted standards for the practice of  
30 barbering, cosmetology, or electrology, or disregard for the health  
31 and safety of patrons.

32 (B) Repeated similar negligent acts.

33 (C) Conviction of any crime substantially related to the  
34 qualifications, functions, or duties of the owner of an approved  
35 school, in which case, the records of conviction or a certified copy  
36 thereof shall be conclusive evidence of the conviction.

37 (2) Repeated failure to comply with the rules governing health  
38 and safety adopted by the board and approved by the State  
39 Department of Public Health, for the regulation of board-approved  
40 schools.

1 (3) Repeated failure to comply with the rules adopted by the  
2 board for the regulation of board-approved schools.

3 (4) Continued practice by a person knowingly having an  
4 infectious or contagious disease.

5 (5) Habitual drunkenness, or habitual use of, or addiction to the  
6 use of, any controlled substance.

7 (6) Obtaining or attempting to obtain practice in any occupation  
8 licensed and regulated under this chapter, or money, or  
9 compensation in any form, by fraudulent misrepresentation.

10 (7) Refusal to permit or interference with an inspection  
11 authorized under this chapter.

12 (8) Any action or conduct that would have warranted the denial  
13 of a school approval.

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