

AMENDED IN SENATE APRIL 22, 2013

SENATE BILL

No. 822

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)

March 20, 2013

An act to amend Sections 5096, 5096.2, 5096.12, 7065.3, 7114, 7141, 7206, 7210, ~~and~~ 7887, and 17914, of, ~~and~~ to add Section 7851 to, and to repeal Sections 102.1 and 102.2 of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Existing law requires that certain actions take place with regard to the Cemetery Board and Funeral Directors and Embalmers Board and the Structural Pest Control Board by January 1, 1996.

This bill would delete those provisions.

(2) Existing law, between July 1, 2013, and January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license, if certain conditions are met.

This bill would add the condition that the individual is required to notify the Board of Accountancy of any pending criminal charges in any jurisdiction, other than for a minor traffic violation.

Existing law, between July 1, 2013, and January 1, 2019, authorizes a certified public accounting firm that is authorized to practice in another state and that does not have an office in this state to engage in the practice of public accountancy in this state through the holder of a practice privilege, and the board is authorized to revoke, suspend, issue a fine, as provided, or otherwise restrict or discipline the firm for any act that would be grounds for discipline against a holder of a practice privilege through which the firm practices.

This bill would also authorize the board to issue a citation and fine, as provided, under the general powers given to the board as a part of the Department of Consumer Affairs.

(1)

(3) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors in this state. Under existing law, a contractor's license that has expired may be renewed at any time within 5 years after its expiration by filing an application for renewal on a form prescribed by the registrar of contractors, and payment of the appropriate renewal fee. If the license is renewed after the expiration date, existing law requires the licensee to also pay a delinquency fee. *The registrar of contractors is required to conduct a comprehensive field investigation of no less than 3% of applications for an additional classification on a contractor's license based upon experience and without further examination to ensure that the applicants met the experience requirements and to make public, at quarterly meetings of the Contractors' State License Board, a listing of all additional classification applications approved during the previous 12 months, including, but not limited to, the name of the applicant, license number, classification applied for, and existing classifications.*

This bill would provide an exception to the requirement to pay the delinquency fee where an incomplete renewal application, that had originally been submitted on or before the license expiration date, was returned to the licensee by the registrar with an explanation of the reasons for its rejection and a corrected and acceptable renewal application is returned by the licensee within 30 days after the license expiration date. The bill would also require that the license reflect an expired status for any period between the expiration date and the date of submission of a correct and acceptable renewal application. *The bill would delete the requirement that the registrar's investigation be a field investigation, and would delete the requirement that the registrar make public, at quarterly meetings of the Contractors' State License Board,*

the listing of all additional classification applications approved during the previous 12 months.

(2)

(4) Existing law, until January 1, 2014, provides that there is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind that has exclusive authority to issue licenses for the instruction of blind persons in the use of guide dogs, for the training of guide dogs for use by blind persons, to operate schools for the training of guide dogs for the blind, and for the instruction of blind persons in the use of guide dogs. Existing law requires the board to hold regular meetings at least once a year at which an examination of applicants for certificates of registration is to be given.

This bill would delete that requirement.

(3)

(5) Existing law, the Geologist and Geophysicist Act, provides for the registration, regulation, and discipline of professional geologists and geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of the act is a misdemeanor. Existing law creates the Geology and Geophysics Account of the Professional Engineers and Land Surveyors Fund, which is a continuously appropriated fund, into which fees prescribed by the act are deposited.

This bill would create a new category of registration, to be known as a “retired registration,” for a geologist or geophysicist who meets specified qualifications and would prescribe fees necessary to obtain a retired registration, as well as restrictions on holders of the registration. The bill would also specify the title that the holder of a retired registration is authorized to use. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. Because the bill would increase moneys deposited into a continuously appropriated fund, the bill would make an appropriation.

(6) *Existing law requires any person who regularly transacts business in this state for profit under a fictitious business name to do several things, including, but not limited to, filing a fictitious business name statement not later than 40 days from the time the registrant commences to transact business. Existing law requires the statement to be signed by the husband or wife if the registrants are husband and wife.*

This bill would instead provide that the statement shall be signed by either party to the marriage if the registrants are a married couple.

(4)

(7) 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: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 102.1 of the Business and Professions
2 Code is repealed.

3 ~~102.1. (a) If the Cemetery Board and the Funeral Directors~~
4 ~~and Embalmers Board are not consolidated or otherwise~~
5 ~~restructured on January 1, 1996, the Department of Consumer~~
6 ~~Affairs shall succeed to, and is vested with, all the duties, powers,~~
7 ~~purpose, responsibilities, and jurisdiction of the boards, including~~
8 ~~the employment of one executive director for the purposes of~~
9 ~~performing the department's obligations herewithin.~~

10 ~~(b) Notwithstanding Section 107, any law authorizing the~~
11 ~~appointment of an executive officer by the Cemetery Board and~~
12 ~~the Funeral Directors and Embalmers Board shall not be~~
13 ~~implemented and shall have no force or effect while either board~~
14 ~~is inoperative or repealed.~~

15 ~~(c) If legislation consolidating or otherwise restructuring the~~
16 ~~Cemetery Board and the Funeral Directors and Embalmers Board~~
17 ~~is not enacted, the Controller is authorized to transfer the necessary~~
18 ~~amount of funds from Item 1335-001-0258 of the 1995 Budget~~
19 ~~Act to the department for expenditure by the department for~~
20 ~~purposes of this section.~~

21 ~~(d) This section shall be operative only during the period that~~
22 ~~legislation is not enacted to consolidate or otherwise restructure~~
23 ~~the Cemetery Board and the Funeral Directors and Embalmers~~
24 ~~Board into another board or entity.~~

25 SEC. 2. Section 102.2 of the Business and Professions Code
26 is repealed.

27 ~~102.2. (a) If the Structural Pest Control Board does not comply~~
28 ~~with the contingencies specified in paragraphs (a) to (d), inclusive,~~
29 ~~of Provision 1 of Item 1530-001-0775 of the Budget Act of 1995~~
30 ~~by January 1, 1996, as determined by the Department of Consumer~~

1 Affairs, then the department may succeed to and is vested with all
2 the duties, powers, purpose, responsibilities, and jurisdiction of
3 the board, including the employment of one executive director for
4 the purposes of performing the department obligations herein.

5 (b) If the department elects to not exercise control over the board
6 pursuant to subdivision (a), the department shall monitor the board
7 on a monthly basis and the Controller shall, on a monthly basis,
8 transfer the necessary amount of funds, not to exceed one-sixth of
9 the amount of the appropriation for each fund identified in
10 subdivision (c), to the board for the purpose of this subdivision.
11 If at any time the department determines that the board is not
12 meeting satisfactory progress toward the obligations set forth in
13 subdivision (a), the department may invoke privileges of succession
14 as allowed by subdivision (a):

15 Monitoring shall include a monthly report from the board, the
16 status of meeting the obligations set forth in subdivisions (a)
17 through (d), inclusive, of Provision 1 of Item 1530-001-0775 of
18 the Budget Act of 1995 in addition to other statutory obligations
19 as prescribed by law.

20 (c) Notwithstanding Section 107, any provision of law
21 authorizing the appointment of an executive officer by the
22 Structural Pest Control Board shall not be implemented and shall
23 have no force or effect while the board is inoperative or repealed.
24 This subdivision shall be in effect only if the Department of
25 Consumer Affairs invokes privileges of succession pursuant to
26 subdivision (a):

27 (d) In the event that the Structural Pest Control Board does not
28 comply with Provision 1 of Item 1530-001-0775 of the Budget
29 Act of 1995 by January 1, 1996, as determined by the department,
30 the sum of one million three hundred fifty-five thousand dollars
31 (\$1,355,000) is thereupon appropriated from the Structural Pest
32 Control Fund to the department, and the sum of one hundred three
33 thousand dollars (\$103,000) is thereupon appropriated from the
34 Structural Pest Control Education and Enforcement Fund to the
35 department, for purposes of this section.

36 *SEC. 3. Section 5096 of the Business and Professions Code,*
37 *as added by Section 9 of Chapter 411 of the Statutes of 2012, is*
38 *amended to read:*

39 5096. (a) An individual whose principal place of business is
40 not in this state and who has a valid and current license, certificate,

1 or permit to practice public accountancy from another state may,
2 subject to the conditions and limitations in this article, engage in
3 the practice of public accountancy in this state under a practice
4 privilege without obtaining a certificate or license under this
5 chapter if the individual satisfies one of the following:

6 (1) The individual has continually practiced public accountancy
7 as a certified public accountant under a valid license issued by any
8 state for at least four of the last 10 years.

9 (2) The individual has a license, certificate, or permit from a
10 state ~~which~~ *that* has been determined by the board to have
11 education, examination, and experience qualifications for licensure
12 substantially equivalent to this state's qualifications under Section
13 5093.

14 (3) The individual possesses education, examination, and
15 experience qualifications for licensure ~~which~~ *that* have been
16 determined by the board to be substantially equivalent to this state's
17 qualifications under Section 5093.

18 (b) The board may designate states as substantially equivalent
19 under paragraph (2) of subdivision (a) and may accept individual
20 qualification evaluations or appraisals conducted by designated
21 entities, as satisfying the requirements of paragraph (3) of
22 subdivision (a).

23 (c) An individual who qualifies for the practice privilege under
24 this section may engage in the practice of public accountancy in
25 this state, and no notice, fee, or other requirement shall be imposed
26 on that individual by the board.

27 (d) An individual who qualifies for the practice privilege under
28 this section may perform the following services only through a
29 firm of certified public accountants that has obtained a registration
30 from the board pursuant to Section 5096.12:

31 (1) An audit or review of a financial statement for an entity
32 headquartered in California.

33 (2) A compilation of a financial statement when that person
34 expects, or reasonably might expect, that a third party will use the
35 financial statement and the compilation report does not disclose a
36 lack of independence for an entity headquartered in California.

37 (3) An examination of prospective financial information for an
38 entity headquartered in California.

39 (e) An individual who holds a practice privilege under this
40 article:

1 (1) Is subject to the personal and subject matter jurisdiction and
2 disciplinary authority of the board and the courts of this state.

3 (2) Shall comply with the provisions of this chapter, board
4 regulations, and other laws, regulations, and professional standards
5 applicable to the practice of public accountancy by the licensees
6 of this state and to any other laws and regulations applicable to
7 individuals practicing under practice privileges in this state except
8 the individual is deemed, solely for the purpose of this article, to
9 have met the continuing education requirements and ethics
10 examination requirements of this state when the individual has
11 met the examination and continuing education requirements of the
12 state in which the individual holds the valid license, certificate, or
13 permit on which the substantial equivalency is based.

14 (3) Shall not provide public accountancy services in this state
15 from any office located in this state, except as an employee of a
16 firm registered in this state. This paragraph does not apply to public
17 accountancy services provided to a client at the client's place of
18 business or residence.

19 (4) Is deemed to have appointed the regulatory agency of the
20 state that issued the individual's certificate, license, or permit upon
21 which substantial equivalency is based as the individual's agent
22 on whom notices, subpoenas, or other process may be served in
23 any action or proceeding by the board against the individual.

24 (5) Shall cooperate with any board investigation or inquiry and
25 shall timely respond to a board investigation, inquiry, request,
26 notice, demand, or subpoena for information or documents and
27 timely provide to the board the identified information and
28 documents.

29 (6) Shall cease exercising the practice privilege in this state if
30 the regulatory agency in the state in which the individual's
31 certificate, license, or permit was issued takes disciplinary action
32 resulting in the suspension or revocation, including stayed
33 suspension, stayed revocation, or probation of the individual's
34 certificate, license, or permit, or takes other disciplinary action
35 against the individual's certificate, license, or permit that arises
36 from any of the following:

37 (A) Gross negligence, recklessness, or intentional wrongdoing
38 relating to the practice of public accountancy.

39 (B) Fraud or misappropriation of funds.

1 (C) Preparation, publication, or dissemination of false,
2 fraudulent, or materially incomplete or misleading financial
3 statements, reports, or information.

4 (7) Shall cease exercising the practice privilege in this state if
5 convicted in any jurisdiction of any crime involving dishonesty,
6 including, but not limited to, embezzlement, theft, misappropriation
7 of funds or property, or obtaining money, property, or other
8 valuable consideration by fraudulent means or false pretenses.

9 (8) Shall cease exercising the practice privilege if the United
10 States Securities and Exchange Commission or the Public Company
11 Accounting Oversight Board bars the individual from practicing
12 before them.

13 (9) Shall cease exercising the practice privilege if any
14 governmental body or agency suspends the right of the individual
15 to practice before the body or agency.

16 (10) *Shall notify the board of any pending criminal charges,*
17 *other than for a minor traffic violation, in any jurisdiction.*

18 (f) An individual who is required to cease practice pursuant to
19 paragraphs (6) to (9), inclusive, of subdivision (e) shall notify the
20 board within 15 calendar days, on a form prescribed by the board,
21 and shall not practice public accountancy in this state pursuant to
22 this section until he or she has received from the board written
23 permission to do so.

24 (g) An individual who fails to cease practice as required by
25 subdivision (e) or ~~that~~ *who* fails to provide the notice required by
26 subdivision (f) shall be subject to the personal and subject matter
27 jurisdiction and disciplinary authority of the board as if the practice
28 privilege were a license and the individual were a licensee. An
29 individual in violation of subdivision (e) or (f) shall, for a minimum
30 of one year from the date the board learns there has been a violation
31 of subdivision (e) or (f), not practice in this state and shall not have
32 the possibility of reinstatement during that period. If the board
33 determines that the failure to cease practice or provide the notice
34 was intentional, that individual's practice privilege shall be revoked
35 and there shall be no possibility of reinstatement for a minimum
36 of two years.

37 (h) The board shall require an individual who provides notice
38 to the board pursuant to subdivision (f) to cease the practice of
39 public accountancy in this state until the board provides the

1 individual with written permission to resume the practice of public
2 accountancy in this state.

3 (i) (1) An individual to whom, within the last seven years
4 immediately preceding the date on which he or she wishes to
5 practice in this state, any of the following criteria apply, shall notify
6 the board, on a form prescribed by the board, and shall not practice
7 public accountancy in this state pursuant to this section until the
8 board provides the individual with written permission to do so:

9 (A) He or she has been the subject of any final disciplinary
10 action by the licensing or disciplinary authority of any other
11 jurisdiction with respect to any professional license or has any
12 charges of professional misconduct pending against him or her in
13 any other jurisdiction.

14 (B) He or she has had his or her license in another jurisdiction
15 reinstated after a suspension or revocation of the license.

16 (C) He or she has been denied issuance or renewal of a
17 professional license or certificate in any other jurisdiction for any
18 reason other than an inadvertent administrative error.

19 (D) He or she has been convicted of a crime or is subject to
20 pending criminal charges in any jurisdiction other than a minor
21 traffic violation.

22 (E) He or she has otherwise acquired a disqualifying condition
23 as described in subdivision (a) of Section 5096.2.

24 (2) An individual who fails to cease practice as required by
25 subdivision (e) or who fails to provide the notice required by
26 paragraph (1) shall be subject to the personal and subject matter
27 jurisdiction and disciplinary authority of the board as if the practice
28 privilege were a license and the individual were a licensee. An
29 individual in violation of subdivision (e) or paragraph (1) shall,
30 for a minimum of one year from the date the board knows there
31 has been a violation of subdivision (e) or paragraph (1), not practice
32 in this state and shall not have the possibility of reinstatement
33 during that period. If the board determines that the failure to cease
34 practice or provide the notice was intentional, that individual shall
35 be prohibited from practicing in this state in the same manner as
36 if a licensee has his or her practice privilege revoked and there
37 shall be no possibility of reinstatement for a minimum of two years.

38 ~~(j) This section shall become operative on July 1, 2013.~~

39 ~~(k)~~

1 (j) This section shall remain in effect only until January 1, 2019,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2019, deletes or extends that date.

4 *SEC. 4. Section 5096.2 of the Business and Professions Code,*
5 *as added by Section 15 of Chapter 411 of the Statutes of 2012, is*
6 *amended to read:*

7 5096.2. (a) (1) Practice privileges may be revoked for any of
8 the following reasons:

9 (A) If an individual no longer qualifies under, or complies with,
10 the provisions of this article, including, but not limited to, Section
11 5096, or implementing regulations.

12 (B) If an individual commits any act that if committed by an
13 applicant for licensure would be grounds for denial of a license
14 under Section 480.

15 (C) If an individual commits any act that if committed by a
16 licensee would be grounds for discipline under Section 5100.

17 (D) If an individual commits any act outside of this state that
18 would be a violation if committed within this state.

19 (E) If an individual acquires at any time, while exercising the
20 practice privilege, any disqualifying condition under paragraph
21 (2).

22 (2) Disqualifying conditions include:

23 (A) Conviction of any crime other than a minor traffic violation.

24 (B) Revocation, suspension, denial, surrender, or other discipline
25 or sanctions involving any license, permit, registration, certificate,
26 or other authority to practice any profession in this or any other
27 state or foreign country or to practice before any state, federal, or
28 local court or agency, or the Public Company Accounting Oversight
29 Board.

30 (C) Any judgment or arbitration award against the individual
31 involving the professional conduct of the individual in the amount
32 of thirty thousand dollars (\$30,000) or greater.

33 (D) Any other conditions as specified by the board in regulation.

34 (3) The board may adopt regulations exempting specified minor
35 occurrences of the conditions listed in subparagraph (B) of
36 paragraph (2) from being disqualifying conditions under this
37 subdivision.

38 (b) The board may revoke practice privileges using either of
39 the following procedures:

40 (1) Notifying the individual in writing of all of the following:

1 (A) That the practice privilege is revoked.

2 (B) The reasons for revocation.

3 (C) The earliest date on which the individual may qualify for a
4 practice privilege.

5 (D) That the individual has a right to appeal the notice and
6 request a hearing under the provisions of the Administrative
7 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
8 Part 1 of Division 3 of Title 2 of the Government Code) if a written
9 notice of appeal and request for hearing is made within 60 days.

10 (E) That, if the individual does not submit a notice of appeal
11 and request for hearing within 60 days, the board's action set forth
12 in the notice shall become final.

13 (2) Filing a statement of issues under the Administrative
14 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
15 Part 1 of Division 3 of Title 2 of the Government Code).

16 (c) An individual whose practice privilege has been revoked
17 may only subsequently exercise the practice privilege upon
18 application to the board for reinstatement of the practice privilege
19 not less than one year after the effective date of the notice or
20 decision revoking the practice privilege, unless a longer time period
21 is specified in the notice or decision revoking the practice privilege.

22 (d) Holders of practice privileges are subject to suspension,
23 *citations*, fines, or other disciplinary actions for any conduct that
24 would be grounds for discipline against a licensee of the board or
25 for any conduct in violation of this article or regulations adopted
26 thereunder.

27 (e) The board may recover its costs pursuant to Section 5107
28 as part of any disciplinary proceeding against the holder of a
29 practice privilege.

30 (f) The provisions of the Administrative Procedure Act (Chapter
31 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
32 Title 2 of the Government Code), including, but not limited to, the
33 commencement of a disciplinary proceeding by the filing of an
34 accusation by the board, shall apply under this article.

35 (g) If the board revokes or otherwise limits an individual's
36 practice privilege, the board shall promptly notify the regulatory
37 agency of the state or states in which the individual is licensed,
38 and the United States Securities and Exchange Commission, the
39 Public Company Accounting Oversight Board, and the National
40 Association of State Boards of Accountancy.

1 ~~(h) This section shall become operative on July 1, 2013.~~

2 ~~(i)~~

3 (h) This section shall remain in effect only until January 1, 2019,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2019, deletes or extends that date.

6 *SEC. 5. Section 5096.12 of the Business and Professions Code,*
7 *as added by Section 35 of Chapter 411 of the Statutes of 2012, is*
8 *amended to read:*

9 5096.12. (a) A certified public accounting firm that is
10 authorized to practice in another state and that does not have an
11 office in this state may engage in the practice of public accountancy
12 in this state through the holder of a practice privilege provided
13 that:

14 (1) The practice of public accountancy by the firm is limited to
15 authorized practice by the holder of the practice privilege.

16 (2) A firm that engages in practice under this section is deemed
17 to consent to the personal, subject matter, and disciplinary
18 jurisdiction of the board with respect to any practice under this
19 section.

20 (b) The board may revoke, suspend, issue a fine pursuant to
21 Article 6.5 (commencing with Section 5116), *issue a citation and*
22 *fine pursuant to Section 125.9*, or otherwise restrict or discipline
23 the firm for any act that would be grounds for discipline against a
24 holder of a practice privilege through which the firm practices.

25 (c) A firm that provides the services described in subdivision
26 (d) of Section 5096 shall obtain a registration from the board.

27 ~~(d) This section shall become operative on July 1, 2013.~~

28 ~~(e)~~

29 (d) This section shall remain in effect only until January 1, 2019,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2019, deletes or extends that date.

32 *SEC. 6. Section 7065.3 of the Business and Professions Code*
33 *is amended to read:*

34 7065.3. Notwithstanding Section 7065, upon a conclusive
35 showing by a licensee that he or she possesses experience
36 satisfactory to the registrar in the classification applied for, an
37 additional classification may be added, without further
38 examination, under all of the following conditions:

39 (a) For five of the seven years immediately preceding the
40 application, the qualifying individual of the licensee has been listed

1 as a member of the personnel of any licensee whose license was
2 active and in good standing, and who during the period listed on
3 a license was actively engaged in the licensee's construction
4 activities.

5 (b) The qualifying individual for the applicant has had within
6 the last 10 years immediately preceding the filing of the
7 application, not less than four years experience as a journeyman,
8 foreman, supervising employee, or contractor in the classification
9 within which the licensee intends to engage in the additional
10 classification as a contractor.

11 (c) The application is, as determined by the registrar, for a
12 classification ~~which~~ *that* is closely related to the classification or
13 classifications in which the licensee is licensed, or the qualifying
14 individual is associated with a licensed general engineering
15 contractor or licensed general building contractor and is applying
16 for a classification ~~which~~ *that* is a significant component of the
17 licensed contractor's construction business as determined by the
18 registrar. This section shall not apply to an applicant who is
19 licensed solely within the limited-specialty classifications.

20 Pursuant to Section 7065, the registrar shall conduct a
21 comprehensive ~~field~~ investigation of no less than 3 percent of
22 applications filed under this section to ensure that the applicants
23 met the experience requirements of this section ~~and shall make~~
24 ~~public, at quarterly meetings of the Contractors' State License~~
25 ~~Board, a listing of all applications approved under this section~~
26 ~~during the previous 12 months, including, but not limited to, the~~
27 ~~name of the applicant, license number, classification applied for,~~
28 ~~and existing classifications.~~

29 **SECTION 1.**

30 *SEC. 7.* Section 7114 of the Business and Professions Code is
31 amended to read:

32 7114. (a) Aiding or abetting an unlicensed person to evade
33 the provisions of this chapter or combining or conspiring with an
34 unlicensed person, or allowing one's license to be used by an
35 unlicensed person, or acting as agent or partner or associate, or
36 otherwise, of an unlicensed person with the intent to evade the
37 provisions of this chapter constitutes a cause for disciplinary action.

38 (b) A licensee who is found by the registrar to have violated
39 subdivision (a) shall, in accordance with the provisions of this
40 article, be subject to the registrar's authority to order payment of

1 a specified sum to an injured party, including, but not limited to,
2 payment for any injury resulting from the acts of the unlicensed
3 person.

4 ~~SEC. 2.~~

5 *SEC. 8.* Section 7141 of the Business and Professions Code is
6 amended to read:

7 7141. (a) Except as otherwise provided in this chapter, a
8 license that has expired may be renewed at any time within five
9 years after its expiration by filing an application for renewal on a
10 form prescribed by the registrar and payment of the appropriate
11 renewal fee. Renewal under this section shall be effective on the
12 date an acceptable renewal application is filed with the board. The
13 licensee shall be considered unlicensed and there will be a break
14 in the licensing time between the expiration date and the date the
15 renewal becomes effective. Except as provided in subdivision (b),
16 if the license is renewed after the expiration date, the licensee shall
17 also pay the delinquency fee prescribed by this chapter.

18 (b) An incomplete renewal application that had originally been
19 submitted on or before the license expiration date shall be returned
20 to the licensee by the registrar with an explanation of the reasons
21 for its rejection. If a corrected and acceptable renewal application
22 is not returned within 30 days after the license expiration date, the
23 delinquency fee shall apply. The 30 day grace period shall apply
24 only to the delinquency fee. The license shall reflect an expired
25 status for any period between the expiration date and the date of
26 submission of a correct and acceptable renewal application.

27 (c) If so renewed, the license shall continue in effect through
28 the date provided in Section 7140 that next occurs after the
29 effective date of the renewal, when it shall expire if it is not again
30 renewed.

31 (d) If a license is not renewed within five years, the licensee
32 shall make an application for a license pursuant to Section 7066.

33 ~~SEC. 3.~~

34 *SEC. 9.* Section 7206 of the Business and Professions Code is
35 amended to read:

36 7206. Special meetings shall be held upon request of a majority
37 of the members of the board or upon the call of the president.

38 ~~SEC. 4.~~

39 *SEC. 10.* Section 7210 of the Business and Professions Code
40 is amended to read:

1 7210. It shall be unlawful for any person to sell, offer for sale,
2 give, hire or furnish under any other arrangement, any guide dog
3 or to engage in the business or occupation of training ~~such a~~ *guide*
4 dog unless he or she holds a valid and unimpaired license issued
5 pursuant to this chapter.

6 ~~SEC. 5.~~

7 *SEC. 11.* Section 7851 is added to the Business and Professions
8 Code, to read:

9 7851. (a) The board shall issue, upon application and payment
10 of the fee established by Section 7887, a retired registration to a
11 geologist or geophysicist who has been registered by the board for
12 a minimum of five years within California and a minimum of 20
13 years within the United States or its territories, and who holds a
14 registration that is not suspended, revoked, or otherwise disciplined,
15 or subject to pending discipline under this chapter.

16 (b) The holder of a retired registration issued pursuant to this
17 section shall not engage in any activity for which an active
18 geologist's or geophysicist's registration is required. A geologist
19 or geophysicist holding a retired registration may use the titles
20 "retired professional geologist" or "professional geologist, retired,"
21 or "retired professional geophysicist" or "professional geophysicist,
22 retired."

23 (c) The holder of a retired registration shall not be required to
24 renew that registration.

25 (d) In order for the holder of a retired registration, issued
26 pursuant to this section, to restore his or her registration to active
27 status; he or she shall pass the examination required for initial
28 registration with the board.

29 ~~SEC. 6.~~

30 *SEC. 12.* Section 7887 of the Business and Professions Code
31 is amended to read:

32 7887. The amount of the fees prescribed by this chapter shall
33 be fixed by the board in accordance with the following schedule:

34 (a) The fee for filing each application for registration as a
35 geologist or a geophysicist or certification as a specialty geologist
36 or a specialty geophysicist and for administration of the
37 examination shall be fixed at not more than two hundred ~~and~~ fifty
38 dollars (\$250).

39 (b) The registration fee for a geologist or for a geophysicist and
40 the fee for the certification in a specialty shall be fixed at an amount

1 equal to the renewal fee in effect on the last regular renewal date
2 before the date on which the certificate is issued, except that, with
3 respect to certificates that will expire less than one year after
4 issuance, the fee shall be fixed at an amount equal to 50 percent
5 of the renewal fee in effect on the last regular renewal date before
6 the date on which the certificate is issued. The board may, by
7 appropriate regulation, provide for the waiver or refund of the
8 initial certificate fee where the certificate is issued less than 45
9 days before the date on which it will expire.

10 (c) The duplicate certificate fee shall be fixed at not more than
11 six dollars (\$6).

12 (d) The temporary registration fee for a geologist or for a
13 geophysicist shall be fixed at not more than eighty dollars (\$80).

14 (e) The renewal fee for a geologist or for a geophysicist shall
15 be fixed at not more than four hundred dollars (\$400).

16 (f) The renewal fee for a specialty geologist or for a specialty
17 geophysicist shall be fixed at not more than one hundred dollars
18 (\$100).

19 (g) Notwithstanding Section 163.5, the delinquency fee for a
20 certificate is an amount equal to 50 percent of the renewal fee in
21 effect on the last regular renewal date.

22 (h) Each applicant for registration as a geologist shall pay an
23 examination fee fixed at an amount equal to the actual cost to the
24 board to administer the examination described in subdivision (d)
25 of Section 7841.

26 (i) Each applicant for registration as a geophysicist or
27 certification as an engineering geologist or certification as a
28 hydrogeologist shall pay an examination fee fixed by the board at
29 an amount equal to the actual cost to the board for the development
30 and maintenance of the written examination, and shall not exceed
31 one hundred dollars (\$100).

32 (j) The fee for a retired registration shall be fixed at not more
33 than 50 percent of the fee for filing an application for registration
34 as a geologist or a geophysicist in effect on the date of application
35 for a retired registration.

36 *SEC. 13. Section 17914 of the Business and Professions Code*
37 *is amended to read:*

38 17914. The statement shall be signed as follows:

39 (a) If the registrant is an individual, by the individual.

1 (b) If the registrants are ~~husband and wife, by the husband or~~
2 ~~wife a married couple, by either party to the marriage.~~

3 (c) If the registrant is a general partnership, limited partnership,
4 limited liability partnership, copartnership, joint venture, or
5 unincorporated association other than a partnership, by a general
6 partner.

7 (d) If the registrant is a limited liability company, by a manager
8 or officer.

9 (e) If the registrant is a trust, by a trustee.

10 (f) If the registrant is a corporation, by an officer.

11 (g) If the registrant is a state or local registered domestic
12 partnership, by one of the domestic partners.

13 ~~SEC. 7.~~

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