

**Introduced by Committee on Business and Professions
(Senators Polanco (Chair), Ayala, Craven, Greene, Kelley,
Lee, O'Connell, and Rosenthal)**

March 9, 1998

An act to amend Sections 2960, 2960.1, 4826.1, 4980.80, 4980.90, 4982.25, 4984.1, 4984.4, 4984.7, 4986.70, 4986.80, 4992.36, 4996.3, 4996.4, 4996.6, 4996.7, 4996.18, 6980.12, 9880.1, 9882.5, 9884.7, 9889.31, 9889.32, and 9889.33 of, to add Sections 138, 4980.31, 4984.8, 4986.41, 4986.82, 4997, and 22448 to, and to repeal Section 9889.30 of, the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 2238, as introduced, Committee on Business and Professions. Consumer affairs.

Existing law provides for the creation of various regulatory boards and commissions within the jurisdiction of the Department of Consumer Affairs.

This bill would require those entities to initiate a process of adopting regulations on or before June 30, 1999, to require licentiates to provide written notice to clients and customers that the licentiate must be licensed in good standing in order to practice lawfully, and the means for contacting the licensing entity for the purpose of seeking information or filing a complaint. It would require each of those regulatory entities to submit a plan to the Director of Consumer Affairs on or before December 31, 1999, providing for periodic evaluation of every licensing examination that it administers.

Existing law provides that, for purposes of registration or licensure as a psychologist, unprofessional conduct is defined to include any act of sexual abuse, sexual relations with a patient, or sexual misconduct which is substantially related to the qualifications, functions, or duties of a psychologist or psychological assistant.

This bill would include any act of sexual abuse or sexual relations with a former patient within 2 years following termination of therapy, or sexual misconduct which is substantially related to the qualifications, functions, or duties of a registered psychologist. It would make related changes.

Existing law provides for the licensure and regulation of marriage, family and child counselors, clinical social workers, and educational psychologists.

This bill would require those licensees to display their license in a conspicuous place in the licensee's primary place of practice. The bill would revise and recast various provisions which would, among other things, do the following:

(1) Require as a condition of licensure, instruction in spousal or partner abuse assessment, detection, and intervention.

(2) Authorize a licensee to apply to the Board of Behavioral Sciences to have his or her license placed on inactive status, as specified.

(3) Define unprofessional conduct to include denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States, or by any other governmental agency, as specified.

(4) Provide that revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as an educational psychologist, a clinical social worker, or a marriage, family and child counselor constitutes grounds for disciplinary action for unprofessional conduct against the licensee or registrant.

(5) Provide for the forfeiture of examination fees paid by applicants for licensure who fail to appear for examination.

Existing law provides for the licensure and regulation of locksmiths. Certain persons are specifically exempted from those requirements.



This bill would additionally exempt licensed contractors holding the appropriate specialty certification for locksmith-contractors.

Existing law, the Automotive Repair Act, generally requires persons engaged in automotive repair to register with the Director of Consumer Affairs, unless exempt from the requirement. The act makes various references to the term “mechanic,” and defines the term to include the performance of various automotive repair functions.

This bill would instead refer to “automobile technician.” It would define the term to additionally include the performance of diagnostics.

This bill would also make certain technical, and conforming changes.

Existing law provides for the regulation of immigration consultants, defined as a person who provides non-legal assistance or advice on an immigration matter. Existing law authorizes a person claiming to be aggrieved by a violation of provisions regulating immigration consultants to bring a civil action for injunctive relief or damages, or both, but does not set a time limit within which that action must be commenced.

This bill would provide that any action to enforce a cause of action under those regulatory provisions shall be commenced within 4 years after the cause of action has accrued.

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 138 is added to the Business and
2 Professions Code, to read:
3 138. (a) Every board in the department, as defined
4 in Section 22, shall initiate the process of adopting
5 regulations on or before June 30, 1999, to require its
6 licentiates, as defined in Section 23.8, to provide written
7 notice to their clients or customers that the licentiate
8 must be licensed in good standing with that board in
9 order to practice lawfully, and the means for contacting
10 the licensing board for the purpose of seeking
11 information or filing a complaint.



1 (b) Every board, as defined in Section 22, shall submit
2 a plan to the director on or before December 31, 1999,
3 providing for periodic evaluation of every licensing
4 examination that the board administers. The evaluation
5 shall include an occupational analysis component and an
6 item validity analysis, as well as an assessment of the
7 appropriateness of prerequisites for admittance to
8 respective licensing examinations. These assessments
9 may be conducted by the department, or pursuant to a
10 contract with a qualified private testing firm.

11 SEC. 2. Section 2960 of the Business and Professions
12 Code is amended to read:

13 2960. The board may refuse to issue any registration
14 or license, or may issue a registration or license with terms
15 and conditions, or may suspend or revoke the registration
16 or license of any registrant or licensee if the applicant,
17 registrant, or licensee has been guilty of unprofessional
18 conduct. Unprofessional conduct shall include, but not be
19 limited to:

20 (a) Conviction of a crime substantially related to the
21 qualifications, functions or duties of a psychologist or
22 psychological assistant.

23 (b) Use of any controlled substance as defined in
24 Division 10 (commencing with Section 11000) of the
25 Health and Safety Code, or dangerous drug, or any
26 alcoholic beverage to an extent or in a manner dangerous
27 to himself or herself, any other person, or the public, or
28 to an extent that this use impairs his or her ability to
29 perform the work of a psychologist with safety to the
30 public.

31 (c) Fraudulently or neglectfully misrepresenting the
32 type or status of license or registration actually held.

33 (d) Impersonating another person holding a
34 psychology license or allowing another person to use his
35 or her license or registration.

36 (e) Using fraud or deception in applying for a license
37 or registration or in passing the examination provided for
38 in this chapter.



1 (f) Paying, or offering to pay, accepting, or soliciting
2 any consideration, compensation, or remuneration,
3 whether monetary or otherwise, for the referral of clients.

4 (g) Violating Section 17500.

5 (h) Willful, unauthorized communication of
6 information received in professional confidence.

7 (i) Violating any rule of professional conduct
8 promulgated by the board and set forth in regulations
9 duly adopted under this chapter.

10 (j) Being grossly negligent in the practice of his or her
11 profession.

12 (k) Violating any of the provisions of this chapter or
13 regulations duly adopted thereunder.

14 (l) The aiding or abetting of any person to engage in
15 the unlawful practice of psychology.

16 (m) The suspension, revocation or imposition of
17 probationary conditions by another state or country of a
18 license or certificate to practice psychology or as a
19 psychological assistant issued by that state or country to
20 a person also holding a license or registration issued under
21 this chapter if the act for which the disciplinary action was
22 taken constitutes a violation of this section.

23 (n) The commission of any dishonest, corrupt, or
24 fraudulent act.

25 (o) Any act of sexual abuse, or sexual relations with a
26 patient *or former patient within two years following*
27 *termination of therapy*, or sexual misconduct which is
28 substantially related to the qualifications, functions or
29 duties of a psychologist or psychological assistant *or*
30 *registered psychologist*.

31 (p) Functioning outside of his or her particular field or
32 fields of competence as established by his or her
33 education, training, and experience.

34 (q) Willful failure to submit, on behalf of an applicant
35 for licensure, verification of supervised experience to the
36 board.

37 (r) Repeated acts of negligence.

38 SEC. 3. Section 2960.1 of the Business and Professions
39 Code is amended to read:



1 2960.1. Notwithstanding Section 2960, any proposed
2 decision or decision issued under this chapter in
3 accordance with the procedures set forth in Chapter 5
4 (commencing with Section 11500) of Part 1 of Division 3
5 of Title 2 of the Government Code, that contains any
6 finding of fact that the licensee or registrant engaged in
7 any act of sexual contact, as defined in Section ~~729~~ 728,
8 when that act is with a patient, or with a former patient
9 ~~when the relationship was terminated primarily for the~~
10 ~~purpose of engaging in that act~~ *within two years following*
11 *termination of therapy*, shall contain an order of
12 revocation. The revocation shall not be stayed by the
13 administrative law judge.

14 SEC. 3.5. Section 4826.1 of the Business and
15 Professions Code is amended to read:

16 4826.1. A veterinarian who on his *or her* own
17 initiative, at the request of an owner, or at the request of
18 someone other than the owner, renders emergency
19 treatment to a sick or injured animal at the scene of an
20 accident shall not be liable in damages to the owner of
21 ~~such~~ that animal in the absence of gross negligence.

22 SEC. 4. Section 4980.31 is added to the Business and
23 Professions Code, to read:

24 4980.31. A licensee shall display his or her license in a
25 conspicuous place in the licensee's primary place of
26 practice.

27 SEC. 5. Section 4980.80 of the Business and
28 Professions Code is amended to read:

29 4980.80. The board may issue a license to any person
30 who, at the time of application, has held for at least two
31 years a valid license issued by a board of marriage
32 counselor examiners, marriage therapist examiners, or
33 corresponding authority of any state, if the education and
34 supervised experience requirements are substantially the
35 equivalent of this chapter and the person successfully
36 completes the written and oral licensing examinations
37 administered in this state and pays the fees specified.
38 Issuance of the license is further conditioned upon the
39 person's completion of the following coursework or
40 training:



1 (a) A two semester or three quarter unit course in
2 California law and professional ethics for marriage,
3 family, and child counselors which shall include areas of
4 study as specified in Section 4980.41.

5 (b) A minimum of seven contact hours of training or
6 coursework in child abuse assessment and reporting as
7 specified in Section 28, and any regulations promulgated
8 thereunder.

9 (c) A minimum of 10 contact hours of training or
10 coursework in human sexuality, as specified in Section 25,
11 and any regulations promulgated thereunder.

12 (d) A minimum of 15 contact hours of training or
13 coursework in alcoholism and other chemical substance
14 dependency as specified by regulation.

15 (e) *Instruction in spousal or partner abuse assessment,*
16 *detection, and intervention. This instruction may be*
17 *taken either in fulfillment of other requirements for*
18 *licensure or in a separate course.*

19 (f) With respect to human sexuality and alcoholism
20 and other chemical substance dependency, the board
21 may accept training or coursework acquired out of state.

22 SEC. 6. Section 4980.90 of the Business and
23 Professions Code is amended to read:

24 4980.90. (a) Experience gained outside of California
25 shall be accepted toward the licensure requirements if it
26 is substantially equivalent to that required by this chapter
27 provided that the applicant has gained a minimum of 250
28 hours of supervised experience in direct counseling
29 within California while registered as an intern with the
30 board.

31 (b) Education gained outside of California shall be
32 accepted toward the licensure requirements if it is
33 substantially equivalent to the education requirements of
34 this chapter, provided that the applicant has completed
35 all of the following:

36 (1) A two semester or three quarter unit course in
37 California law and professional ethics for marriage,
38 family, and child counselors which shall include areas of
39 study as specified in Section 4980.41.



1 (2) A minimum of seven contact hours of training or
2 coursework in child abuse assessment and reporting as
3 specified in Section 28, and any regulations promulgated
4 thereunder.

5 (3) A minimum of 10 contact hours of training or
6 coursework in sexuality as specified in Section 25, and any
7 regulations promulgated thereunder.

8 (4) A minimum of 15 contact hours of training or
9 coursework in alcoholism and other chemical substance
10 dependency as specified by regulation.

11 (5) *Instruction in spousal or partner abuse assessment,*
12 *detection, and intervention. This instruction may be*
13 *taken either in fulfillment of other educational*
14 *requirements for licensure or in a separate course.*

15 (6) With respect to human sexuality and alcoholism
16 and other chemical substance dependency, the board
17 may accept training or coursework acquired out of state.

18 (c) For purposes of this section, the board may, in its
19 discretion, accept education as substantially equivalent if
20 the applicant has been granted a degree in a single
21 integrated program primarily designed to train marriage,
22 family, and child counselors and if the applicant's
23 education meets the requirements of Sections 4980.37 and
24 4980.40 provided, however, that the degree title and
25 number of units in the degree program need not be
26 identical to those required by subdivision (a) of Section
27 4980.40. Where the applicant's degree does not contain
28 the number of units required by subdivision (a) of
29 Section 4980.40, the board may, in its discretion, accept
30 the applicant's education as substantially equivalent if the
31 applicant's degree otherwise complies with this section
32 and the applicant completes the units required by
33 subdivision (a) of Section 4980.40.

34 SEC. 7. Section 4982.25 of the Business and
35 Professions Code is amended to read:

36 4982.25. The board may deny any application, or may
37 suspend or revoke any license or registration issued under
38 this chapter, for any of the following:

39 (a) ~~The~~ *Denial of licensure*, revocation, suspension,
40 *restriction*, or any other disciplinary action imposed by



1 another state or territory or possession of the United
2 States, or by any other governmental agency, on a license,
3 certificate, or registration issued by that state to practice
4 marriage counseling or marriage, family, and child
5 counseling, or any other healing art, shall constitute
6 grounds for disciplinary action for unprofessional conduct
7 against the licensee or registrant in this state. A certified
8 copy of the *disciplinary action* decision or judgment of the
9 other state shall be conclusive evidence of that action.

10 (b) ~~The revocation, suspension, or other disciplinary~~
11 ~~action by the Board of Psychology, or equivalent action~~
12 ~~in another state, of a license or certificate to practice~~
13 ~~psychology issued by this state or another state to a~~
14 ~~licensee or registrant, shall constitute grounds for~~
15 ~~disciplinary action for unprofessional conduct against the~~
16 ~~licensee or registrant under this chapter. A certified copy~~
17 ~~of the decision or judgment shall be conclusive evidence~~
18 ~~of that action.~~

19 (c) ~~The revocation~~ *Revocation*, suspension, or other
20 ~~discipline restriction~~ by the board of a license or
21 certificate, or registration to practice as a clinical social
22 worker or educational psychologist shall also constitute
23 grounds for disciplinary action for unprofessional conduct
24 against the licensee or registrant under this chapter.

25 SEC. 8. Section 4984.1 of the Business and Professions
26 Code is amended to read:

27 4984.1. A license ~~which~~ *that* has expired may be
28 renewed at any time within five years after its expiration
29 on filing an application for renewal on a form prescribed
30 by the board and payment of the renewal fee in effect on
31 the last regular renewal date. If the license is renewed
32 ~~more than 30 days~~ after its expiration, the licensee, as a
33 condition precedent to renewal, shall also pay the
34 delinquency fee prescribed by this chapter.

35 ~~Renewal under this section shall be effective on the~~
36 ~~date on which the application is filed, on the date on~~
37 ~~which the renewal fee is paid, or on the date on which the~~
38 ~~delinquency fee, if any, is paid, whichever last occurs. If~~
39 ~~so renewed, the license shall continue in effect through~~
40 ~~the date provided for in Section 4984 which next occurs~~



1 ~~after the effective date of the renewal, when it shall~~
2 ~~expire if it is not again renewed.~~

3 SEC. 9. Section 4984.4 of the Business and Professions
4 Code is amended to read:

5 4984.4. A license ~~which~~ *that* is not renewed within five
6 years after its expiration may not be renewed, restored,
7 reinstated, or reissued thereafter, but the licensee may
8 apply for and obtain a new license if:

9 (a) No fact, circumstance, or condition exists ~~which~~
10 *that*, if the license were issued, would justify its revocation
11 or suspension.

12 (b) He or she pays ~~all of the fees which~~ *that* would be
13 required ~~of him or her~~ if he or she were ~~then~~ applying for
14 a license for the first time ~~and passes the licensing~~
15 ~~examinations.~~

16 *(c) He or she takes and passes the current licensing*
17 *examinations.*

18 SEC. 10. Section 4984.7 of the Business and
19 Professions Code is amended to read:

20 4984.7. The amount of the fees prescribed by this
21 chapter that relate to licensing of persons to engage in the
22 business of marriage, family and child counseling is that
23 established by the following schedule:

24 (a) The fee for applications for examination received
25 on or after January 1, 1987, shall be one hundred dollars
26 (\$100).

27 (b) The fee for issuance of the initial license shall be a
28 maximum of one hundred eighty dollars (\$180).

29 (c) For those persons whose license expires on or after
30 January 1, 1996, the renewal fee shall be a maximum of
31 one hundred eighty dollars (\$180).

32 (d) The delinquency fee shall be ninety dollars (\$90).
33 Any person who permits his or her license to become
34 delinquent may have it restored only upon the payment
35 of all fees that he or she would have paid if the license had
36 not become delinquent, plus the payment of any and all
37 outstanding delinquency fees.

38 (e) For those persons registering as interns on or after
39 January 1, 1996, the registration fee shall be ninety dollars
40 (\$90).



1 (f) For those persons whose registration as an intern
2 expires on or after January 1, 1996, the renewal fee shall
3 be seventy-five dollars (\$75).

4 (g) The written examination fee shall be one hundred
5 dollars (\$100) ~~and the~~. *After successfully passing the*
6 *written examination, each applicant for oral examination*
7 *fee shall be submit two hundred dollars (\$200).*
8 *Applicants failing to appear for any examination, once*
9 *having been scheduled, shall forfeit any examination fees*
10 *paid.*

11 (h) ~~Persons~~ *An applicant who fail—the fails any written*
12 *or oral examination may apply for reexamination and*
13 *each application shall be accompanied by the fee within*
14 *one year from the notification date of that failure, retake*
15 *the examination as regularly scheduled without further*
16 *application upon payment of one hundred dollars (\$100)*
17 *for the written reexamination and two hundred dollars*
18 *(\$200) for the oral reexamination. Thereafter, the*
19 *applicant shall not be eligible for further examination*
20 *until he or she files a new application, meets all current*
21 *requirements, and pays all fees required.* Persons failing
22 to appear for the reexamination, once having been
23 scheduled, shall forfeit any reexamination fees paid.

24 (i) The fee for rescoring a written examination shall be
25 twenty dollars (\$20). The fee for appeal of an oral
26 examination shall be one hundred dollars (\$100).

27 (j) The fee for issuance of any replacement
28 registration, license, or certificate shall be twenty dollars
29 (\$20).

30 (k) The fee for issuance of a certificate or letter of good
31 standing shall be twenty-five dollars (\$25).

32 SEC. 11. Section 4984.8 is added to the Business and
33 Professions Code, to read:

34 4984.8. A licensed marriage, family and child
35 counselor may apply to the board to request that his or
36 her license be placed on inactive status. Licensees who
37 hold an inactive license shall pay a biennial fee of half of
38 the active renewal fee. Licensees holding an inactive
39 license shall be exempt from continuing education
40 requirements specified in Section 4980.54, but shall



1 otherwise be subject to this chapter and shall not engage
2 in the practice of marriage, family and child counseling
3 in this state. Licensees on inactive status who have not
4 committed any acts or crimes constituting grounds for
5 denial of licensure and have completed any required
6 continuing education equivalent to that required for a
7 single renewal period may, upon their request, have their
8 license to practice marriage, family and child counseling
9 placed on active status. Licensees requesting their license
10 be placed on active status at any time between a renewal
11 cycle shall pay the remaining half of their renewal fee.

12 SEC. 12. Section 4986.41 is added to the Business and
13 Professions Code, to read:

14 4986.41. A Licensee shall display his or her license in
15 a conspicuous place in the licensee's primary place of
16 practice.

17 SEC. 13. Section 4986.70 of the Business and
18 Professions Code is amended to read:

19 4986.70. The board may refuse to issue a license, or
20 may suspend or revoke the license of any licensee if he or
21 she has been guilty of unprofessional conduct which has
22 endangered or is likely to endanger the health, welfare,
23 or safety of the public. ~~Such unprofessional~~
24 *Unprofessional* conduct shall include:

25 (a) Conviction of a crime substantially related to the
26 qualifications, functions and duties of an educational
27 psychologist, the record of conviction being conclusive
28 evidence thereof.

29 (b) Securing a license by fraud or deceit practiced on
30 the board.

31 (c) Using any narcotic as defined in Division 10
32 (commencing with Section 11000) of the Health and
33 Safety Code or any hypnotic drug or alcoholic beverage
34 to an extent or in a manner dangerous to himself or
35 herself, or to any other person, or to the public and to an
36 extent that such action impairs his or her ability to
37 perform his or her work as a licensed educational
38 psychologist with safety to the public.

39 (d) Improper advertising.



1 (e) Violating or conspiring to violate the terms of this
2 article.

3 (f) Committing a dishonest or fraudulent act as a
4 licensed educational psychologist resulting in substantial
5 injury to another.

6 (g) *Denial of licensure, revocation, suspension,*
7 *restriction, or any other disciplinary action imposed by*
8 *another state or territory or possession of the United*
9 *States, or by any other governmental agency, on a license,*
10 *certificate, or registration to practice educational*
11 *psychology or any other healing art, shall constitute*
12 *unprofessional conduct. A certified copy of the*
13 *disciplinary action, decision, or judgment shall be*
14 *conclusive evidence of that action.*

15 (h) *Revocation, suspension, or restriction by the board*
16 *of a license, certificate, or registration to practice as a*
17 *clinical social worker or marriage, family and child*
18 *counselor shall constitute grounds for disciplinary action*
19 *for unprofessional conduct against the licensee or*
20 *registrant under this chapter.*

21 SEC. 14. Section 4986.80 of the Business and
22 Professions Code is amended to read:

23 4986.80. The amount of the fees prescribed by this
24 chapter that relate to the licensing of educational
25 psychologists is that established by the following
26 schedule:

27 (a) Persons applying for an original license after July
28 1, 1986, shall pay an application fee of one hundred dollars
29 (\$100).

30 (b) The fee for issuance of the initial license shall be a
31 maximum of one hundred fifty dollars (\$150).

32 (c) Persons whose license expires after January 1, 1991,
33 shall pay a renewal fee of a maximum of one hundred fifty
34 dollars (\$150).

35 (d) The delinquency fee shall be seventy-five dollars
36 (\$75). Any person who permits his or her license to
37 become delinquent may have it restored only upon the
38 payment of all fees that he or she would have paid if the
39 license had not become delinquent, plus the payment of
40 any and all delinquency fees.



1 (e) The written examination fee shall be one hundred
2 dollars (\$100) ~~and the. After successfully passing the~~
3 ~~written examination, each applicant for oral examination~~
4 ~~fee shall be submit two hundred dollars (\$200).~~
5 *Applicants failing to appear for any examination, once*
6 *having been scheduled, shall forfeit any examination fees*
7 *paid.*

8 (f) *The fee for each reexamination shall be the fee for*
9 *each examination specified in subdivision (e). An*
10 *applicant who has failed the written or oral examination*
11 *may apply for reexamination if he or she applies within*
12 *the 12-month period subsequent to failure of the*
13 *examination. The fee for each reexamination shall be the*
14 *fee for each examination specified in subdivision (e)*
15 *within one year from the notification date of failure,*
16 *retake that examination as regularly scheduled without*
17 *further application. Thereafter, the applicant shall not be*
18 *eligible for further examination until he or she files a new*
19 *application, meets all current requirements, and pays all*
20 *fees required. Persons failing to appear for*
21 *reexamination, once having been scheduled, shall forfeit*
22 *any reexamination fees paid.*

23 (g) The fee for rescoring a written examination shall
24 be twenty dollars (\$20). The fee for appeal of an oral
25 examination shall be one hundred dollars (\$100).

26 (h) The fee for issuance of any replacement
27 registration, license, or certificate shall be twenty dollars
28 (\$20).

29 (i) The fee for issuance of a certificate or letter of good
30 standing shall be twenty-five dollars (\$25).

31 SEC. 15. Section 4986.82 is added to the Business and
32 Professions Code, to read:

33 4986.82. A licensed educational psychologist may
34 apply to the board to request that his or her license be
35 placed on inactive status. Licensees who hold an inactive
36 license shall pay a biennial fee of half of the active renewal
37 fee. Licensees shall be subject to this chapter and shall not
38 engage in the practice of educational psychology in this
39 state. Licensees on inactive status who have not
40 committed any acts or crimes constituting grounds for



1 denial of licensure may, upon their request, have their
2 license to practice educational psychology placed on
3 active status. Licensees requesting their license be placed
4 on active status between renewal cycles shall pay the
5 remaining half of their renewal fee.

6 SEC. 16. Section 4992.36 of the Business and
7 Professions Code is amended to read:

8 4992.36. The board may deny any application, or may
9 suspend or revoke any license or registration issued under
10 this chapter, for any of the following:

11 (a) ~~The Denial of licensure,~~ revocation, suspension,
12 ~~restriction, or any other disciplinary action imposed by~~
13 ~~another state or territory of the United States, or by any~~
14 ~~other governmental agency, on a license, certificate, or~~
15 ~~registration issued by that state to practice as a clinical~~
16 ~~social worker issued by that state to a licensee, work or~~
17 ~~any other healing art shall constitute grounds for~~
18 ~~disciplinary action for unprofessional conduct against the~~
19 ~~licensee or registrant in this state.~~ A certified copy of the
20 ~~disciplinary action~~ decision or judgment of the other state
21 shall be conclusive evidence of that action.

22 (b) ~~The revocation, suspension, or other disciplinary~~
23 ~~action by the Board of Psychology, or equivalent action~~
24 ~~in another state, of a license or certificate to practice~~
25 ~~psychology issued by this state or another state to a~~
26 ~~licensee or registrant, shall constitute grounds for~~
27 ~~disciplinary action for unprofessional conduct against the~~
28 ~~licensee or registrant under this chapter.~~

29 (c) ~~The revocation~~ *Revocation*, suspension, or other
30 ~~discipline~~ *restriction* by the board of a license or
31 certificate, or registration to practice ~~marriage~~
32 ~~counseling~~ or marriage, family, and child counseling, or
33 educational psychology ~~to~~ *against* a licensee or registrant
34 shall also constitute grounds for disciplinary action for
35 unprofessional conduct ~~against such licensee or registrant~~
36 under this chapter.

37 SEC. 17. Section 4996.3 of the Business and
38 Professions Code is amended to read:

39 4996.3. (a) Each application for *written* examination
40 received on or after January 1, ~~1996~~ *1999*, shall be



1 accompanied by an application fee of one hundred dollars
2 (\$100) and a fee of up to one hundred fifty dollars (\$150),
3 including the examination fee and related administrative
4 costs for the written examination ~~and. After successfully~~
5 ~~passing the written examination, each applicant shall~~
6 ~~submit two hundred dollars (\$200) for the oral~~
7 ~~examination, that shall be deposited by the board into the~~
8 ~~State Treasury to the credit of the Behavioral Sciences~~
9 ~~Fund. Applicants failing to appear for any examination,~~
10 ~~once having been scheduled, shall forfeit any~~
11 ~~examination fees paid.~~

12 (b) The fee for rescoring a written examination shall
13 be twenty dollars (\$20). The fee for an appeal of an oral
14 examination shall be one hundred dollars (\$100).

15 (c) The fee for issuance of the initial license shall be a
16 maximum of one hundred fifty-five dollars (\$155).

17 SEC. 18. Section 4996.4 of the Business and
18 Professions Code is amended to read:

19 4996.4. Notwithstanding Section 4996.3, an applicant
20 who has failed the written examination may apply for
21 reexamination upon payment of the fee of up to one
22 hundred fifty dollars (\$150) including the examination
23 fee and related administrative costs and an applicant who
24 has failed the oral examination may apply for
25 reexamination upon payment of the fee of two hundred
26 dollars (\$200), ~~if he or she applies within the 12-month~~
27 ~~period subsequent to failure of the examination. —Persons~~
28 ~~An applicant who fails any written or oral examination~~
29 ~~may within one year from the notification date of failure,~~
30 ~~retake that examination as regularly scheduled, without~~
31 ~~further application, upon payment of the required~~
32 ~~examination fees. Thereafter, the applicant shall not be~~
33 ~~eligible for further examination until he or she files a new~~
34 ~~application, meets all current requirements, and pays all~~
35 ~~fees required. Applicants failing to appear for~~
36 ~~reexamination, once having been scheduled, shall forfeit~~
37 ~~any reexamination fees paid.~~

38 SEC. 19. Section 4996.6 of the Business and
39 Professions Code is amended to read:



1 4996.6. (a) The renewal fee for licenses that expire
2 on or after January 1, 1996, shall be a maximum of one
3 hundred fifty-five dollars (\$155) and shall be collected on
4 a biennial basis by the board in accordance with Section
5 152.6. The fees shall be deposited in the State Treasury to
6 the credit of the Behavioral Sciences Fund.

7 (b) If the license is renewed ~~more than 30 days~~ after
8 its expiration, the licensee shall, as a condition precedent
9 to renewal, also pay a delinquency fee of seventy-five
10 dollars (\$75).

11 Any person who permits his or her license to become
12 delinquent may have it restored ~~only~~ *at any time within*
13 *five years after its expiration* upon the payment of all fees
14 that he or she would have paid if the license had not
15 become delinquent, plus the payment of ~~any~~ *and* all
16 delinquency fees.

17 *A license that is not renewed within five years after its*
18 *expiration may not be renewed, restored, reinstated, or*
19 *reissued thereafter; however the licensee may apply for*
20 *and obtain a new license if:*

21 *(1) No fact, circumstance, or condition exists that, if*
22 *the license were issued, would justify its revocation or*
23 *suspension.*

24 *(2) He or she pays the fees that would be required if*
25 *he or she were applying for a license for the first time.*

26 *(3) He or she takes and passes the current licensing*
27 *examinations.*

28 (c) The fee for issuance of any replacement
29 registration, license, or certificate shall be twenty dollars
30 (\$20).

31 (d) The fee for issuance of a certificate or letter of good
32 standing shall be twenty-five dollars (\$25).

33 SEC. 20. Section 4996.7 of the Business and
34 Professions Code is amended to read:

35 4996.7. A ~~license licensee~~ shall ~~be displayed~~ *display his*
36 *or her license in a conspicuous place* in the licensee's
37 primary place of practice.

38 SEC. 21. Section 4996.18 of the Business and
39 Professions Code is amended to read:



1 4996.18. (a) Any person who wishes to be credited
2 with experience toward licensure requirements shall
3 ~~apply to register with the board for registration~~ as an
4 associate clinical social worker prior to obtaining that
5 experience. The application shall be made on a form
6 prescribed by the board and shall be accompanied by a
7 fee of ninety dollars (\$90). An applicant for registration
8 shall (1) possess a master's degree from an accredited
9 school or department of social work; and (2) not have
10 committed any crimes or acts constituting grounds for
11 denial of licensure under Section 480. On and after
12 January 1, 1993, an applicant who possesses a master's
13 degree from a school or department of social work that is
14 a candidate for accreditation by the Commission on
15 Accreditation of the Council on Social Work Education
16 shall be eligible, and shall be required, to register as an
17 associate clinical social worker in order to gain experience
18 toward licensure if the applicant has not committed any
19 crimes or acts that constitute grounds for denial of
20 licensure under Section 480. That applicant shall not,
21 however, be eligible for examination until the school or
22 department of social work has received accreditation by
23 the Commission on Accreditation of the Council on Social
24 Work Education.

25 (b) Registration as an associate clinical social worker
26 shall expire one year from the last day of the month
27 during which it was issued. A registration may be
28 renewed annually after initial registration by filing an
29 application for renewal and paying a renewal fee of
30 seventy-five dollars (\$75) on or before the date on which
31 the registration expires. Each person who registers or has
32 registered as an associate clinical social worker, may
33 retain that status for a total of six years.

34 (c) Notwithstanding the limitations on the length of
35 an associate registration in subdivision (b), an associate
36 may apply for, and the board shall grant, one-year
37 extensions beyond the six-year period when no grounds
38 exist for denial, suspension, or revocation of the
39 registration pursuant to Section 480. An associate shall be
40 eligible to receive a maximum of three one-year



1 extensions. An associate who practices pursuant to an
2 extension shall not practice independently and shall
3 comply with all requirements of this chapter governing
4 experience, including supervision, even if the associate
5 has completed the hours of experience required for
6 licensure. Each extension shall commence on the date
7 when the last associate renewal or extension expires. An
8 application for extension shall be made on a form
9 prescribed by the board and shall be accompanied by a
10 renewal fee of fifty dollars (\$50). An associate who is
11 granted this extension may work in all work settings
12 authorized pursuant to this chapter.

13 (d) Experience gained before January 1, 1990, shall be
14 credited toward the licensure requirements so long as the
15 applicant applies for registration not later than
16 December 31, 1989, and that registration is thereafter
17 granted by the board.

18 (e) A registrant shall not provide clinical social work
19 services to the public for a fee, monetary or otherwise,
20 except as an employee of the licensed person by whom
21 the registrant is being supervised.

22 (f) Within 30 days of employment or termination of
23 employment, a registrant employed by a person who
24 meets the requirements of subdivision (b) of Section
25 4996.20 shall notify the board in writing of the
26 employment or termination of employment. The notice
27 shall include the name of the registrant, the full name and
28 business address of the employer, the employer's license
29 number, and the date employment commenced or
30 terminated. If a registrant fails to notify the board within
31 30 days after the date of his or her employment or
32 termination of employment, the board shall not accept
33 any hours of experience gained during that period for the
34 purposes of meeting the experience requirements for
35 licensure.

36 (g) A registrant shall inform each client or patient
37 prior to performing any professional services that he or
38 she is unlicensed and is under the supervision of a licensed
39 professional.



1 (h) Any experience obtained under the supervision of
2 a spouse or relative by blood or marriage shall not be
3 credited toward the required hours of supervised
4 experience. Any experience obtained under the
5 supervision of a supervisor with whom the applicant has
6 a personal relationship that undermines the authority or
7 effectiveness of the supervision shall not be credited
8 toward the required hours of supervised experience.

9 (i) An applicant who possesses a master's degree from
10 an approved school or department of social work shall be
11 able to apply experience the applicant obtained during
12 the time the approved school or department was in
13 candidacy status by the Commission on Accreditation of
14 the Council on Social Work Education toward the
15 licensure requirements, if the experience meets the
16 requirements of Section 4996.20. This subdivision shall
17 apply retroactively to persons who possess a master's
18 degree from an approved school or department of social
19 work and who obtained experience during the time the
20 approved school or department was in candidacy status
21 by the Commission on Accreditation of the Council on
22 Social Work Education.

23 SEC. 22. Section 4997 is added to the Business and
24 Professions Code, to read:

25 4997. A licensed clinical social worker may apply to
26 the board to request that his or her license be placed on
27 inactive status. Licensees who hold an inactive license
28 shall pay a biennial fee of half of the active renewal fee.
29 Licensees holding an inactive license shall be exempt
30 from continuing education requirements specified in
31 Section 4996.22, but shall otherwise be subject to this
32 chapter and shall not engage in the practice of licensed
33 clinical social work in this state. Licensees on inactive
34 status who have not committed any acts or crimes
35 constituting grounds for denial of licensure and have
36 completed any required continuing education equivalent
37 to that required for a single renewal period may, upon
38 their request, have their license to practice licensed
39 clinical social work placed on active status. Licensees
40 requesting their license be placed on active status



1 between renewal cycles shall pay the remaining half of
2 their renewal fee.

3 SEC. 23. Section 6980.12 of the Business and
4 Professions Code is amended to read:

5 6980.12. This chapter does not apply to the following
6 persons:

7 (a) Any person, or his or her agent or employee, who
8 is the manufacturer of a product, other than locks and
9 keys, and who installs, repairs, opens, or modifies locks or
10 who makes keys for the locks of that product as a normal
11 incident to its marketing.

12 (b) Employees who are industrial or institutional
13 locksmiths, provided that the employees provide
14 locksmith services only to a single employer that does not
15 provide locksmith services for hire to the public.

16 (c) Tow truck operators who do not originate keys for
17 locks and whose locksmith services are limited to motor
18 vehicles.

19 (d) Any person employed exclusively and regularly by
20 a state correctional institution.

21 (e) Any person registered with the bureau pursuant to
22 Chapter 11 (commencing with Section 7500) if the duties
23 of that person's position that constitute locksmithing are
24 ancillary to the primary duties and functions of that
25 person's position.

26 (f) Any agent or employee of a retail establishment
27 that has a primary business other than providing
28 locksmith services, providing all of the following criteria
29 are met:

30 (1) The services provided by the retail establishment
31 are limited to rekeying and recombination of locks.

32 (2) All rekeying, recombination, and installation of
33 locks must take place on the premises of the retail
34 establishment.

35 (3) All rekeying, recombination, and installation
36 services provided by the retail establishment subject to
37 this chapter are limited to locks purchased on the retail
38 establishment's premises and are conducted prior to
39 purchasers taking possession of the locks.



1 (4) No unlicensed agent or employee of the retail
2 establishment shall advertise or represent himself or
3 herself to be licensed under this chapter, and no agent or
4 employee of the retail establishment shall advertise or
5 represent himself or herself to be a locksmith.

6 (5) No agent or employee of the retail establishment
7 shall design or implement a master key system, as defined
8 in subdivision (o) of Section 6980.

9 (6) No agent or employee of the retail establishment
10 shall rekey, change the combination of, alter, or install
11 any automotive locks.

12 (7) The retail establishment shall not have on its
13 premises any locksmith tool, as defined in subdivision (s)
14 of Section 6980, other than the following:

15 (A) Key duplication machines.

16 (B) Key blanks.

17 (C) Pin kits.

18 (g) Any law enforcement officer employed by any
19 city, county, city and county, state, or federal law
20 enforcement agency, if all services are performed during
21 the course of the officer's professional duties.

22 (h) Firefighters or emergency medical personnel
23 employed by any city, county, city and county, district, or
24 state agency, if all services are performed during the
25 course of duties as a firefighter or emergency medical
26 person.

27 (i) *Licensed contractors holding the appropriate*
28 *specialty certification for locksmith-contractors.*

29 SEC. 24. Section 9880.1 of the Business and
30 Professions Code is amended to read:

31 9880.1. The following terms as used in this chapter
32 have the meaning expressed in this section.

33 (a) "Automotive repair dealer" means a person who,
34 for compensation, engages in the business of repairing or
35 diagnosing malfunctions of motor vehicles.

36 (b) "Chief" means the Chief of the Bureau of
37 Automotive Repair.

38 (c) "Bureau" means the Bureau of Automotive
39 Repair.



1 (d) “Motor vehicle” means a passenger vehicle
2 required to be registered with the Department of Motor
3 Vehicles and all motorcycles whether or not required to
4 be registered by the Department of Motor Vehicles.

5 (e) “Repair of motor vehicles” means all maintenance
6 of and repairs to motor vehicles performed by an
7 automotive repair dealer including automotive body
8 repair work, but excluding those repairs made pursuant
9 to a commercial business agreement and also excluding
10 repairing tires, changing tires, lubricating vehicles,
11 installing light bulbs, batteries, windshield wiper blades
12 and other minor accessories, cleaning, adjusting, and
13 replacing spark plugs, replacing fan belts, oil, and air
14 filters, and other minor services, which the director, by
15 regulation, determines are customarily performed by
16 gasoline service stations.

17 No service shall be designated as minor, for purposes of
18 this section, if the director finds that performance of the
19 service requires mechanical expertise, has given rise to a
20 high incidence of fraud or deceptive practices, or
21 involves a part of the vehicle essential to its safe
22 operation.

23 (f) “Person” includes firm, partnership, association,
24 limited liability company, or corporation.

25 (g) ~~A “mechanic”~~ An “*automotive technician*” is an
26 employee of an automotive repair dealer or is that dealer,
27 if the employer or dealer repairs motor vehicles and who
28 for salary or wage performs maintenance, *diagnostics*,
29 repair, removal, or installation of any integral component
30 parts of an engine, driveline, chassis or body of any
31 vehicle, but excluding repairing tires, changing tires,
32 lubricating vehicles, installing light bulbs, batteries,
33 windshield wiper blades, and other minor accessories;
34 cleaning, replacing fan belts, oil and air filters; and other
35 minor services which the director, by regulation,
36 determines are customarily performed by a gasoline
37 service station.

38 (h) “Director” means the Director of Consumer
39 Affairs.



1 (i) “Commercial business agreement” means an
2 agreement, whether in writing or oral, entered into
3 between a business or commercial enterprise and an
4 automobile repair dealer, prior to the repair which is
5 requested being made, which agreement contemplates a
6 continuing business arrangement under which the
7 automobile repair dealer is to repair any vehicle covered
8 by the agreement, but does not mean any warranty or
9 extended service agreement normally given by an
10 automobile repair facility to its customers.

11 SEC. 25. Section 9882.5 of the Business and
12 Professions Code is amended to read:

13 9882.5. The director shall on his *or her* own initiative
14 or in response to complaints, investigate on a continuous
15 basis and gather evidence of violations of this chapter and
16 of any regulation adopted pursuant to this chapter, by any
17 automotive repair dealer or ~~mechanic~~ *automotive*
18 *technician*, whether registered or not, and by any
19 employee, partner, officer, or member of any automotive
20 repair dealer. The director shall establish procedures for
21 accepting complaints from the public against any dealer
22 or ~~mechanic~~ *automotive technician*. The director may
23 suggest measures that, in the director’s judgment, would
24 compensate for any damages suffered as a result of an
25 alleged violation. If the dealer accepts the suggestions
26 and performs accordingly, such fact shall be given due
27 consideration in any subsequent disciplinary proceeding.

28 SEC. 26. Section 9884.7 of the Business and
29 Professions Code is amended to read:

30 9884.7. ~~(1)~~~~(a)~~ The director, where the automotive
31 repair dealer cannot show there was a bona fide error,
32 may refuse to validate, or may invalidate temporarily or
33 permanently, the registration of an automotive repair
34 dealer for any of the following acts or omissions related to
35 the conduct of the business of the automotive repair
36 dealer, which are done by the automotive repair dealer
37 or any ~~mechanic~~ *automotive technician*, employee,
38 partner, officer, or member of the automotive repair
39 dealer.

40 ~~(a)~~



1 (1) Making or authorizing in any manner or by any
2 means whatever any statement written or oral which is
3 untrue or misleading, and which is known, or which by
4 the exercise of reasonable care should be known, to be
5 untrue or misleading.

6 ~~(b)~~

7 (2) Causing or allowing a customer to sign any work
8 order which does not state the repairs requested by the
9 customer or the automobile's odometer reading at the
10 time of repair.

11 ~~(c)~~

12 (3) Failing or refusing to give to a customer a copy of
13 any document requiring his or her signature, as soon as
14 the customer signs the document.

15 ~~(d)~~

16 (4) Any other conduct which constitutes fraud.

17 ~~(e)~~

18 (5) Conduct constituting gross negligence.

19 ~~(f)~~

20 (6) Failure in any material respect to comply with the
21 provisions of this chapter or regulations adopted pursuant
22 to it.

23 ~~(g)~~

24 (7) Any willful departure from or disregard of
25 accepted trade standards for good and workmanlike
26 repair in any material respect, which is prejudicial to
27 another without consent of the owner or his or her duly
28 authorized representative.

29 ~~(h)~~

30 (8) Making false promises of a character likely to
31 influence, persuade, or induce a customer to authorize
32 the repair, service, or maintenance of automobiles.

33 ~~(i)~~

34 (9) Having repair work done by someone other than
35 the dealer or his or her employees without the knowledge
36 or consent of the customer unless the dealer can
37 demonstrate that the customer could not reasonably have
38 been notified.

39 ~~(j)~~



1 (10) Conviction of a violation of Section 551 of the
2 Penal Code.

3 Upon refusal to validate a registration, the director shall
4 notify the applicant thereof, in writing, by personal
5 service or mail addressed to the address of the applicant
6 set forth in the application, and the applicant shall be
7 given a hearing under Section 9884.12 if, within 30 days
8 thereafter, he or she files with the bureau a written
9 request for hearing, otherwise the refusal is deemed
10 affirmed.

11 ~~(2)~~

12 (b) Except as provided for in subdivision ~~(3)~~(c),
13 ~~where~~ if an automotive repair dealer operates more than
14 one place of business in this state, the director pursuant
15 to subdivision ~~(4)~~(a) shall only refuse to validate, or shall
16 only invalidate temporarily or permanently the
17 registration of the specific place of business which has
18 violated any of the provisions of this chapter. This
19 violation, or action by the director, shall not affect in any
20 manner the right of the automotive repair dealer to
21 operate his or her other places of business.

22 ~~(3)~~

23 (c) Notwithstanding subdivision ~~(2)~~—(b), the director
24 may refuse to validate, or may invalidate temporarily or
25 permanently, the registration for all places of business
26 operated in this state by an automotive repair dealer
27 upon a finding that the automotive repair dealer has, or
28 is, engaged in a course of repeated and willful violations
29 of this chapter, or regulations adopted pursuant to it.

30 SEC. 27. Section 9889.30 of the Business and
31 Professions Code is repealed.

32 ~~9889.30. The Legislature hereby intends to create a~~
33 ~~program to be known as the Better Auto Repair Program~~
34 ~~to assist California motor vehicle owners in selecting a~~
35 ~~competent automotive repair facility, through a system~~
36 ~~that is simple, accurate, and regularly updated.~~

37 ~~The Legislature recognizes the great dilemma faced by~~
38 ~~California motorists, in a state that has the most~~
39 ~~mechanically mobile population in the history of~~
40 ~~mankind, yet one in which widespread dissatisfaction~~



1 ~~exists over repair facilities available to maintain and~~
2 ~~repair motor vehicles.~~

3 ~~The Legislature, in establishing this program, also~~
4 ~~recognizes dilemmas faced by the automotive repair~~
5 ~~industry, with the increasing complexity and diversity of~~
6 ~~the modern automobile, the wide variety of expertise~~
7 ~~exercised by the 33,000 automotive repair facilities in the~~
8 ~~state, and the difficulties faced by any industry effort to~~
9 ~~establish and maintain industry wide standards,~~
10 ~~particularly when faced with a shrinking labor pool of~~
11 ~~journeymen and veteran mechanics automotive~~
12 ~~technicians. It recognizes the desire of the overwhelming~~
13 ~~majority of repair shops to provide honest, competent~~
14 ~~repair, and the social and economic necessity for such~~
15 ~~service. The Legislature believes that this voluntary~~
16 ~~program will meet the needs of both segments.~~

17 ~~The program shall be set up on a pilot study basis and~~
18 ~~shall terminate on December 31, 1987. The study area~~
19 ~~shall include the portions of Sacramento, Placer, Yolo, San~~
20 ~~Joaquin, Yuba, and Sutter Counties as the Bureau of~~
21 ~~Automotive Repair may designate, with an emphasis to~~
22 ~~be placed on the more heavily populated areas.~~

23 SEC. 28. Section 9889.31 of the Business and
24 Professions Code is amended to read:

25 9889.31. (a) The bureau shall establish standards for
26 the certification of automotive repair facilities. These
27 standards shall relate to ~~meehanies~~² *automotive*
28 *technicians*' qualifications, financial stability, warranties
29 for repair work, customer satisfaction, quality of repair
30 equipment, and other relevant criteria as determined by
31 the bureau.

32 (b) An automotive repair facility that meets the
33 certification standards and maintains them shall be
34 authorized to display both an emblem and a document of
35 certification specifying the area or areas of automotive
36 repair for which the facility has met certification
37 standards. The emblem and document of certification
38 shall be the property of the State of California and shall
39 remain so even when issued to a facility for display.



1 (c) The bureau shall regularly publish a list of certified
 2 automotive repair facilities in the pilot study area, and
 3 shall make the list available for free public distribution.

4 (d) As used in this article, an “automotive repair
 5 facility” means an automotive repair dealer registered
 6 pursuant to Section 9884 and the preponderance of whose
 7 motor vehicle repair work is to passenger vehicles,
 8 excluding motorcycles or other specialty vehicles.

9 SEC. 29. Section 9889.32 of the Business and
 10 Professions Code is amended to read:

11 9889.32. The bureau shall promulgate standards for
 12 the certification of automotive repair facilities, which
 13 shall include, but not be limited to, the following:

14 (a) ~~Mechanics~~^{Automotive technicians}
 15 qualifications. As a requirement for certification, a facility
 16 must employ at least one ~~mechanic~~^{automotive}
 17 ~~technician~~^{technician} in each service area in which it offers repair
 18 services who meets one or more of the following
 19 requirements:

20 (1) The satisfactory completion of written or practical
 21 examinations relating to automotive repair, such as those
 22 offered by national or regional automotive organizations.

23 (2) The satisfactory completion of apprenticeship
 24 training programs in the field of automotive repair.

25 (3) Specified years of practical experience in
 26 automotive repair.

27 (4) The satisfactory completion of other training
 28 programs or other measures of qualification which the
 29 bureau shall adopt by regulation in accordance with
 30 Chapter 3.5 (commencing with Section 11340) of Part 1
 31 of Division 3 of Title 2 of the Government Code.

32 A facility which employs 10 or fewer ~~mechanics~~
 33 ~~automotive technicians~~^{automotive technicians} may be certified in one or more
 34 repair areas based on the qualifications of one ~~mechanic~~
 35 ~~automotive technician~~^{automotive technician}.

36 (b) Standards of financial responsibility and stability,
 37 including a minimum period of six months of doing
 38 business as an automotive repair facility in the State of
 39 California, a satisfactory credit rating, and adequate
 40 property damage and liability insurance coverage.



1 (c) Standards of warranty, including a minimum
2 guarantee on all repairs of at least three months or 3,000
3 miles, whichever occurs first, except that the bureau may
4 establish higher minimum standards in areas of repairs in
5 which the industry standards exceed the above
6 minimums.

7 (d) Acceptable levels of customer satisfaction. The
8 bureau shall devise methods to measure customer
9 satisfaction, which may include, but are not limited to,
10 postcard surveys, to determine if the facility meets an
11 acceptable level of customer satisfaction. The surveys
12 shall include a statement informing the respondents that
13 the survey is a routine and regular part of the certification
14 process, taken among customers of all shops, and aimed
15 at measuring and helping to maintain the level of
16 customer satisfaction among repair facilities.

17 (e) Standards for repair equipment, including proper
18 calibration and maintenance standards, and types of
19 repair equipment required.

20 It shall be the responsibility of the bureau to
21 promulgate these standards ~~with the assistance and~~
22 ~~advice of the board and~~ in accordance with the provisions
23 of Chapter 3.5 (commencing with Section 11340) of Part
24 1 of Division 3 of Title 2 of the Government Code, except
25 that these standards shall only be adopted after at least
26 two public hearings have been held in the pilot study
27 area.

28 SEC. 30. Section 9889.33 of the Business and
29 Professions Code is amended to read:

30 9889.33. The bureau shall promulgate, in accordance
31 with the provisions of Chapter 3.5 (commencing with
32 Section 11340) of Part 1 of Division 3 of Title 2 of the
33 Government Code, rules and regulations relating to the
34 certification of registered automotive repair facilities,
35 which shall include, but not be limited to, rules and
36 regulations setting forth the following:

37 (a) An application procedure for interested
38 automotive repair dealers and an onsite inspection
39 procedure to be performed by the bureau staff to
40 determine compliance with standards for certification



1 established pursuant to Sections 9889.31 and 9889.32. As
2 part of the application procedure, the applicant shall be
3 required to post “A Notice to Employees of Intent to Seek
4 Certification.” The notice shall be prepared by the
5 bureau and shall be posted by the applicant in a place
6 conspicuous to ~~his or her~~ *the applicant's* employees but
7 not to the public. The notice shall explain briefly the
8 certification program and how further information may
9 be obtained.

10 (1) The bureau shall establish standards for
11 certification in the following areas of automotive repair:

12 (A) Engine tune-up and emissions control repair.

13 (B) Brake repair.

14 (C) Electrical repair.

15 (D) Air conditioning and heating repair.

16 (E) Minor engine repair.

17 (F) Manual transmission repair.

18 (G) Automatic transmission repair.

19 (H) Major engine repair.

20 (I) Front end alignment and repair.

21 (2) The procedures shall set forth the basic
22 requirements for application and certification in one or
23 more of these areas of automotive repair. Every
24 automotive repair facility for which an application for
25 certification has been made shall be required to meet
26 certification standards in each area of automotive repair
27 listed above in which it offers services.

28 This provision shall not be construed to prohibit an
29 automotive repair facility that is certified in one area
30 from performing emergency repairs in another area for
31 which it is not certified if the safety of a motorist or others
32 is involved, or from offering or performing repair work or
33 related services in areas other than the areas listed above.

34 (3) Any certified automotive repair facility may sublet
35 or subcontract repair work in any area for which it is
36 certified. The subcontractor need not be certified, but the
37 certified automotive repair facility shall be responsible
38 for the repairs performed by the subcontractor in the
39 same manner as if the repairs were performed by the
40 certified automotive repair facility. The bureau may



1 place a ceiling on the percentage of repairs that a
2 certified automotive repair facility may sublet, if the
3 bureau deems it necessary to protect the integrity and
4 purpose of the certification program.

5 (4) A dealer applying for certification who sublets or
6 plans to sublet any part of the repairs in an area for which
7 he or she seeks certification shall so state in his or her
8 original application or by followup notification to the
9 chief. ~~Such a~~ *That* dealer shall not be required to employ
10 ~~a mechanic~~ *an automotive technician* who meets the
11 qualifications set forth in subdivision (a) of Section
12 9889.32 for that service area.

13 (b) A certification procedure that ~~shall include~~
14 *includes* an investigation by the bureau staff and a final
15 decision by the chief that the automotive repair facility
16 does or does not meet the minimum standards required
17 for certification.

18 Any dealer whose facility has been denied certification
19 shall be provided, pursuant to Section 9889.34, with a
20 notice specifying why certification was denied and what
21 the dealer may do to obtain certification.

22 A dealer whose application for certification has been
23 denied because of specified deficiencies shall have the
24 right to submit to the bureau evidence of the correction
25 of ~~such~~ *those* deficiencies and to request, in writing, that
26 the application for certification be reevaluated in light of
27 that evidence. The bureau shall be required to reevaluate
28 an application for certification within three months after
29 receiving a request to do so. A dealer shall be permitted
30 to make only one request for reevaluation, but may apply
31 for certification once every three months.

32 (c) A decertification procedure that ~~shall include~~
33 *includes* onsite and other inspections deemed necessary,
34 and notification by the chief to the automotive repair
35 dealer regarding those areas in which the facility fails to
36 meet certification standards, and specifying any
37 corrective action that must be performed by the dealer
38 within a specified time period, not exceeding 30 days, in
39 order to retain certification.



1 If, in the opinion of the chief, the dealer has failed to
2 correct the deficiencies within the allotted time period,
3 the chief may, pending any final decision on
4 decertification, revoke the dealer's right to display on the
5 premises, and may physically remove from the premises
6 of the facility, any emblem or document of certification
7 issued by the bureau.

8 A dealer whose facility has been decertified shall have
9 the right to apply for recertification 180 days after all
10 appeals have been taken and the decision regarding
11 decertification has become final.

12 (d) An appeals procedure ~~which shall provide that~~
13 *provides* an automotive repair dealer with the following
14 two methods of appealing an adverse decision of the chief
15 relating to decertification or refusal to grant certification:

16 (1) A dealer whose application for certification has
17 been denied or whose facility has been decertified shall
18 have the right to appeal that decision to the ~~board~~ *bureau*
19 which after giving the dealer written notice of an
20 opportunity to appear and present his or her case before
21 the ~~board~~ *bureau*, may, upon a majority vote of the full
22 board, recommend to the chief that a decision of the chief
23 regarding denial of certification or decertification be
24 changed. If the dealer is not satisfied with the
25 recommendation of the ~~board~~ *bureau*, he or she may file
26 an action pursuant to the provisions of the Administrative
27 Procedure Act, Chapter 5 (commencing with Section
28 11500) of Part 1 of Division 3 of Title 2 of the Government
29 Code and the dealer shall have all the rights afforded
30 under that act.

31 (2) A dealer whose application for certification has
32 been denied or whose facility has been decertified shall
33 also have the right to appeal that decision by bypassing an
34 appeal to the ~~board~~ *bureau* pursuant to paragraph (1)
35 and instead directly filing an action pursuant to the
36 provisions of the Administrative Procedure Act, Chapter
37 5 (commencing with Section 11500) of Part 1 of Division
38 3 of Title 2 of the Government Code and the dealer shall
39 have all the rights afforded under that act.



1 Notwithstanding any other provision of law, any action
2 filed pursuant to this section and any documents related
3 thereto shall become a matter of public record only under
4 the conditions set forth in Section 9889.47.

5 (e) A procedure for annual recertification which shall
6 be based on the current standards for certification.

7 SEC. 31. Section 22448 is added to the Business and
8 Professions Code, to read:

9 22448. Any action to enforce any cause of action
10 pursuant to this chapter shall be commenced within four
11 years after the cause of action has accrued. The cause of
12 action is not to be deemed to have accrued until the
13 discovery, by the aggrieved party, of the facts
14 constituting the violation.

