

## CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

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**BILL NUMBER:** SB 607                      **VERSION:** AMENDED APRIL 13, 2021

**AUTHOR:** ROTH                              **SPONSOR:** AUTHOR

**RECOMMENDED POSITION:** NONE

**SUBJECT:** PROFESSIONS AND VOCATIONS

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### **Summary**

The portion of this bill that is applicable to the Board would require licensing boards within the Department of Consumer Affairs (DCA) to waive all fees charged associated with application and initial license for an applicant with a current license in the same profession in another state who is married to or in a domestic partnership with an active duty member of the U.S. Armed Forces who is assigned to duty in California.

### **Existing Law:**

- 1) Allows a licensee or registrant of any board, commission, or bureau within DCA to reinstate their license without examination or penalty if the license expired while they were on active duty with the California National Guard or the United States Armed Forces, if certain conditions are met. (Business and Professions Code (BPC) §114)
- 2) Requires boards under DCA to waive continuing education requirements and renewal fees for a licensee or registrant while they are called to active duty as a military member if they held a current and valid license or registration upon being called to active duty, and substantiate the active duty service. (Business and Professions Code (BPC) §114.3)
- 3) Requires every board under DCA to ask on all licensure applications if the individual serves, or has previously served, in the military. (BPC §114.5)
- 4) Requires Boards under DCA to expedite the licensure process for applicants who are honorably discharged from the military, or who are spouses of active military members and who are already licensed in the same profession in another state. (BPC §§115.4, 115.5)

### **This Bill:**

The portion of this bill applicable to this Board (BPC §115.5) is as follows:

- 1) Requires licensing boards within DCA to waive all fees charged by the board associated with the application and initial license for an applicant who meets the following criteria (BPC §115.5):
  - a) Is married to or in a domestic partnership with an active duty member of the U.S. Armed Forces who is assigned to duty in California; and
  - b) Holds a current license for the same profession in another state or territory.

**Comments:**

- 1) **Author's Intent.** The author is seeking to ease some of the burden placed on military families who move frequently.
- 2) **Fees Waived.** This bill requires the Board to waive all fees charged by the board associated with the application and initial license for a military spouse who qualifies for an expedited license.

The fees that the Board charges that are associated with the application and initial license are as follows:

- Associate registration: \$150
- Associate renewal: \$150
- Application for licensure: \$250
- Law and ethics exam: \$150
- Clinical exam (only charged by the Board for LMFTs): \$250
- Initial license issuance: \$200

As the bill does not specify which specific fees are waived, the Board would likely need to run regulations to specify which fees are waived. For example, it is unclear if the associate renewal fee is intended by the bill to be a waived fee.

It is also unclear how this bill would affect the charging of the clinical exam fee. For the Board's LPCC and LCSW license types, the clinical exam is a national exam that is paid directly to the testing entity. However, for the LMFT license type, the clinical exam is board-administered, so those applicants pay the fee to the board. The language of the bill implies the fee waivers apply only to fees charged by the board, so it appears the clinical exam fee would not be waived for LPCCs and LCSWs.

Also of note is that the above fees do not apply to all license types. LEPs do not have to register as an associate, and they only take one exam. Therefore, not all of the above fees apply to them.

Finally, the additional above listed fees may not apply to someone who is licensed in the same profession in another state if they have held that license for at least two years, and otherwise qualify under the Board's licensure by credential pathway. Most (but not all) military spouses who qualify for expedited licensure would also likely qualify for the Board's licensure by credential pathway, which means they

would only need two fees waived: the law and ethics exam fee (\$150) and the initial license issuance fee (\$200).

Staff reached out to the author's staff to determine which fees they intend to waive. They indicated upcoming amendments would clarify the application and initial application fees waived.

### 3) Fiscal Impact.

The past yearly breakdown of the number of military spouses who met the criteria for their license to be expedited is shown below:

2016 - 11  
2017 - 21  
2018 - 20  
2019 - 18  
2020 - 20

This is an average of approximately 18 military spouses per year.

Since to qualify for the expedited license and fee waivers, these military spouses must already be licensed in another state, most of them will also qualify for the Board's licensure by credential pathway (that requires, among other things, an equivalent license held in another state for at least 2 years.)

To calculate the fiscal impact, staff will assume that approx. 75% of the military spouses (14 applicants per year) qualify and pay fees under the streamlined licensure by credential pathway, and 25% of them (4 applicants per year) must qualify under the Board's regular pathway to licensure (meeting all education and experience requirements and paying all fees.) Therefore, the fiscal impact would be as follows:

#### Military spouses qualifying through licensure by credential:

- Assume 14 military spouses per year
- Waived fees: law and ethics exam fee (\$150) and initial license issuance fee (\$200)
- Fiscal impact for these applicants is: 14 applicants per year x (\$150+\$200) = \$4,900

#### Military spouses qualifying through regular pathway to licensure:

- Assume 4 military spouses per year
- Waived fees: associate registration (\$150), associate renewal (assume 1 renewal @\$150), application for licensure (\$250), law and ethics exam (\$150), clinical exam (assume board administered @ \$250), initial license issuance (\$200)
- Fiscal impact for these applicants is: 4 applicants per year x (\$150+\$150+\$250+\$150+\$250+\$200) = \$4,600

**Total Fiscal = \$4,900+\$4,600 = \$9,500**

#### **4) Previous Legislation.**

AB 3045 (Gray, 2020) would have required certain DCA boards to issue a license to an honorably discharged military member or the spouse of an active duty military member if they meet specified requirements. The Board took an “oppose unless amended” position on AB 3045, due to concerns that it would undermine careful work it had just completed with the passage SB 649, which had crafted a fair process to reduce barriers for all out-of-state applicants for licensure while balancing with the need to ensure practitioners are prepared to practice therapy in California’s unique environment. AB 3045 died in the Senate.

AB 703 (Flora, 2017) would have required licensing boards to grant fee waivers for the application for and issuance of an initial license to a person who holds a current license in the same profession in another state and is married to or in a domestic partnership with an active duty member of the U.S. military. The Board did not take a position on this bill. AB 703 died in the Assembly Business and Professions Committee.

SB 27 (Morrell, 2017) would have required licensing boards to grant fee waivers for the application for and issuance of a license to persons who are honorably discharged veterans. The Board had a “support” position on this bill. SB 27 died in the Senate Appropriations Committee.

SB 1155 (Morrell, 2016) would have required licensing boards to grant fee waivers for the application for and issuance of a license to persons who are honorably discharged veterans. The Board had decided not to take a position on this bill. SB 1155 died in the Assembly Appropriations Committee.

AB 1057 (Medina, Chapter 693, Statutes of 2013), requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military. The Board had a “support” position on this bill.

#### **5) Related Legislation.** The following related bills are being proposed this year:

AB 107 (Salas) would require all boards within the Department of Consumer Affairs (DCA) to issue a temporary license to a military spouse if they meet specified requirements.

AB 1026 (Smith) would require DCA boards to grant a 50-percent fee reduction for an initial license to an applicant who provides satisfactory evidence the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged.

AB 1386 (Cunningham) would require licensing boards within DCA to grant fee waivers for the initial or original license fee for a person who holds a current license in the same profession in another state and is married to or in a domestic

partnership with an active duty member of the U.S. Armed Forces who is assigned to duty in California.

## 6) Support and Opposition.

### Support:

- Dental Board of California
- Foundation for Allied Dental Education

### Opposition:

- None at this time.

## 7) History

### 2021

04/21/21 Set for hearing May 3.

04/19/21 From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (April 19). Re-referred to Com. on APPR.

04/13/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E.D.

03/11/21 Set for hearing April 19.

03/03/21 Referred to Com. on B., P. & E.D.

02/22/21 Joint Rule 55 suspended. (Ayes 32. Noes 4. Page 272.)

02/22/21 (Ayes 32. Noes 4.)

02/22/21 Art. IV. Sec. 8(a) of the Constitution dispensed with.

02/19/21 From printer. May be acted upon on or after March 21.

02/18/21 Introduced. Read first time. To Com. on RLS. for assignment. To print.

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AMENDED IN SENATE APRIL 13, 2021

**SENATE BILL**

**No. 607**

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**Introduced by Senator Roth**

February 18, 2021

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An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Section 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to ~~healing arts~~ professions and vocations.

**legislative counsel's digest**

SB 607, as amended, Roth. ~~Dentistry: registered dental assistants in extended practice: clinical or practical examination.~~ Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

~~Existing~~

(2) *Existing* law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

*The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.*

*This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.*

(3) *Existing* law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board.

*This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the*



*applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.*

*(4) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met.*

*This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.*

*(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.*

*This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.*

*(6) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

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

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

1     SECTION 1. Section 115.5 of the Business and Professions  
 2     Code is amended to read:

3     115.5. (a) A board within the department shall expedite the  
 4     licensure process *and waive all fees charged by the board*  
 5     *associated with the application and initial license* for an applicant  
 6     who meets both of the following requirements:

7     (1) Supplies evidence satisfactory to the board that the applicant  
 8     is married to, or in a domestic partnership or other legal union  
 9     with, an active duty member of the Armed Forces of the United  
 10     States who is assigned to a duty station in this state under official  
 11     active duty military orders.

12     (2) Holds a current license in another state, district, or territory  
 13     of the United States in the profession or vocation for which the  
 14     applicant seeks a license from the board.

15     (b) A board may adopt regulations necessary to administer this  
 16     section.

17     SEC. 2. Section 1724 of the Business and Professions Code,  
 18     as added by Section 13 of Chapter 929 of the Statutes of 2018, is  
 19     amended to read:

20     1724. The amount of charges and fees for dentists licensed  
 21     pursuant to this chapter shall be established by the board as is  
 22     necessary for the purpose of carrying out the responsibilities  
 23     required by this chapter as it relates to dentists, subject to the  
 24     following limitations:

25     (a) The fee for an application for licensure qualifying pursuant  
 26     to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
 27     one thousand five hundred dollars (\$1,500). The fee for an  
 28     application for licensure qualifying pursuant to paragraph (2) of

1 subdivision (c) of Section 1632 shall not exceed one thousand  
2 dollars (\$1,000).

3 (b) The fee for an application for licensure qualifying pursuant  
4 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

5 (c) The fee for an application for licensure qualifying pursuant  
6 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

7 (d) The fee for an initial license and for the renewal of a license  
8 is five hundred twenty-five dollars (\$525). On and after January  
9 1, 2016, the fee for an initial license shall not exceed six hundred  
10 fifty dollars (\$650), and the fee for the renewal of a license shall  
11 not exceed six hundred fifty dollars (\$650). On and after January  
12 1, 2018, the fee for an initial license shall not exceed eight hundred  
13 dollars (\$800), and the fee for the renewal of a license shall not  
14 exceed eight hundred dollars (\$800).

15 (e) The fee for an application for a special permit shall not  
16 exceed one thousand dollars (\$1,000), and the renewal fee for a  
17 special permit shall not exceed six hundred dollars (\$600).

18 (f) The delinquency fee shall be 50 percent of the renewal fee  
19 for such a license or permit in effect on the date of the renewal of  
20 the license or permit.

21 (g) The penalty for late registration of change of place of  
22 practice shall not exceed seventy-five dollars (\$75).

23 (h) The fee for an application for an additional office permit  
24 shall not exceed seven hundred fifty dollars (\$750), and the fee  
25 for the renewal of an additional office permit shall not exceed three  
26 hundred seventy-five dollars (\$375).

27 (i) The fee for issuance of a replacement pocket license,  
28 replacement wall certificate, or replacement engraved certificate  
29 shall not exceed one hundred twenty-five dollars (\$125).

30 (j) The fee for a provider of continuing education shall not  
31 exceed five hundred dollars (\$500) per year.

32 (k) The fee for application for a referral service permit and for  
33 renewal of that permit shall not exceed twenty-five dollars (\$25).

34 (l) The fee for application for an extramural facility permit and  
35 for the renewal of a permit shall not exceed twenty-five dollars  
36 (\$25).

37 (m) The fee for an application for an elective facial cosmetic  
38 surgery permit shall not exceed four thousand dollars (\$4,000),  
39 and the fee for the renewal of an elective facial cosmetic surgery  
40 permit shall not exceed eight hundred dollars (\$800).

1 (n) The fee for an application for an oral and maxillofacial  
 2 surgery permit shall not exceed one thousand dollars (\$1,000), and  
 3 the fee for the renewal of an oral and maxillofacial surgery permit  
 4 shall not exceed one thousand two hundred dollars (\$1,200).

5 (o) The fee for an application for a general anesthesia permit  
 6 shall not exceed one thousand dollars (\$1,000), and the fee for the  
 7 renewal of a general anesthesia permit shall not exceed six hundred  
 8 dollars (\$600).

9 (p) The fee for an onsite inspection and evaluation related to a  
 10 general anesthesia or moderate sedation permit shall not exceed  
 11 four thousand five hundred dollars (\$4,500).

12 (q) The fee for an application for a moderate sedation permit  
 13 shall not exceed one thousand dollars (\$1,000), and the fee for the  
 14 renewal of a conscious sedation permit shall not exceed six hundred  
 15 dollars (\$600).

16 (r) The fee for an application for an oral conscious sedation  
 17 permit shall not exceed one thousand dollars (\$1,000), and the fee  
 18 for the renewal of an oral conscious sedation permit shall not  
 19 exceed six hundred dollars (\$600).

20 *(s) The fee for an application for a pediatric minimal sedation*  
 21 *permit shall not exceed one thousand dollars (\$1,000), and the fee*  
 22 *for the renewal of a pediatric minimal sedation permit shall not*  
 23 *exceed six hundred dollars (\$600).*

24 ~~(s)~~  
 25 (t) The fee for a certification of licensure shall not exceed one  
 26 hundred twenty-five dollars (\$125).

27 ~~(t)~~  
 28 (u) The fee for an application for the law and ethics examination  
 29 shall not exceed two hundred fifty dollars (\$250).

30 ~~(u)~~  
 31 (v) This section shall become operative on January 1, 2022.

32 **SECTION 1.**

33 *SEC. 3.* Section 1753 of the Business and Professions Code is  
 34 amended to read:

35 1753. (a) On and after January 1, 2010, the board may license  
 36 as a registered dental assistant in extended functions a person who  
 37 submits written evidence, satisfactory to the board, of all of the  
 38 following eligibility requirements:

1 (1) Current licensure as a registered dental assistant or  
2 completion of the requirements for licensure as a registered dental  
3 assistant.

4 (2) Successful completion of a board-approved course in the  
5 application of pit and fissure sealants.

6 (3) Successful completion of either of the following:

7 (A) An extended functions postsecondary program approved  
8 by the board in all of the procedures specified in Section 1753.5.

9 (B) An extended functions postsecondary program approved  
10 by the board to teach the duties that registered dental assistants in  
11 extended functions were allowed to perform pursuant to board  
12 regulations prior to January 1, 2010, and a course approved by the  
13 board in the procedures specified in paragraphs (1), (2), (5), and  
14 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

15 (4) Passage of a written examination administered by the board.  
16 The board shall designate whether the written examination shall  
17 be administered by the board or by the board-approved extended  
18 functions program.

19 (b) A registered dental assistant in extended functions may apply  
20 for an orthodontic assistant permit or a dental sedation assistant  
21 permit, or both, by providing written evidence of the following:

22 (1) Successful completion of a board-approved orthodontic  
23 assistant or dental sedation assistant course, as applicable.

24 (2) Passage of a written examination administered by the board  
25 that shall encompass the knowledge, skills, and abilities necessary  
26 to competently perform the duties of the particular permit.

27 (c) A registered dental assistant in extended functions with  
28 permits in either orthodontic assisting or dental sedation assisting  
29 shall be referred to as an “RDAEF with orthodontic assistant  
30 permit,” or “RDAEF with dental sedation assistant permit,” as  
31 applicable. These terms shall be used for reference purposes only  
32 and do not create additional categories of licensure.

33 (d) Completion of the continuing education requirements  
34 established by the board pursuant to Section 1645 by a registered  
35 dental assistant in extended functions who also holds a permit as  
36 an orthodontic assistant or dental sedation assistant shall fulfill the  
37 continuing education requirement for such permit or permits.

38 ~~SEC. 2.~~

39 *SEC. 4.* Section 1753.4 of the Business and Professions Code  
40 is repealed.

1     ~~SEC. 3.~~

2     *SEC. 5.* Section 1753.55 of the Business and Professions Code  
3 is amended to read:

4     1753.55. (a) A registered dental assistant in extended functions  
5 is authorized to perform the additional duties as set forth in  
6 subdivision (b) pursuant to the order, control, and full professional  
7 responsibility of a supervising dentist, if the licensee meets one of  
8 the following requirements:

9     (1) Is licensed on or after January 1, 2010.

10    (2) Is licensed prior to January 1, 2010, and has successfully  
11 completed a board-approved course in the additional procedures  
12 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
13 subdivision (b) of Section 1753.5.

14    (b) (1) Determine which radiographs to perform on a patient  
15 who has not received an initial examination by the supervising  
16 dentist for the specific purpose of the dentist making a diagnosis  
17 and treatment plan for the patient. In these circumstances, the  
18 dental assistant in extended functions shall follow protocols  
19 established by the supervising dentist. This paragraph only applies  
20 in the following settings:

21    (A) In a dental office setting.

22    (B) In public health settings, using telehealth, as defined by  
23 Section 2290.5, for the purpose of communication with the  
24 supervising dentist, including, but not limited to, schools, head  
25 start and preschool programs, and community clinics, under the  
26 general supervision of a dentist.

27    (2) Place protective restorations, which for this purpose are  
28 identified as interim therapeutic restorations, and defined as a  
29 direct provisional restoration placed to stabilize the tooth until a  
30 licensed dentist diagnoses the need for further definitive treatment.  
31 An interim therapeutic restoration consists of the removal of soft  
32 material from the tooth using only hand instrumentation, without  
33 the use of rotary instrumentation, and subsequent placement of an  
34 adhesive restorative material. Local anesthesia shall not be  
35 necessary for interim therapeutic restoration placement. Interim  
36 therapeutic restorations shall be placed only in accordance with  
37 both of the following:

38    (A) In either of the following settings:

39    (i) In a dental office setting, under the direct or general  
40 supervision of a dentist as determined by the dentist.

1 (ii) In public health settings, using telehealth, as defined by  
2 Section 2290.5, for the purpose of communication with the  
3 supervising dentist, including, but not limited to, schools, head  
4 start and preschool programs, and community clinics, under the  
5 general supervision of a dentist.

6 (B) After the diagnosis, treatment plan, and instruction to  
7 perform the procedure provided by a dentist.

8 (c) The functions described in subdivision (b) may be performed  
9 by a registered dental assistant in extended functions only after  
10 completion of a program that includes training in performing those  
11 functions, or after providing evidence, satisfactory to the board,  
12 of having completed a board-approved course in those functions.

13 (d) No later than January 1, 2018, the board shall adopt  
14 regulations to establish requirements for courses of instruction for  
15 the procedures authorized to be performed by a registered dental  
16 assistant in extended functions pursuant to this section using the  
17 competency-based training protocols established by the Health  
18 Workforce Pilot Project (HWPP) No. 172 through the Office of  
19 Health Planning and Development. The board shall submit to the  
20 committee proposed regulatory language for the curriculum for  
21 the Interim Therapeutic Restoration to the committee for the  
22 purpose of promulgating regulations for registered dental hygienists  
23 and registered dental hygienists in alternative practice as described  
24 in Section 1910.5. The language submitted by the board shall  
25 mirror the instructional curriculum for the registered dental  
26 assistant in extended functions. Any subsequent amendments to  
27 the regulations that are promulgated by the board for the Interim  
28 Therapeutic Restoration curriculum shall be submitted to the  
29 committee.

30 (e) The board may issue a permit to a registered dental assistant  
31 in extended functions who files a completed application, including  
32 the fee, to provide the duties specified in this section after the board  
33 has determined the registered dental assistant in extended functions  
34 has completed the coursework required in subdivision (c).

35 (f) This section shall become operative on January 1, 2018.

36 ~~SEC. 4.~~

37 *SEC. 6.* Section 1753.6 of the Business and Professions Code  
38 is amended to read:

39 1753.6. (a) Each person who holds a license as a registered  
40 dental assistant in extended functions on the operative date of this

1 section may only perform those procedures that a registered dental  
 2 assistant is allowed to perform as specified in and limited by  
 3 Section 1752.4, and the procedures specified in paragraphs (1) to  
 4 (6), inclusive, until the person provides evidence of having  
 5 completed a board-approved course in the additional procedures  
 6 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
 7 subdivision (b) of Section 1753.5:

- 8 (1) Cord retraction of gingiva for impression procedures.
- 9 (2) Take final impressions for permanent indirect restorations.
- 10 (3) Formulate indirect patterns for endodontic post and core  
 11 castings.
- 12 (4) Fit trial endodontic filling points.
- 13 (5) Apply pit and fissure sealants.
- 14 (6) Remove excess cement from subgingival tooth surfaces with  
 15 a hand instrument.

16 (b) This section shall become operative on January 1, 2010.

17 *SEC. 7. Section 5650.5 is added to the Business and Professions*  
 18 *Code, to read:*

19 *5650.5. (a) Pursuant to Section 144, the board has the*  
 20 *authority to obtain and review criminal offender record*  
 21 *information. The information obtained as a result of the*  
 22 *fingerprinting shall be used in accordance with Section 11105 of*  
 23 *the Penal Code to determine whether the applicant is subject to*  
 24 *denial, suspension, or revocation of a license pursuant to Division*  
 25 *1.5 (commencing with Section 475) or Section 5660, 5675, or 5676.*

26 *(b) As a condition of application for a license, each applicant*  
 27 *shall furnish to the Department of Justice a full set of fingerprints*  
 28 *for the purpose of conducting a criminal history record check and*  
 29 *to undergo a state- and federal- level criminal offender record*  
 30 *information search conducted through the Department of Justice,*  
 31 *as follows:*

32 *(1) The board shall electronically submit to the Department of*  
 33 *Justice fingerprint images and related information required by the*  
 34 *Department of Justice of all landscape architect license applicants*  
 35 *for the purpose of obtaining information as to the existence and*  
 36 *content of a record of state or federal arrests and state or federal*  
 37 *convictions and also information as to the existence and content*  
 38 *of a record of state or federal arrests for which the Department*  
 39 *of Justice establishes that the person is free on bail or on their*  
 40 *recognizance pending trial or appeal.*



1 (2) *When received, the Department of Justice shall transmit*  
2 *fingerprint images and related information received pursuant to*  
3 *this section, to the Federal Bureau of Investigation for the purpose*  
4 *of obtaining a federal criminal history records check. The*  
5 *Department of Justice shall review the information returned from*  
6 *the Federal Bureau of Investigation and compile and disseminate*  
7 *a response to the board.*

8 (3) *The Department of Justice shall provide a state or federal*  
9 *response to the board pursuant to subdivision (p) of Section 11105*  
10 *of the Penal Code.*

11 (4) *The board shall request from the Department of Justice*  
12 *subsequent notification service, as provided pursuant to Section*  
13 *11105.2 of the Penal Code, for persons described in paragraph*  
14 *(1).*

15 (5) *The Department of Justice shall charge the applicant a fee*  
16 *sufficient to cover the cost of processing the request described in*  
17 *this subdivision.*

18 (c) *The applicant shall certify, under penalty of perjury, when*  
19 *applying for a license whether the applicant's fingerprints have*  
20 *been furnished to the Department of Justice in compliance with*  
21 *this section.*

22 (d) *Failure to comply with the requirements of this section*  
23 *renders the application for a license incomplete, and the*  
24 *application shall not be considered until the applicant demonstrates*  
25 *compliance with all requirements of this section.*

26 (e) *Notwithstanding any other law, the results of any criminal*  
27 *offender record information request by either state or federal law*  
28 *enforcement authorities shall not be released by the board except*  
29 *in accordance with state and federal requirements.*

30 (f) *As used in this section, the term "applicant" shall be limited*  
31 *to an initial applicant who has never been registered or licensed*  
32 *by the board or to an applicant for a new licensure or registration*  
33 *category.*

34 (g) *As a condition of petitioning the board for reinstatement of*  
35 *a revoked or surrendered license, an applicant shall comply with*  
36 *subdivision (a).*

37 *SEC. 8. Section 7071.6 of the Business and Professions Code*  
38 *is amended to read:*

39 7071.6. (a) *The board shall require as a condition precedent*  
40 *to the issuance, reinstatement, reactivation, renewal, or continued*

1 maintenance of a license, that the applicant or licensee file or have  
2 on file a contractor's bond in the sum of fifteen thousand dollars  
3 (\$15,000).

4 (b) Excluding the claims brought by the beneficiaries specified  
5 in subdivision (a) of Section 7071.5, the aggregate liability of a  
6 surety on claims brought against a bond required by this section  
7 shall not exceed the sum of seven thousand five hundred dollars  
8 (\$7,500). The bond proceeds in excess of seven thousand five  
9 hundred dollars (\$7,500) shall be reserved exclusively for the  
10 claims of the beneficiaries specified in subdivision (a) of Section  
11 7071.5. However, nothing in this section shall be construed so as  
12 to prevent any beneficiary specified in subdivision (a) of Section  
13 7071.5 from claiming or recovering the full measure of the bond  
14 required by this section.

15 (c) ~~No~~ A bond shall *not* be required of a holder of a license that  
16 has been inactivated on the official records of the board during the  
17 period the license is inactive.

18 (d) Notwithstanding any other law, as a condition precedent to  
19 licensure, the board may require an applicant to post a contractor's  
20 bond in twice the amount required pursuant to subdivision (a) until  
21 the time that the license is renewed, under the following conditions:

22 (1) The applicant has either been convicted of a violation of  
23 Section 7028 or has been cited pursuant to Section 7028.7.

24 (2) If the applicant has been cited pursuant to Section 7028.7,  
25 the citation has been reduced to a final order of the registrar.

26 (3) The violation of Section 7028, or the basis for the citation  
27 issued pursuant to Section 7028.7, constituted a substantial injury  
28 to the public.

29 (e) (1) The board shall conduct a study to obtain information  
30 to evaluate whether the current fifteen-thousand-dollar (\$15,000)  
31 amount of the contractor bond is sufficient, or whether an increase  
32 may be necessary.

33 (2) The board shall report its findings and recommendations to  
34 the appropriate policy committees of the Legislature, in accordance  
35 with Section 9795 of the Government Code, by January 1, 2021.

36 (f) *This section shall remain in effect only until January 1, 2023,*  
37 *and as of that date is repealed.*

38 *SEC. 9. Section 7071.6 is added to the Business and Professions*  
39 *Code, to read:*

1 7071.6. (a) *The board shall require as a condition precedent*  
2 *to the issuance, reinstatement, reactivation, renewal, or continued*  
3 *maintenance of a license, that the applicant or licensee file or have*  
4 *on file a contractor’s bond in the sum of twenty-five thousand*  
5 *dollars (\$25,000).*

6 (b) *Excluding the claims brought by the beneficiaries specified*  
7 *in subdivision (a) of Section 7071.5, the aggregate liability of a*  
8 *surety on claims brought against a bond required by this section*  
9 *shall not exceed the sum of seven thousand five hundred dollars*  
10 *(\$7,500). The bond proceeds in excess of seven thousand five*  
11 *hundred dollars (\$7,500) shall be reserved exclusively for the*  
12 *claims of the beneficiaries specified in subdivision (a) of Section*  
13 *7071.5. However, nothing in this section shall be construed so as*  
14 *to prevent any beneficiary specified in subdivision (a) of Section*  
15 *7071.5 from claiming or recovering the full measure of the bond*  
16 *required by this section.*

17 (c) *A bond shall not be required of a holder of a license that*  
18 *has been inactivated on the official records of the board during*  
19 *the period the license is inactive.*

20 (d) *Notwithstanding any other law, as a condition precedent to*  
21 *licensure, the board may require an applicant to post a*  
22 *contractor’s bond in twice the amount required pursuant to*  
23 *subdivision (a) until the time that the license is renewed, under*  
24 *the following conditions:*

25 (1) *The applicant has either been convicted of a violation of*  
26 *Section 7028 or has been cited pursuant to Section 7028.7.*

27 (2) *If the applicant has been cited pursuant to Section 7028.7,*  
28 *the citation has been reduced to a final order of the registrar.*

29 (3) *The violation of Section 7028, or the basis for the citation*  
30 *issued pursuant to Section 7028.7, constituted a substantial injury*  
31 *to the public.*

32 (e) *This section shall become operative on January 1, 2023.*

33 *SEC. 10. Section 7071.8 of the Business and Professions Code*  
34 *is amended to read:*

35 7071.8. (a) *This section applies to an application for a license,*  
36 *for renewal or restoration of a license, an application to change*  
37 *officers or members of a corporation or a limited liability company,*  
38 *or for continued valid use of a license which has been disciplined,*  
39 *whether or not the disciplinary action has been stayed, made by*  
40 *any of the following persons or firms:*

1 (1) A person whose license has been suspended or revoked as  
2 a result of disciplinary action, or a person who was a qualifying  
3 individual for a licensee at any time during which cause for  
4 disciplinary action occurred resulting in suspension or revocation  
5 of the licensee's license, whether or not the qualifying individual  
6 had knowledge or participated in the prohibited act or omission.

7 (2) A person who was an officer, director, manager, partner, or  
8 member of the personnel of record of a licensee at any time during  
9 which cause for disciplinary action occurred resulting in suspension  
10 or revocation of the licensee's license and who had knowledge of  
11 or participated in the act or omission which was the cause for the  
12 disciplinary action.

13 (3) A partnership, corporation, limited liability company, firm,  
14 or association of which an existing or new officer, director,  
15 manager, partner, qualifying person, or member of the personnel  
16 of record has had a license suspended or revoked as a result of  
17 disciplinary action.

18 (4) A partnership, corporation, limited liability company, firm,  
19 or association of which a member of the personnel of record,  
20 including, but not limited to, an officer, director, manager, partner,  
21 or qualifying person was, likewise, a manager, officer, director,  
22 or partner of a licensee at any time during which cause for  
23 disciplinary action occurred resulting in suspension or revocation  
24 of the license, and who had knowledge of or participated in the  
25 act or omission which was the cause for the disciplinary action.

26 (b) The board shall require as a condition precedent to the  
27 issuance, reissuance, renewal, or restoration of a license to the  
28 applicant, or to the approval of an application to change officers  
29 of a corporation or a limited liability company, or removal of  
30 suspension, or to the continued valid use of a license which has  
31 been suspended or revoked, but which suspension or revocation  
32 has been stayed, that the applicant or licensee file or have on file  
33 a contractor's bond in a sum to be fixed by the registrar based upon  
34 the seriousness of the violation, but which sum shall not be less  
35 than fifteen thousand dollars (\$15,000) nor more than 10 times  
36 that amount required by Section 7071.6.

37 (c) The bond is in addition to, may not be combined with, and  
38 does not replace any other type of bond required by this chapter.  
39 The bond shall remain on file with the registrar for a period of at  
40 least two years and for any additional time that the registrar

1 determines. The bond period shall run only while the license is  
2 current, active, and in good standing, and shall be extended until  
3 the license has been current, active, and in good standing for the  
4 required period. Each applicant or licensee shall be required to file  
5 only one disciplinary contractor's bond of the type described in  
6 this section for each application or license subject to this bond  
7 requirement.

8 *(d) This section shall remain in effect only until January 1, 2023,*  
9 *and as of that date is repealed.*

10 *SEC. 11. Section 7071.8 is added to the Business and*  
11 *Professions Code, to read:*

12 *7071.8. (a) This section applies to an application for a license,*  
13 *for renewal or restoration of a license, an application to change*  
14 *officers or members of a corporation or a limited liability company,*  
15 *or for continued valid use of a license which has been disciplined,*  
16 *whether or not the disciplinary action has been stayed, made by*  
17 *any of the following persons or firms:*

18 *(1) A person whose license has been suspended or revoked as*  
19 *a result of disciplinary action, or a person who was a qualifying*  
20 *individual for a licensee at any time during which cause for*  
21 *disciplinary action occurred resulting in suspension or revocation*  
22 *of the licensee's license, whether or not the qualifying individual*  
23 *had knowledge or participated in the prohibited act or omission.*

24 *(2) A person who was an officer, director, manager, partner,*  
25 *or member of the personnel of record of a licensee at any time*  
26 *during which cause for disciplinary action occurred resulting in*  
27 *suspension or revocation of the licensee's license and who had*  
28 *knowledge of or participated in the act or omission which was the*  
29 *cause for the disciplinary action.*

30 *(3) A partnership, corporation, limited liability company, firm,*  
31 *or association of which an existing or new officer, director,*  
32 *manager, partner, qualifying person, or member of the personnel*  
33 *of record has had a license suspended or revoked as a result of*  
34 *disciplinary action.*

35 *(4) A partnership, corporation, limited liability company, firm,*  
36 *or association of which a member of the personnel of record,*  
37 *including, but not limited to, an officer, director, manager, partner,*  
38 *or qualifying person was, likewise, a manager, officer, director,*  
39 *or partner of a licensee at any time during which cause for*  
40 *disciplinary action occurred resulting in suspension or revocation*

1 of the license, and who had knowledge of or participated in the  
2 act or omission which was the cause for the disciplinary action.

3 (b) The board shall require as a condition precedent to the  
4 issuance, reissuance, renewal, or restoration of a license to the  
5 applicant, or to the approval of an application to change officers  
6 of a corporation or a limited liability company, or removal of  
7 suspension, or to the continued valid use of a license which has  
8 been suspended or revoked, but which suspension or revocation  
9 has been stayed, that the applicant or licensee file or have on file  
10 a contractor's bond in a sum to be fixed by the registrar based  
11 upon the seriousness of the violation, but which sum shall not be  
12 less than twenty-five thousand dollars (\$25,000) nor more than  
13 10 times that amount required by Section 7071.6.

14 (c) The bond is in addition to, may not be combined with, and  
15 does not replace any other type of bond required by this chapter.  
16 The bond shall remain on file with the registrar for a period of at  
17 least two years and for any additional time that the registrar  
18 determines. The bond period shall run only while the license is  
19 current, active, and in good standing, and shall be extended until  
20 the license has been current, active, and in good standing for the  
21 required period. Each applicant or licensee shall be required to  
22 file only one disciplinary contractor's bond of the type described  
23 in this section for each application or license subject to this bond  
24 requirement.

25 (d) This section shall become operative on January 1, 2023.

26 SEC. 12. Section 7071.9 of the Business and Professions Code  
27 is amended to read:

28 7071.9. (a) If the qualifying individual, as referred to in  
29 Sections 7068 and 7068.1, is neither the proprietor, a general  
30 partner, nor a joint licensee, ~~he or she~~ the qualifying individual  
31 shall file or have on file a qualifying individual's bond as provided  
32 in Section 7071.10 in the sum of twelve thousand five hundred  
33 dollars (\$12,500). This bond is in addition to, and ~~may~~ shall not  
34 be combined with, any contractor's bond required by Sections  
35 7071.5 to 7071.8, inclusive, and is required for the issuance,  
36 reinstatement, reactivation, or continued valid use of a license.

37 (b) Excluding the claims brought by the beneficiaries specified  
38 in paragraph (1) of subdivision (a) of Section 7071.10, the  
39 aggregate liability of a surety on claims brought against the bond  
40 required by this section shall not exceed the sum of seven thousand

1 five hundred dollars (\$7,500). The bond proceeds in excess of  
2 seven thousand five hundred dollars (\$7,500) shall be reserved  
3 exclusively for the claims of the beneficiaries specified in  
4 paragraph (1) of subdivision (a) of Section 7071.10. However,  
5 nothing in this section shall be construed to prevent any beneficiary  
6 specified in paragraph (1) of subdivision (a) of Section 7071.10  
7 from claiming or recovering the full measure of the bond required  
8 by this section. This bond is in addition to, and ~~may~~ shall not be  
9 combined with, any contractor's bond required by Sections 7071.5  
10 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
11 reactivation, or continued valid use of a license.

12 (c) The responsible managing officer of a corporation shall not  
13 be required to file or have on file a qualifying individual's bond,  
14 if ~~he or she~~ *the responsible managing officer* owns 10 percent or  
15 more of the voting stock of the corporation and certifies to that  
16 fact on a form prescribed by the registrar.

17 (d) The qualifying individual for a limited liability company  
18 shall not be required to file or have on file a qualifying individual's  
19 bond if ~~he or she~~ *the qualifying individual* owns at least a  
20 10-percent membership interest in the limited liability company  
21 and certifies to that fact on a form prescribed by the registrar.

22 (e) *This section shall remain in effect only until January 1, 2023,*  
23 *and as of that date is repealed.*

24 SEC. 13. *Section 7071.9 is added to the Business and*  
25 *Professions Code, to read:*

26 *7071.9. (a) If the qualifying individual, as referred to in*  
27 *Sections 7068 and 7068.1, is neither the proprietor, a general*  
28 *partner, nor a joint licensee, the qualifying individual shall file or*  
29 *have on file a qualifying individual's bond as provided in Section*  
30 *7071.10 in the sum of twenty-five thousand dollars (\$25,000). This*  
31 *bond is in addition to, and shall not be combined with, any*  
32 *contractor's bond required by Sections 7071.5 to 7071.8, inclusive,*  
33 *and is required for the issuance, reinstatement, reactivation, or*  
34 *continued valid use of a license.*

35 (b) *Excluding the claims brought by the beneficiaries specified*  
36 *in paragraph (1) of subdivision (a) of Section 7071.10, the*  
37 *aggregate liability of a surety on claims brought against the bond*  
38 *required by this section shall not exceed the sum of seven thousand*  
39 *five hundred dollars (\$7,500). The bond proceeds in excess of*  
40 *seven thousand five hundred dollars (\$7,500) shall be reserved*

1 exclusively for the claims of the beneficiaries specified in  
2 paragraph (1) of subdivision (a) of Section 7071.10. However,  
3 nothing in this section shall be construed to prevent any beneficiary  
4 specified in paragraph (1) of subdivision (a) of Section 7071.10  
5 from claiming or recovering the full measure of the bond required  
6 by this section. This bond is in addition to, and shall not be  
7 combined with, any contractor's bond required by Sections 7071.5  
8 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
9 reactivation, or continued valid use of a license.

10 (c) The responsible managing officer of a corporation shall not  
11 be required to file or have on file a qualifying individual's bond,  
12 if the responsible managing officer owns 10 percent or more of  
13 the voting stock of the corporation and certifies to that fact on a  
14 form prescribed by the registrar.

15 (d) The qualifying individual for a limited liability company  
16 shall not be required to file or have on file a qualifying individual's  
17 bond if the qualifying individual owns at least a 10-percent  
18 membership interest in the limited liability company and certifies  
19 to that fact on a form prescribed by the registrar.

20 (e) This section shall become operative on January 1, 2023.

21 SEC. 14. Section 17973 of the Health and Safety Code is  
22 amended to read:

23 17973. (a) Exterior elevated elements that include load-bearing  
24 components in all buildings containing three or more multifamily  
25 dwelling units shall be inspected. The inspection shall be performed  
26 by a licensed architect; licensed civil or structural engineer; a  
27 building contractor holding any or all of the "A," "B," or "C-5"  
28 license classifications issued by the Contractors' State License  
29 Board, with a minimum of five years' experience, as a holder of  
30 the aforementioned classifications or licenses, in constructing  
31 multistory wood frame buildings; or an individual certified as a  
32 building inspector or building official from a recognized state,  
33 national, or international association, as determined by the local  
34 jurisdiction. These individuals shall not be employed by the local  
35 jurisdiction while performing these inspections. The purpose of  
36 the inspection is to determine that exterior elevated elements and  
37 their associated waterproofing elements are in a generally safe  
38 condition, adequate working order, and free from any hazardous  
39 condition caused by fungus, deterioration, decay, or improper  
40 alteration to the extent that the life, limb, health, property, safety,



1 or welfare of the public or the occupants is not endangered. The  
2 person or business performing the inspection shall be hired by the  
3 owner of the building.

4 (b) For purposes of this section, the following terms have the  
5 following definitions:

6 (1) “Associated waterproofing elements” include flashings,  
7 membranes, coatings, and sealants that protect the load-bearing  
8 components of exterior elevated elements from exposure to water  
9 and the elements.

10 (2) “Exterior elevated element” means the following types of  
11 structures, including their supports and railings: balconies, decks,  
12 porches, stairways, walkways, and entry structures that extend  
13 beyond exterior walls of the building and which have a walking  
14 surface that is elevated more than six feet above ground level, are  
15 designed for human occupancy or use, and rely in whole or in  
16 substantial part on wood or wood-based products for structural  
17 support or stability of the exterior elevated element.

18 (3) “Load-bearing components” are those components that  
19 extend beyond the exterior walls of the building to deliver structural  
20 loads from the exterior elevated element to the building.

21 (c) The inspection required by this section shall at a minimum  
22 include:

23 (1) Identification of each type of exterior elevated element that,  
24 if found to be defective, decayed, or deteriorated to the extent that  
25 it does not meet its load requirements, would, in the opinion of the  
26 inspector, constitute a threat to the health or safety of the occupants.

27 (2) Assessment of the load-bearing components and associated  
28 waterproofing elements of the exterior elevated elements identified  
29 in paragraph (1) using methods allowing for evaluation of their  
30 performance by direct visual examination or comparable means  
31 of evaluating their performance. For purposes of this section, a  
32 sample of at least 15 percent of each type of exterior elevated  
33 element shall be inspected.

34 (3) The evaluation and assessment shall address each of the  
35 following as of the date of the evaluation:

36 (A) The current condition of the exterior elevated elements.

37 (B) Expectations of future performance and projected service  
38 life.

39 (C) Recommendations of any further inspection necessary.

1 (4) A written report of the evaluation stamped or signed by the  
2 inspector presented to the owner of the building or the owner's  
3 designated agent within 45 days of completion of the inspection.  
4 The report shall include photographs, any test results, and narrative  
5 sufficient to establish a baseline of the condition of the components  
6 inspected that can be compared to the results of subsequent  
7 inspections. In addition to the evaluation required by this section,  
8 the report shall advise which, if any, exterior elevated element  
9 poses an immediate threat to the safety of the occupants, and  
10 whether preventing occupant access or conducting emergency  
11 repairs, including shoring, are necessary.

12 (d) The inspection shall be completed by January 1, 2025, and  
13 by January 1 every six years thereafter. The inspector conducting  
14 the inspection shall produce an initial report pursuant to paragraph  
15 (4) of subdivision (c) and, if requested by the owner, a final report  
16 indicating that any required repairs have been completed. A copy  
17 of any report that recommends immediate repairs, advises that any  
18 building assembly poses an immediate threat to the safety of the  
19 occupants, or that preventing occupant access or emergency repairs,  
20 including shoring, are necessary, shall be provided by the inspector  
21 to the owner of the building and to the local enforcement agency  
22 within 15 days of completion of the report. Subsequent inspection  
23 reports shall incorporate copies of prior inspection reports,  
24 including the locations of the exterior elevated elements inspected.  
25 Local enforcement agencies may determine whether any additional  
26 information is to be provided in the report and may require a copy  
27 of the initial or final reports, or both, be submitted to the local  
28 jurisdiction. Copies of all inspection reports shall be maintained  
29 in the building owner's permanent records for not less than two  
30 inspection cycles, and shall be disclosed and delivered to the buyer  
31 at the time of any subsequent sale of the building.

32 (e) The inspection of buildings for which a building permit  
33 application has been submitted on or after January 1, 2019, shall  
34 occur no later than six years following issuance of a certificate of  
35 occupancy from the local jurisdiction and shall otherwise comply  
36 with the provisions of this section.

37 (f) If the property was inspected within three years prior to  
38 January 1, 2019, by an inspector as described in subdivision (a)  
39 and a report of that inspector was issued stating that the exterior  
40 elevated elements and associated waterproofing elements are in

1 proper working condition and do not pose a threat to the health  
2 and safety of the public, no new inspection pursuant to this section  
3 shall be required until January 1, 2025.

4 (g) An exterior elevated element found by the inspector that is  
5 in need of repair or replacement shall be corrected by the owner  
6 of the building. ~~No recommended repair shall be performed by a~~  
7 ~~licensed contractor serving as the inspector.~~ All necessary permits  
8 for repair or replacement shall be obtained from the local  
9 jurisdiction. All repair and replacement work shall be performed  
10 by a qualified and licensed contractor in compliance with all of  
11 the following:

12 (1) The recommendations of a licensed professional described  
13 in subdivision (a).

14 (2) Any applicable manufacturer’s specifications.

15 (3) The California Building Standards Code, consistent with  
16 subdivision (d) of Section 17922 of the Health and Safety Code.

17 (4) All local jurisdictional requirements.

18 (h) (1) An exterior elevated element that the inspector advises  
19 poses an immediate threat to the safety of the occupants, or finds  
20 preventing occupant access or emergency repairs, including  
21 shoring, or both, are necessary, shall be considered an emergency  
22 condition and the owner of the building shall perform required  
23 preventive measures immediately. Immediately preventing  
24 occupant access to the exterior elevated element until emergency  
25 repairs can be completed constitutes compliance with this  
26 paragraph. Repairs of emergency conditions shall comply with the  
27 requirements of subdivision (g), be inspected by the inspector, and  
28 reported to the local enforcement agency.

29 (2) The owner of the building requiring corrective work to an  
30 exterior elevated element that, in the opinion of the inspector, does  
31 not pose an immediate threat to the safety of the occupants, shall  
32 apply for a permit within 120 days of receipt of the inspection  
33 report. Once the permit is approved, the owner of the building  
34 shall have 120 days to make the repairs unless an extension of time  
35 is granted by the local enforcement agency.

36 (i) (1) The owner of the building shall be responsible for  
37 complying with the requirements of this section.

38 (2) If the owner of the building does not comply with the repair  
39 requirements within 180 days, the inspector shall notify the local  
40 enforcement agency and the owner of the building. If within 30

1 days of the date of the notice the repairs are not completed, the  
2 owner of the building shall be assessed a civil penalty based on  
3 the fee schedule set by the local authority of not less than one  
4 hundred dollars (\$100) nor more than five hundred dollars (\$500)  
5 per day until the repairs are completed, unless an extension of time  
6 is granted by the local enforcement agency.

7 (3) In the event that a civil penalty is assessed pursuant to this  
8 section, a building safety lien may be recorded in the county  
9 recorder's office by the local jurisdiction in the county in which  
10 the parcel of land is located and from the date of recording shall  
11 have the force, effect, and priority of a judgment lien.

12 (j) (1) A building safety lien authorized by this section shall  
13 specify the amount of the lien, the name of the agency on whose  
14 behalf the lien is imposed, the street address, the legal description  
15 and assessor's parcel number of the parcel on which the lien is  
16 imposed, and the name and address of the recorded owner of the  
17 building.

18 (2) In the event that the lien is discharged, released, or satisfied,  
19 either through payment or foreclosure, notice of the discharge  
20 containing the information specified in paragraph (1) shall be  
21 recorded by the governmental agency. A safety lien and the release  
22 of the lien shall be indexed in the grantor-grantee index.

23 (3) A building safety lien may be foreclosed by an action  
24 brought by the appropriate local jurisdiction for a money judgment.

25 (4) Notwithstanding any other law, the county recorder may  
26 impose a fee on the city to reimburse the costs of processing and  
27 recording the lien and providing notice to the owner of the building.  
28 A city may recover from the owner of the building any costs  
29 incurred regarding the processing and recording of the lien and  
30 providing notice to the owner of the building as part of its  
31 foreclosure action to enforce the lien.

32 (k) The continued and ongoing maintenance of exterior elevated  
33 elements in a safe and functional condition in compliance with  
34 these provisions shall be the responsibility of the owner of the  
35 building.

36 (l) Local enforcement agencies shall have the ability to recover  
37 enforcement costs associated with the requirements of this section.

38 (m) For any building subject to the provisions of this section  
39 that is proposed for conversion to condominiums to be sold to the  
40 public after January 1, 2019, the inspection required by this section

1 shall be conducted prior to the first close of escrow of a separate  
 2 interest in the project and shall include the inspector’s  
 3 recommendations for repair or replacement of any exterior elevated  
 4 element found to be defective, decayed, or deteriorated to the extent  
 5 that it does not meet its load requirements, and would, in the  
 6 opinion of the inspector, constitute a threat to the health or safety  
 7 of the occupants. The inspection report and written confirmation  
 8 by the inspector that any repairs or replacements recommended  
 9 by the inspector have been completed shall be submitted to the  
 10 Department of Real Estate by the proponent of the conversion and  
 11 shall be a condition to the issuance of the final public report. A  
 12 complete copy of the inspection report and written confirmation  
 13 by the inspector that any repairs or replacements recommended  
 14 by the inspector have been completed shall be included with the  
 15 written statement of defects required by Section 1134 of the Civil  
 16 Code, and provided to the local jurisdiction in which the project  
 17 is located. The inspection, report, and confirmation of completed  
 18 repairs shall be a condition of the issuance of a final inspection or  
 19 certificate of occupancy by the local jurisdiction.

20 (n) This section shall not apply to a common interest  
 21 development, as defined in Section 4100 of the Civil Code.

22 (o) The governing body of any city, county, or city and county,  
 23 may enact ordinances or laws imposing requirements greater than  
 24 those imposed by this section.

25 *SEC. 15. No reimbursement is required by this act pursuant*  
 26 *to Section 6 of Article XIII B of the California Constitution for*  
 27 *certain costs that may be incurred by a local agency or school*  
 28 *district because, in that regard, this act creates a new crime or*  
 29 *infraction, eliminates a crime or infraction, or changes the penalty*  
 30 *for a crime or infraction, within the meaning of Section 17556 of*  
 31 *the Government Code, or changes the definition of a crime within*  
 32 *the meaning of Section 6 of Article XIII B of the California*  
 33 *Constitution.*

34 *However, if the Commission on State Mandates determines that*  
 35 *this act contains other costs mandated by the state, reimbursement*  
 36 *to local agencies and school districts for those costs shall be made*  
 37 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 38 *4 of Title 2 of the Government Code.*

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