

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 607 **VERSION:** AMENDED JUNE 17, 2021

AUTHOR: MIN AND ROTH **SPONSOR:** AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: PROFESSIONS AND VOCATIONS

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 the 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 both of 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, some of the 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 three fees waived: the application for licensure fee (\$250), 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: application for licensure fee (\$250), law and ethics exam fee (\$150) and initial license issuance fee (\$200)
- Fiscal impact for these applicants is: 14 applicants per year x $(\$250 + \$150 + \$200) = \underline{\$8,400}$

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 $(\$150 + \$150 + \$250 + \$150 + \$250 + \$200) = \underline{\$4,600}$

Total Fiscal = \$8,400+\$4,600 = \$13,000

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 is 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. At its May 7, 2021 meeting, the Board took an “oppose unless amended” position on this bill, and asked to be excluded from its provisions.

6) Support and Opposition.

Support:

- Dental Board of California
- Foundation for Allied Dental Education
- SureTec Insurance
- Tokio Marine HCC

Opposition:

- None at this time.

7) History**2021**

06/17/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B. & P.
06/17/21 Referred to Com. on B. & P.
06/02/21 In Assembly. Read first time. Held at Desk.
06/01/21 Read third time. Passed. (Ayes 35. Noes 0.) Ordered to the Assembly.
05/24/21 Read second time. Ordered to third reading.
05/20/21 Read second time and amended. Ordered to second reading.
05/20/21 From committee: Do pass as amended. (Ayes 6. Noes 0.) (May 20).
05/18/21 Set for hearing May 20.
05/17/21 May 17 hearing: Placed on APPR suspense file.
05/12/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
05/07/21 Set for hearing May 17.
05/04/21 May 10 set for first hearing canceled at the request of author.
04/30/21 Set for hearing May 10.
04/27/21 May 3 hearing postponed by committee.
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. Page 841.) (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 ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 607

Introduced by ~~Senator Roth~~ *Senators Min and Roth*

February 18, 2021

An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5 and 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 professions and vocations, and making an appropriation therefor.

legislative counsel's digest

SB 607, as amended, ~~Roth~~ *Min*. 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 generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

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.

(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 within the Department of Consumer Affairs. 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.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal

application every 7 years and to pay a specified renewal fee. The act prohibits the board from accepting new applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was approved prior to January 1, 2020, through a date between January 1, 2024, and December 31, 2026, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process.

(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 within the Department of Consumer Affairs.

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. Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.

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.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(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) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

Existing law requires the bureau to automatically revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law. Existing law additionally requires the bureau to seek an emergency order against the holder of the firearms permit if a specified event occurs, including that the permitholder was arrested for assault or battery, or the permitholder has been determined incapable of exercising appropriate judgment, restraint, and self-control, among other events, and the bureau determines that the holder of the firearm permit presents an undue hazard to public safety that may result in substantial injury to another.

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. *The bill would require an applicant who is a registered security guard to have met the requirement of being found capable of exercising appropriate judgment, restraint, and self control, for purposes of carrying and using a firearm during the course of their duties, within the 6 months preceding the date the application is submitted to the*

bureau. The bill would prohibit an applicant who fails the assessment from completing another assessment ~~within 90~~ *any earlier than 180* days after the results of the previous assessment are provided to the bureau.

This bill would instead authorize the bureau to revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law, and would instead authorize the bureau to seek an emergency order against a permitholder if a specified event occurs. The bill would remove from the list of specified events the determination that a permitholder is incapable of exercising appropriate judgment, restraint, and self-control.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that 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: yes. Fiscal committee: yes.
State-mandated local program: 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.

1 (b) A board may adopt regulations necessary to administer this
2 section.

3 SEC. 2. Section 1636.5 is added to the Business and Professions
4 Code, to read:

5 1636.5. Notwithstanding Section 1636.4, any foreign dental
6 school whose program was approved prior to January 1, 2020,
7 through any date between January 1, 2024, and December 31,
8 2026, shall maintain approval through that date. Upon expiration
9 of the approval, the foreign dental school shall be required to
10 comply with the provisions of Section 1636.4.

11 SEC. 3. Section 1724 of the Business and Professions Code,
12 as added by Section 13 of Chapter 929 of the Statutes of 2018, is
13 amended to read:

14 1724. The amount of charges and fees for dentists licensed
15 pursuant to this chapter shall be established by the board as is
16 necessary for the purpose of carrying out the responsibilities
17 required by this chapter as it relates to dentists, subject to the
18 following limitations:

19 (a) The fee for an application for licensure qualifying pursuant
20 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
21 one thousand five hundred dollars (\$1,500). The fee for an
22 application for licensure qualifying pursuant to paragraph (2) of
23 subdivision (c) of Section 1632 shall not exceed one thousand
24 dollars (\$1,000).

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

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

29 (d) The fee for an initial license and for the renewal of a license
30 is five hundred twenty-five dollars (\$525). On and after January
31 1, 2016, the fee for an initial license shall not exceed six hundred
32 fifty dollars (\$650), and the fee for the renewal of a license shall
33 not exceed six hundred fifty dollars (\$650). On and after January
34 1, 2018, the fee for an initial license shall not exceed eight hundred
35 dollars (\$800), and the fee for the renewal of a license shall not
36 exceed eight hundred dollars (\$800).

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

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

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

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

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

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

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

17 (l) The fee for application for an extramural facility permit and
18 for the renewal of a permit shall not exceed twenty-five dollars
19 (\$25).

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

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

28 (o) The fee for an application for a general anesthesia permit
29 shall not exceed one thousand dollars (\$1,000), and the fee for the
30 renewal of a general anesthesia permit shall not exceed six hundred
31 dollars (\$600).

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

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

39 (r) The fee for an application for an oral conscious sedation
40 permit shall not exceed one thousand dollars (\$1,000), and the fee

1 for the renewal of an oral conscious sedation permit shall not
2 exceed six hundred dollars (\$600).

3 (s) The fee for an application for a pediatric minimal sedation
4 permit shall not exceed one thousand dollars (\$1,000), and the fee
5 for the renewal of a pediatric minimal sedation permit shall not
6 exceed six hundred dollars (\$600).

7 (t) The fee for a certification of licensure shall not exceed one
8 hundred twenty-five dollars (\$125).

9 (u) The fee for an application for the law and ethics examination
10 shall not exceed two hundred fifty dollars (\$250).

11 (v) This section shall become operative on January 1, 2022.

12 SEC. 4. Section 1753 of the Business and Professions Code is
13 amended to read:

14 1753. (a) On and after January 1, 2010, the board may license
15 as a registered dental assistant in extended functions a person who
16 submits written evidence, satisfactory to the board, of all of the
17 following eligibility requirements:

18 (1) Current licensure as a registered dental assistant or
19 completion of the requirements for licensure as a registered dental
20 assistant.

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

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

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

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

32 (4) Passage of a written examination administered by the board.
33 The board shall designate whether the written examination shall
34 be administered by the board or by the board-approved extended
35 functions program.

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

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

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

4 (c) A registered dental assistant in extended functions with
5 permits in either orthodontic assisting or dental sedation assisting
6 shall be referred to as an “RDAEF with orthodontic assistant
7 permit,” or “RDAEF with dental sedation assistant permit,” as
8 applicable. These terms shall be used for reference purposes only
9 and do not create additional categories of licensure.

10 (d) Completion of the continuing education requirements
11 established by the board pursuant to Section 1645 by a registered
12 dental assistant in extended functions who also holds a permit as
13 an orthodontic assistant or dental sedation assistant shall fulfill the
14 continuing education requirement for such permit or permits.

15 SEC. 5. Section 1753.4 of the Business and Professions Code
16 is repealed.

17 SEC. 6. Section 1753.55 of the Business and Professions Code
18 is amended to read:

19 1753.55. (a) A registered dental assistant in extended functions
20 is authorized to perform the additional duties as set forth in
21 subdivision (b) pursuant to the order, control, and full professional
22 responsibility of a supervising dentist, if the licensee meets one of
23 the following requirements:

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

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

29 (b) (1) Determine which radiographs to perform on a patient
30 who has not received an initial examination by the supervising
31 dentist for the specific purpose of the dentist making a diagnosis
32 and treatment plan for the patient. In these circumstances, the
33 dental assistant in extended functions shall follow protocols
34 established by the supervising dentist. This paragraph only applies
35 in the following settings:

36 (A) In a dental office setting.

37 (B) In public health settings, using telehealth, as defined by
38 Section 2290.5, for the purpose of communication with the
39 supervising dentist, including, but not limited to, schools, head

1 start and preschool programs, and community clinics, under the
2 general supervision of a dentist.

3 (2) Place protective restorations, which for this purpose are
4 identified as interim therapeutic restorations, and defined as a
5 direct provisional restoration placed to stabilize the tooth until a
6 licensed dentist diagnoses the need for further definitive treatment.

7 An interim therapeutic restoration consists of the removal of soft
8 material from the tooth using only hand instrumentation, without
9 the use of rotary instrumentation, and subsequent placement of an
10 adhesive restorative material. Local anesthesia shall not be
11 necessary for interim therapeutic restoration placement. Interim
12 therapeutic restorations shall be placed only in accordance with
13 both of the following:

14 (A) In either of the following settings:

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

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

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

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

29 (d) No later than January 1, 2018, the board shall adopt
30 regulations to establish requirements for courses of instruction for
31 the procedures authorized to be performed by a registered dental
32 assistant in extended functions pursuant to this section using the
33 competency-based training protocols established by the Health
34 Workforce Pilot Project (HWPP) No. 172 through the Office of
35 Statewide Health Planning and Development. The board shall
36 submit to the committee proposed regulatory language for the
37 curriculum for the Interim Therapeutic Restoration to the
38 committee for the purpose of promulgating regulations for
39 registered dental hygienists and registered dental hygienists in
40 alternative practice as described in Section 1910.5. The language

1 submitted by the board shall mirror the instructional curriculum
2 for the registered dental assistant in extended functions. Any
3 subsequent amendments to the regulations that are promulgated
4 by the board for the Interim Therapeutic Restoration curriculum
5 shall be submitted to the committee.

6 (e) The board may issue a permit to a registered dental assistant
7 in extended functions who files a completed application, including
8 the fee, to provide the duties specified in this section after the board
9 has determined the registered dental assistant in extended functions
10 has completed the coursework required in subdivision (c).

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

12 SEC. 7. Section 1753.6 of the Business and Professions Code
13 is amended to read:

14 1753.6. (a) Each person who holds a license as a registered
15 dental assistant in extended functions on the operative date of this
16 section may only perform those procedures that a registered dental
17 assistant is allowed to perform as specified in and limited by
18 Section 1752.4, and the procedures specified in paragraphs (1) to
19 (6), inclusive, until the person provides evidence of having
20 completed a board-approved course in the additional procedures
21 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
22 subdivision (b) of Section 1753.5:

- 23 (1) Cord retraction of gingiva for impression procedures.
- 24 (2) Take final impressions for permanent indirect restorations.
- 25 (3) Formulate indirect patterns for endodontic post and core
26 castings.
- 27 (4) Fit trial endodontic filling points.
- 28 (5) Apply pit and fissure sealants.
- 29 (6) Remove excess cement from subgingival tooth surfaces with
30 a hand instrument.

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

32 SEC. 8. Section 5650.5 is added to the Business and Professions
33 Code, to read:

34 5650.5. (a) Pursuant to Section 144, the board has the authority
35 to obtain and review criminal offender record information. The
36 information obtained as a result of the fingerprinting shall be used
37 in accordance with Section 11105 of the Penal Code to determine
38 whether the applicant is subject to denial, suspension, or revocation
39 of a license pursuant to Division 1.5 (commencing with Section
40 475) or Section 5660, 5675, or 5676.

1 (b) As a condition of application for a license, each applicant
2 shall furnish to the Department of Justice a full set of fingerprints
3 for the purpose of conducting a criminal history record check and
4 to undergo a state- and federal- level criminal offender record
5 information search conducted through the Department of Justice,
6 as follows:

7 (1) The board shall electronically submit to the Department of
8 Justice fingerprint images and related information required by the
9 Department of Justice of all landscape architect license applicants
10 for the purpose of obtaining information as to the existence and
11 content of a record of state or federal arrests and state or federal
12 convictions and also information as to the existence and content
13 of a record of state or federal arrests for which the Department of
14 Justice establishes that the person is free on bail or on their
15 recognizance pending trial or appeal.

16 (2) When received, the Department of Justice shall transmit
17 fingerprint images and related information received pursuant to
18 this section, to the Federal Bureau of Investigation for the purpose
19 of obtaining a federal criminal history records check. The
20 Department of Justice shall review the information returned from
21 the Federal Bureau of Investigation and compile and disseminate
22 a response to the board.

23 (3) The Department of Justice shall provide a state or federal
24 response to the board pursuant to subdivision (p) of Section 11105
25 of the Penal Code.

26 (4) The board shall request from the Department of Justice
27 subsequent notification service, as provided pursuant to Section
28 11105.2 of the Penal Code, for persons described in paragraph (1).

29 (5) The Department of Justice shall charge the applicant a fee
30 sufficient to cover the cost of processing the request described in
31 this subdivision.

32 (c) The applicant shall certify, under penalty of perjury, when
33 applying for a license whether the applicant's fingerprints have
34 been furnished to the Department of Justice in compliance with
35 this section.

36 (d) Failure to comply with the requirements of this section
37 renders the application for a license incomplete, and the application
38 shall not be considered until the applicant demonstrates compliance
39 with all requirements of this section.

1 (e) Notwithstanding any other law, the results of any criminal
2 offender record information request by either state or federal law
3 enforcement authorities shall not be released by the board except
4 in accordance with state and federal requirements.

5 (f) As used in this section, the term “applicant” shall be limited
6 to an initial applicant who has never been registered or licensed
7 by the board or to an applicant for a new licensure or registration
8 category.

9 (g) As a condition of petitioning the board for reinstatement of
10 a revoked or surrendered license, an applicant shall comply with
11 subdivision (a).

12 SEC. 9. Section 7071.6 of the Business and Professions Code
13 is amended to read:

14 7071.6. (a) The board shall require as a condition precedent
15 to the issuance, reinstatement, reactivation, renewal, or continued
16 maintenance of a license, that the applicant or licensee file or have
17 on file a contractor’s bond in the sum of fifteen thousand dollars
18 (\$15,000).

19 (b) Excluding the claims brought by the beneficiaries specified
20 in subdivision (a) of Section 7071.5, the aggregate liability of a
21 surety on claims brought against a bond required by this section
22 shall not exceed the sum of seven thousand five hundred dollars
23 (\$7,500). The bond proceeds in excess of seven thousand five
24 hundred dollars (\$7,500) shall be reserved exclusively for the
25 claims of the beneficiaries specified in subdivision (a) of Section
26 7071.5. However, nothing in this section shall be construed so as
27 to prevent any beneficiary specified in subdivision (a) of Section
28 7071.5 from claiming or recovering the full measure of the bond
29 required by this section.

30 (c) A bond shall not be required of a holder of a license that has
31 been inactivated on the official records of the board during the
32 period the license is inactive.

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

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

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

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

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

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

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

13 SEC. 10. Section 7071.6 is added to the Business and
14 Professions Code, to read:

15 7071.6. (a) The board shall require as a condition precedent
16 to the issuance, reinstatement, reactivation, renewal, or continued
17 maintenance of a license, that the applicant or licensee file or have
18 on file a contractor's bond in the sum of twenty-five thousand
19 dollars (\$25,000).

20 (b) Excluding the claims brought by the beneficiaries specified
21 in subdivision (a) of Section 7071.5, the aggregate liability of a
22 surety on claims brought against a bond required by this section
23 shall not exceed the sum of seven thousand five hundred dollars
24 (\$7,500). The bond proceeds in excess of seven thousand five
25 hundred dollars (\$7,500) shall be reserved exclusively for the
26 claims of the beneficiaries specified in subdivision (a) of Section
27 7071.5. However, nothing in this section shall be construed so as
28 to prevent any beneficiary specified in subdivision (a) of Section
29 7071.5 from claiming or recovering the full measure of the bond
30 required by this section.

31 (c) A bond shall not be required of a holder of a license that has
32 been inactivated on the official records of the board during the
33 period the license is inactive.

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

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

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

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

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

7 SEC. 11. Section 7071.8 of the Business and Professions Code
8 is amended to read:

9 7071.8. (a) This section applies to an application for a license,
10 for renewal or restoration of a license, an application to change
11 officers or members of a corporation or a limited liability company,
12 or for continued valid use of a license which has been disciplined,
13 whether or not the disciplinary action has been stayed, made by
14 any of the following persons or firms:

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

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

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

32 (4) A partnership, corporation, limited liability company, firm,
33 or association of which a member of the personnel of record,
34 including, but not limited to, an officer, director, manager, partner,
35 or qualifying person was, likewise, a manager, officer, director,
36 or partner of a licensee at any time during which cause for
37 disciplinary action occurred resulting in suspension or revocation
38 of the license, and who had knowledge of or participated in the
39 act or omission which was the cause for the disciplinary action.

1 (b) The board shall require as a condition precedent to the
2 issuance, reissuance, renewal, or restoration of a license to the
3 applicant, or to the approval of an application to change officers
4 of a corporation or a limited liability company, or removal of
5 suspension, or to the continued valid use of a license which has
6 been suspended or revoked, but which suspension or revocation
7 has been stayed, that the applicant or licensee file or have on file
8 a contractor's bond in a sum to be fixed by the registrar based upon
9 the seriousness of the violation, but which sum shall not be less
10 than fifteen thousand dollars (\$15,000) nor more than 10 times
11 that amount required by Section 7071.6.

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

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

25 SEC. 12. Section 7071.8 is added to the Business and
26 Professions Code, to read:

27 7071.8. (a) This section applies to an application for a license,
28 for renewal or restoration of a license, an application to change
29 officers or members of a corporation or a limited liability company,
30 or for continued valid use of a license which has been disciplined,
31 whether or not the disciplinary action has been stayed, made by
32 any of the following persons or firms:

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

39 (2) A person who was an officer, director, manager, partner, or
40 member of the personnel of record of a licensee at any time during

1 which cause for disciplinary action occurred resulting in suspension
2 or revocation of the licensee's license and who had knowledge of
3 or participated in the act or omission which was the cause for the
4 disciplinary action.

5 (3) A partnership, corporation, limited liability company, firm,
6 or association of which an existing or new officer, director,
7 manager, partner, qualifying person, or member of the personnel
8 of record has had a license suspended or revoked as a result of
9 disciplinary action.

10 (4) A partnership, corporation, limited liability company, firm,
11 or association of which a member of the personnel of record,
12 including, but not limited to, an officer, director, manager, partner,
13 or qualifying person was, likewise, a manager, officer, director,
14 or partner of a licensee at any time during which cause for
15 disciplinary action occurred resulting in suspension or revocation
16 of the license, and who had knowledge of or participated in the
17 act or omission which was the cause for the disciplinary action.

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

29 (c) The bond is in addition to, may not be combined with, and
30 does not replace any other type of bond required by this chapter.
31 The bond shall remain on file with the registrar for a period of at
32 least two years and for any additional time that the registrar
33 determines. The bond period shall run only while the license is
34 current, active, and in good standing, and shall be extended until
35 the license has been current, active, and in good standing for the
36 required period. Each applicant or licensee shall be required to file
37 only one disciplinary contractor's bond of the type described in
38 this section for each application or license subject to this bond
39 requirement.

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

1 SEC. 13. Section 7071.9 of the Business and Professions Code
2 is amended to read:

3 7071.9. (a) If the qualifying individual, as referred to in
4 Sections 7068 and 7068.1, is neither the proprietor, a general
5 partner, nor a joint licensee, the qualifying individual shall file or
6 have on file a qualifying individual's bond as provided in Section
7 7071.10 in the sum of twelve thousand five hundred dollars
8 (\$12,500). This bond is in addition to, and shall not be combined
9 with, any contractor's bond required by Sections 7071.5 to 7071.8,
10 inclusive, and is required for the issuance, reinstatement,
11 reactivation, or continued valid use of a license.

12 (b) Excluding the claims brought by the beneficiaries specified
13 in paragraph (1) of subdivision (a) of Section 7071.10, the
14 aggregate liability of a surety on claims brought against the bond
15 required by this section shall not exceed the sum of seven thousand
16 five hundred dollars (\$7,500). The bond proceeds in excess of
17 seven thousand five hundred dollars (\$7,500) shall be reserved
18 exclusively for the claims of the beneficiaries specified in
19 paragraph (1) of subdivision (a) of Section 7071.10. However,
20 nothing in this section shall be construed to prevent any beneficiary
21 specified in paragraph (1) of subdivision (a) of Section 7071.10
22 from claiming or recovering the full measure of the bond required
23 by this section. This bond is in addition to, and shall not be
24 combined with, any contractor's bond required by Sections 7071.5
25 to 7071.8, inclusive, and is required for the issuance, reinstatement,
26 reactivation, or continued valid use of a license.

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

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

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

39 SEC. 14. Section 7071.9 is added to the Business and
40 Professions Code, to read:

1 7071.9. (a) If the qualifying individual, as referred to in
2 Sections 7068 and 7068.1, is neither the proprietor, a general
3 partner, nor a joint licensee, the qualifying individual shall file or
4 have on file a qualifying individual's bond as provided in Section
5 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This
6 bond is in addition to, and shall not be combined with, any
7 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,
8 and is required for the issuance, reinstatement, reactivation, or
9 continued valid use of a license.

10 (b) Excluding the claims brought by the beneficiaries specified
11 in paragraph (1) of subdivision (a) of Section 7071.10, the
12 aggregate liability of a surety on claims brought against the bond
13 required by this section shall not exceed the sum of seven thousand
14 five hundred dollars (\$7,500). The bond proceeds in excess of
15 seven thousand five hundred dollars (\$7,500) shall be reserved
16 exclusively for the claims of the beneficiaries specified in
17 paragraph (1) of subdivision (a) of Section 7071.10. However,
18 nothing in this section shall be construed to prevent any beneficiary
19 specified in paragraph (1) of subdivision (a) of Section 7071.10
20 from claiming or recovering the full measure of the bond required
21 by this section. This bond is in addition to, and shall not be
22 combined with, any contractor's bond required by Sections 7071.5
23 to 7071.8, inclusive, and is required for the issuance, reinstatement,
24 reactivation, or continued valid use of a license.

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

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

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

36 SEC. 15. Section 7137 of the Business and Professions Code
37 is amended to read:

38 7137. (a) The board may set fees by regulation. These fees
39 shall be set according to the following schedule:

40 (1) Application fees shall be set as follows:

1 (A) The application fee for an original license in a single
2 classification shall be four hundred fifty dollars (\$450) and may
3 be increased to not more than five hundred sixty-three dollars
4 (\$563).

5 (B) The application fee for each additional classification applied
6 for in connection with an original license shall be one hundred
7 fifty dollars (\$150) and may be increased to not more than one
8 hundred eighty-eight dollars (\$188).

9 (C) The application fee for each additional classification
10 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
11 and may be increased to not more than two hundred eighty-eight
12 dollars (\$288).

13 (D) The application fee to replace a responsible managing
14 officer, responsible managing manager, responsible managing
15 member, or responsible managing employee pursuant to Section
16 7068.2 shall be two hundred thirty dollars (\$230) and may be
17 increased to not more than two hundred eighty-eight dollars (\$288).

18 (E) The application fee to add personnel, other than a qualifying
19 individual, to an existing license shall be one hundred twenty-five
20 dollars (\$125) and may be increased to not more than one hundred
21 fifty-seven dollars (\$157).

22 (F) The application fee for an asbestos certification examination
23 shall be one hundred twenty-five dollars (\$125) and may be
24 increased to not more than one hundred fifty-seven dollars (\$157).

25 (G) The application fee for a hazardous substance removal or
26 remedial action certification examination shall be one hundred
27 twenty-five dollars (\$125) and may be increased to not more than
28 one hundred fifty-seven dollars (\$157).

29 (2) Examination scheduling fees shall be set as follows:

30 (A) The fee for rescheduling an examination for an applicant
31 who has applied for an original license, additional classification,
32 a change of responsible managing officer, responsible managing
33 manager, responsible managing member, or responsible managing
34 employee, or for an asbestos certification or hazardous substance
35 removal certification, shall be one hundred dollars (\$100) and may
36 be increased to not more than one hundred twenty-five dollars
37 (\$125).

38 (B) The fee for scheduling or rescheduling an examination for
39 a licensee who is required to take the examination as a condition

1 of probation shall be one hundred dollars (\$100) and may be
2 increased to not more than one hundred twenty-five dollars (\$125).

3 (3) Initial license and registration fees shall be set as follows:

4 (A) The initial license fee for an active or inactive license for
5 an individual owner shall be two hundred dollars (\$200) and may
6 be increased to not more than two hundred fifty dollars (\$250).

7 (B) The initial license fee for an active or inactive license for a
8 partnership, corporation, limited liability company, or joint venture
9 shall be three hundred fifty dollars (\$350) and may be increased
10 to not more than four hundred thirty-eight dollars (\$438).

11 (C) The registration fee for a home improvement salesperson
12 shall be two hundred dollars (\$200) and may be increased to not
13 more than two hundred fifty dollars (\$250).

14 (4) License and registration renewal fees shall be set as follows:

15 (A) The renewal fee for an active license for an individual owner
16 shall be four hundred fifty dollars (\$450) and may be increased to
17 not more than five hundred sixty-three dollars (\$563).

18 (B) The renewal fee for an inactive license for an individual
19 owner shall be three hundred dollars (\$300) and may be increased
20 to not more than three hundred seventy-five dollars (\$375).

21 (C) The renewal fee for an active license for a partnership,
22 corporation, limited liability company, or joint venture shall be
23 seven hundred dollars (\$700) and may be increased to not more
24 than eight hundred seventy-five dollars (\$875).

25 (D) The renewal fee for an inactive license for a partnership,
26 corporation, limited liability company, or joint venture shall be
27 five hundred dollars (\$500) and may be increased to not more than
28 six hundred twenty-five dollars (\$625).

29 (E) The renewal fee for a home improvement salesperson
30 registration shall be two hundred dollars (\$200) and may be
31 increased to not more than two hundred fifty dollars (\$250).

32 (5) The delinquency fee is an amount equal to 50 percent of the
33 renewal fee, if the license is renewed after its expiration.

34 (6) Miscellaneous fees shall be set as follows:

35 (A) In addition to any other fees charged to C-10 contractors,
36 the board shall charge a fee of twenty dollars (\$20), to be assessed
37 with the renewal fee for an active license, which shall be used by
38 the board to enforce provisions of the Labor Code related to
39 electrician certification.

1 (B) The service fee to deposit with the registrar lawful money
2 or cashier's check pursuant to paragraph (1) of subdivision (a) of
3 Section 995.710 of the Code of Civil Procedure for purposes of
4 compliance with any provision of Article 5 (commencing with
5 Section 7065) shall be one hundred dollars (\$100), which shall be
6 used by the board only to process each deposit filed with the
7 registrar, to cover the reasonable costs to the registrar for holding
8 money or cashier's checks in trust in interest bearing deposit or
9 share accounts, and to offset the costs of processing payment of
10 lawful claims against a deposit in a civil action.

11 (C) The fee for the processing and issuance of a duplicate copy
12 of any certificate of licensure or other form evidencing licensure
13 or renewal of licensure pursuant to Section 122 shall be twenty-five
14 dollars (\$25).

15 (D) The fee to change the business name of a license as it is
16 recorded under this chapter shall be one hundred dollars (\$100)
17 and may be increased to not more than one hundred twenty-five
18 dollars (\$125).

19 (E) The service charge for a dishonored check authorized by
20 Section 6157 of the Government Code shall be twenty-five dollars
21 (\$25) for each check.

22 (b) The board shall, by regulation, establish criteria for the
23 approval of expedited processing of applications. Approved
24 expedited processing of applications for licensure or registration,
25 as required by other provisions of law, shall not be subject to this
26 subdivision.

27 SEC. 16. Section 7583.22 of the Business and Professions
28 Code is amended to read:

29 7583.22. (a) A licensee, qualified manager of a licensee, or
30 security guard who, in the course of their employment, may be
31 required to carry a firearm shall, prior to carrying a firearm, do
32 ~~both~~ all of the following:

33 (1) Complete a course of training in the carrying and use of
34 firearms.

35 (2) Receive a firearms qualification card or be otherwise
36 qualified to carry a firearm as provided in Section 7583.12.

37 (b) A security guard who, in the course of their employment,
38 may be required to carry a firearm, shall, prior to carrying a firearm,
39 be found capable of exercising appropriate judgment, restraint,

1 and self-control for the purposes of carrying and using a firearm
2 during the course of their duties, pursuant to Section 7583.47.

3 (c) A licensee shall not permit an employee to carry or use a
4 loaded or unloaded firearm, whether or not it is serviceable or
5 operative, unless the employee possesses a valid and current
6 firearms qualification card issued by the bureau or is so otherwise
7 qualified to carry a firearm as provided in Section 7583.12.

8 (d) A pocket card issued by the bureau pursuant to Section
9 7582.13 may also serve as a firearms qualification card if so
10 indicated on the face of the card.

11 (e) Paragraph (1) of subdivision (a) shall not apply to a peace
12 officer as defined in Chapter 4.5 (commencing with Section 830)
13 of Title 3 of Part 2 of the Penal Code, who has successfully
14 completed a course of study in the use of firearms or to a federal
15 qualified law enforcement officer, as defined in Section 926B of
16 Title 18 of the United States Code, who has successfully completed
17 a course of study in the use of firearms.

18 SEC. 17. Section 7583.23 of the Business and Professions
19 Code is amended to read:

20 7583.23. The bureau shall issue a firearms permit when all of
21 the following conditions are satisfied:

22 (a) The applicant is a licensee, a qualified manager of a licensee,
23 or a registered security guard subject to the following:

24 (1) The firearms permit may only be associated with the
25 following:

26 (A) A sole owner of a sole ownership licensee, pursuant to
27 Section 7582.7 or 7525.1.

28 (B) A partner of a partnership licensee, pursuant to Section
29 7582.7 or 7525.1.

30 (C) A qualified manager of a licensee, pursuant to Section 7536
31 or 7582.22.

32 (D) A security guard registrant.

33 (2) If the firearms permit is associated with a security guard
34 registration, they are subject to the provisions of Section 7583.47,
35 regardless of any other license possessed or associated with the
36 firearms permit.

37 (b) A certified firearms training instructor has certified that the
38 applicant has successfully completed a written examination
39 prepared by the bureau and training course in the carrying and use
40 of firearms approved by the bureau.

1 (c) The applicant has filed with the bureau a classifiable
2 fingerprint card, a completed application for a firearms permit on
3 a form prescribed by the director, dated and signed by the applicant,
4 certifying under penalty of perjury that the information in the
5 application is true and correct. In lieu of a classifiable fingerprint
6 card, the applicant may submit fingerprints into an electronic
7 fingerprinting system administered by the Department of Justice.
8 An applicant who submits their fingerprints by electronic means
9 shall have their fingerprints entered into the system through a
10 terminal operated by a law enforcement agency or other facility
11 authorized by the Department of Justice to conduct electronic
12 fingerprinting. The terminal operator may charge a fee sufficient
13 to reimburse it for the costs incurred in providing this service.

14 (d) The applicant is at least 21 years of age and the bureau has
15 determined, after investigation, that the carrying and use of a
16 firearm by the applicant, in the course of their duties, presents no
17 apparent threat to the public safety, or that the carrying and use of
18 a firearm by the applicant is not in violation of the Penal Code.

19 (e) The applicant has produced evidence to the firearm training
20 facility that the applicant is a citizen of the United States or has
21 permanent legal alien status in the United States. Evidence of
22 citizenship or permanent legal alien status shall be deemed
23 sufficient by the bureau to ensure compliance with federal laws
24 prohibiting possession of firearms by persons unlawfully in the
25 United States and may include, but not be limited to, United States
26 Department of Justice, Immigration and Naturalization Service
27 Form I-151 or I-551, Alien Registration Receipt Card,
28 naturalization documents, or birth certificates evidencing lawful
29 residence or status in the United States.

30 (f) The application is accompanied by the application fees
31 prescribed in this chapter.

32 (g) ~~The~~ (1) If the applicant is a registered security guard and
33 they have been found capable of exercising appropriate judgment,
34 restraint, and self-control, for the purposes of carrying and using
35 a firearm during the course of their duties, pursuant to Section
36 7583.47.

37 (2) *The requirement in paragraph (1) shall be completed within*
38 *six months preceding the date the application is submitted to the*
39 *bureau.*

1 SEC. 18. Section 7583.24 of the Business and Professions
2 Code is amended to read:

3 7583.24. (a) The bureau shall not issue a firearm permit if the
4 applicant is prohibited from possessing, receiving, owning, or
5 purchasing a firearm pursuant to state or federal law.

6 (b) Before issuing an initial firearm permit the bureau shall
7 provide the Department of Justice with the name, address, social
8 security number, and fingerprints of the applicant.

9 (c) The Department of Justice shall inform the bureau, within
10 60 days from receipt of the information specified in subdivision
11 (b), of the applicant's eligibility to possess, receive, purchase, or
12 own a firearm pursuant to state and federal law.

13 (d) An applicant who has been denied a firearm permit based
14 upon subdivision (a) may reapply for the permit after the
15 prohibition expires. The bureau shall treat this application as an
16 initial application and shall follow the required screening process
17 as specified in this section.

18 SEC. 19. Section 7583.27 of the Business and Professions
19 Code is amended to read:

20 7583.27. (a) A firearm permit may be revoked if at any time
21 the Department of Justice notifies the bureau that the holder of the
22 firearm permit is prohibited from possessing, receiving, or
23 purchasing a firearm pursuant to state or federal law. Following
24 the automatic revocation, an administrative hearing shall be
25 provided upon written request to the bureau in accordance with
26 Chapter 5 (commencing with Section 11500) of Part 1 of Division
27 3 of Title 2 of the Government Code.

28 (b) The bureau may seek an emergency order pursuant to Article
29 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1
30 of Division 3 of Title 2 of the Government Code against the holder
31 of the firearms permit if, after the bureau's investigation relating
32 to any of the following events, the bureau determines that the
33 holder of the firearms permit presents an undue hazard to public
34 safety that may result in substantial injury to another:

35 (1) Receipt of subsequent arrest information of an arrest for any
36 of the following:

37 (A) Assault.

38 (B) Battery.

39 (C) Any use of force or violence on any person committed by
40 the permitholder.

1 (2) A report from a bureau-approved firearms training facility
2 or instructor made pursuant to Section 7585.18.

3 (3) A report from the permitholder’s employer or former
4 employer that the permitholder may be a threat to public safety.

5 (4) A complaint filed by any member of the public that the
6 permitholder may be a threat to public safety.

7 SEC. 20. Section 7583.29 of the Business and Professions
8 Code is amended to read:

9 7583.29. If a firearms permit is denied, the denial of the permit
10 shall be in writing and shall describe the basis for the denial. The
11 denial shall inform the applicant that if the applicant desires a
12 review by a disciplinary review committee to contest the denial,
13 the review shall be requested of the director within 30 days
14 following notice of the issuance of the denial. A review or hearing
15 shall be held pursuant to Section 7581.3. However, no review or
16 hearing shall be granted to an individual who is otherwise
17 prohibited by law from carrying a firearm.

18 SEC. 21. Section 7583.47 of the Business and Professions
19 Code is amended to read:

20 7583.47. (a) As used in this section, “assessment” means the
21 application of a testing instrument identified by the bureau that
22 evaluates whether an applicant for a firearms permit who is a
23 registered security guard, at the time of the assessment, possesses
24 appropriate judgment, restraint, and self-control for the purposes
25 of carrying and using a firearm during the course of their security
26 guard duties.

27 (b) The applicant shall complete the assessment, as specified
28 in this section.

29 (c) (1) The bureau shall implement a process to administer the
30 assessment specified in this section. The establishment of the
31 assessment and the process for administering the assessment shall
32 not be subject to the requirements of Chapter 3.5 (commencing
33 with Section 11340) of Part 1 of Division 3 of Title 2 of the
34 Government Code.

35 (2) The bureau shall consult with a California licensed
36 psychologist, psychologists, or other persons with subject matter
37 expertise, whose minimum duties shall include, but are not limited
38 to, assisting the bureau with all of the following:

39 (A) Establishing criteria for a contract with a vendor to
40 administer the assessment.

- 1 (B) Identifying minimum standards for the assessment.
2 (C) Evaluating currently available assessments.
3 (D) Providing consultative services on the bids received by the
4 bureau from third-party vendors seeking to administer and interpret
5 the assessment, to ensure both of the following:
6 (i) Compliance with the applicable standards of care for the
7 administration and interpretation of such assessments.
8 (ii) The assessment will be administered in accordance with the
9 assessment manufacturer's requirements.
10 (3) The bureau shall contract with a third-party vendor to
11 administer the assessment. All third-party vendors seeking to
12 administer the assessment must meet the minimum standards
13 established by the bureau, its consultants, and the assessment
14 manufacturer's requirements for administering the assessment.
15 Considerations for the third-party vendor contract shall include,
16 but are not limited to, all of the following:
17 (A) Cost to the applicant to complete the assessment.
18 (B) Geographic accessibility statewide of the assessment to
19 applicants.
20 (C) Assessment compliance with the established minimum
21 standards for the assessment and assessment process.
22 (D) Ensuring an assessment carried out on an applicant complies
23 with the applicable professional standards of care for such
24 assessments, as well as the assessment manufacturer's requirements
25 for administering the assessment.
26 (d) The applicant, or the applicant's designee or employer if the
27 employer voluntarily chooses, shall bear the cost of the assessment.
28 (e) Within 30 days of administering an applicant's assessment,
29 the vendor shall directly provide the bureau, on a form and in a
30 manner prescribed by the bureau, the applicant's assessment results.
31 If the results of the applicant's assessment indicate that the
32 applicant is incapable of exercising appropriate judgment, restraint,
33 and self-control for the purposes of carrying and using a firearm
34 during the course of the applicant's duties, at the point in time of
35 the evaluation, the bureau shall not issue a firearms permit. If the
36 applicant fails the assessment, the applicant may complete another
37 assessment no earlier than ~~90~~ 180 days after the results of the
38 previous assessment are provided to the bureau.
39 (f) The application shall be deemed incomplete until the bureau
40 receives the results of the applicant's assessment and the results

1 indicate that the applicant is capable of exercising appropriate
2 judgment, restraint, and self-control for the purposes of carrying
3 and using a firearm during the course of the applicant’s duties.

4 (g) Notwithstanding any other law, an applicant who fails the
5 assessment shall not be entitled to an administrative hearing or an
6 appeal subject to Chapter 5 (commencing with Section 11500) of
7 Part 1 of Division 3 of Title 2 of the Government Code. However,
8 such an applicant who is denied a firearms permit may request
9 review of the denial pursuant to Section 7583.29.

10 (h) The bureau may prescribe, adopt, and enforce emergency
11 regulations, and promulgate regulations to implement this section.
12 Any emergency regulation prescribed, adopted, or enforced
13 pursuant to this section shall be adopted in accordance with Chapter
14 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
15 Title 2 of the Government Code, and for purposes of that chapter,
16 including Section 11349.6 of the Government Code, the adoption
17 of the regulation is an emergency and shall be considered by the
18 Office of Administrative Law as necessary for the immediate
19 preservation of the public peace, health and safety, and general
20 welfare.

21 (i) The assessment required pursuant to this section shall be
22 subject to review by the appropriate policy committees of the
23 Legislature. The review shall be performed as if this section was
24 scheduled to be repealed as of January 1, 2025.

25 (j) *Nothing in this section requires any private business entity*
26 *that contracts with the bureau for the administration of the*
27 *assessment to produce documents related to the content,*
28 *methodology, results, or scoring criteria of the assessment, or any*
29 *trade secret, as defined in subdivision (d) of Section 3426.1 of the*
30 *Civil Code, for any private individual, firm, copartnership,*
31 *association, or corporation.*

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

34 17973. (a) Exterior elevated elements that include load-bearing
35 components in all buildings containing three or more multifamily
36 dwelling units shall be inspected. The inspection shall be performed
37 by a licensed architect; licensed civil or structural engineer; a
38 building contractor holding any or all of the “A,” “B,” or “C-5”
39 license classifications issued by the Contractors State License
40 Board, with a minimum of five years’ experience, as a holder of

1 the aforementioned classifications or licenses, in constructing
2 multistory wood frame buildings; or an individual certified as a
3 building inspector or building official from a recognized state,
4 national, or international association, as determined by the local
5 jurisdiction. These individuals shall not be employed by the local
6 jurisdiction while performing these inspections. The purpose of
7 the inspection is to determine that exterior elevated elements and
8 their associated waterproofing elements are in a generally safe
9 condition, adequate working order, and free from any hazardous
10 condition caused by fungus, deterioration, decay, or improper
11 alteration to the extent that the life, limb, health, property, safety,
12 or welfare of the public or the occupants is not endangered. The
13 person or business performing the inspection shall be hired by the
14 owner of the building.

15 (b) For purposes of this section, the following terms have the
16 following definitions:

17 (1) “Associated waterproofing elements” include flashings,
18 membranes, coatings, and sealants that protect the load-bearing
19 components of exterior elevated elements from exposure to water
20 and the elements.

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

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

32 (c) The inspection required by this section shall at a minimum
33 include:

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

38 (2) Assessment of the load-bearing components and associated
39 waterproofing elements of the exterior elevated elements identified
40 in paragraph (1) using methods allowing for evaluation of their

1 performance by direct visual examination or comparable means
2 of evaluating their performance. For purposes of this section, a
3 sample of at least 15 percent of each type of exterior elevated
4 element shall be inspected.

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

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

8 (B) Expectations of future performance and projected service
9 life.

10 (C) Recommendations of any further inspection necessary.

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

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

1 inspection cycles, and shall be disclosed and delivered to the buyer
2 at the time of any subsequent sale of the building.

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

8 (f) If the property was inspected within three years prior to
9 January 1, 2019, by an inspector as described in subdivision (a)
10 and a report of that inspector was issued stating that the exterior
11 elevated elements and associated waterproofing elements are in
12 proper working condition and do not pose a threat to the health
13 and safety of the public, no new inspection pursuant to this section
14 shall be required until January 1, 2025.

15 (g) An exterior elevated element found by the inspector that is
16 in need of repair or replacement shall be corrected by the owner
17 of the building. All necessary permits for repair or replacement
18 shall be obtained from the local jurisdiction. All repair and
19 replacement work shall be performed by a qualified and licensed
20 contractor in compliance with all of the following:

21 (1) The recommendations of a licensed professional described
22 in subdivision (a).

23 (2) Any applicable manufacturer's specifications.

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

26 (4) All local jurisdictional requirements.

27 (h) (1) An exterior elevated element that the inspector advises
28 poses an immediate threat to the safety of the occupants, or finds
29 preventing occupant access or emergency repairs, including
30 shoring, or both, are necessary, shall be considered an emergency
31 condition and the owner of the building shall perform required
32 preventive measures immediately. Immediately preventing
33 occupant access to the exterior elevated element until emergency
34 repairs can be completed constitutes compliance with this
35 paragraph. Repairs of emergency conditions shall comply with the
36 requirements of subdivision (g), be inspected by the inspector, and
37 reported to the local enforcement agency.

38 (2) The owner of the building requiring corrective work to an
39 exterior elevated element that, in the opinion of the inspector, does
40 not pose an immediate threat to the safety of the occupants, shall

1 apply for a permit within 120 days of receipt of the inspection
2 report. Once the permit is approved, the owner of the building
3 shall have 120 days to make the repairs unless an extension of time
4 is granted by the local enforcement agency.

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

7 (2) If the owner of the building does not comply with the repair
8 requirements within 180 days, the inspector shall notify the local
9 enforcement agency and the owner of the building. If within 30
10 days of the date of the notice the repairs are not completed, the
11 owner of the building shall be assessed a civil penalty based on
12 the fee schedule set by the local authority of not less than one
13 hundred dollars (\$100) nor more than five hundred dollars (\$500)
14 per day until the repairs are completed, unless an extension of time
15 is granted by the local enforcement agency.

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

21 (j) (1) A building safety lien authorized by this section shall
22 specify the amount of the lien, the name of the agency on whose
23 behalf the lien is imposed, the street address, the legal description
24 and assessor's parcel number of the parcel on which the lien is
25 imposed, and the name and address of the recorded owner of the
26 building.

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

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

34 (4) Notwithstanding any other law, the county recorder may
35 impose a fee on the city to reimburse the costs of processing and
36 recording the lien and providing notice to the owner of the building.
37 A city may recover from the owner of the building any costs
38 incurred regarding the processing and recording of the lien and
39 providing notice to the owner of the building as part of its
40 foreclosure action to enforce the lien.

1 (k) The continued and ongoing maintenance of exterior elevated
2 elements in a safe and functional condition in compliance with
3 these provisions shall be the responsibility of the owner of the
4 building.

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

7 (m) For any building subject to the provisions of this section
8 that is proposed for conversion to condominiums to be sold to the
9 public after January 1, 2019, the inspection required by this section
10 shall be conducted prior to the first close of escrow of a separate
11 interest in the project and shall include the inspector's
12 recommendations for repair or replacement of any exterior elevated
13 element found to be defective, decayed, or deteriorated to the extent
14 that it does not meet its load requirements, and would, in the
15 opinion of the inspector, constitute a threat to the health or safety
16 of the occupants. The inspection report and written confirmation
17 by the inspector that any repairs or replacements recommended
18 by the inspector have been completed shall be submitted to the
19 Department of Real Estate by the proponent of the conversion and
20 shall be a condition to the issuance of the final public report. A
21 complete copy of the inspection report and written confirmation
22 by the inspector that any repairs or replacements recommended
23 by the inspector have been completed shall be included with the
24 written statement of defects required by Section 1134 of the Civil
25 Code, and provided to the local jurisdiction in which the project
26 is located. The inspection, report, and confirmation of completed
27 repairs shall be a condition of the issuance of a final inspection or
28 certificate of occupancy by the local jurisdiction.

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

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

34 SEC. 23. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution for certain
36 costs that may be incurred by a local agency or school district
37 because, in that regard, this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty for a crime
39 or infraction, within the meaning of Section 17556 of the
40 Government Code, or changes the definition of a crime within the

1 meaning of Section 6 of Article XIII B of the California
2 Constitution.

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

O