

Date of Hearing: June 14, 2016

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

SB 1479(Committee on Business, Professions and Economic Development) – As Introduced
March 10, 2016

SENATE VOTE: 38-0

SUBJECT: Business and professions

SUMMARY: Makes several non-controversial, minor, non-substantive or technical changes to various provisions within the Business and Professions Code (BPC) relating to the non-healing arts regulatory entities under the Department of Consumer Affairs (DCA) and one non-substantive change to the California Tourism Marketing Act.

EXISTING LAW:

- 1) Provides for the licensing and regulation of various non-healing arts professions and businesses various licensing boards and other entities under the DCA. (BPC §§ 5000-9998.11)
- 2) Requires an applicant for licensure as a certified public accountant to complete 10 semester units or 15 quarter units of ethics study to the satisfaction of the California Board of Accountancy (CBA) and specifies the course titles. (BPC § 5094.3)
- 3) Authorizes the California Architects Board (CAB) to grant a candidate for licensing examination eligibility, based on an eligibility point determined by the Additional Path to Architectural Licensing Program, if the candidate is enrolled in an Additional Path to Architectural Licensing Program that integrates the experience and examination components offered by a National Architectural Accrediting Board-accredited degree program. (BPC § 5550.2)
- 4) Makes an application submitted to the Contractors' State License Board (CSLB) for an original contractor's license, for an additional classification, or for a change of qualifier void under eight circumstances, including when: (BPC § 7074(a))
 - a) The applicant or examinee for the applicant has failed to appear for the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to appear, or, after being rescheduled, has failed to appear for a second examination; and
 - b) The applicant or the examinee for the applicant has failed to achieve a passing grade in the scheduled qualifying examination, and fails to request and pay the fee for rescheduling within 90 days of notification of failure to pass the examination.
- 5) Authorizes the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) to administer the geologist licensing examination. (BPC § 7844)
- 6) Specifies the fees and procedures for licensing geologists and geophysicists. (BPC § 7887)

- 7) Establishes the California Travel and Tourism Commission within the Governor's Office of Business and Economic Development to administer and enforce the California Tourism Marketing Act. (Government Code (GOV) § 13995-13995.118)

THIS BILL:

- 1) Amends the requirement that an applicant for a license as a certified public accountant take ethics study courses with specified terms in the course title to instead allow the applicant to take courses with the specified terms as the course subject. Provides that the amendment shall not be deemed to reduce or eliminate the existing educational requirements.
- 2) Authorizes the CAB to grant a candidate early eligibility to sit for the licensing exam if the candidate is enrolled in a program accepted by the National Council of Architectural Registration Boards.
- 3) Eliminates the two conditions in existing law that void an application submitted to the CSLB relating to failure to pass, or failure to appear for, the qualifying examination and rescheduling.
- 4) Authorizes the BPELSG to make arrangements with a public or private organization to conduct the geology examination and to contract with a public or private organization for materials or services related to the examination.
- 5) Authorizes the BPELSG to authorize a contracted organization to receive related fees directly from applicants.
- 6) Deletes an obsolete reference to "secretary" in the intent language of the California Tourism Marketing Act and replaces it with "director".

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill will result in negligible state costs.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author, "This bill is one of two 'committee bills' authored by the [Senate Committee on Business, Professions and Economic Development] and is intended to consolidate a number of non-controversial provisions related to various regulatory programs and professions governed by the BPC. Consolidating the provisions in one bill is designed to relieve the various licensing boards, bureaus, professions, and other regulatory agencies from the necessity and burden of having separate measures for a number of non-controversial revisions.

Many of the provisions of this bill are minor, technical, and updating changes, while other provisions are substantive changes intended to improve the ability of various licensing programs and other entities to efficiently and effectively administer their respective laws. However, as a Committee bill, if controversy or opposition should arise regarding any provision that cannot be resolved, then that provision will be removed from the bill. This will eliminate the chance of placing any of the other provisions in jeopardy."

Background. This bill is the Senate Committee's annual non-health omnibus bill and makes changes to five boards under the DCA and to the California Tourism Marketing Act.

Board of Accountancy. Existing law requires an applicant for a license as a certified public accountant take a specified number of ethics study courses and specifies the terms that must appear in the course title, for example “Business law,” “Professional responsibilities,” and “Fraud.” However, course titles may not always be reflective of the subject of the course. Therefore, this bill would change the requirement to allow an applicant to be able to take a course with any title relating to Business law rather than limiting the applicant to a class titled “Business Law.” The CBA suggested the amendment in this bill “to provide a level of flexibility by changing the current course title requirement to a subject requirement.”

California Architects Board. Existing law authorizes the CAB to allow student architects to sit for the exam early under certain circumstances. However, the current language references the obsolete “Additional Path to Architectural Licensing.” The nomenclature for the programs has changed and the amendment is intended to reflect the new terminology.

Contractors’ State License Board. Existing law specifies several conditions that void an application. This bill deletes the conditions relating to exam scheduling because computer-based testing makes it unnecessary. This change will benefit applicants whose applications would otherwise become void without negatively impacting CSLB operations.

Board for Professional Engineers, Land Surveyors, and Geologists. Existing law authorizes the BPELSG to establish the timing, location, methods, and procedures of the geologist licensing exam. However, for professional engineers and land surveyors, the BPELSG has authorization to make arrangements with other organizations to conduct the examination and to contract for materials or services related to the examination. This bill makes that section of the practice acts between the three professions consistent. This change is one of many changes suggested by the BPELSG. The remaining changes suggested by the BPELSG are contained in SB 1165 (Canella) of the current Legislative Session.

Current Related Legislation. SB 1478 (Hill) of the Current Legislative session makes several non-controversial, minor, non-substantive or technical changes to various provisions within the BPC relating to the healing arts regulatory entities under the DCA. *STATUS: This bill will also be heard before the Assembly Committee on Business and Professions during today’s hearing.*

SB 1165 (Canella) of the current legislative session makes multiple changes to increase consistency between the practice acts administered by the BPELSG. *STATUS: This bill will also be heard before the Assembly Committee on Business and Professions during today’s hearing.*

Prior Related Legislation. AB 181 (Bonilla), Chapter 430, Statutes of 2015, was a sunset bill for the Board of Barbering and Cosmetology but was amended to add the provisions of the 2015 non-healing arts omnibus bill.

REGISTERED SUPPORT:

California Board of Accountancy

REGISTERED OPPOSITION:

None on file.

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