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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 11. Repossessors [7500 - 7511.5] (*Chapter 11 added by Stats. 1981, Ch. 1138, Sec. 11.)*

ARTICLE 6. Offices [7505 - 7505.5] (*Article 6 added by Stats. 1981, Ch. 1138, Sec. 11.)*

7505. A licensee desiring to operate a repossession business at a location other than the address shown on his or her license shall apply and qualify for a license for each additional location. A licensee desiring to operate a repossession business under one or more fictitious trade styles shall apply and qualify for a license for each fictitious trade style. No licensee shall indicate, or cause to be indicated, in any printed matter, or in any directory or listing, that he or she conducts a repossession business under any name, or at any address, other than the names and addresses for which he or she is licensed.

An application for a license for an additional location or an additional trade style shall be in the same form, and the applicant shall meet the same requirements, as for an original license.

(*Added by Stats. 1981, Ch. 1138, Sec. 11.*)

7505.1. Every office licensed as a repossession agency shall be under the active charge of a qualified certificate holder. Nothing in this chapter prohibits a licensee from having more than one qualified certificate holder in an office.

(*Amended by Stats. 2009, Ch. 322, Sec. 3. (AB 515) Effective January 1, 2010.*)

7505.3. (a) Whenever a qualified certificate holder actively in charge of an office ceases to be in charge, the licensee shall file with the bureau notice, in writing, within 30 days from that cessation.

If the notice is filed, the license shall remain in force for a period of 90 days after the filing of the notice. At the end of the 90-day period or an additional period, not to exceed one year, as specified by the director, if written notice is not given that a qualified person is then actively in charge of the office, the agency license shall be automatically suspended.

If the licensee fails to give written notice at the end of the 30-day period, the agency license shall be automatically suspended.

A license suspended under this section may be reinstated upon payment of the reinstatement fee and submission of a reinstatement application.

A person who performs any act for which a repossession agency license is required during the period of suspension is subject to the penal provisions of Article 3 (commencing with Section 7502), in addition to the provisions of Article 9 (commencing with Section 7508) and Article 10 (commencing with Section 7510).

(b) In the case of the death of a person licensed as an individual, an immediate family member shall be entitled to continue the business under the same license for 120 days following the death of the licensee. Except as provided in subdivision (c), at the end of the 120-day period, the license shall be automatically canceled.

(c) (1) (A) Except as provided in subparagraph (B), in the case of the death of a person licensed as an individual, an immediate family member shall be granted a license to continue the business under the same license number and business name if the immediate family member submits a written request and an initial application and application fee to the bureau within 120 days following the death of the licensee.

(B) If two or more immediate family members submit separate written requests pursuant to this paragraph to continue the license, the bureau shall grant the license to an immediate family member only if a court order issued within 120 days following the death of the licensee gives ownership of the asset clearly and unequivocally to that immediate family member.

(2) The immediate family member requesting the continuance of the license pursuant to this subdivision shall be subject to all of the requirements of this chapter, including the provisions of Section 7503.5.

(d) In the case of the death or disassociation of a partner of an entity licensed as a partnership, the licensee shall notify the bureau, in writing, within 30 days from the death or disassociation of the individual. If notice is given, the license shall remain in force for 90 days following the death or disassociation. At the end of that period, the license shall be automatically canceled. If the licensee fails to notify the bureau within the 30-day period, the license shall be automatically canceled at the end of that period.

(e) A license extended under this section is subject to all other provisions of this chapter.

(f) For purposes of this section, "immediate family member" means a spouse, father, mother, brother, sister, son, daughter, granddaughter, or grandson of the deceased licensee who submits proof of that relationship.

(Amended by Stats. 2020, Ch. 354, Sec. 2. (AB 2759) Effective January 1, 2021.)

7505.4. Except as herein otherwise provided, no person shall be in charge of any licensed office if the person has ever had a license revoked or suspended or has ever been denied registration pursuant to Article 7 (commencing with Section 7506); or if the person was a partner, managing employee, or officer, of a repossession agency the license of which has been revoked for cause.

(Added by Stats. 1981, Ch. 1138, Sec. 11.)

7505.5. The person deemed to be actively in charge of an office shall be the holder of a qualification certificate and the certificate, together with the current renewal certificate, shall be prominently displayed below the repossession agency's license. The person shall be in charge of not more than two licensed locations. The person shall share equally with the licensee the responsibility for the conduct of the business and the personnel of the licensed agency or agencies, if more than one agency is licensed at that location. This section shall not apply to any licensee who notifies the bureau in writing that the licensee is not conducting any business, but wishes to maintain a current license status with the bureau. When the licensee resumes conducting business, the licensee shall so inform the bureau in writing within 30 days.

(Amended by Stats. 2009, Ch. 307, Sec. 79. (SB 821) Effective January 1, 2010.)