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SB-1042 Contractors: violations. (2017-2018)

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Senate Bill No. 1042

CHAPTER 110

An act to add Section 7099.8 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor July 16, 2018. Filed with Secretary of State July 16, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1042, Monning. Contractors: violations.

Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires the board to appoint a registrar of contractors to carry out administrative duties, as provided. Existing law, if the registrar has probable cause to believe that a person is acting in the capacity of or engaging in the business of a contractor or salesperson without a license or registration in good standing, requires the registrar to issue a citation to that person, as specified. Existing law authorizes the registrar to issue a citation, as specified, to a licensee or applicant for a license, if the registrar has probable cause to believe that a licensee or applicant for a license has committed any acts or omissions that are grounds for denial, revocation, or suspension of a license. Existing law, if the person cited under these provisions notifies the registrar that the person intends to contest the citation, requires the registrar to provide an opportunity for an administrative hearing.

This bill would require that the person cited under those provisions file a written request for an administrative hearing within 15 days. The bill would authorize a person to contest the citation by submitting a written request for an informal citation conference in addition to, or instead of, requesting an administrative hearing. The bill would specify the procedures to be followed if an informal citation conference is requested.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7099.8 is added to the Business and Professions Code, to read:

7099.8. (a) Notwithstanding any other law, if a person cited pursuant to Section 7028.7 or 7099 wishes to contest the citation, that person shall, within 15 days after service of the citation, file in writing a request for an administrative hearing as provided pursuant to Section 7028.12 or Section 7099.5.

(b) (1) In addition to, or instead of, requesting an administrative hearing pursuant to subdivision (a), the person cited pursuant to Sections 7028.7 or 7099 may, within 15 days after service of the citation, contest the citation by submitting a written request for an informal citation conference to the chief of the enforcement division or a designee.

(2) Upon receipt of a written request for an informal citation conference, the chief of the enforcement division or a designee shall, within 60 days of the request, hold an informal citation conference with the person requesting the conference. The cited person may be accompanied and represented by an attorney or other authorized representative.

(3) If an informal citation conference is held, the request for an administrative hearing shall be deemed withdrawn and the chief of the enforcement division, or a designee, may affirm, modify, or dismiss the citation at the conclusion of the informal citation conference. If so affirmed or modified, the citation originally issued shall be considered withdrawn and an affirmed or modified citation, including reasons for the decision, shall be issued. The affirmed or modified citation shall be mailed to the cited person and that person's counsel, if any, within 10 days of the date of the informal citation conference.

(4) If a cited person wishes to contest a citation affirmed or modified pursuant to paragraph (3), the person shall, within 30 days after service of the modified or affirmed citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing to the chief of the enforcement division or a designee. An informal citation conference shall not be held for affirmed or modified citations.

(c) The citation conference is informal and shall not be subject to the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) of, or Chapter 5 (commencing with Section 11500) of Part 1 of, Division 3 of Title 2 of the Government Code).