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AB-1747 Contractors: disciplinary action. (2021-2022)

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Assembly Bill No. 1747

CHAPTER 757

An act to amend Sections 7099.2 and 7110 of the Business and Professions Code, relating to contractors.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, Quirk. Contractors: disciplinary action.

Existing law provides for the licensure and regulation of contractors by the Contractors State License Board. Under existing law, willful or deliberate disregard by a licensed contractor of various state building, labor, and safety laws constitutes a cause for disciplinary action by the board. Existing law provides for related disciplinary proceedings, requires the board to promulgate regulations covering the assessment of civil penalties under those disciplinary provisions, and authorizes a civil penalty not to exceed \$30,000 for specified violations.

This bill would provide that the list of violations that constitute cause for a disciplinary action by the board includes a willful or deliberate disregard of any state or local law relating to the issuance of building permits, and would authorize a civil penalty not to exceed \$30,000 for any violation included on that above-specified list.

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

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

SECTION 1. Section 7099.2 of the Business and Professions Code is amended to read:

7099.2. (a) The board shall promulgate regulations covering the assessment of civil penalties under this article that give due consideration to the appropriateness of the penalty with respect to the following factors:

- (1) The gravity of the violation.
- (2) The good faith of the licensee or applicant for licensure being charged.
- (3) The history of previous violations.

(b) Notwithstanding Section 125.9, and except as otherwise provided by this chapter, a civil penalty shall not be assessed in an amount greater than eight thousand dollars (\$8,000). Notwithstanding Section 125.9, a civil penalty not to exceed thirty thousand dollars (\$30,000) may be assessed for a violation of Section 7110, 7114, 7118, or 7125.4

SEC. 2. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee:

(a) Section 8550 or 8556.

(b) Sections 1689.5 to 1689.15, inclusive, of the Civil Code.

(c) The safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state.

(d) The Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code).

(e) Any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells.

(f) Any provision of Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code.

(g) Section 374.3 of the Penal Code or any substantially similar law or ordinance that is promulgated by a local government agency as defined in Section 82041 of the Government Code.

(h) Any state or local law relating to the issuance of building permits.