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SB-826 Business and professions. (2021-2022)

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Date Published: 09/17/2021 09:00 PM

Senate Bill No. 826

CHAPTER 188

An act to amend Sections 27, 144, 5659, 6533, 6758, 7011.4, 7017.3, 7058.5, 7058.6, 7124.6, 7169, 7846, 8746, 9802, 19004, 19031, 19051, 19055, 19059.5, 19100, and 19161 of, and to repeal Section 13470.1 of, the Business and Professions Code, relating to business and professions.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 826, Committee on Business, Professions and Economic Development. Business and professions.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(1) Existing law establishes the Bureau of Household Goods and Services within the Department of Consumer Affairs under the supervision and control of the Director of Consumer Affairs. The bureau is responsible for the licensure and regulation of, among others, upholstered furniture retailers, household movers, and electronic and appliance repair dealers. Existing law requires the bureau to disclose prescribed information on the internet regarding its licensees and registrants and to comply with the department's guidelines for access to public records.

This bill would additionally require the bureau to disclose information on its permitholders.

(2) Under existing law, specified agencies must require an applicant to provide a full set of fingerprints for purposes of conducting criminal history record checks.

This bill would include in the list of agencies the Bureau of Household Goods and Services with respect to household movers.

(3) Existing law, until January 1, 2023, establishes the Professional Fiduciaries Bureau within the department, and requires the bureau to license and regulate professional fiduciaries. Existing law prescribes specified qualifications, including education and work experience, for licensure as a professional fiduciary.

This bill would revise the work experience requirements that an applicant may satisfy to qualify for licensure as a professional fiduciary.

(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. Existing law establishes an enforcement division within the board that is required to enforce prohibitions against all forms of unlicensed activity, as specified. Existing law authorizes the board's enforcement representatives, recently reclassified as special investigators, who are designated by the Director of Consumer Affairs to issue a written notice to appear in court, as specified.

This bill would make nonsubstantive changes to those provisions by instead referring to the above-described enforcement representatives as special investigators and would make additional conforming changes.

Existing law requires the Contractors State License Board to report annually to the Legislature specified statistical information for the prior fiscal year, including, for the board's Investigation Center closures, the total number of complaints closed after referral for a field investigation per enforcement representative.

This bill would revise the reporting requirement to instead include the total number of complaints closed after referral for a field investigation per investigator and special investigator.

Existing law prohibits a contractor from engaging in asbestos-related work, as specified, without passing an asbestos certification examination. Existing law prohibits the Contractors State License Board from issuing an asbestos certification to a contractor who is not registered with the Division of Occupational Safety and Health, as specified. Under existing law, a contractor who is not certified pursuant to these provisions may bid on and contract to perform a project involving asbestos-related work as long as the asbestos-related work is performed by a contractor who is certified and registered, as specified.

This bill would additionally permit a contractor who holds a C-22 Asbestos Abatement classification to engage in asbestos-related work, as specified, and to perform the asbestos-related work in connection with the above-described project.

Existing law requires a solar energy system company, before completing a sale, financing, or lease of a solar energy system, to provide a consumer with a disclosure document, developed by the board, as specified, that provides a consumer with accurate, clear, and concise information regarding the installation of a solar energy system. Existing law requires the disclosure document to contain specified information, including the consumer's right to a cooling off period of 3 days, pursuant to provisions outlining the contract requirements for projects requiring a home improvement contract. Under existing law, those provisions generally provide for a 3-, 5-, or 7-day right to cancel the contract, depending on the specific circumstances of the consumer.

This bill would revise the requirement that the disclosure document include information relating to the consumer's right to a 3-day cooling off period to instead include information relating to the applicable cancellation period, pursuant to the above-described provisions outlining specified contract requirements.

(5) Existing law requires a person selling at retail motor vehicle fuel to the public to post and maintain the maximum lawful selling price, as defined under obsolete federal law, of each type and grade of gasoline.

This bill would repeal that provision.

(6) Existing law prescribes various requirements and fees relating to examinations for licensure for certain professions, including professional engineers, geologists and geophysicists, and land surveyors.

This bill would specify that, upon failing in an examination, applicants may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

(7) This bill would make other conforming and nonsubstantive changes, including replacing gendered terms with nongendered terms, updating cross-references, and deleting obsolete provisions.

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

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

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

(b) In providing information on the internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Household Goods and Services shall disclose information on its licensees, registrants, and permitholders.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The Acupuncture Board shall disclose information on its licensees.

(13) The Board of Behavioral Sciences shall disclose information on its licensees and registrants.

(14) The Dental Board of California shall disclose information on its licensees.

(15) The State Board of Optometry shall disclose information on its licensees and registrants.

(16) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(17) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permitholders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

(1) California Board of Accountancy.

(2) State Athletic Commission.

- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Board.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Podiatric Medical Board of California.
- (28) Osteopathic Medical Board of California.
- (29) California Architects Board, beginning January 1, 2021.
- (30) Landscape Architects Technical Committee, beginning January 1, 2022.
- (31) Bureau of Household Goods and Services with respect to household movers as described in Chapter 3.1 (commencing with Section 19225) of Division 8.

(c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 3. Section 5659 of the Business and Professions Code is amended to read:

5659. Each person licensed under this chapter shall sign, date, and seal or stamp using a seal or stamp described in this section, all plans, specifications, and other instruments of service therefor, prepared for others as evidence of the person's responsibility for those documents. Failure to comply with this section constitutes a ground for disciplinary action. Each person licensed under this chapter shall use a seal or stamp of the design authorized by the board, bearing the person's name, license number, the legend "licensed landscape architect," the legend "State of California" and a means of providing a signature, the renewal date of the license, and date of signing and sealing or stamping.

SEC. 4. Section 6533 of the Business and Professions Code is amended to read:

6533. In order to meet the qualifications for licensure as a professional fiduciary a person shall meet all of the following requirements:

- (a) Be at least 21 years of age.
- (b) Have not committed any acts that are grounds for denial of a license under Section 480 or 6536.
- (c) Submit fingerprint images as specified in Section 6533.5 in order to obtain criminal offender record information.
- (d) Have completed the required preclicensing education described in Section 6538.
- (e) Have passed the licensing examination administered by the bureau pursuant to Section 6539.
- (f) Have at least one of the following:
 - (1) A baccalaureate degree of arts or sciences from a college or university accredited by a nationally recognized accrediting body of colleges and universities or a higher level of education.
 - (2) An associate of arts or sciences degree from a college or university accredited by a nationally recognized accrediting body of colleges and universities, and at least three years of experience with either of the following substantive fiduciary responsibilities:
 - (A) Serving as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.
 - (B) Working for a professional fiduciary, a public agency, or a financial institution acting as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.
 - (3) At least five years of experience with either of the following substantive fiduciary responsibilities:
 - (A) Serving as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.
 - (B) Working for a professional fiduciary, a public agency, or a financial institution acting as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.
- (g) Agree to adhere to the Professional Fiduciaries Code of Ethics and to all statutes and regulations.
- (h) Consent to the bureau conducting a credit check on the applicant.
- (i) File a completed application for licensure with the bureau on a form provided by the bureau and signed by the applicant under penalty of perjury.
- (j) Submit with the license application a nonrefundable application fee, as specified in this chapter.

SEC. 5. Section 6758 of the Business and Professions Code is amended to read:

6758. An applicant failing in an examination may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

SEC. 6. Section 7011.4 of the Business and Professions Code is amended to read:

7011.4. (a) Notwithstanding Section 7011, there is in the Contractors State License Board, a separate enforcement division that shall rigorously enforce this chapter prohibiting all forms of unlicensed activity and shall enforce the obligation to secure the payment of valid and current workers' compensation insurance in accordance with Section 3700.5 of the Labor Code.

(b) Persons employed as special investigators of the Contractors State License Board and designated by the Director of Consumer Affairs shall have the authority to issue a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee so designated is not a peace officer and does not have the power of arrest.

(c) When participating in the activities of the Joint Enforcement Strike Force on the Underground Economy pursuant to Section 329 of the Unemployment Insurance Code, the enforcement division shall have free access to all places of labor.

SEC. 7. Section 7017.3 of the Business and Professions Code is amended to read:

7017.3. The Contractors State License Board shall report annually to the Legislature, not later than October 1 of each year, the following statistical information for the prior fiscal year. The following data shall be reported on complaints filed with the board against licensed contractors, registered home improvement salespersons, and unlicensed persons acting as licensees or registrants:

(a) The number of complaints received by the board categorized by source, such as public, trade, profession, government agency, or board-initiated, and by type of complaint, such as licensee or nonlicensee.

(b) The number of complaints closed prior to referral for field investigation, categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(c) The number of complaints referred for field investigation categorized by the type of complaint, such as licensee or nonlicensee.

(d) The number of complaints closed after referral for field investigation categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(e) For the board's Intake/Mediation Center and the board's Investigation Center closures, respectively, the total number of complaints closed prior to a field investigation per consumer services representative, and the total number of complaints closed after referral for a field investigation per investigator and special investigator. Additionally, the board shall report the total number of complaints closed by other board staff during the year.

(f) The number of complaints pending at the end of the fiscal year grouped in 90-day increments, and the percentage of total complaints pending, represented by the number of complaints in each grouping.

(g) The number of citations issued to licensees categorized by the type of citation such as order of correction only or order of correction and fine, and the number of citations issued to licensees that were vacated or withdrawn.

(h) The number of citations issued to nonlicensees and the number of these citations that were vacated or withdrawn.

(i) The number of complaints referred to a local prosecutor for criminal investigation or prosecution, the number of complaints referred to the Attorney General for the filing of an accusation, and the number of complaints referred to both a local prosecutor and the Attorney General, categorized by type of complaint, such as licensee and nonlicensee.

(j) Actions taken by the board, including, but not limited to, the following:

(1) The number of disciplinary actions categorized by type, such as revocations or suspensions, categorized by whether the disciplinary action resulted from an accusation, failure to comply with a citation, or failure to comply with an arbitration award.

(2) The number of accusations dismissed or withdrawn.

(k) For subdivisions (g) and (j), the number of cases containing violations of Sections 7121 and 7121.5, and paragraph (5) of subdivision (a) of Section 7159.5, categorized by section.

(l) The number of interim suspension orders sought, the number of interim suspension orders granted, the number of temporary restraining orders sought, and the number of temporary restraining orders granted.

(m) The amount of cost recovery ordered and the amount collected.

(n) Case aging data, including data for each major stage of the enforcement process, including the following:

(1) The average number of days from the filing of a complaint to its closure by the board's Intake/Mediation Center prior to the referral for an investigation categorized by the type of complaint, such as licensee or nonlicensee.

(2) The average number of days from the referral of a complaint for an investigation to its closure by the Investigation Center categorized by the type of complaint, such as licensee or nonlicensee.

(3) The average number of days from the filing of a complaint to the referral of the completed investigation to the Attorney General.

(4) The average number of days from the referral of a completed investigation to the Attorney General to the filing of an accusation by the Attorney General.

(5) The average number of days from the filing of an accusation to the first hearing date or date of a stipulated settlement.

(6) The average number of days from the receipt of the administrative law judge's proposed decision to the registrar's final decision.

SEC. 8. Section 7058.5 of the Business and Professions Code is amended to read:

7058.5. (a) A contractor shall not engage in asbestos-related work, as defined in Section 6501.8 of the Labor Code, that involves 100 square feet or more of surface area of asbestos containing materials, unless the contractor holds a C-22 Asbestos Abatement classification or the qualifier for the license passes an asbestos certification examination. Additional updated asbestos certification examinations may be required based on new health and safety information. The decision on whether to require an updated certification examination shall be made by the Contractors State License Board, in consultation with the Division of Occupational Safety and Health in the Department of Industrial Relations and the Division of Environmental and Occupational Disease Control in the State Department of Public Health.

No asbestos certification examination shall be required for contractors involved with the installation, maintenance, and repair of asbestos cement pipe or sheets, vinyl asbestos floor materials, or asbestos bituminous or resinous materials.

"Asbestos," as used in this section, has the same meaning as defined in Section 6501.7 of the Labor Code.

(b) The Contractors State License Board shall make available to all applicants, either on the board's internet website or, if requested, in hard copy, a booklet containing information relative to handling and disposal of asbestos, together with an open book examination concerning asbestos-related work. All applicants for an initial contractor license shall complete the open book examination and, prior to the issuance of a contractor's license, submit it to the board electronically or by mail if the applicant elects to use the hard-copy format.

SEC. 9. Section 7058.6 of the Business and Professions Code is amended to read:

7058.6. (a) The board shall not issue an asbestos certification, as required by Section 7058.5, unless the contractor is registered with the Division of Occupational Safety and Health of the Department of Industrial Relations pursuant to Section 6501.5 of the Labor Code. The board may issue an asbestos certification to a contractor who is not registered, provided the contractor in a written statement acknowledges that they do not perform asbestos-related work. The board shall notify both the division and the contractor, in writing, of the contractor's passage of the certification examination, for the purpose of allowing the contractor to satisfy the requirement of paragraph (1) of subdivision (a) of Section 6501.5 of the Labor Code. The contractor shall register with the division within 90 days from the date the contractor is notified of the passage of the certification examination. The board may require a reexamination if the contractor fails to register within 90 days following issuance of the notification. Applicable test fees shall be paid for any reexamination required under this section.

(b) Any contractor who is certified to engage in asbestos-related work shall present proof of current registration with the division pursuant to Section 6501.5 of the Labor Code upon application for renewal of the contractor's license, if the contractor engages in asbestos-related work, as defined in Section 6501.8 of the Labor Code.

(c) A contractor who is not certified pursuant to this section may bid on and contract to perform a project involving asbestos-related work as long as the asbestos-related work is performed by a contractor who holds the C-22 Asbestos Abatement classification or is certified and registered pursuant to this section and Section 6501.5 of the Labor Code.

(d) The board shall obtain and periodically update the list of contractors certified to engage in asbestos-related work who are registered pursuant to Section 6501.5 of the Labor Code.

SEC. 10. Section 7124.6 of the Business and Professions Code is amended to read:

7124.6. (a) The registrar shall make available to members of the public the date, nature, and status of all complaints on file against a licensee that do either of the following:

(1) Have been referred for accusation.

(2) Have been referred for investigation after a determination by board enforcement staff that a probable violation has occurred, and have been reviewed by a supervisor, and regard allegations that if proven would present a risk of harm to the public and

would be appropriate for suspension or revocation of the contractor's license or criminal prosecution.

(b) The board shall create a disclaimer that shall accompany the disclosure of a complaint that shall state that the complaint is an allegation. The disclaimer may also contain any other information the board determines would be relevant to a person evaluating the complaint.

(c) (1) A complaint resolved in favor of the contractor shall not be subject to disclosure.

(2) A complaint resolved by issuance of a letter of admonishment pursuant to Section 7099.9 shall not be deemed resolved in favor of the contractor for the purposes of this section. A letter of admonishment issued to a licensee shall be disclosed for a period of one year from the date of service described in subdivision (c) of Section 7099.9.

(d) Except as described in subdivision (e), the registrar shall make available to members of the public the date, nature, and disposition of all legal actions.

(e) Disclosure of legal actions shall be limited as follows:

(1) (A) Citations shall be disclosed from the date of issuance and for five years after the date of compliance if no additional disciplinary actions have been filed against the licensee during the five-year period. If additional disciplinary actions were filed against the licensee during the five-year period, all disciplinary actions shall be disclosed for as long as the most recent disciplinary action is subject to disclosure under this section. At the end of the specified time period, those citations shall no longer be disclosed.

(B) Any disclosure pursuant to this paragraph shall also appear on the license record of any other license that includes a qualifier that is listed as one of the members of personnel of record of the license that was issued the citation.

(C) The disclosure described in subparagraph (B) shall be for the period of disclosure of the citation.

(2) Accusations that result in suspension, stayed suspension, or stayed revocation of the contractor's license shall be disclosed from the date the accusation is filed and for seven years after the accusation has been settled, including the terms and conditions of probation if no additional disciplinary actions have been filed against the licensee during the seven-year period. If additional disciplinary actions were filed against the licensee during the seven-year period, all disciplinary actions shall be posted for as long as the most recent disciplinary action is subject to disclosure under this section. At the end of the specified time period, those accusations shall no longer be disclosed.

(3) All revocations that are not stayed shall be disclosed indefinitely from the effective date of the revocation.

SEC. 11. Section 7169 of the Business and Professions Code is amended to read:

7169. (a) The board, in collaboration with the Public Utilities Commission, shall develop and make available a "solar energy system disclosure document" or documents that provide a consumer, at a minimum, accurate, clear, and concise information regarding the installation of a solar energy system, total costs of installation, anticipated savings, the assumptions and inputs used to estimate the savings, and the implications of various financing options.

(b) On or before July 1, 2018, the board, in collaboration with the Public Utilities Commission, shall develop, and make available on its internet website the disclosure document described in subdivision (a) that a solar energy system company shall provide to a consumer prior to completion of a sale, financing, or lease of a solar energy system. The "solar energy system disclosure document" shall be printed on the front page or cover page of every solar energy contract. The "solar energy system disclosure document" shall be printed in boldface 16-point type and include the following types of primary information:

(1) The total cost and payments for the system, including financing costs.

(2) Information on how and to whom customers may provide complaints.

(3) The consumer's right to the applicable cancellation period pursuant to Section 7159 of the Business and Professions Code.

(c) At the board's discretion, other types of supporting information the board and the commission deem appropriate or useful in furthering the directive described in subdivision (a) may be included in the solar energy disclosure document following the front page or cover page, including, but not limited to:

(1) The amounts and sources of financing obtained.

(2) The calculations used by the home improvement salesperson to determine how many panels the homeowner needs to install.

(3) The calculations used by the home improvement salesperson to determine how much energy the panels will generate.

(4) Any additional monthly fees the homeowner's electric company may bill, any turn-on charges, and any fees added for the use of an internet monitoring system of the panels or inverters.

(5) The terms and conditions of any guaranteed rebate.

(6) The final contract price, without the inclusion of possible rebates.

(7) The solar energy system company's contractor's license number.

(8) The impacts of solar energy system installations not performed to code.

(9) Types of solar energy system malfunctions.

(10) Information about the difference between a solar energy system lease and a solar energy system purchase.

(11) The impacts that the financing options, lease agreement terms, or contract terms will have on the sale of the consumer's home, including any balloon payments or solar energy system relocation that may be required if the contract is not assigned to the new owner of the home.

(12) A calculator that calculates performance of solar projects to provide solar customers the solar power system's projected output, which may include an expected performance-based buy-down calculator.

(d) A contract for sale, financing, or lease of a solar energy system and the solar energy system disclosure document shall be written in the same language as was principally used in the oral sales presentation made to the consumer or the print or digital marketing material given to the consumer.

(e) For solar energy systems utilizing Property Assessed Clean Energy (PACE) financing, the Financing Estimate and Disclosure form required by subdivision (b) of Section 5898.17 of the Streets and Highways Code shall satisfy the requirements of this section with respect to the financing contract only, but not, however, with respect to the underlying contract for installation of the solar energy system.

(f) The board shall post the PACE Financing Estimate and Disclosure form required by subdivision (b) of Section 5898.17 of the Streets and Highways Code on its internet website.

(g) For purposes of this section, "solar energy system" means a solar energy device to be installed on a residential building that has the primary purpose of providing for the collection and distribution of solar energy for the generation of electricity, that produces at least one kW, and not more than five MW, alternating current rated peak electricity, and that meets or exceeds the eligibility criteria established pursuant to Section 25782 of the Public Resources Code.

(h) This section does not apply to a solar energy system that is installed as a standard feature on new construction.

SEC. 12. Section 7846 of the Business and Professions Code is amended to read:

7846. An applicant failing in an examination may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

SEC. 13. Section 8746 of the Business and Professions Code is amended to read:

8746. An applicant failing an examination may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

SEC. 14. Section 9802 of the Business and Professions Code is amended to read:

9802. This chapter does not apply to:

(a) Any employee of a service dealer while the employee is engaged in activities within the normal scope of the employer's business.

(b) The repair, service, or maintenance of equipment used in commercial, nonresidential, industrial, or governmental establishments.

(c) The repair, services, or maintenance of equipment the ordinary and usual use of which requires a license or permit issued by the Federal Communications Commission.

(d) Any person licensed under Chapter 9 (commencing with Section 7000) as an electrical contractor (C-10) or a low-voltage communications systems contractor (C-7) and acting within the scope of their license.

SEC. 15. Section 13470.1 of the Business and Professions Code is repealed.

SEC. 16. Section 19004 of the Business and Professions Code is amended to read:

19004. (a) "Bureau" refers to the Bureau of Household Goods and Services, as established in Section 9810.

(b) "Chief" refers to the chief of the bureau.

(c) "Inspector" refers to an inspector or investigator either employed by, or under contract to, the bureau.

(d) "Director" refers to the Director of Consumer Affairs.

(e) "Department" refers to the Department of Consumer Affairs.

SEC. 17. Section 19031 of the Business and Professions Code is amended to read:

19031. The duty of enforcing and administering this chapter, Chapter 3.1 (commencing with Section 19225), and Chapter 20 (commencing with Section 9800) of Division 3 is vested in the chief who is responsible to the director therefor.

SEC. 18. Section 19051 of the Business and Professions Code is amended to read:

19051. Every upholstered-furniture retailer, unless they hold an importer's license, a furniture and bedding manufacturer's license, a wholesale furniture and bedding dealer's license, a custom upholsterer's license, or a retail furniture and bedding dealer's license shall hold a retail furniture dealer's license.

(a) This section does not apply to a person whose sole business is designing and specifying for interior spaces, and who purchases specific amenable upholstered furniture items on behalf of a client, provided that the furniture is purchased from an appropriately licensed importer, wholesaler, or retailer. This section does not apply to a person who sells "used" and "antique" furniture as defined in Sections 19008.1 and 19008.2.

(b) This section does not apply to a person who is licensed as a home medical device retail facility by the State Department of Public Health, provided that the furniture is purchased from an appropriately licensed importer, wholesaler, or retailer.

SEC. 19. Section 19055 of the Business and Professions Code is amended to read:

19055. Every bedding retailer, unless they hold an importer's license, an upholstered-furniture and bedding manufacturer's license, a wholesale upholstered-furniture and bedding dealer's license, or a retail furniture and bedding dealer's license, shall hold a retail bedding dealer's license.

(a) This section does not apply to a person whose sole business is designing and specifying for interior spaces, and who purchases specific amenable bedding items on behalf of a client, provided that the bedding is purchased from an appropriately licensed importer, wholesaler, or retailer.

(b) This section does not apply to a person who is licensed as a home medical device retail facility by the State Department of Public Health, provided that the bedding is purchased from an appropriately licensed importer, wholesaler, or retailer.

SEC. 20. Section 19059.5 of the Business and Professions Code is amended to read:

19059.5. Every sanitizer shall hold a sanitizer's license unless they are licensed as a home medical device retail facility by the State Department of Public Health or as an upholstered furniture and bedding manufacturer, retail furniture and bedding dealer, retail bedding dealer, or custom upholsterer.

SEC. 21. Section 19100 of the Business and Professions Code is amended to read:

19100. For the purposes of this article, the following definitions apply:

(a) "Chemical" has the same meaning as in subdivision (a) of Section 19094.

(b) "Consumer price index" has the same meaning as in subdivision (a) of Section 19094.

(c) (1) "Covered flame retardant chemical" means any chemical that meets both of the following criteria:

(A) A functional use for the chemical is to resist or inhibit the spread of fire or as a synergist to chemicals that resist or inhibit the spread of fire, including, but not limited to, any chemical for which the term "flame retardant" appears on the Occupational Safety and Health Administration substance safety data sheet pursuant to subdivision (g) of Section 1910.1200 of Title 29 of the Code of Federal Regulations as it read on January 1, 2019.

(B) The chemical is one of the following:

(i) A halogenated, organophosphorus, organonitrogen, or nanoscale chemical.

(ii) A chemical defined as a "designated chemical" in Section 105440 of the Health and Safety Code.

(iii) A chemical listed on the Washington State Department of Ecology's list of Chemicals of High Concern to Children in Section 173-334-130 of Title 173 of the Washington Administrative Code as of January 1, 2019, and identified as a flame retardant or as a synergist to flame retardants in the rationale for inclusion in the list.

(2) As used in this subdivision:

(A) "Halogenated chemical" means any chemical that contains one or more halogen elements, including fluorine, chlorine, bromine, or iodine.

(B) "Organophosphorus chemical" is any chemical that contains one or more carbon elements and one or more phosphorus elements.

(C) "Organonitrogen chemical" is any chemical that contains one or more carbon elements and one or more nitrogen elements.

(d) "Juvenile product" means a product subject to this chapter and designed for residential use by infants and children under 12 years of age, including, but not limited to, a bassinet, booster seat, changing pad, floor playmat, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant swing, infant walker, nursing pad, nursing pillow, playpen side pad, playard, portable hook-on chair, stroller, and children's nap mat.

(e) Juvenile products do not include any of the following:

(1) Products that are not primarily intended for use in the home, such as products or components for motor vehicles, watercraft, aircraft, or other vehicles.

(2) Products subject to Part 571 of Title 49 of the Code of Federal Regulations regarding parts and products used in vehicles and aircraft.

(3) Products required to meet state flammability standards in Technical Bulletin 133, entitled "Flammability Test Procedure for Seating Furniture for Use in Public Occupancies."

(4) Consumer electronic products that do not fall under the bureau's jurisdiction for flammability standards.

(f) "Mattress" has the same definition as that term is defined in Section 1632.1 of Title 16 of the Code of Federal Regulations.

(g) "Reupholstered furniture" means furniture whose original fabric, padding, decking, barrier material, foam, or other resilient filling has been replaced by a custom upholsterer, that has not been sold since the time of the replacement, and that is required to meet the flammability standards set forth in Technical Bulletin 117-2013 entitled "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture." Reupholstered furniture shall not include products required to meet Technical Bulletin 133.

(h) "Upholstered furniture" has the same meaning as "covered products" does in subdivision (a) of Section 19094.

SEC. 22. Section 19161 of the Business and Professions Code is amended to read:

19161. (a) All mattresses and mattress sets manufactured for sale in this state shall be fire retardant. "Fire retardant," as used in this section, means a product that meets the standards for resistance to open-flame test adopted by the United States Consumer Product Safety Commission and set forth in Section 1633 and following of Title 16 of the Code of Federal Regulations. The bureau may adopt regulations it deems necessary to implement those standards.

(b) All other bedding products that the bureau determines contribute to mattress bedding fires shall comply with regulations adopted by the bureau specifying that those products be resistant to open-flame ignition.

(c) All seating furniture sold or offered for sale by an importer, manufacturer, or wholesaler for use in this state, including any seating furniture sold to or offered for sale for use in a hotel, motel, or other place of public accommodation in this state, and

reupholstered furniture to which filling materials are added, shall be fire retardant and shall be labeled in a manner specified by the bureau. This does not include furniture used exclusively for the purpose of physical fitness and exercise.

(d) Regulations adopted by the bureau for other bedding products shall not apply to any hotel, motel, bed and breakfast, inn, or similar transient lodging establishment that has an automatic fire extinguishing system that conforms to the specifications established in Section 904.1 of Title 24 of the California Code of Regulations.