

1995

1995 Consumer Legislative Digest

California Department of Consumer Affairs

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CONSUMER LEGISLATION DIGEST 1995

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Forward

The 1995 Legislative Digest contains summaries of legislation of significance to the Department of Consumer Affairs, its licensees, and consumers throughout the state. This Digest contains legislation for the first year of the 1995-1996 legislative session. While the text is edited to provide accurate and current information about each legislative proposal, readers should obtain copies of specific bills or consult relevant codes when relying on cited material.

You may obtain copies of bills by contacting your local legislator.

The Digest is organized to help you readily identify a specific bill by any of several methods: bill number, subject matter or category, or chapter number if the bill was passed by the Legislature and signed by the Governor.

The Digest presents the bills, generally, within three major categories - Consumer Protection, Occupational Regulation, and Department of Consumer Affairs. Each category contains one or more subcategories. Because of the nature of the issues addressed in a particular bill, you may find it referenced in more than one category or subcategory.

Part I is organized alphabetically, by a one-line subject heading, within each subcategory. The subject heading refers you to the bill number, and indicates the disposition of the bill at the close of the 1995 legislative year.

Part II is organized numerically, by assembly or senate bill number, under each subcategory. Part II contains a short summary of each bill and its disposition at the end of the 1995 legislative year.

Part III is an Appendix containing a Bill Number Index and a Chaptered Bill Index. Each index specifies all pages in the Digest that reference the particular bill. The Appendix also includes a Department of Consumer Affairs Directory that identifies all occupations licensed or regulated by a particular board or bureau within the Department.

For brevity, the Department of Consumer Affairs has used abbreviations throughout the Digest text to reference various California Codes. You will find a key to the abbreviations in the Appendix.

Throughout the Digest text, the Department of Consumer Affairs has used a bold typeface for sections of bill summaries that are mandates for the Department and its boards and bureaus.

**DEPARTMENT OF CONSUMER AFFAIRS
1995 LEGISLATIVE DIGEST**

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Consumer legislative digest

I. TABLE OF BILLS

A. CONSUMER PROTECTION

1. Business and Sales

TITLE	BILL NUMBER	DISPOSITION
Advertising: Made in U.S.A.	AB 628	2-Year
Airline Ticket Commission	SJR 24	Chapter R-81
Automotive Consumer Notification Act	AB 1381	Chapter 503
Cable Television	SB 610	2-Year
Collectibles	AB 434	Chapter 360
Environmental Advertising	AB 227	Failed Assembly
Environmental Advertising	SB 426	Chapter 642
Fictitious Business Name Statements	AB 426	Dropped
Fictitious Business Name Statements	SBXX 23	2-Year
Gender Price Discrimination	AB 1100	Chapter 866
Health Studio Contracts	AB 287	2-Year
Home Improvement Contracts	SB 320	Chapter 255
Pawnbrokers	AB 756	Vetoed
Recreational Vehicles	SB 325	Chapter 923
Rental Car Agencies	SB 1070	Failed Assembly
Rental Car Agencies	SB 1207	2-Year
Sellers of Travel	SB 142	Chapter 772
Telemarketing	AB 578	Chapter 109
Tire Chains: Disclosure	AB 28	Chapter 452
Vehicle Leases	AB 1159	Chapter 320
Wheelchairs: Warranties	AB 40	Chapter 461

2. Court System and Conflict Resolution

TITLE	BILL NUMBER	DISPOSITION
Arbitration	AB 754	2-Year
Arbitration and Mediation	SB 692	2-Year
Arbitrators: Immunity	SB 479	Chapter 209
Attorney's Fees: Offer for Judgment	AB 54	Chapter 911
Civil Actions: Case Questionnaires	AB 1898	2-Year
Exemplary Damages	AB 1862	2-Year
Exemplary Damages: Apportionment	AB 757	2-Year
Expert Witness Fees	AB 1204	Chapter 797
Inverse Condemnation	SB 51	Chapter 181
Judicial Arbitration	SB 197	2-Year

2. Court System and Conflict Resolution (cont.)

TITLE	BILL NUMBER	DISPOSITION
Juries	SB 1199	2-Year
Juries: Selection	AB 1065	2-Year
Liability: Public Entities	AB 1596	2-Year
Negligence: Collateral Sources of Reimbursement	AB 1242	2-Year
Negligence: Immunity from Civil Liability	SB 302	2-Year
Negligence: Noneconomic Losses	AB 1938	2-Year
Professional Negligence	SB 934	Chapter 241
Professional Negligence: Joint and Several Liability	AB 1516	2-Year
Punitive Damages	AB 1405	2-Year
State Bar of California: Accreditation	SB 596	2-Year
State Bar of California: Discipline	AB 1414	Chapter 88
State Bar of California: First-Year Law Students' Examination	SB 702	Vetoed
State Bar of California: Mandatory Membership	SB 60	Chapter 782
State Bar of California: Membership Fees	AB 1435	Chapter 193
Trial Court Delay Reduction Act	SB 262	2-Year
Trusts: Prudent Investor	SB 222	Chapter 63
Writings: Electronic Media	SB 926	2-Year

3. Credit and Financial Institutions

TITLE	BILL NUMBER	DISPOSITION
Checks and Credit Card Transactions: Identification	AB 1316	Chapter 458
Credit Services Organizations	AB 1653	Failed Assembly
Dishonored Checks: Bank Fees	SB 616	Failed Senate
Dishonored Checks: Treble Damages	AB 522	Chapter 134
Electronic Funds Transfer	AB 393	2-Year
Retail Installment Accounts: Finance Charges	SB 539	Chapter 693
Retail Installment Contracts: Terms	SB 538	Chapter 566

4. Health and Safety

TITLE	BILL NUMBER	DISPOSITION
Abortion: Informed Consent	AB 196	Failed Assembly
Abortion: Informed Consent	SB 250	2-Year

5. Landlord and Tenant

TITLE	BILL NUMBER	DISPOSITION
Landlord-Tenant	SB 744	2-Year
Rent Control	AB 1944	Dropped
Unlawful Detainer	SB 992	2-Year

6. Local Government

TITLE	BILL NUMBER	DISPOSITION
Building Inspectors - Certification and Training	AB 717	Chapter 623
Concealed Weapons Permits	SB 74	2-Year

7. Mobilehomes

TITLE	BILL NUMBER	DISPOSITION
Mobilehome Parks	AB 1819	2-Year
Mobilehome Parks: Sale	AB 1337	Vetoed
Mobilehome Parks: Suits against Management: Mediation	AB 225	Failed Assembly
Mobilehome Residency Law	AB 765	2-Year
Mobilehome Residency Law: Rent Control	SB 1181	2-Year
Mobilehomes	AB 283	Chapter 24
Mobilehomes: Final Money Judgment	SB 69	Chapter 446

8. New Regulatory Programs

TITLE	BILL NUMBER	DISPOSITION
Home Inspectors	SB 258	2-Year
Naturopathic Physician Licensing	SR 28	2-Year
Recreation Therapy	SB 1127	2-Year

9. Privacy

TITLE	BILL NUMBER	DISPOSITION
Disclosure of Victim Addresses	AB 1226	Chapter 184
Privacy - Eavesdropping	AB 1892	Chapter 129
Telephone Call Identification Service: Privacy	AB 1889	2-Year

0. Products and Services

TITLE	BILL NUMBER	DISPOSITION
Civil Actions: Product Liability	AB 1730	2-Year
Liability for Defective Products	AB 408	2-Year
Product Liability	AB 1601	2-Year
Product Liability: Common Consumer Products	AB 972	2-Year
Product Liability: Minors	SB 1014	2-Year
Product Liability Actions: Subsequent Remedial Measures	AB 410	2-Year

11. Telecommunications

TITLE	BILL NUMBER	DISPOSITION
Cellular Telephones: Unfair Trade Practices	SB 551	2-Year
Emergency Medical Services: Funding	AB 230	2-Year
Emergency 911 Telecommunications: Liability	SB 135	2-Year
Paging Systems: Regulations	AB 202	Chapter 357
Public Utilities: Telecommunications Infrastructure	SB 1035	2-Year
Public Utilities Telecommunications	SB 665	Chapter 74
Telecommunications: Customer Services	SB 664	Chapter 170
Telecommunications: Service Options	AB 828	Chapter 809
Telephone Corporations	AB 1465	Chapter 664
Telephone Corporations: Cellular Telephone Service	SB 207	2-Year
Telephones: Mobile Radios	SB 1032	2-Year

12. Utilities

TITLE	BILL NUMBER	DISPOSITION
Crimes: Theft of Cable Television Signals	SB 623	2-Year
Public Utilities: Carriers	AB 1683	2-Year
Public Utilities: Electric Utilities: Generation	SB 25	2-Year
Public Utilities: Electrical Corporations	AB 1123	2-Year
Public Utilities: Hours of Business	SB 1048	Chapter 614
Public Utilities: Rates	AB 280	2-Year
Public Utilities: Rates	SB 248	Chapter 75
Public Utilities: Services to Tenants	AB 1785	Vetoed
Public Utilities: Telecommunications Services	SB 1090	2-Year
Public Utilities Act: Telecommunications Services	AB 1588	2-Year
Public Utilities Commission: Election of Members	SCA 21	2-Year
Public Utilities Commission: Energy Resources	SB 960	2-Year
Public Utilities Commission: Judicial Review	SB 1322	2-Year
Utility Company Services	AB 560	2-Year

13. Miscellaneous

TITLE	BILL NUMBER	DISPOSITION
Affirmative Action	ACA 2	2-Year
Alcohol and Drug Abuse Counselors: Sexual Misconduct	SB 685	Chapter 444
Chiropractic	ACR 31	Chapter RC-32
Common Interest Developments	AB 46	Chapter 661
Common Interest Developments	SB 300	Chapter 199
Common Interest Developments: Construction Defects: ADR	SB 1029	Chapter 864
Common Interest Developments: Reserve Funds	AB 463	Chapter 13
Concealed Weapons Permits	AB 638	2-Year
Criminal Procedure	SB 116	2-Year
Documents: Deceptive Identification	AB 156	Chapter 133
Insurance	AB 1308	2-Year
Interior Designers: Design Organizations	SB 1028	Chapter 891
Interior Designers: Legislative Review	SB 1027	Vetoed
Judgments: Unlawful Detainer	SB 832	Chapter 196
Legislative Committee: False Statements	SB 662	Vetoed
Limited Liability Companies	SB 141	2-Year
Limited Liability Partnerships	SB 513	Chapter 679
Mechanics' Liens	SB 578	2-Year
Organ Donation	AB 1447	2-Year
Peace Officer Discipline	AB 540	2-Year
Peace Officers	AB 26	Failed Assembly
Pilotage: San Francisco Bay: Rate Recommendations	AB 484	2-Year
Pilotage: San Francisco, San Pablo, and Suisun Bays	SB 423	Vetoed
Public Records: Peace Officers	AB 688	2-Year
San Francisco Bay Pilots	SB 496	Chapter 711
Tear Gas Weapons	AB 830	Chapter 437
Tort Liability: Peace Officer	AB 565	2-Year

I. TABLE OF BILLS

B. OCCUPATIONAL REGULATION

1. Board of Accountancy

TITLE	BILL NUMBER	DISPOSITION
Accountancy	AB 1260	2-Year

2. Acupuncture Committee

TITLE	BILL NUMBER	DISPOSITION
Workers' Compensation: Acupuncturists	AB 1002	2-Year
Workers' Compensation: Acupuncturists	AB 1003	2-Year

3. Board of Architectural Examiners

TITLE	BILL NUMBER	DISPOSITION
Architects: Written Contract	AB 969	Chapter 117

4. Athletic Commission

TITLE	BILL NUMBER	DISPOSITION
Closed-Circuit Telecasts: Pay-Per-View	SB 1288	2-Year

5. Bureau of Automotive Repair

TITLE	BILL NUMBER	DISPOSITION
Air Pollution: Employer Trip Reduction Plans	SJR 2	Chapter R-68
Air Pollution: Heavy-duty Vehicles: Smoke Emissions	AB 1460	2-Year
Air Pollution: Motor Vehicles: Fee	SB 1175	2-Year
Air Pollution: Motor Vehicles: Inspection Program	AB 63	Chapter 982
Air Pollution: Smog Check Technicians	SB 1197	2-Year
Air Pollution: Standards: Diesel Vehicles	AB 1675	2-Year
Air Pollution: Variances: Legislative Intent	SB 709	Chapter 675
Air Pollution: Vehicle Inspection and Maintenance	SB 1038	2-Year

5. Bureau of Automotive Repair (cont.)

TITLE	BILL NUMBER	DISPOSITION
Air Pollution: Vehicles	AB 1457	2-Year
Air Pollution: Vehicles	SB 928	2-Year
Air Pollution: Vehicles Retirement	SB 501	Chapter 929
Automobile Repair: Auto Body Repair	SB 137	Chapter 445
Automotive Repair	AB 809	Chapter 114
Automotive Repair	SB 827	Chapter 572
Federal Clean Air Act	SJR 5	Chapter R-57
Removal of High Polluters: Electric Vehicles	AB 339	2-Year
Salvage and Dismantled Vehicles	SB 549	Chapter 684
Tire Chains: Disclosure	AB 28	Chapter 452
Vehicle Emission Standards: Transfer Exemption	AB 100	Chapter 292
Vehicle Registration: Exceptions	AB 187	2-Year
Vehicle Registration Fees	AB 135	Chapter 819
Vehicles: Automotive Consumer Notification Act	AB 1381	Chapter 503
Vehicles: Endorsed Salvage Certificate	SB 766	2-Year
Vehicles: Equipment: Nonvehicular Pollution Control	AB 533	Chapter 235
Vehicles: Storage Fees	AB 323	Chapter 289
Vehicular Pollution Control: Smog Checks	SB 498	2-Year

6. Board of Barbering and Cosmetology

TITLE	BILL NUMBER	DISPOSITION
Barbering and Cosmetology: Licensing	SB 790	2-Year
Barbers and Cosmetologists: Tools	AB 550	2-Year
Cosmetology: Establishments	SB 1182	2-Year
Tattooing, Body Piercing, and Permanent Cosmetics	AB 487	2-Year

7. Board of Behavioral Science Examiners

TITLE	BILL NUMBER	DISPOSITION
Licensing Fees: Continuing Education	SB 26	Chapter 839
Marriage, Family, and Child Counselors: Internships	AB 610	Chapter 327
Referral Services	SB 675	Chapter 559

3. Cemetery Board

TITLE	BILL NUMBER	DISPOSITION
Board of Funeral and Cemetery Services	AB 597	2-Year
Department of Consumer Affairs	AB 910	Chapter 381

9. Contractors State License Board

TITLE	BILL NUMBER	DISPOSITION
Contractor - Prompt Payment	AB 147	2-Year
Contractor Fraud	SB 639	Chapter 373
Contractors	AB 1567	2-Year
Contractors	SB 1061	Chapter 467
Contractors: Complaint Information	SB 112	2-Year
Contractors: Inspections	SB 1052	2-Year
Flood Preparedness Month	ACR 16	Chapter R-72
Home Improvement Contracts	SB 432	Vetoed
Home Solicitation Contracts	AB 1610	Chapter 123
Labor Agency	SB 442	2-Year
Mechanics' Lien	AB 901	Chapter 225
Prompt Payment: Dump Truck Carriers	AB 311	Chapter 37
Utility Company Services	AB 560	2-Year
Wells: Licensed Contractors	SB 1168	2-Year
Works of Improvement: Retentions	AB 1949	2-Year
Works of Improvement: Waivers	AB 1236	2-Year

10. Board of Court Reporters

TITLE	BILL NUMBER	DISPOSITION
Court Reporters: License	SB 413	2-Year
Shorthand Reporters	SB 795	2-Year
Unprofessional Conduct: Court Reporters	AB 1289	Dropped

11. Board of Dental Examiners

TITLE	BILL NUMBER	DISPOSITION
Allied Dental Health Professionals	SB 570	2-Year
Dentistry	SB 511	2-Year
Dentists: Professional Reporting	SB 158	Chapter 5

12. Committee on Dental Auxiliaries

TITLE	BILL NUMBER	DISPOSITION
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See Dental Examiners

13. Bureau of Electronic and Appliance Repair

TITLE	BILL NUMBER	DISPOSITION
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No Bills for 1995 Session

(See DCA General)

14. Board of Registration for Professional Engineers and Land Surveyors

TITLE	BILL NUMBER	DISPOSITION
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No Bills for 1995 Session

(See DCA General)

15. Board of Funeral Directors and Embalmers

TITLE	BILL NUMBER	DISPOSITION
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Board of Funeral and Cemetery Services	AB 597	2-Year
Department of Consumer Affairs: Cemetery Board: Funeral Directors	AB 910	Chapter 381

16. Board of Geologists and Geophysicists

TITLE	BILL NUMBER	DISPOSITION
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No Bills for 1995 Session

(See DCA General)

17. Board of Guide Dogs for the Blind

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session (See DCA General)		

18. Hearing Aid Dispensers Examining Committee

TITLE	BILL NUMBER	DISPOSITION
Hearing Aid Dispensers	SB 563	2-Year

19. Bureau of Home Furnishings and Thermal Insulation

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session (See DCA General)		

20. Board of Landscape Architects

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session (See DCA General)		

21. Medical Board

TITLE	BILL NUMBER	DISPOSITION
Diversion Programs	SB 779	Chapter 252
Enforcement	SB 609	Chapter 708
Insurance Fraud	SB 682	Chapter 167
Malpractice Awards	AB 1727	2-Year
Medicine	AB 1471	Chapter 279
Peer Review	AB 235	Dropped
Peer Review	AB 1974	2-Year

21. Medical Board (cont.)

TITLE	BILL NUMBER	DISPOSITION
Privileged Communications	AB 1016	Dropped
Public Members	AB 281	Failed Senate
Volunteer Physicians: Immunity	AB 596	2-Year

22. Board of Nursing Home Administrators

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session		
(See DCA General)		

23. Board of Optometry

TITLE	BILL NUMBER	DISPOSITION
Optometry	AB 1969	2-Year
Optometry	SB 510	2-Year
Optometry: Ancillary Personnel	SB 668	2-Year
Prescription Lenses: Nonresident Contact Lens Sellers	SB 640	Chapter 853

24. Board of Pharmacy

TITLE	BILL NUMBER	DISPOSITION
Contact Lenses	AB 1107	Chapter 719
Drugs: Discipline: Foreign Graduates	SB 988	Chapter 442
Food-Animal Retailers	AB 611	Chapter 350
Pharmaceutical Price Controls	SJR 23	2-Year
Prescriptions	SB 959	2-Year
Regulations	SB 922	2-Year

25. Physical Therapy Examining Committee

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session		
(See DCA General)		

26. Physician Assistant Examining Committee

TITLE	BILL NUMBER	DISPOSITION
Physician Assistants	AB 753	2-Year

27. Board of Podiatric Medicine

TITLE	BILL NUMBER	DISPOSITION
See Physician Assistant		

28. Board of Psychology

TITLE	BILL NUMBER	DISPOSITION
Health Facilities: Staff Privileges: Clinical Psychologists	AB 944	2-Year
Psychologists: Prescribing Drugs	SB 777	2-Year

29. Board of Registered Nursing

TITLE	BILL NUMBER	DISPOSITION
Healing Arts: Point-of-Care Laboratory Testing	SB 638	2-Year
Nursing	AB 1077	2-Year
Registered Nurses: Clinical Nurse Specialists	AB 1176	2-Year

30. Respiratory Care Examining Committee

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session (See DCA General)		

31. Bureau of Security and Investigative Services

TITLE	BILL NUMBER	DISPOSITION
Alarm Agent Applications	AB 1270	Chapter 359
Alarm Companies	AB 952	Chapter 395

31. Bureau of Security and Investigative Services (cont.)

TITLE	BILL NUMBER	DISPOSITION
Concealed Weapons Permits	AB 53	2-Year
Locksmiths	AB 123	Chapter 1263
Private Investigators: Subpoenas	AB 655	2-Year
Public Funds: Accounts Receivable	SB 263	2-Year
Repossessors	AB 1541	Chapter 505
Security Services: Peace Officer Exemption	AB 581	2-Year

32. Speech-Language Pathology and Audiology Examining Committee

TITLE	BILL NUMBER	DISPOSITION
No Bills for 1995 Session		
(See DCA General)		

33. Structural Pest Control Board

TITLE	BILL NUMBER	DISPOSITION
Department of Consumer Affairs	AB 910	Chapter 381
Pests: Fumigation	SB 378	Chapter 691
Structural Pest Control	AB 568	Chapter 718
Structural Pest Control: Fees	SB 530	Dropped
Structural Pest Control Operators	AB 1182	Chapter 273

34. Tax Preparer Program

TITLE	BILL NUMBER	DISPOSITION
Tax Preparers	SB 1077	2-Year

35. Veterinary Medicine Board

TITLE	BILL NUMBER	DISPOSITION
Discipline: Name Changes	SB 42	Chapter 60

6. Board of Vocational Nurse and Psychiatric Technician Examiners

TITLE	BILL NUMBER	DISPOSITION
Community Care Facilities	AB 245	Chapter 223
Psychiatric Technicians	AB 1508	2-Year

I. TABLE OF BILLS

C. STATE AGENCIES

1. DCA-General

TITLE	BILL NUMBER	DISPOSITION
Department of Consumer Affairs	AB 910	Chapter 381
Legislative Sunset Review	AB 778	Chapter 599
Mediation	SB 873	2-Year
New Car Lemon Law	AB 1383	2-Year

2. State Agencies-General

TITLE	BILL NUMBER	DISPOSITION
Administrative Hearings	AB 1069	2-Year
Administrative Adjudications: Small Business	AB 1180	2-Year
Administrative Procedure Act	SB 523	Chapter 938
Administrative Regulations	SB 452	Vetoed
Administrative Regulations: Adverse Job Creation Impact	AB 1142	2-Year
Administrative Regulations: Economic Impact	SB 625	Dropped
Administrative Regulations: Review	AB 250	2-Year
Administrative Regulations: Review	AB 1160	2-Year
California Public Records Act: Sale of Records	AB 141	Chapter 108
Capital Outlay Planning: State Agencies	AB 907	2-Year
Claims Against the State: Overpayment	AB 1368	2-Year
Government Entities: Voluntary Release of Personal Information	AB 1580	2-Year
Industry Skills Panel	AB 469	2-Year
Public Officers and Employers: Employment Preferences	AB 211	2-Year
Public Records	AB 142	2-Year
Public Records	SB 323	2-Year
State Agencies: Collection of Accounts Receivable	AB 255	2-Year
State Funds	SB 338	Chapter 654
State Payment Card Act	AB 1374	Chapter 926
State Regulatory Activities: Principal Agencies	SB 297	Chapter 650
State Tort Liability: Sexual Harassment	AB 777	2-Year
Trade and Commerce Agency: Rules and Regulations	AB 1179	2-Year

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A. CONSUMER PROTECTION

(1) Business
and Sales

Summary

Disposition

AB 28
Gallegos

Tire Chains: Disclosure

Chapter 452
Statutes of 1995

Existing law: (1) requires manufacturers of new motor vehicles that may not be operated with tire chains to indicate that fact in the owner's manual or elsewhere; (2) requires dealers to disclose to buyers that the vehicle as equipped may not be operated with tire chains, if the manufacturer has disclosed this fact; and (3) requires the buyer to sign this disclosure.

This statute requires manufacturers to give dealers a list of the affected models annually; requires disclosure to lessees of new motor vehicles, as well as buyers; specifies the contents of the disclosure; requires the disclosure to be signed before the lease or sale; and requires a copy to be given to the lessee or buyer. (Veh C §§ 9953 & 11713.6)

AB 40
Baca

Wheelchairs: Warranties

Chapter 461
Statutes of 1995

Existing law requires motorized wheelchairs paid for by Medi-Cal to have an express warranty of at least one year.

This statute requires *all* new wheelchairs to be sold with an express warranty of at least one year, and all used wheelchairs to be sold with an express warranty of at least 60 days. The statute also requires the replacement or the refund of a defective chair if, within the warranty period or the first year, whichever occurs first, (1) the same defect has been subject to repair four or more times, or (2) the wheelchair is out of service for more than 30 days. The statute requires sellers to disclose why the chair was returned to subsequent buyers. (Civ C §§ 1791 & 1973.025)

AB 227
Sher

Environmental Advertising

Failed
Assembly Consumer
Protection

Existing law requires consumer goods advertised as "ozone friendly," "biodegradable," "photodegradable," "recyclable," or "recycled" to meet certain standards.

(1) Business
and Sales
(cont.)

Summary

Disposition

AB 227
Sher

Environmental Advertising (cont.)

Products that claim to be "recyclable" must be capable of being "conveniently recycled" in any county with a population over 300,000.

This bill would have deleted the current definition of "recyclable" and instead, required "recyclable" products or materials to comply with certain Federal Trade Commission rules. (B&P C §§ 17508.5 & 17508.6)

See also SB 426.

AB 287
Tucker

Health Studio Contracts

2-Year Bill
Assembly Consumer
Protection

Existing law requires health studio contracts to be in writing and, among other things, to include a three-day right of rescission.

This bill would require a health studio contract that requires any payment before the studio is open to disclose that any such payments will be deposited into an escrow account. The bill would preclude removing any payments in the escrow account except to refund a buyer's money, until the studio has been opened for six months. (Civ C § 1812.84)

AB 426
Murray, K.

Fictitious Business Name Statements

Dropped
Assembly Local
Government

Existing law sets the filing fee for fictitious business name statements at \$10 for the initial filing and \$2 for each subsequent filing.

This bill would have authorized county boards of supervisors to establish a *separate* fee of up to \$10 for filing a fictitious business name statement in order to fund consumer protection programs. (B&P C § 17929)

See also SBXX 23.

AB 434
Rainey

Collectibles

Chapter 360
Statutes of 1995

Existing law prohibits various unfair or misleading practices in the sale of sports trading cards and autographed sports memorabilia. Current law authorizes a civil penalty, among other remedies, for violations of these statutes. The penalty is currently limited to \$1,000 for a violation of the sports trading card law, and three times actual damages for a violation of the autographed sports memorabilia law.

This statute increases the limits on those penalties to \$5,000 and ten times actual damages, respectively. (B&P C §§ 21671 & 21672 and Civ C § 1739.7)

AB 578
Napolitano

Telemarketing

Chapter 109
Statutes of 1995

Existing law requires telephonic sellers to provide specified information to the prospective purchaser at the time the solicitation is made and prior to consummation of a sales transaction.

This statute requires a telephonic seller who engages in a home solicitation contract or offer, to provide the buyer both orally and in writing, information concerning the buyer's right of cancellation. (B&P C § 17511.5)

AB 628
Thompson

Advertising: Made in U.S.A.

2-Year Bill
Senate Business &
Professions

Existing law prohibits false and misleading advertising.

This bill would prohibit representing a product was made or originated in the United States when it has been substantially made outside of the United States. (B&P C § 17533.7)

AB 756
Burton

Pawnbrokers

Vetoed

Existing law authorizes the police to place a 90-day hold on property in the possession of a pawnbroker, secondhand dealer, or coin dealer if the property is believed to be stolen. If held property is not needed for a criminal investigation and is not

AB 756
Burton

Pawnbrokers (cont.)

reported as stolen, then the police are required to release the hold.

This bill would have required the police to release the hold if the property is no longer needed for a criminal investigation or is not reported as stolen. Among other things, the bill also would have exempted from the secondhand dealers license law, participants at gun shows who are not required to get a gun dealer's license, and who complete sales or transfers through a gun dealer or law enforcement agency. (B&P C §§ 21626, 21627, 21642, & 21647; Fin C §§ 21301, 21301.1, & 21304; and Pen C § 484.1)

AB 1100
Speier

Gender Price Discrimination

Chapter 866
Statutes of 1995

Existing law prohibits businesses from discriminating on the basis of race, creed, religion, color, national origin, disability, or sex.

This statute specifically prohibits discriminating as to the price charged for similar services due to the person's gender. The statute does not prohibit price differences based upon the amount of time, difficulty, or cost of providing the services. (Civ C § 51.6)

AB 1159
Richter

Vehicle Leases

Chapter 320
Statutes of 1995

Existing law defines a "security interest" as an interest in personal property or fixtures that secures payment or the performance of an obligation. Existing law states that a transaction does not create a security interest merely because it has certain characteristics.

This statute adds to that list of characteristics the fact that the amount of rental payments may be increased or decreased by reference to the amount realized by the lessor upon sale or disposition of a motor vehicle or a trailer. This statute does not apply to consumer lease transactions. (Com C § 1201)

AB 1381
Speier

Automotive Consumer Notification Act

**Chapter 503
Statutes of 1995**

Existing law requires anyone who sells a motor vehicle that is known or should be known to have been required by law to be replaced or accepted for restitution due to the inability to conform the vehicle to warranties pursuant to the New Car Lemon Law, or any other state or federal law, to disclose that fact to the buyer in writing prior to sale. The title and registration documents also must state that the vehicle was returned due to a defect.

This statute requires the title and registration documents to instead read, "Lemon Law Buyback," and requires a decal to be put on the car stating that the title has been so branded. The statute also requires notice to subsequent buyers, with different levels of disclosure depending on whether the vehicle was branded or was bought back at the buyer's request. (Civ C §§ 1793.23, 1793.24, 1793.25, & 1795.8 and Veh C § 11713.12)

SB 142
Boatwright

Sellers of Travel

**Chapter 772
Statutes of 1995**

Existing law provides for the general regulation of business practices, and provides for the regulation of sellers of travel. Existing law does not specifically address educational travel organizations and their involvement with educational institutions.

This statute requires educational travel organizations to enter into a contract with an educational institution prior to arranging an educational travel program. The contract must include an itemized statement of services and other detailed information regarding the organization. (B&P C § 17552)

SB 320
Petris

Home Improvement Contracts

**Chapter 255
Statutes of 1995**

Existing law (the Consumers Legal Remedies Act) prohibits certain unfair or deceptive acts or practices in the sale or lease of consumer goods or services. Any consumer injured by a prohibited act or practice may recover actual damages of at least \$1,000, injunctive relief, restitution, punitive damages, and any other relief the court deems proper, and any senior citizen (65 years of age or older) may in addition, recover up to \$5,000 in

SB 320
Petris

Home Improvement Contracts (cont.)

certain circumstances.

This statute makes home improvement contracts solicited at the home of a senior citizen a prohibited practice under the act, when the transaction is part of one of the following practices: (1) extending credit secured by the consumer's home without regard to the consumer's repayment ability, or (2) making a loan that provides for payment to a contractor, unless the instrument is payable to the consumer, jointly to the consumer and contractor, or to an escrow agent as agreed among the consumer, creditor and contractor. (Civ C §§ 1761 & 1770)

SB 325
Russell

Recreational Vehicles

Chapter 923
Statutes of 1995

Existing law requires motor vehicle dealers, including recreational vehicle (RV) dealers, to be licensed by the Department of Motor Vehicles (DMV). Existing law allows dealers to get a temporary branch license, which authorizes them to hold a sale at a temporary site, by paying a fee, submitting an application, and posting a sign disclosing the identity of the dealer.

This statute requires RV dealers to get the manufacturer's authorization to participate in a RV show, prior to applying to the DMV for a temporary branch license. The statute authorizes the DMV to issue a temporary branch license for a RV show if (1) the show is 50 miles or more from the dealer's place of business and/or branches, (2) at least 10 dealers participate, and (3) the DMV receives their applications together at one of the DMV's field offices. If fewer than 10 dealers are in the show, the show must be held within 50 miles of the established place of business of one of the dealers, and certain disclosures must be made. (Veh C §§ 9262 & 11713.15)

SB 426
Leslie

Environmental Advertising

Chapter 642
Statutes of 1995

Existing law requires consumer goods advertised as "ozone friendly," "biodegradable," "photodegradable," "recyclable," and "recycled" to meet certain standards.

**(1) Business
and Sales**
(cont.)

Summary

Disposition

**SB 426
Leslie**

Environmental Advertising (cont.)

This statute repeals those standards, and instead prohibits any untruthful, deceptive, or misleading "environmental marketing claim," as that term is used in the Federal Trade Commission's "Guides for the Use of Environmental Marketing Claims." (B&P C §§ 17508.5, 17580, & 17580.5)

**SB 610
Leonard**

Cable Television

**2-Year Bill
Senate Energy**

Existing law requires cable television providers to give customers at least 15 days from the date of mailing the bill to pay the charges. Existing law prohibits assessing a late fee any earlier than the 22nd day after the bill was mailed.

This bill would allow late fees of \$5 or less, if among other things the provider warns the customer at least 10 days before the fee is imposed. The bill would authorize a collection fee of up to \$10, in addition to the delinquency fee, if the provider sends someone to the customer's residence to collect payment or disconnect service. (Civ C § 1784.01)

**SB 1070
Calderon**

Rental Car Agencies

**Failed
Assembly Floor**

Existing law requires rental car rates advertised, quoted and charged to include all mandatory charges necessary to rent the vehicle, except taxes and any mileage charge.

This bill would have defined "taxes" to mean sales and use taxes, vehicle license fees, and any local taxes imposed on rental transactions. (Civ C § 1936)

**SB 1207
Hughes**

Rental Car Agencies

**2-Year Bill
Senate Judiciary**

Existing law regulates the rental of "passenger vehicles," defined as any motor vehicle carrying 10 or fewer persons, including motorhomes. Among other things, this law limits the renter's liability for theft, loss or damage; prohibits car rental agencies from using unfair tactics to collect on a damage claim; and requires rental car rates to include all mandatory charges

(1) Business
and Sales
(cont.)

Summary

Disposition

SB 1207
Hughes

Rental Car Agencies (cont.)

necessary to rent the vehicle, except taxes and any mileage charges.

This bill would exclude vehicles costing more than \$25,000 from these requirements. (Civ C § 1936)

SJR 24
Kopp

Airline Ticket Commissions

Chapter R-81
Statutes of 1995

This resolution memorializes the Attorney General to investigate whether airline limits on the sales commissions of travel agents violate federal antitrust law. The resolution also urges Congress to suspend imposing limits on travel agent commissions until the investigation is complete.

SBXX 23
Watson

Fictitious Business Name Statements

2-Year Bill
Senate Second
Reading File

Existing law sets the filing fee for fictitious business name statements at \$10 for initial filing and \$2 for each subsequent filing.

This bill would authorize county boards of supervisors to establish a *separate* fee of up to \$10 for filing a fictitious business name statement in order to fund consumer protection programs. (B&P C § 17929)

See also AB 426.

(2) Court System
and Conflict
Resolution

Summary

Disposition

AB 54
Weggeland

Attorney's Fees: Offer for Judgment

Chapter 911
Statutes of 1995

Under existing law, if a party makes an offer for judgment that the other party does not accept, and the other party does not obtain a more favorable judgment, the court may award reasonable attorney's fees to the party making the offer, for services rendered after the date of the offer. These provisions

(2) Court System
and Conflict
Resolution
(cont.)

Summary

Disposition

AB 54
Weggeland

Attorney's Fees: Offer for Judgment (cont.)

were due to sunset on January 1, 1996.

This statute extends the repeal date to January 1, 1998. (CCP § 1021.1)

AB 754
Morrow

Arbitration

**2-Year Bill
Senate Judiciary**

Existing law regarding the enforcement of arbitrations agreements provides that in any arbitration involving a claim for damages, the proposed arbitrator must disclose certain information concerning the names or prior or pending cases arbitrated by that person.

This bill would delete provisions that a) require all neutral arbitrators to comply with the disclosure requirements that apply to international arbitrators and b) apply to binding arbitration of disputes regarding home improvement or construction claims that exceed \$3000. This bill also would recast the provisions of existing law relating to enforcement of arbitration agreements and revise the standards for disqualification of a neutral arbitrator. (CCP §§ 1281.6, 1281.9, 1281.95, 1282, & 1286.2)

AB 757
Speier

Exemplary Damages: Apportionment

**2-Year Bill
Assembly Judiciary**

Existing law stipulates the awarding of exemplary damages in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice.

This bill would enact the Fair Damages Distribution and Litigation Reduction Act of 1995, providing for the apportionment of exemplary damages which exceed twice the amount of compensatory damages, among the plaintiff, the State Bar, and a nonprofit corporation chosen by the plaintiff. (Civ C § 3297)

**(2) Court System
and Conflict
Resolution**
(cont.)

Summary

Disposition

**AB 1065
Richter**

Juries: Selection

**2-Year Bill
Assembly Judiciary**

Existing law provides that in a criminal case the court shall conduct the examination of the jurors, but the court may, upon good cause, permit the parties to supplement the examination by such further inquiry as it deems proper or shall itself submit to the jurors such additional questions by the parties as it deems proper.

This bill would enact the O.J. Simpson Jury Selection Act requiring that the examination of prospective jurors in criminal cases be conducted by the court by presentation to the jurors, as a group, of unspecified questions prescribed by statute and, upon good cause, such additional questions by the parties as it deems proper, to be answered in the affirmative or negative by a show of hands. (CCP § 223)

**AB 1204
Gallegos**

Expert Witness Fees

**Chapter 797
Statutes of 1995**

Existing law requires certain witnesses, including a treating physician or other treating health care practitioner who is asked to express an opinion, to be paid expert witness fees at a deposition.

This statute requires expert witness fees to be paid to a treating physician or other treating health care practitioner who is asked to express opinion or factual testimony regarding the past or present diagnosis or prognosis made by the practitioner or the reasons for a particular treatment decision made by the practitioner. (CCP § 2034)

**AB 1242
Bordonaro**

Negligence: Collateral Sources of Reimbursement

**2-Year Bill
Senate Judiciary**

Existing law makes inadmissible at trial, evidence that the plaintiff had medical insurance or other disability coverage (referred to as collateral source payments).

This bill would require the plaintiff in a personal injury or wrongful death action to provide the defendant with evidence of health care services and health care benefits received by the

(2) Court System
and Conflict
Resolution
(cont.)

Summary

Disposition

AB 1242
Bordonaro

Negligence: Collateral Sources of Reimbursement (cont.)

plaintiff. Additionally, the bill would allow the court to reduce the plaintiff's award by the total received or to be received from collateral source payments, subject to various limits, in order to reimburse health care providers. (Civ C § 1714.50)

AB 1405
Brown, V.

Punitive Damages

Existing law enables the plaintiff in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, to recover damages for the sake of example and by way of punishing the defendant.

This bill would additionally require that these damages be imposed as a means to deter future conduct. (Civ C § 3294)

2-Year Bill
Assembly Judiciary

AB 1414
Brown, W.

State Bar of California: Discipline

Existing law, due to sunset January 1, 1999, establishes a seven-member Complainant's Grievance Panel to (1) review closed investigations against attorneys and recommend any further action to the State Bar; (2) annually audit additional complaints, at random; and (3) annually audit the alternative dispute resolution (ADR) discipline mediation program.

This statute establishes a seven-member Discipline Audit Panel to annually audit closed complaints at random, and annually audit how the chief trial counsel resolves complaints. The statute deletes the appeals process for complaints and the annual audit of the ADR discipline mediation program. The statute will sunset on January 1, 2000. (B&P C §§ 6086.11, 6086.15, 6093.5, & 6095)

Chapter 88
Statutes of 1995

AB 1435
Brown, W.

State Bar of California: Membership Fees

Existing law fixes the annual fee for membership in the State Bar for 1994 and 1995 at three different rates (\$291, \$223, and

Chapter 193
Statutes of 1995

**(2) Court System
and Conflict
Resolution
(cont.)**

Summary

Disposition

**AB 1435
Brown, W.**

State Bar of California: Membership Fees (cont.)

\$192), depending upon how long the member has been practicing in California. In addition, members are required to pay an additional fee of \$110 for 1994 and 1995 for a special disciplinary fund.

This statute retains membership fees, including the \$110 augmentation, at the same levels for 1996 and 1997. (B&P C §§ 6140, 6140.3, & 6140.4)

**AB 1516
Morrow**

Professional Negligence: Joint and Several Liability

**2-Year Bill
Assembly Judiciary**

Existing law provides that in any action for personal injury, property damage, or wrongful death, based upon principles of comparative fault, the liability of each defendant for noneconomic damages shall be several only and shall not be joint.

This bill would provide that no person may be held jointly liable to a third party for any defect in the performance of professional services for another. (Civ C § 1433)

**AB 1596
Boland**

Liability: Public Entities

**2-Year Bill
Assembly Judiciary**

Existing law sets forth the liability of public entities for injuries caused by the acts or omissions of public employees or the dangerous condition of public property.

This bill would provide that no court, local agency, or judge, officer, or employee thereof shall be liable for any injury occurring to an individual while that individual is providing a court-ordered community service without compensation if that injury is approximately caused by a negligent act or omission other than an act or omission constituting gross negligence. (Gov C § 817)

(2) Court System
and Conflict
Resolution
(cont.)

Summary

Disposition

AB 1862
Morrow

Exemplary Damages

Existing law enables the plaintiff in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, to recover damages for the sake of example and by way of punishing the defendant.

This bill would provide that in any action in which exemplary damages are recoverable, the trier of fact shall determine whether the defendant is liable for exemplary damages, and if the trier of fact finds that a defendant is liable for exemplary damages, a separate proceeding shall be conducted by the trial court to determine the amount of exemplary damages to be imposed. (Civ C §§ 3294.5 & 3295)

2-Year Bill
Assembly Inactive
File

AB 1898
Johnson

Civil Actions: Case Questionnaires

Existing law provides that a plaintiff has the option to serve case questionnaires with the complaint, in order to elicit fundamental information about the other party's case.

This bill would extend that option to the defendant as well as to the plaintiff, and specify that a plaintiff has 30 days to serve the completed case questionnaire on the requesting defendant. (CCP § 93)

2-Year Bill
Senate Judiciary

AB 1938
Morrow

Negligence: Noneconomic Losses

Existing law provides that in any action for *injury against a health care provider based on professional negligence*, the insured plaintiff shall be entitled to recover noneconomic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other nonpecuniary damages, but the amount of damages for those noneconomic losses shall not exceed \$250,000.

This bill would provide that in any action for *personal injury based on negligence*, the injured plaintiff shall be entitled to recover noneconomic losses to compensate for pain, suffering,

2-Year Bill
Assembly Judiciary

**(2) Court System
and Conflict
Resolution
(cont.)**

Summary

Disposition

**AB 1938
Morrow**

Negligence: Noneconomic Losses (cont.)

inconvenience, physical impairment, disfigurement, and other nonpecuniary damages, but the amount of damages for those noneconomic losses shall not exceed \$250,000. (Civ C § 3333.3)

**SB 51
Haynes**

Inverse Condemnation

Existing law authorizes an award of reasonable costs, including attorney's fees, to a prevailing plaintiff in an action for inverse condemnation for the taking of real property. These costs are awardable only at the trial level.

This statute deletes the limitation to the "taking of real property," and so by implication, authorizes such an award for the taking of or damage to real or personal property. The statute also authorizes the award both at the trial and on appeal. (CCP § 1036)

**Chapter 181
Statutes of 1995**

**SB 60
Kopp**

State Bar of California: Mandatory Membership

Existing law requires persons practicing law in California to be an active member of the State Bar of California.

This statute requires the Bar to poll members as to whether they favor abolishing the Bar, turning its regulatory functions over to another body, and having other activities handled by a voluntary bar association. Further, the statute requires the Bar to contract with the State Auditor to do a comprehensive management audit of the Bar. (B&P C § 6140.12)

**Chapter 782
Statutes of 1995**

**SB 197
Kopp**

Judicial Arbitration

Existing law requires municipal court districts that have adopted judicial arbitration to submit certain motor vehicle collision actions to arbitration within 120 days of the defendant's answer to the complaint. Existing law requires the amount in controversy in certain actions in superior court to be determined at a conference between the court and the parties involved, and

**2-Year Bill
Assembly Judiciary**

(2) Court System
and Conflict
Resolution
(cont.)

Summary

Disposition

SB 197
Kopp

Judicial Arbitration (cont.)

requires the Judicial Council to adopt standards for the processing of civil and criminal actions to measure the progress of litigation in the superior court of each county.

This bill would (1) permit municipal court districts that have adopted judicial arbitration to submit most civil actions to arbitration within 210 days after the defendant's answer, (2) require the amount in controversy to be determined by the court alone, and (3) require the Judicial Council to adopt standards for the processing of civil and criminal actions to measure the progress of litigation in all courts of each county. (CCP §§ 36, 473, 575.2, 583.130, 583.210, 583.420, 1141.11, & 1141.16)

SB 222
Beverly

Trusts: Prudent Investor

**Chapter 63
Statutes of 1995**

Existing law regulates the creation and administration of trusts.

This statute enacts the Uniform Prudent Investor Act (Act), which makes five fundamental alterations in the former criteria for prudent investing. Among other things, this statute declares that the Act, combined with existing provisions of law, constitutes the prudent investor rule, and provides that a trustee owes a duty to the beneficiaries of the trust to comply with the rule. (Prob C §§ 16003, 16008, 16012, 16040, 16042, 16045, 16200, 16223, & 16401)

SB 262
Kelley

Trial Court Delay Reduction Act

**2-Year Bill
Senate Judiciary**

Existing law, the Trial Court Delay Reduction Act, requires each municipal court to establish a delay reduction program.

This bill would provide an exemption from these delay reduction programs for any action or proceeding brought on a contract for the collection of amounts due for goods and services provided under the contract, if the amount of the demand does not exceed \$25,000. (Gov C § 68620)

(2) Court System
and Conflict
Resolution
(cont.)

Summary

Disposition

SB 302
Campbell

Negligence: Immunity from Civil Liability

2-Year Bill
Senate Judiciary

Existing law provides that everyone is responsible for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself.

This bill would provide that in order to encourage citizens and organizations to provide free shelter and other services for homeless persons, no person, corporation, partnership, unincorporated association, public entity, or other entity that, in good faith, provides free shelter and other services for homeless persons shall be liable for any civil damages as a result of any act or omission in the provision of such shelter or other services, except as to conduct constituting gross negligence. (Civ C § 1714.15)

SB 479
Calderon

Arbitrators: Immunity

Chapter 209
Statutes of 1995

Existing law, effective until January 1, 1996, provides that an arbitrator has the immunity of a judicial officer from civil liability when acting in the capacity of arbitrator under any statute or contract.

This statute extends this provision until January 1, 1997. (CCP § 1280.1)

SB 596
Petris

State Bar of California: Accreditation

2-Year Bill
Senate Judiciary

Existing law authorizes the examining committee of the State Bar to accredit law schools.

This bill would prohibit the State Bar from accrediting law schools. The bill would limit the Bar's activities to responsibility for admission of persons to the practice of law and discipline of its members. (B&P C § 6060.6)

See also SB 702.

**(2) Court System
and Conflict
Resolution**
(cont.)

Summary

Disposition

**SB 692
Lockyer**

Arbitration and Mediation

Under existing law, the Board of Governors of the State Bar of California is required to establish, maintain, and administer a program for arbitration of disputes concerning fees or costs charged for professional services by members of the State Bar or members of the Bar of other jurisdictions.

This bill would make various revisions to the provisions governing arbitration. (CCP §§ 6200, 6201, 6202, 6203, 6204, & 6205)

**2-Year Bill
Assembly Judiciary**

**SB 702
Petris**

**State Bar of California: First-Year Law Students'
Examination**

Existing law requires (1) law students who attend an accredited law school and who have not completed two years of college before entering law school, and (2) law students who attend a nonaccredited law school, to pass a first-year law students' exam (the "Baby Bar") given by the State Bar.

This bill would have required these students to "take," but not pass, the Baby Bar. (B&P C § 6060)

Vetoed

**SB 926
Calderon**

Writings: Electronic Media

Existing law, the provisions of the Evidence Code, defines "writing" for its purposes to mean handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible form of communication or representation.

This bill would include computer data stored on magnetic media within the definition of "writing" pertaining to the Evidence Code and the California Public Records Act. (Evid C § 250 and Gov C § 6252)

**2-Year Bill
Senate Judiciary**

**(2) Court System
and Conflict
Resolution
(cont.)**

Summary

Disposition

**SB 934
Campbell**

Professional Negligence

**Chapter 241
Statutes of 1995**

Existing law, due to sunset January 1, 1997, generally requires the plaintiff's attorney in a professional negligence action against an architect, engineer, or land surveyor to file a certificate of merit with the court, stating that the attorney has consulted with at least one other person in the discipline and has concluded that the action has merit.

This statute repeals the sunset date, and requires the person consulted to also give an opinion as to whether the professional was or was not negligent. (CCP § 411.35)

**SB 1199
Mountjoy**

Juries

**2-Year Bill
Senate Criminal
Procedure**

Existing law authorizes a court, while it establishes a jury panel, to require a prospective juror to complete a prescribe questionnaire and to complete additional questionnaires as proposed by counsel in a particular case.

This bill would prohibit the submission of any written questionnaire to a prospective juror containing questions regarding his or her vote in any state or local election and whether he or she owns or possesses a firearm. (CCP §§ 223.4 & 232)

**(3) Credit and
Financial
Institutions**

Summary

Disposition

**AB 393
Burton**

Electronic Funds Transfer

**2-Year Bill
Assembly Banking &
Finance**

Existing law prohibits the operator of an automated teller machine (ATM) from charging customers using an ATM card not issued by that operator, unless the charge is disclosed prior to completing the transaction.

This bill would prohibit the operator of a point of sale transfer device in a retail store from charging customers to use the device. (Fin C § 13090)

AB 522
Katz

Dishonored Checks: Treble Damages

Chapter 134
Statutes of 1995

Existing law allows the recipient of a dishonored check to recover treble damages (from \$100 to \$500), if the check writer does not pay the entire amount of the check, in cash, within 30 days of a demand sent by certified mail.

This statute increases the treble damages limit to \$1,500 and makes the check writer liable for treble damages minus any partial payment made within 30 days of the demand. However, the check writer is only liable for these damages if he or she does not pay either the amount of the check or any bad check fee charged to the recipient by his or her bank, within 30 days of the demand, in cash. Finally, the statute makes a treble damages award mandatory upon the court. (Civ C § 1719)

AB 1316
Bustamante

Checks and Credit Card Transactions: Identification

Chapter 458
Statutes of 1995

Existing law allows sellers to require persons paying for goods by check or credit card to show reasonable forms of identification, including a driver's license or California state ID card.

Among other things, this statute permits sellers to require another form of photo ID (e.g., military or employee ID) if a driver's license or state ID card is not available. (Civ C §§ 1725 & 1747.8)

AB 1653
Horcher

Credit Services Organizations

Failed
Assembly Banking
(reconsideration
granted)

Existing law regulates credit services organizations, defined as persons who represent that they can assist consumers in improving their credit record and/or obtaining a loan or extension of credit, and requires them to register with the Department of Justice. Current law exempts licensed lending institutions, banks and savings institutions, proraters, real estate brokers, attorneys, broker-dealers, and certain nonprofit organizations from this law.

This bill would delete the exemption for lending institutions. The

**(3) Credit and
Financial
Institutions**
(cont.)

Summary

Disposition

AB 1653
Horchner

Credit Services Organizations (cont.)

bill would also require disclosure of the registration number in advertisements. (Civ C §§ 1789.12 & 1789.15)

SB 538
Hughes

Retail Installment Contracts: Terms

Existing law requires the terms of a retail installment account to be disclosed in a written contract between the buyer and seller with the buyer's signature signifying acceptance of the contract. Existing law further permits the seller to change the terms, with at least 30 days' notice.

This statute considers the terms accepted if (1) the buyer signs an agreement, including a credit application stating the terms of the agreement, or (2) the buyer uses the car after having been notified that use means acceptance. This statute permits any increase in the finance charge or another charge, or any change in the attorney's fee provision, to be applied only to new charges made after the effective date of the change. (Civ C §§ 1810, 1810.3, & 1810.4)

Chapter 566
Statutes of 1995

SB 539
Hughes

Retail Installment Accounts: Finance Charges

Existing law requires retailers to give credit card holders an annual written statement of the finance charges assessed during the preceding year.

This statute requires retailers to give this information upon request, no more than once a year, and requires the information to be in writing only if the request is in writing. As under the current law, this information may accompany any periodic bill or statement. (Civ C § 1810.11)

Chapter 693
Statutes of 1995

SB 616
Marks

Dishonored Checks: Bank Fees

Existing law requires banks and other financial institutions to maintain certain information concerning charges and interest on accounts, and to make that information available to the public.

Failed
Senate Finance

**(3) Credit and
Financial
Institutions
(cont.)**

Summary

Disposition

**SB 616
Marks**

Dishonored Checks: Bank Fees (cont.)

This bill would have prohibited financial institutions from charging bad check fees to customers who deposit checks that are subsequently not honored due to insufficient funds. (Fin C § 4002)

**(4) Health and
Safety**

Summary

Disposition

**AB 196
Morrow**

Abortion: Informed Consent

Existing law does not require any specific information be presented to a woman or evidence of informed consent be obtained prior to an abortion.

This bill would enact the Woman's Right to Know Act, to prohibit abortions except with the voluntary and informed consent of the woman. (H&S C §§ 25959, 25959.1, 25959.2, 25959.4, 25959.5, 25959.6, 25959.7, 25959.8, & 25959.9)

See also SB 250.

**Failed
Assembly Health
(reconsideration
granted)**

**SB 250
Haynes**

Abortion: Informed Consent

Existing law does not require any specific information be presented to a woman or evidence of informed consent be obtained prior to an abortion.

This bill would enact the California Informed Choice Act of 1995, to prohibit abortions except with the voluntary and informed consent of the woman. (H&S C §§ 25959, 25959.1, 25959.2, 25959.4, 25959.5, 25959.6, 25959.7, 25959.8, & 25959.9)

See also AB 196.

**2-Year Bill
Senate Judiciary**

**(5) Landlord and
Tenant**

Summary

Disposition

**AB 1944
Murray, K.**

Rent Control

Dropped

Existing law provides that the following criteria must be met before a mobilehome is deemed exempt from local government adopted rent control measures: (1) the rental agreement is in excess of 12 months, (2) the mobilehome must be for personal and actual residence of the homeowner, (3) the homeowner has 30 days to accept or reject the rental agreement, and (4) the homeowner has the right to void the rental agreement within 72 hours of its execution by management.

This bill would have authorized park management to establish a rental rate for a home or space upon the vacancy of that mobilehome or mobilehome space, and would have exempted that rate from local rent control measures. (Civ C § 798.47)

See also SB 1181.

**SB 744
Polanco**

Landlord-Tenant

**2-Year Bill
Assembly Judiciary**

Existing law provides that a lessor who retaliates against a lessee is liable to the lessee in a civil action for actual damages, and if the lessor has been found guilty of fraud, oppression, or malice, punitive damages shall be awarded in an amount not less than \$100, nor more than \$1,000.

This bill would increase the minimum and maximum amounts of punitive damages that a lessor may be liable to a lessee if the lessor or agent has been found guilty of fraud, oppression, or malice to not less than \$200, nor more than \$2,000. (Civ C § 1942.5)

**SB 992
Mountjoy**

Unlawful Detainer

**2-Year Bill
Senate Judiciary**

Existing law provides for proceedings in unlawful detainer.

This bill would provide that in any unlawful detainer proceeding, the tenant shall make timely payment of rent owed to the landlord according to law, directly to the court. The court would be required to deposit these payments into a separate escrow account to be disbursed by the court upon the final determination of the proceeding. (Civ C § 794)

**(6) Local
Government**

Summary

Disposition

**AB 717
Ducheny**

Building Inspectors: Certification and Training

**Chapter 623
Statutes of 1995**

Existing law does not provide any experience or educational requirements for local building officials.

This statute establishes certification, training, and continuing education requirements for construction inspectors, plan examiners, and other local building officials. (H&S C §§ 18965, 18966, 18967, 18968, 18989, & 18970)

**SB 74
Leonard**

Concealed Weapons Permits

**2-Year Bill
Senate Criminal
Procedure**

Existing law provides for the issuance of concealed weapons licenses by the local law enforcement agencies to residents of the county in which the agency has jurisdiction.

This bill would mandate standardized criteria for issuance of concealed weapons licenses by local law enforcement authorities. (Pen C §§ 833.5, 12025, 12050, 12051, 12054, & 12055).

(7) Mobilehomes

Summary

Disposition

**AB 225
Richter**

Mobilehome Parks: Suits Against Management: Mediation

**Failed
Assembly Judiciary**

Existing law requires mobilehome owners to provide mobilehome park management with a 30-day notice prior to filing an intent to commence a judicial action against management based on either alleged management's failure to maintain common facilities or an alleged reduction in mobilehome park services.

This bill would have required mobilehome tenants and park management to enter into nonbinding arbitration before a tenant may file the required 30-day notice of intent. (Civ C § 798.84)

See also AB 1891.

(7) Mobilehomes
(cont.)

Summary

Disposition

AB 283
Cortese

Mobilehomes

Chapter 24
Statutes of 1995

Existing law: (1) provides that a mobilehome tenant shall not be charged a fee for a guest who does not stay with him/her for more than 20 consecutive days or a total of 30 days in a calendar year; (2) prohibits a mobilehome park owner from imposing a fee on a tenant based on the number of the tenant's immediate family members living in the mobilehome; and (3) defines "immediate family" as the tenant, his or her spouse, their parents and their children.

This statute expands the definition of "immediate family" to include a mobilehome tenant's grandchildren under 18 years of age for the purposes of mobilehome park fees based on the number of tenants living within a single mobilehome. (Civ C § 7998.35)

AB 765
Kaloogian

Mobilehome Residency Law

2-Year Bill
Senate Judiciary

Existing law requires mobilehome park management which directly provides utility services to mobilehome owners through a master-meter service to collect a fee from homeowners in an amount sufficient to pay the average monthly utility bill.

This bill would require such mobilehome management to deposit any differential in collected fees in a trust fund for the purpose of providing submeter service. Management would also be required to provide homeowners with an annual written accounting of the trust fund. (Civ C § 798.32)

AB 1337
Sweeney

Mobilehome Parks: Sale

Vetoed

Existing law requires the owner/management of a mobilehome park to offer tenants a rental agreement for a term of 12 months or a lesser period as the mobilehome owner may request, or a longer period as mutually agreed upon by both the mobile home owner and the management. Existing law exempts a mobilehome owner's lease, if the lease is for a period of 12 months or longer, from any rent control ordinance adopted by a local government entity.

This bill would have required park management to offer

(7) Mobilehomes
(cont.)

Summary

Disposition

AB 1337
Sweeney

Mobilehome Parks: Sale (cont.)

prospective mobilehome owners the option of signing a rental agreement for a term of 12 months, a lesser period requested by the occupant, or a longer period mutually agreed upon by the occupant and management. (Civ C § 798.75)

AB 1819
Conroy

Mobilehome Parks

**2-Year Bill
Assembly Judiciary**

Existing law requires mobilehome owners to provide mobilehome park management with a 30-day notice prior to filing an intent to commence a judicial action against management based on either management's alleged failure to maintain common facilities or an alleged reduction in mobilehome park services.

This bill would require homeowners to provide notice to management within 20 days of the time the alleged failure to maintain common facilities is known to have occurred before commencing any judicial action. (Civ C § 798.84)

See also AB 225.

SB 69
Kelley

Mobilehomes: Final Money Judgment

**Chapter 446
Statutes of 1995**

Existing law provides that a mobilehome may be judged abandoned if, among other things, no party establishes an interest in the mobilehome. Further, existing law provides for the imposition of liens on mobilehomes.

This statute defines "interest" for the purposes of the judicial proceedings used to declare a mobilehome abandoned. Further, the statute authorizes mobilehome park management who hold a final money judgment lien to file a lien against that mobilehome to prevent the mobilehome owner from selling the mobilehome without paying off his/her debt to the mobilehome park. (Civ C § 798.61; CCP §§ 700.080 & 715.010; and H&S C §§ 18005.8 & 18080.9)

(7) Mobilehomes (cont.)	Summary	Disposition
SB 1181 Haynes	<p data-bbox="347 264 938 300">Mobilehome Residency Law: Rent Control</p> <p data-bbox="347 342 1172 640">Existing law provides that the following criteria must be met before a mobilehome is deemed exempt from local government adopted rent control measures: (1) the rental agreement is in excess of 12 months; (2) the mobilehome must be for personal and actual residence of the homeowner; (3) the homeowner has 30 days to accept or reject the rental agreement; and (4) the homeowner has the right to void the rental agreement within 72 hours of its execution by management.</p> <p data-bbox="347 682 1172 871">This bill would provide that if a mobilehome space within a mobilehome park is not the principal residence of the mobilehome owner and the owner has not rented the mobilehome to another party, it shall also be deemed exempt from local government adopted rent control measures. (Civ C § 798.21)</p> <p data-bbox="347 913 589 940">See also AB 1944.</p>	2-Year Bill Assembly Housing & Community Development
(8) New Regulatory Programs	Summary	Disposition
SB 258 O'Connell	<p data-bbox="347 1136 581 1171">Home Inspectors</p> <p data-bbox="347 1213 1172 1287">Under existing law, home inspectors are unregulated and not subject to any standards specific to their occupation.</p> <p data-bbox="347 1329 1172 1514">This bill would establish a standard of care for home inspectors and prohibit certain unfair business practices related to home inspections for residential property transactions. A standard of care could be used by a court to determine liability. (B&P C §§ 7195, 7196, 7196.1, 7197, & 7198)</p>	2-Year Bill Assembly Consumer Protection
SB 1127 Watson	<p data-bbox="347 1591 626 1627">Recreation Therapy</p> <p data-bbox="347 1669 1172 1743">Existing law regulates the practice of occupational therapy and physical therapy.</p> <p data-bbox="347 1785 1172 1932">This bill would establish qualifications for recreation therapists and recreation therapy assistants, and prohibit the use of these or similar titles without meeting those qualifications. (B&P C § 2698)</p>	2-Year Bill Senate Business & Professions

(8) New
Regulatory
Programs
(cont.)

Summary

Disposition

SR 28
Watson

Naturopathic Physician Licensing

This resolution would request the Department of Consumer Affairs, Medical Board of California, Osteopathic Medical Board, Board of Chiropractic Examiners, Acupuncture Committee, California Association of Naturopathic Physicians, California Citizens for Health, and California Medical Association to study and report to the Legislature on the state of the practice of naturopathy and the best method of establishing a naturopathic physician licensing act.

2-Year Bill
Senate Business &
Professions

(9) Privacy

Summary

Disposition

AB 1226
Martinez

Disclosure of Victim Addresses

Under existing law, defendants who chose to act as their own attorney can obtain the address and phone number of victims and witnesses so as to prepare a defense, even if the defendant is accused of violent crimes against the victims.

This statute requires the court, when a defendant is acting as his or her own attorney, to permit defendant contact with witnesses or victims only through a licensed private investigator so that the defendant cannot obtain the address and telephone number of victims or witnesses. (Pen C § 1054.2)

Chapter 184
Statutes of 1995

AB 1889
Conroy

Telephone Call Identification Service: Privacy

Existing law directs the Public Utilities Commission to require every telephone call identification service offered in this state by a telephone corporation to allow a caller, at no charge, to withhold display of the caller's telephone number.

This bill would require the Public Utilities Commission to permit telephone corporations to use call identification services. In addition, the bill would allow a customer to withhold the display of his or her telephone number on a per call or per line basis. (PUC § 2893)

2-Year Bill
Assembly
Appropriations

(9) Privacy (cont.)	Summary	Disposition
AB 1892 Burton	<p>Privacy: Eavesdropping</p> <p>Existing law prohibits electronic eavesdropping on an arrested person and his or her attorney, licensed physician, or religious adviser.</p> <p>This statute makes it a crime to intentionally eavesdrop nonelectronically on a conversation between an arrested person and that person's attorney, licensed physician or religious advisor where a reasonable expectation of privacy exists. (Pen C § 636)</p>	Chapter 129 Statutes of 1995
(10) Products and Services	Summary	Disposition
AB 408 Battin	<p>Liability for Defective Products</p> <p>Existing law provides that, unless otherwise excepted, all relevant evidence is admissible in an action for liability for a defective product.</p> <p>This bill would authorize the manufacturer or seller of an allegedly defective product to present evidence that the product was manufactured in conformity with industry manufacturing customs and standards prevailing at the time of manufacture. (Evid C § 1109)</p>	2-Year Bill Assembly Judiciary
AB 410 Battin	<p>Product Liability Actions: Subsequent Remedial Measures</p> <p>Under existing law, evidence of remedial or precautionary measures taken after an event, which if taken previously, would have made the event less likely, are inadmissible to prove negligence or culpable conduct.</p> <p>This bill would make similar evidence of conduct taken to improve the safety of a product after the occurrence of an injury inadmissible in product liability actions. (Evid C § 1151)</p>	2-Year Bill Assembly Judiciary
AB 972 Sher	<p>Product Liability: Common Consumer Products</p> <p>Existing law provides that in a product liability action, a manufacturer or seller is not liable if the product is a common</p>	2-Year Bill Assembly Judiciary

AB 972
Sher

Product Liability: Common Consumer Products (cont.)

consumer product intended for personal consumption, is inherently unsafe, and is known to be unsafe by the ordinary consumer.

This bill would specify that, in a product liability action, a manufacturer or seller is not liable if the product is a common consumer product intended for personal consumption, is inherently unsafe, and is known to be unsafe by the ordinary consumer. This provision does not immunize manufacturers or sellers of tobacco products from liability for claims based on intentional fraud and misrepresentation, or conspiracy. (Civ C § 1714.45)

AB 1601
Poochigian

Product Liability

Existing law provides that everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by the want of ordinary care or skill in the management of his or her property or person, unless the other person has brought the injury upon himself or herself by lack of ordinary care.

This bill would enact the California Product Liability Reform Act of 1995 establishing specific provisions governing the determination of strict liability for design defects, and exempting prescription drug manufacturers from strict liability for design defects. (Civ C § 1714.46)

**2-Year Bill
Assembly Inactive
File**

AB 1730
Morrow

Civil Actions: Product Liability

Existing law provides that an action for death or injury caused by a defective product must be initiated within one year of injury or death.

This bill would provide that an action for death or injury caused by a defective product must be brought within 10 years from the date of first sale, lease, or delivery for use or consumption to the initial consumer. (Civ C § 349.5)

**2-Year Bill
Assembly Judiciary**

(10) Products
and Services
(cont.)

Summary

Disposition

SB 1014
O'Connell

Product Liability: Minors

**2-Year Bill
Senate Judiciary**

Under existing law, each individual is responsible for the result of his or her willful acts or lack of ordinary care in the management of property that has caused injury to himself/herself or others.

This bill would provide that a manufacturer, advertiser, distributor, or retail seller of a product intended and marketed primarily or exclusively for use by minors has a fiduciary duty to a minor, or to any person who purchases the product on his or her behalf, thereby constituting a special duty of care commensurate with the reduced responsibility of the minor. (Civ C § 1714.11)

(11) Tele-
communications

Summary

Disposition

AB 202
Conroy

Paging Systems: Regulation

**Chapter 357
Statutes of 1995**

Existing law charges the Public Utilities Commission (PUC) with regulating all aspects of one-way paging services.

This statute exempts one-way paging services utilizing facilities that are licensed by the Federal Communications Commission from PUC regulation. **This statute also requires the Director of the Department of Consumer Affairs to receive consumer complaints concerning one-way paging services.** (B&P C § 325.3 and PUC § 234)

AB 230
Tucker

Emergency Medical Services: Funding

**2-Year Bill
Assembly
Appropriations**

Existing law imposes a surcharge of one-half of one percent on amounts paid by users of the intrastate telephone communication service. Revenues generated from this surcharge are deposited into the State Emergency Telephone Number Account in the General Fund. These monies are used to fund the cost of administering the 911 emergency assistance system.

This bill would enact the Filante-Tucker Prehospital Emergency Medical Services System Funding Act, and impose a one percent surcharge on amounts paid by intrastate telephone

AB 230
Tucker

Emergency Medical Services: Funding (cont.)

communication service users. Revenues generated from the additional surcharge would be deposited into three emergency care services funds. (H&S C §§ 1797.195 & 1797.196; R&T C § 41135; and W&I C §§ 14106.6 & 14132)

AB 828
Conroy

Telecommunications: Service Options

**Chapter 809
Statutes of 1995**

Existing law requires public utilities to file with the Public Utilities Commission (PUC) all rates, tolls, rentals, charges, classifications, and all rules contracts, privileges, and facilities as they relate to rates, tolls, rentals, charges, classifications, or services. Common carriers are exempt from this requirement, and the PUC has the authority to waive certain classes of telephone corporations from the aforementioned filing requirements for enhanced telephone services. This authority expires on January 1, 1998.

This statute permits the Public Utilities Commission to exempt telecommunications services offered by telephone or telegraph corporations from specified rate change requirements if the commission determines that the provider of the service lacks significant market power in the market for that service or that sufficient consumer protection exist. The commission retains the authority to revoke any such exemption. (PUC §§ 489, 495, 495.5, 495.7, & 2882.5)

AB 1465
Morrissey

Telephone Corporations

**Chapter 664
Statutes of 1995**

Existing law provides that when a telephone corporation solicits residential customers, before a change in the customer's telephone service may occur, the corporation must first verify the customer's desire to change services by: (1) informing the customer of the nature and extent of the new services being offered; (2) establishing whether the customer intends to make the service change and explaining any charges associated with that change; (3) conducting a follow-up call seeking verification of the customer's intent to change service; and (4) mailing an informational package to the customer seeking conformation of his or her desire to changes services.

(11) Tele-
communications
(cont.)

Summary

Disposition

AB 1465
Morrissey

Telephone Corporations (cont.)

This statute provides that the corporation is only required to comply with one of the aforementioned criteria (which have been significantly expanded to protect the customer). (PUC § 2889.5)

SB 135
Maddy

Emergency 911 Telecommunications: Liability

2-Year Bill
Senate Judiciary

The Warren-911 Emergency Assistance Act establishes the 911 emergency number through which the public may obtain emergency services. Statute sets forth extensive provisions regulating the liability, and exemption thereof, of public entities and their employees, and certain individuals who provide 911 emergency assistance.

This bill would provide that no public agency or emergency 911 telecommunications system or service provider or any of their employees, directors, officers, or agents, except in cases of wanton and willful misconduct or bad faith, shall be liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission while providing, adopting, implementing, maintaining, or operating an emergency 911 telecommunications system or service. (Gov C § 53121)

SB 207
Russell

Telephone Corporations: Cellular Telephone Service

2-Year Bill
**Assembly Utilities &
Commerce**

Existing law provides that all telephone services, including cellular services, furnished by telephone corporations are subject to the jurisdiction of the Public Utilities Commission.

This bill would require every commercial mobile radio service furnishing wireless telephone service to prorate any penalty fee for early termination of a contract service plan. Further, the bill would require such companies to fully inform customers of the existence and terms of the penalty fee. (PUC § 2885.8)

(11) Tele-
communications
(cont.)

Summary

Disposition

SB 551
Campbell

Cellular Telephones: Unfair Trade Practices

2-Year Bill
Senate Business &
Professions

Existing law provides that, notwithstanding the definition of "cost" in the Unfair Practices Act, commissions or rebates regularly earned by cellular telephone retailers may be used to reduce cellular telephone cost not exceeding ten percent of cost or \$20, whichever is greater.

This bill would remove those limitations on the amount that may be used to reduce cost for those purposes and would extend the application of the provisions to all cellular equipment. (B&P C § 17026.1)

SB 664
Russell

Telecommunications: Customer Services

Chapter 170
Statutes of 1995

Existing law provides that telephone corporations which furnish informational services containing harmful matter to consumers through a phone number containing a "976" prefix or "900" access code are not subject to jurisdictional control by the Public Utilities Commission. Instead, such services are considered a matter for contractual arrangement between the telephone corporation and the information provider. Further, existing law defines "harmful matter" as any matter which "depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value to minors."

This statute provides a one-time waiver for all charges associated with a collect call when the call contains harmful matter and the person accepting the call is a minor and prohibits a charge to customers for calls placed to a number with an 800 access code. The statute also removes existing sunset language. URGENCY (B&P C §§ 2884.2, 2884.6, & 2889.2)

SB 665
Russell

Public Utilities Telecommunications

Chapter 74
Statutes of 1995

Existing law (1) vests the Public Utilities Commission with regulatory authority over public utilities, including telephone and telegraph corporations and (2) requires telephone corporations to obtain from the commission a Certificate of Public Convenience

(11) Tele-
communications
(cont.)

Summary

Disposition

SB 665
Russell

Public Utilities Telecommunications (cont.)

and Necessity prior to constructing or extending a line, plant, or system.

This statute permits the Public Utilities Commission to exempt certain telecommunications services offered by telephone and telegraph corporations from the certification process if the commission finds the corporations do not have monopoly power or market power in a relevant market or markets. Instead, these corporations are subject to a registration process as established by the Public Utilities Commission. (PUC § 1013)

SB 1032
Calderon

Telephones: Mobile Radios

Under existing law, the Public Utilities Commission has jurisdiction over the rates and services of telephone corporations.

This bill would require the Public Utilities Commission to prepare and submit a report on the effects of disparate state regulation of commercial mobile radio services as defined in the Omnibus Budget Reconciliation Act of 1993, to the Legislature no later than January 1, 1998. (PUC § 489.2)

2-Year Bill
**Assembly Utilities &
Commerce**

SB 1035
Peace

Public Utilities: Telecommunications Infrastructure

Existing law authorizes the Public Utilities Commission to supervise and regulate every public utility, including telephone corporations.

This bill would require the Public Utilities Commission to ensure that a modern communications infrastructure is available to all Californians on a nondiscriminatory and timely basis. (PUC § 709.6)

2-Year Bill
**Assembly Utilities &
Commerce**

(12) Utilities

Summary

Disposition

**AB 280
Battin**

Public Utilities: Rates

The Public Utilities Commission is required to establish a standard limited allowance of gas and electricity to which residential customers are entitled in addition to the baseline quantity.

This bill would provide that those persons 62 years of age or older are eligible to receive the additional limited allowance for gas and electricity. (PUC § 739)

**2-Year Bill
Assembly Utilities &
Commerce**

**AB 560
Morrissey**

Utility Company Services

Existing law prohibits public gas and electric utilities from providing services to residential or commercial property beyond the company's meter connection to the building.

This bill would allow public gas and electric utility companies to work "beyond the meter" or otherwise perform work requiring a contractor's license if the employee and corporation are properly licensed as contractors, the work is substantially related to energy equipment, appliances and systems, and ratepayers do not subsidize these services. These services cannot be advertised in billings or be performed by service representatives. (B&P C § 7042.2)

**2-Year Bill
Assembly Consumer
Protection**

**AB 1123
Sher**

Public Utilities: Electrical Corporations

Existing law authorizes the Public Utilities Commission (PUC) to supervise and regulate every public utility in the state, including the approval of utility expenses and the establishment of rates.

This bill would require the PUC, in adopting any order relating to the restructuring of the electric services industry, to comply with consumer protection related criteria. URGENCY (PUC § 453.2)

**2-Year Bill
Senate Energy,
Utilities, &
Commerce**

**AB 1588
Conroy**

Public Utilities Act: Telecommunications Services

The Public Utilities Act sets forth the findings and declarations

**2-Year Bill
Assembly Utilities &
Commerce**

(12) Utilities
(cont.)

Summary

Disposition

AB 1588
Conroy

Public Utilities Act: Telecommunications Services (cont.)

of the Legislature that a policy for telecommunications in California is, among other things, to remove the barriers to open and competitive markets and promote fair product and price competition in a way that encourages greater efficiency, lower prices, and more consumer choice.

This bill would declare an additional policy is to open all telecommunications markets to competition by 1997 and to aggressively streamline regulation to accelerate the pace of innovation. (PUC § 709)

AB 1683
Conroy

Public Utilities: Carriers

Under existing law, the Public Utilities Commission is vested with regulatory authority over highway carriers, household goods carriers and charter-party carriers. The Federal Aviation Administration Authorization Act preempts state regulation of prices, routes, and services of motor carriers.

This bill would transfer motor carrier safety regulation authority from the Public Utilities Commission to the Department of the California Highway Patrol effective January 1, 1997. Further, the bill would impose a uniform business license tax on motor carriers of property to be deposited in the Motor Carriers Uniform Business License Tax Account which would be appropriated to the Controller for disbursement to cities and counties for safety improvements. URGENCY (B&P C § 16728; PUC §§ 1061, 1904, 2107.5, 211, 2117, 2119, 212, 214.1, 214.5, 216, 224.6, 3501, 3901, 4000, 4001, 4005, 4006, 4007, 4080.1, 4010, 4022, 4120, 421.5, 4301, 452.1, 452.2, 454.1, 460.5, 4801, 5001, 5004, 5005, 586, 622, 726, 727, 728.5, 731, 768, & 816.5; R&T C §§ 6053, 6201.9, & 7231; and Veh C §§ 1808.1, 1808.3, 290, 3405.6, 3405.6, 3405.7, 34600, & 40000.22)

**2-Year Bill
Senate Energy,
Utilities, &
Commerce**

AB 1785
Brewer

Public Utilities: Services to Tenants

Existing law allows utility districts to require a new residential applicant to deposit a sum of money prior to the receipt of utility services. The amount of the initial deposit is based solely upon

Vetoed

AB 1785
Brewer

Public Utilities: Services to Tenants (cont.)

the credit worthiness of the applicant as determined by the district. Further, existing law provides that municipal district utilities and special service district utility companies have the ability to transfer delinquent service charges from a subsequent tenant to the owner of the property.

This bill would have, with respect to municipally owned utilities and municipal utility districts, prohibited the recovery of delinquent service charges or penalties from any subsequent residential tenant on account of nonpayment by a previous tenant or property owner. Further, the bill would have authorized such municipally-owned or operated utilities to collect a deposit from a residential applicant prior to furnishing the utility service. In the case of nonpayment, the deposit would have been applied to any unpaid portion of the utility charges. (PUC §§ 10009.6, 10016, 12811.1, 12811.5, & 12822.6)

SB 25
Leonard

Public Utilities: Electric Utilities: Generation

Existing law authorizes the Public Utilities Commission (PUC) to regulate rates established by electric utilities.

This bill would prohibit the PUC from prescribing the percentage of alternative-generated power to be purchased by the utility. URGENCY (PUC § 701.2)

2-Year Bill
Assembly Utilities &
Commerce

SB 248
Hayden

Public Utilities: Rates

The Public Utilities Commission is required to establish a standard limited allowance of gas and electricity to which residential customers are entitled, in addition to the baseline quantity.

This statute provides that any residential customer who is being treated for a life-threatening illness and has a compromised immune system, is eligible to receive the additional limited allowance for gas and electricity for heating and cooling purposes so long as a physician or surgeon or osteopath certifies to the utility that the additional gas and electricity is medically necessary. (PUC § 739)

Chapter 75
Statutes of 1995

(12) Utilities
(cont.)

Summary

Disposition

SB 623
Peace

Crimes: Theft of Cable Television Signals

2-Year Bill
Senate-Unfinished
Business

Existing law provides that any person who knowingly and willfully makes or maintains an unauthorized connection of cable can be both fined and imprisoned.

This bill would repeal and recast these provisions to prescribe different penalties for specified offenses and to make a number of changes in nomenclature. (Pen C § 593)

SB 960
Leonard

Public Utilities Commission: Energy Resources

2-Year Bill
Assembly Utilities &
Commerce

Under existing law, the State Energy Resources Conservation and Development Commission has powers and duties relating to the observation of energy resources and the Public Utilities Commission is responsible for the regulation of public utilities within the state.

This bill would abolish the Public Utilities Commission and the State Energy Resources Conservation and Development Commission and would transfer the functions of those commissions, with some exceptions, to the Utilities Exchange Commission as established by this bill. (PRC §§ 25104, 25112, 25200, 25201, 25202, 25203, 25204, 25205, 25206, 25209, 2521, 25214, 25216, 25216.1, 25216.2, 25216.5, 25217.1, 25225, 25226, 25227, 25228, 25229, & 25801 and PUC §§ 20 & 301)

SB 1048
Campbell

Public Utilities: Hours of Business

Chapter 614
Statutes of 1995

Existing law grants the Public Utilities Commission regulatory authority over the public utilities, which include electric, gas, water, and telephone.

This statute requires electrical, gas, water, and telephone corporations to make reasonable and alternative arrangements for customers who are unable to appear at the corporation's place of business during its regular business hours when a personal appearance is required by the corporation. The statute specifies that such alternative arrangements may include an appointment outside the corporation's usual business hours or allow the customer to conduct the transaction by telephone, mail, or both.

(12) Utilities (cont.)	Summary	Disposition
SB 1048 Campbell	<p>Public Utilities: Hours of Business (cont.)</p> <p>(PUC §§ 708.3, 10011.5, 12819.5, & 16480.5)</p>	
SB 1090 Russell	<p>Public Utilities: Telecommunications Services</p> <p>Existing law makes a legislative finding and declaration that a policy for telecommunications in California is to promote lower prices, broader consumer choice, and avoidance of anti-competitive conduct.</p> <p>This bill would state that it is the intent of the Legislature that switch-based cellular resale competition occur as soon as possible to promote competition in the provision of cellular service in California. (PUC § 709.7)</p>	<p>2-Year Bill Assembly Utilities & Commerce</p>
SB 1322 Calderon	<p>Public Utilities Commission: Judicial Review</p> <p>Existing law provides for the judicial review of decisions and findings of the Public Utilities Commission, and requires that the Supreme Court is the exclusive forum for judicial review of commission proceedings.</p> <p>This bill would express legislative intent to (1) establish the manner and scope of review of Public Utilities Commission decisions and (2) overrule specified decisions of the Supreme Court relating to judicial review of commission matters. The bill would also revise provisions relating to the judicial review of decisions and findings of the commission and authorize the judicial review of commission proceedings to take place in either the Supreme Court or the court of appeal. (PUC §§ 1216, 1353, 1420, 1756, 1756.2, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 2766, 3731, 3740, 5251, & 5257)</p>	<p>2-Year Bill Assembly Appropriations</p>
SCA 21 Peace	<p>Public Utility Commission: Election of Members</p> <p>Existing provisions of the California Constitution provide for a Public Utilities Commission consisting of five members appointed by the Governor and approved by the Senate for staggered six-year terms.</p>	<p>2-Year Bill Senate Constitutional Amendments</p>

(12) Utilities (Cont.)	Summary	Disposition
SCA 21 Peace	Public Utility Commission: Election of Members (cont.) This measure would eliminate the Public Utilities Commission and establish an Energy, Utilities, and Communications Commission. The commission president would be appointed by the Governor while the remaining four members would be elected by the people for staggered four-year terms.	
(13) Miscellaneous	Summary	Disposition
AB 26 Murray, W.	Peace Officers Existing law prohibits persons convicted of a felony from becoming peace officers. This bill would have authorized the Commission on Peace Officer Standards and Training to exempt persons convicted of a felony in another state when it is not a felony in California. (Gov C § 1029 and Pen C § 12021)	Failed Assembly Appropriations
AB 46 Hauser	Common Interest Developments Existing law regulates common interest developments and provides for the conduct of association meetings including attendance of association members and the availability of the minutes of the meetings. This statute enacts the "Common Interest Development Open Meeting Act", and defines the rights and responsibilities for board and association members with respect to meetings. (Civ C §§ 1363 & 1363.05)	Chapter 661 Statutes of 1995
AB 156 Napolitano	Documents: Deceptive Identification Existing law prohibits the manufacture, sale, or the offering for sale of a deceptive identification document, unless a disclaimer statement is printed across the face of the document. This statute also prohibits a deceptive identification document from being furnished, offered to be furnished, transported, offered to be transported, or imported or offered to be imported	Chapter 133 Statutes of 1995

(13)
Miscellaneous
(cont.)

Summary

Disposition

AB 156
Napolitano

Documents: Deceptive Identification (cont.)

into this state, unless the government document disclaimer and the name of the manufacturer are printed on the document. (B&P C § 24430 and Pen C § 483.5)

AB 540
Morrissey

Peace Officer Discipline

Existing law does not stipulate when a decision must be rendered once an investigation of a complaint against a peace officer is completed.

This bill would require a final decision to be made on a citizen's complaint against a peace officer within six months from the time the investigation is concluded. (Pen C § 832.5)

**2-Year Bill
Assembly
Public Safety**

AB 463
Goldsmith

Common Interest Developments: Reserve Funds

Existing law authorizes the board of directors of an association managing a common interest development to temporarily transfer reserve funds to general operating fund to meet short-term cash-flow requirements. Existing law also restricts the imposition of a special assessment levied to recover the full amount of the expended funds without the approval of the owners, unless the special assessment is for the payment of certain legal costs.

This statute deletes the exception to the requirement for ownership approval of special assessments for prescribed legal costs. (Civ C §§ 1365.5 & 1368.4)

**Chapter 13
Statutes of 1995**

AB 484
Burton

Pilotage: San Francisco Bay: Rate Recommendations

Existing law, until January 1, 1996, requires the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun to provide for hearings to be conducted by an administrative law judge in order to determine issues relating to pilotage rates.

This bill would extend existing law until January 1, 1997. (H&N C § 1201.6)

**2-Year Bill
Senate
Appropriations**

(13)
Miscellaneous
(cont.)

Summary

Disposition

AB 565
Kaloogian

Tort Liability: Peace Officer

2-Year Bill
Assembly Judiciary

Under existing law, local law enforcement agencies are generally liable for the on-duty actions of peace officers employed by the agency.

This bill would exempt a public entity from liability for any personal injury or death caused by excessive force by a peace officer under its employ unless the officer's prior conduct makes his or her use of excessive force foreseeable to the public agency. (Gov C §§ 815.5 & 825.8)

AB 638
Knight

Concealed Weapons Permits

2-Year Bill
Assembly
Appropriations

Existing law provides for the issuance of concealed weapons licenses by local law enforcement agencies to residents of the county in which the agency has jurisdiction.

This bill would establish guidelines to assist local law enforcement agencies in carrying out their statutory mandate to issue concealed weapons licenses. (Pen C §§ 12050 & 12054)

AB 688
Frusetta

Public Records: Peace Officers

2-Year Bill
Assembly Criminal
Procedure

Existing law prohibits the disclosure of the residential address or phone number of a peace officer or an employee of a police or sheriff's department.

This bill would extend those provisions to employees of a marshal's office, district attorney's office or state law enforcement agency. (Pen C § 146e and Veh C § 1808.4)

AB 830
Speier

Tear Gas Weapons

Chapter 437
Statutes of 1995

Existing law requires the Department of Justice to certify tear gas products for self defense, license sellers of these products, and issue permits to persons purchasing tear gas products after completion of training in the use of these products.

This statute generally deregulates the import, sale, purchase and

(13)
Miscellaneous
(cont.)

Summary

Disposition

AB 830
Speier

Tear Gas Weapons (cont.)

possession of tear gas weapons for use by private citizens. (Pen C §§ 171b, 12403, 12403.5, 12403.7, 12403.8, 12423, 12426, 12403.6, 12435, & 12460)

AB 1308
Cunneen

Insurance

**2-Year Bill
Assembly Insurance**

Existing law prevents insurers from setting coverage limitations for covered damage to an insured dwelling if the policy provides for guaranteed replacement coverage.

This bill would prevent insurers from setting coverage limitations for building code upgrades to an insured dwelling if the policy provides for guaranteed replacement coverage. (Ins C §§ 10102.5, 10103, 2015, 2058, 2071)

AB 1447
Baca

Organ Donation

**2-Year Bill
Assembly Health**

Existing law, the Uniform Anatomical Gift Act (Act), provides the procedure for organ donation. The Act specifies the circumstances under which organs can be removed and specifies the persons who may authorize the donation of organs from the deceased. The Act defines the protocol by which hospitals can identify potential donors and specifies emergency or hospital personnel that are permitted to search clothing for a document identifying a person as a donor, among other things. The Act provides that it is unlawful to sell human organs for purposes of transplantation and for valuable consideration with specified exemptions.

This bill would establish the Baca Organ Donor Benefit Act which would require all general acute care hospitals, with certain exceptions to, at or near the time of death of a patient of the hospital, offer to pay the interment, cremation, or other lawful funeral expenses, up to \$5,000, for that patient if the individual's family or legal representative has made an anatomical gift. (H&S C § 7157)

(13)
Miscellaneous
(cont.)

Summary

Disposition

ACA 2
Richter

Affirmative Action

**2-Year Bill
Assembly Judiciary**

The California Constitution provides that a person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.

This constitutional amendment would prohibit state or local government from using race, sex, color, ethnicity, or national origin as a criterion for discriminating against, or giving preference to, any individual or group in public employment, education, or contracts. (CA Const. Art. 1, Sec. 31)

ACR 31
Gallegos

Chiropractic

**Chapter RC-32
Statutes of 1995**

This measure acknowledges the significant contributions made by the chiropractic profession to the health and welfare of California, and commemorates the year of 1995 as the centennial anniversary of the founding of the chiropractic profession.

SB 116
Marks

Criminal Procedure

**2-Year Bill
Senate Criminal
Procedure**

Existing law does not set specific deadlines for return of property seized by law enforcement.

This bill would require property seized by law enforcement agencies to be returned within 90 days if no criminal or civil forfeiture action is commenced. (Pen C §§ 1538.3 & 1540.5)

SB 141
Beverly

Limited Liability Companies

**2-Year Bill
Assembly Inactive
File**

Existing law (The Limited Liability Company Act (Act)) authorizes the formation of limited liability companies in California and provides that limited liability companies have all the powers of a natural person and may engage in any lawful business activities, except those specified in the Act.

This bill would make numerous substantive changes to the Act. The bill would also make clarifying and technical changes. (CCP § 699.720; Corp C §§ 1113, 15642, 17002, 17051, 17052,

(13)
Miscellaneous
(cont.)

Summary

Disposition

SB 141
Beverly

Limited Liability Companies (cont.)

17054, 17061, 17100, 17101, 17103, 17154, 17158, 17201, 17250, 17351, 17252, 17254, 17301, 17303, 17350, 17356, & 17450; Ins C §§ 1628, 1647, & 1656.2; and R&T C § 18633.5)

SB 300
Petris

Common Interest Developments

**Chapter 199
Statutes of 1995**

Existing law, the Davis-Stirling Common Interest Development Act, requires homeowner associations to prepare and distribute specified budgetary and financial information regarding the association to all members of the association.

This statute requires the association of a common interest development to prepare and distribute prescribed documents relating to liability and earthquake and flood insurance coverage. This statute specifies that any cause of action in tort shall be brought only against the association, not against the owner of a separate interest if the association maintains general liability insurance in the prescribed amounts. (Civ C §§ 1365, 1365.9, & 1368)

SB 423
Marks

Pilotage: San Francisco, San Pablo, and Suisun Bays

Vetoed

Under existing law, money in the Harbors and Watercraft Revolving Fund is available for appropriation for boating facilities development, boating safety and regulation programs. Existing law, effective until January 1, 1996, provides for the setting of pilotage rates in the Bays of San Francisco, San Pablo, and Suisun by recommendations from an administrative law judge.

This bill would have made any available money in the Harbors and Watercraft Revolving Fund available for appropriation by the Legislature to dredge small craft harbors during the 1996-97 fiscal year or thereafter, during any fiscal year that the Federal Government did not dredge small craft harbors. The bill also would have extended, until January 1, 1997, existing law which requires the Board of Pilot Commissioners to arrange for public hearings by an administrative law judge to determine pilotage

(13) Miscellaneous (cont.)	Summary	Disposition
SB 423 Marks	<u>Pilotage: San Francisco, San Pablo, and Suisun Bays</u> (cont.) rates in the Bays of San Francisco, San Pablo and Suisun. (H&N C §§ 85.4, 1101, 1116, 1126, 1127, & 1201.6)	
SB 496 Thompson	<u>San Francisco Bay Pilots</u> Existing law establishes a program for the licensing of pilots for the Bays of San Francisco, San Pablo, and Suisun and specifies the rates for pilotage. This statute revises the formula which the fiduciary uses to calculate the quarterly adjustment for pilotage rates. (H&N C §§ 1190 & 1191)	Chapter 711 Statutes of 1995
SB 513 Calderon	<u>Limited Liability Partnerships</u> Existing law provides for the formation of professional corporations and limited liability companies in California. Existing law makes a partner in a general partnership jointly and severally liable for everything chargeable to the partnership. This statute authorizes the establishment of registered limited liability partnerships (LLPs). LLPs are partnerships in which each of the partners are required to practice law or professional accountancy. Among other things, the statute provides immunity from liability for partners in a registered LLP for the debts, obligations, or liabilities chargeable to the partnership, or another partner, while acting in the conduct of the business or activities of the partnership, subject to specific conditions. (B&P C § 17900; Corp C §§ 15002, 15006, 15015, 15018, 15034, 15036, 15040, & 15047; R&T C §§ 19, 28.5, 6829, 17220, 18535, 19132, 23036, & 23097; and UIC § 1735)	Chapter 679 Statutes of 1995
SB 578 Alquist	<u>Mechanics' Liens</u> Existing law provides that mechanics, contractors, artisans, architects, and other specified skilled workers shall have a lien, a legal claim on a property as security for payment of labor, furnished materials, appliances or leased equipment.	2-Year Bill Senate Insurance

(13) Miscellaneous (cont.)	Summary	Disposition
SB 578 Alquist	<p>Mechanics' Liens (cont.)</p> <p>This bill would extend this provision to apply to appraisers. (Civ C § 3110)</p>	
SB 662 Boatwright	<p>Legislative Committee: False Statements</p> <p>Existing law provides that any person who testifies under oath and willfully states as true any material matter which the individual knows to be false is guilty of perjury.</p> <p>This bill would have provided that any person who knowingly made any unsworn, false statement as a witness testifying before a legislative committee, would have been guilty of a crime that is punishable by imprisonment in the state prison, or by imprisonment in the county jail not exceeding one year. (Gov C § 9415)</p>	Vetoed
SB 685 Watson	<p>Alcohol and Drug Abuse Counselors: Sexual Misconduct</p> <p>Existing law prescribes criminal penalties for a physician or psychotherapist who has sexual contact with a patient. ("Psychotherapist" means a psychologist; a clinical social worker; a marriage, family and child counselor; an intern or trainee; or a psychologist assistant.)</p> <p>This statute applies those provisions to an alcohol and drug abuse counselor, defined as "an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional." (B&P C § 729)</p>	Chapter 444 Statutes of 1995
SB 832 Kopp	<p>Judgments: Unlawful Detainer</p> <p>Existing law, the Enforcement of Judgments Act and the California Constitution, exempts from forced sale, a portion of a homestead and certain basic items of property from the enforcement of a money judgment or bankruptcy.</p> <p>This statute implements the recommendations of the California Law Review Commission regarding adjustments to debtor</p>	Chapter 196 Statutes of 1995

(13)
Miscellaneous
(cont.)

Summary

Disposition

SB 832
Kopp

Judgments: Unlawful Detainer (cont.)

exemption amounts. This statute generally doubles the exemptions and prohibits the sale of a debtor's home if the bid is not sufficient to satisfy any part of the debt. (CCP §§ 703.140, 704.010, 704.030, 704.040, 704.080, 704.100, 704.780, 1167.25, & 1174.3)

SB 1027
Marks

Interior Designers: Legislative Review

Vetoed

Existing law that provides for private certification of interior designers was reviewed by the Joint Legislative Sunset Review Committee in the fall of 1995.

This bill would have delayed by one year that statutorily mandated review to 1996. (B&P C § 5810)

SB 1028
Marks

Interior Designers: Design Organizations

Chapter 891
Statutes of 1995

Existing law provides for private certification of interior designers by "interior design organizations."

This statute changes the definition of "design organization" to provide a more workable and realistic definition for use in determining which organizations may legally certify interior designers. (B&P C § 5800)

SB 1029
Calderon

Common Interest Developments: Construction Defects: ADR

Chapter 864
Statutes of 1995

Existing law, the Davis-Stirling Common Interest Development Act, includes provisions that require an owner of a separate interest or an association of homeowners of a common interest development to endeavor to solve a dispute, regarding the enforcement of the governing documents, through some form of alternative dispute resolution prior to filing a civil lawsuit. The provisions apply to disputes regarding declaratory relief, injunctive relief, or either declaratory or injunctive relief in conjunction with monetary damages of \$5,000 or less. Disputes regarding association assessments are exempted from these provisions.

(13)
Miscellaneous
(cont.)

Summary

Disposition

SB 1029
Calderon

Common Interest Developments: Construction Defects: ADR
(cont.)

This statute prescribes conditions which a common interest development association must satisfy prior to commencing an action for damages against a builder for a defect in the design or construction of the development. (CIV C § 1375)

B. OCCUPATIONAL REGULATION

(1) Board of
Accountancy

Summary

Disposition

AB 1260
Machado

Accountancy

Existing law requires the Board of Accountancy (board) to prepare a register listing various information about certified public accountants, partnerships of certified public accountants, public accountants, and partnerships practicing public accountancy. The register is to be mailed to those persons on the list and to other parties as requested.

This bill would delete these provisions and instead require the board to maintain a register that contains information necessary for the purposes for which the board was established. The bill also would implement continuing education requirements for licensed public accountants who provide audit, review, or other testimony services and licensees on inactive status who wish to become active. (B&P C §§ 5009, 5027, & 5053)

**2-Year Bill
Senate Business &
Professions**

(2) Acupuncture
Committee

Summary

Disposition

AB 1002
Burton

Workers' Compensation: Acupuncturists

Existing law, until January 1, 1997, defines the term "physician" as including acupuncturists for purposes of treating injured employees entitled to workers' compensation medical benefits.

This bill would delete the repeal date of January 1, 1997. (Lab C § 3209.3)

**2-Year Bill
Assembly Insurance**

AB 1003
Burton

Workers' Compensation: Acupuncturists

Existing law prohibits an acupuncturist from determining a disability for purposes of workers' compensation and disability benefits.

This bill would provide that acupuncturists certified as qualified medical evaluators may determine disability for purposes of workers' compensation and for purposes of unemployment compensation disability insurance. (Lab C § 3209.3)

**2-Year Bill
Assembly Insurance**

**(3) Board of
Architectural
Examiners**

Summary

Disposition

**AB 969
Davis**

Architects: Written Contract

**Chapter 117
Statutes of 1995**

Existing law, the Architects Practice Act, provides for the licensure and regulation of the practice of architecture.

This statute requires architects to use a written contract when contracting to provide professional services to a client. (B&P C § 5536.22)

**(4) Athletic
Commission**

Summary

Disposition

**SB 1288
Alquist**

Closed-Circuit Telecasts: Pay-Per-View

**2-Year Bill
Senate Business &
Professions**

Under existing law, closed-circuit telecasts are regulated by the State Athletic Commission.

This bill would impose on the promoter or producer of a pay-per-view telecast of a boxing or martial arts contest, a fee of 5% of the promoter's or producer's gross receipts from the individual's or entity's pay-per-view telecast fees, exclusive of federal, state, or local tax. (B&P C § 18838)

**(5) Bureau of
Automotive
Repair**

Summary

Disposition

**AB 28
Gallegos**

Tire Chains: Disclosure

**Chapter 452
Statutes of 1995**

Existing law (1) requires manufacturers of new motor vehicles that may not be operated with tire chains to indicate that fact in the owner's manual or elsewhere, (2) requires dealers to disclose to buyers that the vehicle as equipped may not be operated with tire chains, if the manufacturer has disclosed this fact, and (3) requires the buyer to sign this disclosure.

(5) Bureau of
Automotive
Repair
(cont.)

Summary

Disposition

AB 28
Gallegos

Tire Chains: Disclosure (cont.)

This statute requires manufacturers to give dealers a list of the affected models annually; requires disclosure to lessees of new motor vehicles, as well as buyers; specifies the contents of the disclosure; requires the disclosure to be signed before the lease or sale; and requires a copy to be given to the lessee or buyer. (Veh C §§ 9953 & 11713.6)

AB 63
Katz

Air Pollution: Motor Vehicles: Inspection Program

Chapter 982
Statutes of 1995

Existing law provides that motorists in designated areas obtain a biennial certificate of compliance with vehicle emission standards (smog certificate) for any motor vehicles powered by an internal combustion engine. Consumers may be required to pay up to \$450 for any needed smog compliance repairs.

This statute requires the Department of Consumer Affairs to develop and implement either the Repair Subsidy Program or a program that would provide for a 12-month economic hardship extension from the biennial certificate of compliance requirement under specified circumstances. (H&S C §§ 44014.5, 44015, 44015.3, 44017, 44017.3, 44020, 44040, 44051, 44056, 44060, & 44062.1)

See also SB 498.

AB 100
Hannigan

Vehicle Emission Standards: Transfer Exemption

Chapter 292
Statutes of 1995

Existing law requires the possession of a smog certificate, upon the initial registration or transfer of ownership of the vehicle.

This statute exempts vehicles from the smog certificate requirement when another owner is added to the vehicle's registration. (Veh C § 4000.1)

(5) Bureau of
Automotive
Repair
(cont.)

Summary

Disposition

AB 135
Rainey

Vehicles: Registration Fees

**Chapter 819
Statutes of 1995**

Existing law provides that the continuous appropriation of money to fund local programs relating to vehicle theft crimes is to be repealed as of January 1, 1996.

This statute would extend the repeal date to January 1, 2000. (Veh C §§ 22710, 9250.14, & 9250.7)

AB 187
Machado

Vehicle Registration: Exceptions

**2-Year Bill
Senate
Appropriations**

Existing law provides that if a vehicle's registration is not to be renewed prior to the expiration, the owner must file a certification that the vehicle will not be operated on the highway.

This bill would exempt trailers, motor trucks, and truck tractors from this requirement. (Veh C §§ 4604, 4604.2, 4604.5, & 9706)

AB 323
Bustamante

Vehicles: Storage Fees

**Chapter 289
Statutes of 1995**

Existing law precludes automotive towing or storage companies from assessing service charges or fees on a vehicle stored on the company's premises from the sixteenth day of storage until the registered owner is notified by certified mail. Current law also permits companies to include in their storage fees, the cost of notifying the legal owner and entitles the prevailing party in any related action to attorney's fees not to exceed \$1,750.

This statute recasts and clarifies notification requirements and charges for the storage of vehicles by automotive towing or storage companies. Charges may be imposed for the first 15 days and thereafter, upon notification of the legal owner by certified mail. This statute continues the exemption for vehicles stored under a court order. (Veh C § 10652.5)

**(5) Bureau of
Automotive
Repair
(cont.)**

Summary

Disposition

**AB 339
Richter**

Removal of High Polluters: Electric Vehicles

Existing law authorizes the State Air Resources Board (ARB) to develop emission standards for new motor vehicles sold in the state. Current ARB regulations require that beginning in the 1988 model-year, each motor vehicle manufacturer's sales fleet shall be composed of at least 2% Zero-Emission Vehicles (ZEVs). At this time, the only ZEVs available are powered by electricity.

This bill would express the intent of the Legislature to establish an incentive for automobile manufacturers to remove vehicles that are high polluters from highway use in lieu of producing electric vehicles pursuant to the ARB's regulations. (H&S C § 43023)

**2-Year Bill
Assembly
Transportation**

**AB 533
Morrissey**

Vehicles: Equipment: Nonvehicular Pollution Control

Existing law exempts emergency vehicles from the new motor vehicle emission certification standards established by the State Air Resources Board (ARB) and requires the Department of Consumer Affairs to develop and administer the motor vehicle inspection and maintenance program.

This statute exempts rescue and extrication equipment installed on or carried by emergency vehicles from emission requirements. (H&S C § 41514)

**Chapter 235
Statutes of 1995**

**AB 809
Hauser**

Automotive Repair

Existing law requires shops performing automotive repair services, including automotive body shops, to register with the Bureau of Automotive Repair using a registration form supplied by the Department of Consumer Affairs.

This statute requires that the registration form be revised to include a statement by the applicant that the shop complies with all local zoning and business requirements. (B&P C § 9884)

**Chapter 114
Statutes of 1995**

AB 1381
Speier

Vehicles: Automotive Consumer Notification Act

**Chapter 503
Statutes of 1995**

Existing law requires anyone who sells a motor vehicle that is known or should be known to have been required by law to be replaced or accepted for restitution due to the inability to conform the vehicle to warranties pursuant to the New Car Lemon Law, or any other state or federal law, to disclose that fact to the buyer in writing prior to sale. The title and registration documents also must state that the vehicle was returned due to a defect.

This statute requires the title and registration documents to instead read, "Lemon Law Buyback," and requires a decal to be put on the car stating that the title has been so branded. The statute also requires notice to subsequent buyers, with different levels of disclosure depending on whether the vehicle branded or was bought back at the buyer's request. (Civ C §§ 1793.23, 1793.24, 1793.25, & 1795.8 and Veh C §11713.12)

AB 1457
Granlund

Air Pollution: Vehicles

**2-Year Bill
Assembly
Transportation**

Existing law requires vehicle manufacturers to provide diagnostic repair and service information to the State Air Resources Board and private information vendors and requires the Department of Consumer Affairs to electronically direct technicians to vendors that can supply the information necessary to repair a vehicle.

This bill would require vehicle manufacturers to supply specified information to all licensed smog check stations, if that information is also supplied to franchised automotive dealers. The bill would also require vehicle manufacturers to contract with after-market emissions parts manufacturers to supply information necessary for the manufacture of emissions related parts and standardized test equipment. (H&S C § 44036.4)

AB 1460
Morrissey

Air Pollution: Heavy-duty Vehicles: Smoke Emissions

**2-Year Bill
Assembly
Transportation**

Existing law requires the State Air Resources Board (ARB) to develop a test procedure and adopt regulations prohibiting the

AB 1460
Morrissey

Air Pollution: Heavy-duty Vehicles: Smoke Emissions (cont.)

use of heavy-duty motor vehicles which have excessive smoke emissions. Other required regulations include enforcement provisions and the requirement to correct deficiencies and pay civil penalties by vehicle owners.

This bill would relieve the ARB from adopting regulations and limit the prohibition on use of heavy-duty motor vehicles with excessive smoke emissions to vehicle engines of the 1994 and subsequent model years. (H&S C § 44011.6)

AB 1675
Goldsmith

Air Pollution: Standards: Diesel Vehicles

Existing law requires the State Air Resources Board (ARB), in cooperation with the California Highway Patrol, to develop a program to inspect the emissions of heavy-duty diesel and gasoline vehicles and issue citations to those vehicles with excessive emissions or tampered equipment.

This bill would prohibit the ARB from adopting or enforcing any standard for emissions of any pollutant from heavy-duty diesel motor vehicles that is more stringent than the federal standard of the same pollutant. (H&S § 43703)

**2-Year Bill
Assembly Natural
Resources**

SB 137
Craven

Automobile Repair: Auto Body Repair

Existing law requires the Bureau of Automotive Repair (BAR) to create an advisory board that will conduct a study of the automotive body repair industry and make recommendations for improvement to the Legislature. Current law also requires business entities that perform motor vehicle repair services, including auto body shops, to register with the BAR as automotive repair dealers.

This statute requires that an application for registration as an auto body shop include a written statement that the applicant has been issued all the necessary permits or licenses to operate an auto body shop. This statute authorizes the BAR to develop a system for the issuance of citations for

**Chapter 445
Statutes of 1995**

(5) Bureau of
Automotive
Repair
(cont.)

Summary

Disposition

SB 137
Craven

Automobile Repair: Auto Body Repair (cont.)

violations of the **Automotive Repair Act**; makes a finding that laws regulating the collision repair industry could be strengthened; and sets forth the definition of an autobody repair shop. (B&P C §§ 9882 & 9889.50)

SB 498
Kelley

Vehicular Pollution Control: Smog Checks

Existing law provides that motorists in designated areas obtain a biennial certificate of compliance with vehicle emission standards (smog certificate) for any motor vehicles powered by an internal combustion engine. Consumers may be required to pay up to \$450 for any needed smog compliance repairs.

This bill would authorize the Department of Consumer Affairs to develop and implement either the Repair Subsidy Program or an economic hardship extension program that would provide for a 12-month economical hardship extension for vehicles from the biennial certificate of compliance requirement under specified circumstances. (H&S C §§ 44015, 44015.3, 44017, 44017.3, 44020, 44040, 44051, 44056, 44060, & 44062.1)

See also AB 63.

**2-Year Bill
Assembly
Transportation**

SB 501
Calderon

Air Pollution: Vehicles Retirement

Existing law requires the Department of Consumer Affairs to develop a program for the repair or replacement of high polluting vehicles. Existing law authorizes air pollution control districts to establish programs that bank emission reduction credits.

This statute would require the State Air Resources Board to establish a private statewide program to generate emission reduction credits through the retirement or disposal of high-emitting light-duty vehicles. (H&S C §§ 44011, 44091, 44092, 44094, 44095, & 44100 and Veh C §§ 1808.23, 4000.6, & 4000.7)

**Chapter 929
Statutes of 1995**

SB 549
Alquist

Salvage and Dismantled Vehicles

**Chapter 684
Statutes of 1995**

Existing law requires the California Highway Patrol to conduct a Vehicle Identification Number and paperwork inspection of salvaged vehicles before they are reregistered to determine whether or not they were stolen or have been reconstructed with stolen parts.

This statute authorizes the Department of Motor Vehicles to either inspect total-loss salvage vehicles to determine their proper identity or to request that the inspection be performed by the California Highway Patrol. Operative until January 1, 1997. (Veh C §§ 5505 & 11519)

SB 709
Maddy

Air Pollution: Variances: Legislative Intent

**Chapter 675
Statutes of 1995**

Existing law authorizes the State Air Resources Board (ARB) to develop emission specifications for motor vehicle fuels and to develop a program for the scrappage of high polluting vehicles.

This statute requires the ARB to develop procedures for granting variances to gasoline producers that cannot meet the fuel specifications; requires the ARB to develop a fee schedule for the granting of a variance; and requires the ARB to transmit the variance fees to the Department of Consumer Affairs' High Polluter Repair and Removal Account (HPRRA) for the purpose of achieving the State Implementation Plan's (SIP) M-1 emission reduction goals. (H&S C § 43013.2)

SB 766
Alquist

Vehicles: Endorsed Salvage Certificate

**2-Year Bill
Senate
Transportation**

Existing law requires insurance companies to send to the Department of Motor Vehicles (DMV) the title and license plates of vehicles determined to be a total loss after there has been a settlement of an insured's total loss claim. Current law also requires the DMV to issue a salvage certificate for those vehicles declared to be a total loss, requires that the seller of a salvaged vehicle provide the buyer with a salvage certificate within 10 days of the transaction and does not require that a salvaged vehicle be registered when it is sold or bought.

(5) Bureau of
Automotive
Repair
(cont.)

Summary

Disposition

SB 766
Alquist

Vehicles: Endorsed Salvage Certificate (cont.)

This bill would require that a salvaged vehicle be registered if it is sold to a person that is not a DMV-licensed dealer or dismantler. (Veh C § 11515)

SB 827
Kelley

Automotive Repair

Chapter 572
Statutes of 1995

Existing law requires a business entity providing automotive repair services to register as an Automotive Repair Dealer with the Bureau of Automotive Repair.

This statute exempts automotive machine shops whose primary business is the supply of new or rebuilt parts and whose sole practice is the remachining of individual automotive parts for warranty adjustments without compensation from registration requirements. The statute also requires that the shop providing the remachining service take the following actions prior to beginning work: 1) provide a notice containing the BAR's toll-free telephone number to the consumer that this type of service is not regulated by the BAR and 2) provide the customer with a written description of the work to be performed. The BAR is required to cease the registering of the exempted machine shops as of January 1, 1996. This statute sunsets in two years. (B&P C § 9880.2)

SB 928
Peace

Air Pollution: Vehicles

2-Year Bill
Senate
Transportation

Existing law creates a five-year pilot program that requires the San Diego and Ventura Air Pollution Control Districts (APCDs) to determine the number of miles a motor vehicle registered in the districts may be driven annually without penalty. Existing law also authorizes those APCDs to levy an additional \$1 surcharge on the registration of motor vehicles to reimburse state agencies for associated costs. Current law requires the Department of Consumer Affairs, the Air Resources Board and the Department of Motor Vehicles to develop administrative procedures to support the pilot program, and requires a sticker

(5) Bureau of
Automotive
Repair
(cont.)

Summary

Disposition

SB 928
Peace

Air Pollution: Vehicles (cont.)

with the vehicle's smog index affixed to the windshield of new motor vehicles.

This bill would authorize any APCD or Air Quality Management District (AQMD) to participate in the pilot program, prohibit participating districts from reimbursing state agencies for specified costs associated with the program, and would make substantive changes in the smog index and the annual mileage programs. (H&S C §§ 39046.5, 40919, 40920, 41927, 43705, 44001.7, 44011, 44012, 44015, 44017, 44220, 44225, 44225.1, 44228, 44229, 44233, 44236.1, 44236.2, 44250.5, 44251, 44255, & 44256)

SB 1038
Johannessen

Air Pollution: Vehicle Inspection and Maintenance

Existing law establishes the vehicle inspection and maintenance programs administered, in part, by the Department of Consumer Affairs (DCA). Existing law requires the DCA to act as a clearinghouse to vendors possessing service information from vehicle manufacturers, requires manufacturers to provide emission control service information, and requires the DCA to direct licensed smog check stations and technicians to private information vendors for emission-related information.

This bill would require the Department of Consumer Affairs to adopt and implement regulations for the purpose of collecting and disseminating any information that is necessary to the vehicle inspection and maintenance program. (H&S C § 44036.4)

**2-Year Bill
Senate
Transportation**

SB 1175
Killea

Air Pollution: Motor Vehicles: Fee

Existing state law: 1) authorizes local air pollution control districts (APCDs) and air quality management districts (AQMDs) to impose surcharges on the registration of motor vehicles within the district; 2) requires the Department of Consumer Affairs (DCA) to administer the new Smog Check Program; and 3) requires the DCA to develop a program for the repair or replacement (scrappage) of high polluting vehicles.

**2-Year Bill
Senate
Transportation**

SB 1175
Killea

Air Pollution: Motor Vehicles: Fee (cont.)

Existing federal law requires states with poor air quality to submit a state implementation plan (SIP), which is a comprehensive state proposal to improve the quality of the air and is designed to meet the air quality standards set forth by the United States Environmental Protection Agency (USEPA).

This bill would: 1) authorize the State Air Resources Board (ARB) to impose an unspecified registration surcharge on motor vehicles registered within the nonattainment areas of California; 2) create a State Implementation Plan (SIP) Account in the General Fund for the purpose of funding the emission reduction components contained in the SIP; and 3) require the ARB to make findings as to the cost-effectiveness of the emission reduction components included in the SIP. (H&S C § 43846)

SB 1197
Russell

Air Pollution: Smog Check Technicians

Existing law authorizes the Department of Consumer Affairs to establish training and licensing requirements for smog check technicians.

This bill would create a Technician Training Fund within the State Treasury and require the money to be used to train smog check technicians and sunset the Fund on December 31, 1997. This bill would also require the Bureau of Automotive Repair and the Employment Training Panel to administer the fund and develop the course and curriculum requirements. URGENCY (H&S C § 44046 and UIC § 10205)

**2-Year Bill
Senate
Transportation**

SJR 2
Russell

Air Pollution: Employer Trip Reduction Plans

This measure memorializes the Congress to amend the Clean Air Act to eliminate specified provisions mandating an employer trip reduction program in specified areas, and allow states to pursue practical, cost-effective alternatives to solving their air quality problems.

**Chapter R-068
Statutes of 1995**

**(5) Bureau of
Automotive
Repair
(cont.)**

Summary

Disposition

**SJR 5
Kopp**

Federal Clean Air Act

**Chapter R-057
Statutes of 1995**

This measure memorializes the President and Congress of the United States to amend the Federal Clean Air Act to retain clean air standards, including requirements to reduce emissions from mobile sources, removal of specific requirements such as vehicle inspection and maintenance, and requirements for technological and environmental findings including the methodology and science used to measure inventory of emissions and effectiveness of individual components of clean air plans for compliance purposes with the Clean Air Act Amendments of 1990.

**(6) Board of
Barbering and
Cosmetology**

Summary

Disposition

**AB 487
Brown, V.**

Tattooing, Body Piercing, and Permanent Cosmetics

**2-Year Bill
Assembly Health**

Existing law does not regulate persons providing tattooing, body piercing, or permanent cosmetic services within the state.

This bill would direct the State Department of Health and Human Services to establish sterilization, sanitation, and safety standards for persons providing tattooing, body piercing, or permanent cosmetics services, and to distribute those standards to the county health departments. (H&S C § 395)

**AB 550
Morrissey**

Barbers and Cosmetologists: Tools

**2-Year Bill
Senate Business &
Professions**

Existing law requires the State Board of Barbering and Cosmetology (board) to adopt regulations governing 1) sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments and 2) schools approved by the board and in the practice of any profession it regulates, which includes barbering.

This bill would prohibit the State Board of Barbering and Cosmetology from adopting regulations governing barber's tools and instead, provide that barbers may not use specified tools on

**(6) Board of
Barbering and
Cosmetology
(cont.)**

Summary

Disposition

**AB 550
Morrissey**

Barbers and Cosmetologists: Tools (cont.)

a patron unless the tools are disinfected or sterilized immediately before serving the patron by immersion in a solution of not less than 5% phenol or an equivalent. (B&P C § 7312)

**SB 790
Hughes**

Barbering and Cosmetology: Licensing

The Barbering and Cosmetology Act provides that it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis without a valid current license issued by the State Board of Barbering and Cosmetology.

This bill would require the State Board of Barbering and Cosmetology to establish a course of study and separate license for hairstylists, and a temporary permitting program for shampoo assistants. (B&P C §§ 7316.5, 7317.5, 7317.7, & 7338)

**2-Year Bill
Senate Business &
Professions**

**SB 1182
Haynes**

Cosmetology: Establishments

Existing law requires any person, firm, or corporation desiring to operate an establishment in which barbering, cosmetology, or electrolysis is performed to obtain a license from the State Board of Barbering and Cosmetology.

This bill would require that any person, firm, or corporation who leases a booth or other space within a barbering and/or cosmetology establishment to obtain a license from the State Board of Barbering and Cosmetology. The licensee would be liable for any infraction that occurs within his/her booth space and is discovered during any inspection by the board. The bill would also require licensees to provide proof of general liability and cosmetology malpractice insurance to the establishment owner. (B&P C § 7347)

**2-Year Bill
Senate Business &
Professions**

(7) Board of
Behavioral
Science
Examiners

Summary

Disposition

AB 610
Bustamante

Marriage, Family, and Child Counselors: Internships

Chapter 327
Statutes of 1995

Existing law prohibits continued employment as a marriage, family, and child counselor intern for more than six years, but authorizes the Board of Behavioral Science Examiners (board) to grant up to three one-year extensions.

This statute repeals the authorization for the board to grant extensions (as of January 1, 1999), and instead allows interns to apply for a new registration. All hours of experience must be completed in that registration period, and in any work setting except in private practice. The statute also requires persons supervising MFCC interns to have been licensed for at least two years and to have a current and valid license. (B&P C §§ 4980.40 & 4980.44)

SB 26
Alquist

Licensing Fees: Continuing Education

Chapter 839
Statutes of 1995

Existing law sets in statute various license fees for the Board of Behavioral Science Examiners.

This statute authorizes general fee increases for most fee categories, and requires marriage, family, and child counselors and licensed clinical social workers to meet continuing education requirements after January 1, 1999. (B&P C §§ 4980.54, 4984.7, 4986.80, 4994.1, 4996.18, 4996.22, 4996.3, 4996.4, & 4996.6)

SB 675
Craven

Referral Services

Chapter 559
Statutes of 1995

Existing law generally prohibits healing arts licensees from offering or taking any consideration for referrals, but specifically authorizes referral services for dentists, chiropractors and attorneys.

This statute authorizes referral services for marriage, family, and child counselors, requires these services to register with the board, and requires the Board of Behavioral Sciences Examiners to adopt regulations to administer and enforce the bill. (B&P C § 650.4)

**(8) Cemetery
Board**

Summary

Disposition

**AB 597
Speier**

Board of Funeral and Cemetery Services

**2-Year Bill
Senate-Inactive File**

Existing law provides for the licensure and regulation of crematories, cemeteries, cemetery brokers and salespersons by the Cemetery Board. The Board of Funeral Directors and Embalmers regulates the activities of persons licensed as funeral directors and embalmers.

This bill would repeal the provisions of the Funeral Directors and Embalmers Law and enact the Funeral and Cemetery Services Act of 1995. The bill would revise, recast, and consolidate the above provisions into the act and create the Board of Funeral and Cemetery Services. (B&P C §§ 7600 & 9600)

**AB 910
Speier**

Department of Consumer Affairs

**Chapter 381
Statutes of 1995**

Existing law: (1) provides for the licensure and regulation of funeral directors and embalmers by the State Board of Funeral Directors and Embalmers and provides for the regulation of cemeteries by the Cemetery Board; (2) vests the Director of the Department of Consumer Affairs with various powers and duties; (3) authorizes various boards in the Department of Consumer Affairs to provide for a system of citation for violations, but this general provision does not apply to a board where it has specific statutory authority; and (4) provides for the licensure and regulation of structural pest control operators by the Structural Pest Control Board.

This statute: (1) vests the Department of Consumer Affairs with the duties, powers, purpose, responsibilities, and jurisdiction of the Cemetery Board and the Board of Funeral Directors and Embalmers if they are not otherwise consolidated or restructured; (2) gives the Director broad authority to implement operational efficiencies (e.g., reclassifying staff, hiring and promoting personnel, executing contracts) to achieve goals in the department's performance-based budgeting contract; (3) gives all departmental boards, bureaus and commissions (with the exception of the Bureau of Security and Investigative Services) authority to adopt a cite and fine system; and (4) provides that if the Structural Pest Control Board does not comply with specified provisions, the Department of Consumer Affairs may assume

(8) Cemetery
Board
(cont.)

Summary

Disposition

AB 910
Speier

Department of Consumer Affairs (cont.)

the responsibilities and duties of the board or monitor its performance, and requires registered pest control companies to inform the consumer and receive the consumer's consent before subcontracting work. (B&P C §§ 102.1, 102.2, 125.9, 8514, 8514.5, 8516, & 8519.5)

(9) Contractors
State License
Board

Summary

Disposition

AB 147
Murray, K.

Contractor: Prompt Payment

Existing law provides for prompt payment to subcontractors by a prime contractor when the prime contractor receives a progress payment or other proceed from a public agency. There are penalties for failure to make these required payments.

This bill would extend prompt payment requirements and penalties to providers of services to a prime contractor or subcontractor on public works projects. (PCC § 4115)

**2-Year Bill
Assembly
Appropriations**

AB 311
Baca

Prompt Payment: Dump Truck Carriers

Existing law requires licensed contractors to pay all transportation charges submitted by a dump truck carrier licensed and regulated by the Public Utilities Commission (PUC) by the 20th day of the month following the month the services were provided. Changes to federal law in 1994 have removed PUC regulation of dump truck carriers.

This statute replicates in state law provisions previously contained in federal law requiring a licensed contractor to pay all transportation charges submitted by a duly authorized dump truck operator. Violations are cause for discipline by the Contractors State License Board and grounds for civil action for moneys not paid and attorneys fees. **This statute creates a new violation which is grounds for discipline by the Contractors State License Board.** (B&P C § 7108.6)

**Chapter 37
Statutes of 1995**

**(9) Contractors
State License
Board
(cont.)**

Summary

Disposition

**AB 560
Morrissey**

Utility Company Services

Existing law prohibits public gas and electric utilities from providing services to residential or commercial property beyond the company's meter connection to the building.

This bill would allow these utility companies to work "beyond the meter" or otherwise perform work requiring a contractor's license if the employee and corporation are properly licensed as contractors, the work is substantially related to energy equipment, appliances and systems, and ratepayers do not subsidize these services. These services can not be advertised in billings or be performed by service representatives. (B&P C § 7042.2)

**2-Year Bill
Assembly Consumer
Protection**

**AB 901
Goldsmith**

Mechanics Lien

Under existing "Mechanics Lien" law, subcontractors, material suppliers or other claimants must comply with various notification requirements when filing a claim against a contractor's surety bond.

This statute modifies these notification requirements. The statute also restores the statute of limitations for claims against the bond to six months after work is completed. This is a "clean-up bill" to AB 3357 of 1994. (Civ C §§ 3097, 3098, 3240, 3241, 3242 & 3252)

**Chapter 225
Statutes of 1995**

**AB 1236
Morrow**

Works of Improvement: Waivers

Under existing law, a prime contractor can have a subcontractor or supplier sign a waiver of future claims against the contractor upon payment of progress payments and other proceeds.

This bill would revise the actual waiver form and clarify what the release can and cannot cover or affect. (Civ C § 3262)

**2-Year Bill
Assembly Judiciary**

**(9) Contractors
State License
Board
(cont.)**

Summary

Disposition

**AB 1567
Thompson**

Contractors

Existing law requires a one-year period before a contractor may apply for reinstatement following a suspension.

This bill would authorize a contractor to apply for license reinstatement within 180 days of a suspension. The provisions of this bill were merged into SB 1061. (B&P C §§ 7071.1, 7071.16, 7076, 7085.6 & 7090.1)

**2-Year Bill
Assembly Consumer
Protection**

**AB 1610
Archie-
Hudson**

Home Solicitation Contracts

Existing law increases the penalty for committing fraud in home solicitation contracts following a natural disaster.

This statute is "clean-up" to ABX 37 and ABX 57 of 1994 which addressed fraud in home solicitation contracts following natural disasters. The statute revises the definition of a "catastrophic emergency" to require a declaration by a federal, state or local authority thereby correcting double-joining omissions. (Civ C § 1689.14)

**Chapter 123
Statutes of 1995**

**AB 1949
Conroy**

Works of Improvement: Retentions

Existing law allows a contractor to withhold a portion of proceeds from a public works contract to ensure subcontractors satisfactorily complete contracted work.

This bill limits retention proceeds withheld by a public entity from a contractor or by a contractor from a subcontractor to a maximum of 5 percent of a public works contract. (PCC §§ 7200 & 10261)

**2-Year Bill
Assembly Judiciary**

**ACR 16
Martinez**

Flood Preparedness Month

This resolution commends various government agencies including the Contractors State License Board for their assistance to the public during the floods of January and March 1995.

**Chapter R-72
Statutes of 1995**

(9) Contractors
State License
Board
(cont.)

Summary

Disposition

SB 112
Hurtt

Contractors: Complaint Information

The California Public Records Act provides that, unless otherwise prohibited, certain disciplinary information is subject to disclosure.

This bill would provide that records of a citation, civil penalty or other form of discipline against a person licensed under the contractor's state license law are not subject to disclosure if the person has received no citations, civil penalties, or other form of discipline for the previous five years, providing the person maintained an active license during the entire five-year period. (B&P C 7124.6 and Gov C § 6454)

**2-Year Bill
Assembly
Third Reading File
Senate Bills**

SB 432
Hughes

Home Improvement Contracts

Existing law requires that numerous consumer protection disclosures be included in contracts for home improvements. A violation of these provisions is grounds for discipline by the Contractors State License Board.

This bill would have provided that failure to include required information in a home improvement contract would render unenforceable any security interest for performance of contracted services. (B&P C § 7159)

Vetoed

SB 442
Solis

Labor Agency

Existing law provides for the Department of Industrial Relations (DIR) to administer and enforce laws related to labor standards.

This bill would abolish the Department of Industrial Relations and create the Labor Agency from existing departments and boards with labor related missions. The bill would shift the Contractor's State License Board from the Department of Consumer Affairs to the new agency. (B&P C §§ 33, 101 & 7000.5; Civ C § 15; Ed C § 12; F&A C § 52; Gov C §§ 26, 15550 et al; H&S C § 27; Ins C § 47; Lab C §§ 19, 20, 61, 65, 66, 70, 88, 98.7, 129, 129.5, 140, 144, 147.2, 148, 150, 152, 355, 1141, 1182.5, 1286, 1695, 1720.4, 1770, 1773.5, 1773.6,

**2-Year Bill
Senate Industrial
Relations**

(9) Contractors
State License
Board
(cont.)

Summary

Disposition

SB 442
Solis

Labor Agency (cont.)

1773.8, 1776, 177.7, 2441, 2666, 2686, 3070, 3071, 3072, 3073.5, 3074, 3074.3, 3093, 3097, 3205.5, 3209.7, 3700, 3700.1, 3702.5, 3710, 3712, 3716.1, 3728, 3729, 3741, 3852, 4403, 4409, 4415, 4706.5, 4754.5, 5106, 5502, 6302, 6307.1, 6329, 6396, 6409, 6409.1, 7377 & 7801; Pen C § 7.5; PCC § 1103; PUC § 23; R&T C § 39; UIC §§ 22, 401, 1141, 10202 & 15035; Veh C § 34501.9 and W&I C § 27)

SB 639
Peace

Contractor Fraud

**Chapter 373
Statutes of 1995**

Existing law authorizes the Contractors State License Board (CSLB) to discipline a licensee for conviction of a crime substantially related to the duties of a contractor.

This statute makes it a crime for a contractor to offer to offset an insurance deductible or offer any other inducement or "kickback" to consumers for repair or replacement of a residential or commercial structure. **This statute would add to the list of crimes that the CSLB is required to consider as grounds for disciplinary action.** (Pen C § 551)

SB 1052
Solis

Contractors: Inspections

**2-Year Bill
Assembly Consumer
Protection**

Under existing law, private property owners may deny representatives of the Contractors State License Board (CSLB) access to their property unless presented with a warrant.

This bill would authorize representatives of the CSLB to have access to a place where a contractor conducts business when necessary to enforce the law. The bill would prevent property owners from using privacy protections to shield illegal contractors. (B&P C § 7011.6)

SB 1061
Mountjoy

Contractors

**Chapter 467
Statutes of 1995**

The Contractors State License Law provides for the licensure and regulation of contractors by the Contractors State License Board.

(9) Contractors
State License
Board
(cont.)

Summary

Disposition

SB 1061
Mountjoy

Contractors (cont.)

This statute makes technical and "clean-up" changes to the Contractors State License Law. Changes include clarifying the statute of limitations for violations of the Contractors Law, revising bond requirements and disclosure statements for contracts, and clarifying the continuation of a corporation upon a merger or dissolution. This statute would create a new cause for discipline by the CSLB for acting in the capacity of a contractor with an expired license. This statute also amends existing causes for discipline by changing contract disclosure requirements, the date from which a statute of limitation begins and the scope of license exemptions for governmental employees. **The CSLB is required to make administrative changes to conform to licensing procedures with amendments to law relating to the cancellation of a corporate license.** (B&P C §§ 7028, 7030, 7040, 7058.6, 7071.17, 7076, 7096, 7097, 7098, 7102, 7117.5, 7125, 7125.1 & 7125.2)

SB 1168
Rogers

Wells: Licensed Contractors

**2-Year Bill
Senate Toxics &
Public Safety**

Existing law requires persons who drill, maintain or destroy wells to be licensed by the Contractors State License Board.

This bill would exempt employees of the County of Inyo and City of Los Angeles from licensure as water well contractors when drilling or destroying monitoring wells within the Owens Valley Groundwater Basin. (W&I C § 13750.5)

(10) Board of
Court
Reporters

Summary

Disposition

AB 1289
Weggeland

Unprofessional Conduct: Court Reporters

Dropped

Existing law provides that specified acts by a licensed court reporter constitute unprofessional conduct.

This bill would include the offering, delivering, receiving, or accepting of any gift or gratuity, with specified exceptions, from

(10) Board of Court Reporters (cont.)	Summary	Disposition
AB 1289 Weggeland	Unprofessional Conduct: Court Reporters (cont.) a party to an action or his or her attorney as unprofessional conduct. (B&P C § 8028)	
SB 413 Beverly	Court Reporters: License The Court Reporters Board of California regulates the examination and licensure of court reporters. This bill would provide that obtaining a passing grade on the California Court Reporters Association's mock certified shorthand reporter examination together with successful completion of the nonmachine skill requirement established by the Board of Court Reporters would qualify a person to take the examination to become a certified shorthand reporter. (B&P C § 8020)	2-Year Bill Assembly Judiciary
SB 795 Boatwright	Shorthand Reporters Existing law specifies certain causes for suspension, revocation, or denial of certification as a shorthand reporter. This bill would provide that a certificate may also be suspended or revoked for those causes, upon failure to fulfill reasonable terms and conditions of probation. This bill would, with specified exceptions, prohibit court reporters and court service providers from engaging in specified conduct, including failing to display a rate schedule, the types of services offered, failing to notify all parties to an action of the availability of a transcript, and failing to disclose any conflict of interest. (B&P C §§ 8016, 8017, 8025, & 8025.2 and CCP § 2025)	2-Year Bill Assembly Judiciary

**(11) Board of
Dental
Examiners**

Summary

Disposition

**SB 158
Peace**

Dentists: Professional Reporting

**Chapter 5
Statutes of 1995**

Existing law requires professional liability insurers to report to the appropriate licensing board any malpractice settlements or arbitration awards against their policy holders if the amount of the settlement or the amount of the award is over \$3,000.

This statute revises the reporting requirements for insurers who provide professional liability insurance to dentists, to require reporting of judgments or settlements over \$10,000. (B&P C §§ 800 & 801)

**SB 511
Leslie**

Dentistry

**2-Year Bill
Senate Business &
Professions**

Existing law establishes within the Board of Dental Examiners (board), the Committee on Dental Auxiliaries and requires it to consist of nine members, including a member who is also a member of the board.

This bill would require the member to be a licensed dentist and a member of the Board. (B&P C § 1743)

**SB 570
Rosenthal**

Allied Dental Health Professionals

**2-Year Bill
Senate Business &
Professions**

Existing law, the Dental Practice Act, defines "dental auxiliaries" as persons who may perform certain dental supportive services under the direct or general supervision of a licensed dentist. Dental auxiliaries, except dental assistants, are required to be licensed. The Board of Dental Examiners (BDE), with the advisory input of the Committee on Dental Auxiliaries, licenses auxiliaries and regulates provisions of the Dental Practice Act.

This bill would delete the reference to dental auxiliaries and would replace it with the term "allied dental health professionals," (including conforming changes). It would establish a new licensing category of registered dental hygienist in alternative practice, and authorize a registered individual to independently perform specified dental hygiene services without any supervision by a dentist. (B&P C §§ 1628.5, 1670.1, 1680, 1721.5, 1725, 1740, 1741, 1742, 1750, 1751, 1753, 1758, 1759, 1763, 1764, & 1768)

**(12) Committee
on Dental
Auxiliaries**

Summary

Disposition

See Dental Examiner.

**(13) Bureau of
Electronic and
Appliance
Repair**

Summary

Disposition

No Bills For 1995 Session.

**(14) Professional
Engineers and
Land Surveyors**

Summary

Disposition

No Bills For 1995 Session.

**(15) Board of
Funeral
Directors and
Embalmers**

Summary

Disposition

**AB 597
Speier**

Board of Funeral and Cemetery Services

**2-Year Bill
Senate-Inactive File**

Existing law provides for the licensure and regulation of crematories, cemeteries, cemetery brokers and salespersons by the Cemetery Board. The Board of Funeral Directors and Embalmers regulates the activities of persons licensed as funeral directors and embalmers.

This bill would repeal the provisions of the Funeral Directors and Embalmers Law and enact the Funeral and Cemetery Services Act of 1995. The bill would revise, recast, and consolidate the above provisions into the act and create the Board of Funeral and Cemetery Services. (B&P C §§ 7600 & 9600)

(15) Board of
Funeral
Directors and
Embalmers
(cont.)

Summary

Disposition

AB 910
Speier

Department of Consumer Affairs

Chapter 381
Statutes of 1995

Existing law: (1) provides for the licensure and regulation of funeral directors and embalmers by the State Board of Funeral Directors and Embalmers and provides for the regulation of cemeteries by the Cemetery Board; (2) vests the Director of the Department of Consumer Affairs with various powers and duties; (3) authorizes various boards in the Department of Consumer Affairs to provide for a system of citation for violations, but this general provision does not apply to a board where it has specific statutory authority; and (4) provides for the licensure and regulation of structural pest control operators by the Structural Pest Control Board.

This statute: (1) vests the Department of Consumer Affairs with the duties, powers, purpose, responsibilities, and jurisdiction of the Cemetery Board and the Board of Funeral Directors and Embalmers if they are not otherwise consolidated or restructured; (2) gives the Director broad authority to implement operational efficiencies (e.g., reclassifying staff, hiring and promoting personnel, executing contracts) to achieve goals in the department's performance-based budgeting contract; (3) gives all departmental boards, bureaus and commissions (with the exception of the Bureau of Security and Investigative Services) authority to adopt a cite and fine system; and (4) provides that if the Structural Pest Control Board does not comply with specified provisions, the Department of Consumer Affairs may assume the responsibilities and duties of the board or monitor its performance, and requires registered pest control companies to inform the consumer and receive the consumer's consent before subcontracting work. (B&P C §§ 102.1, 102.2, 125.9, 8514, 8514.5, 8516, & 8519.5)

(16) Board of
Geologists and
Geophysicists

Summary

Disposition

No Bills For 1995 Session.

**(17) Board of
Guide Dogs
for the Blind**

Summary

Disposition

No Bills For 1995 Session.

**(18) Hearing Aid
Dispensers
Examining
Committee**

Summary

Disposition

**SB 563
Rogers**

Hearing Aid Dispensers

**2-Year Bill
Assembly Health**

Existing law requires all hearing aid dispensers to submit documentation of at least six hours of continuing education (CE) as a condition to a renewal of their license.

This bill would raise the annual CE requirement to nine hours. The additional three hours of CE shall be in areas relating to ethics, advertising, marketing, business practices, and any other subject approved by the committee. (B&P C § 3327.5)

**(19) Bureau of
Home
Furnishings
and Thermal
Insulation**

Summary

Disposition

No Bills For 1995 Session.

**(20) Board of
Landscape
Architects**

Summary

Disposition

No Bills For 1995 Session.

**(21) Medical
Board**

Summary

Disposition

**AB 235
Burton**

Peer Review

Dropped

Existing law gives a person immunity from monetary liability if the person provides information to certain entities, including a peer review committee, to aid in the evaluation of the competence of a healing arts practitioner.

(21) Medical
Board
(cont.)

Summary

Disposition

AB 235
Burton

Peer Review (cont.)

This bill would have made it unprofessional conduct for a physician to make a false report about another physician to a health facility or clinic peer review body in order to benefit economically. (B&P C § 2234.5)

AB 281
Kuehl

Public Members

Existing law requires a certain number of members of the Medical Board, the Division of Medical Quality, and the Division of Licensing, to be public members. Currently, five of the 17 members of the Medical Board, four of the 12 members of the Division of Medical Quality, and three of the seven members of the Division of Licensing, must be public members.

This bill would have increased the public membership on those entities to nine, seven, and four, respectively. (B&P C §§ 2001 & 2008)

**Failed
Senate Business &
Professions**

AB 596
Knight

Volunteer Physicians: Immunity

Existing law exempts a physician and surgeon (physician) from civil damages for injuries caused by certain acts or omissions of the physician in rendering specified emergency medical care.

This bill would exempt a physician from being held liable for any injury or death caused by an act or omission of the physician in rendering certain medical procedures in a shelter if (1) the physician's acts or omissions do not constitute gross negligence, recklessness, or willful misconduct, (2) the shelter conspicuously posts a specified notice, and (3) the patient signs a notice. (B&P C § 2399.5)

**2-Year Bill
Assembly Judiciary**

AB 1016
Kuehl

Privileged Communications

Existing law restricts the disclosure of medical information by health care providers, except in certain circumstances. One of

Dropped

(21) Medical
Board
(cont.)

Summary

Disposition

AB 1016
Kuehl

Privileged Communications (cont.)

those circumstances is pursuant to a court order or any statute authorizing discovery in a court, administrative, or arbitration proceeding.

This bill would have precluded a party against whom a claim for relief due to physiological or psychological injuries is asserted from conducting an ex parte interview of the treating physician or psychotherapist, without the patient's consent. (Civ C § 56.10)

AB 1471
Friedman

Medicine

Chapter 279
Statutes of 1995

Existing law provides for the licensing, regulation, and discipline of physicians and surgeons by the Medical Board of California (MBC).

This statute requires the MBC to charge each applicant who is required to take the oral examination, a fee equal to the amount necessary to recover the actual cost of that examination.

This statute renames foreign physicians in postgraduate study appointments at approved medical schools as "Section 2111 guest physicians," specifies an application procedure, limits extension of this status beyond 5 years, and prohibits Section 2111 guest physicians from billing or receiving payment for medical services.

The statute also requires physicians to complete a questionnaire to establish that the physician currently has no physical, emotional, or behavioral disorder that would impair his or her ability to practice medicine, and requires a physician who has obtained a waiver of license renewal fees due to a disability, upon seeking reinstatement, to establish that the disability no longer exists or no longer affects the ability to practice medicine.

(21) Medical
Board
(cont.)

Summary

Disposition

**AB 1471
Friedman**

Medicine (cont.)

Finally, the statute requires the Board of Podiatric Medicine to expand the education and training requirements of podiatric medical students in the areas of behavioral science, pediatrics, and women's health. (B&P C §§ 2015, 2069, 2070, 2071, 2097, 2111, 2113, 2185, 2228, 2265, 2425, 2435, 2441, 2460, 2461, 2483, 2504, 2530.2, 2620.5, 2725, 2902, 2971, 3041, 3041.2, 3302, 3501, 3535, 3764, 4927, & 805; Gov C § 12529; and W&I C § 14110.5)

**AB 1727
Bustamante**

Malpractice Awards

Existing law requires court clerks to report to the appropriate licensing board when certain healing arts licensees are convicted of a crime or held liable for death or personal injury, resulting in a judgment over \$30,000. Existing law requires the Medical Board to maintain this and other information about its licensees on file.

This bill would require the board to annually prepare a report to inform the public of all malpractice judgment awards of \$50,000 or more. (B&P C § 803.4)

**2-Year Bill
Assembly Health**

**AB 1974
Friedman, B.**

Peer Review

Existing law requires peer review bodies and health care facilities or clinics to report to the appropriate licensing authority when a health care practitioner has been denied staff privileges or membership, or had his or her membership, privileges, or employment terminated, revoked, or restricted, for a medical disciplinary cause of action.

This bill would require the Division of Medical Quality to investigate the circumstances of any such report within 30 days. The bill also would require peer review bodies to report investigations of physicians who may be suffering from a disabling mental or physical condition to the diversion program of the Medical Board. (B&P C §§ 821.5, 821.6, & 2220)

**2-Year Bill
Senate Business &
Professions**

(21) Medical
Board
(cont.)

Summary

Disposition

SB 609
Rosenthal

Enforcement

Chapter 708
Statutes of 1995

Existing law provides for the licensure and discipline of various healing arts professions by the Medical Board of California and the Board of Podiatric Medicine.

This statute strengthens the enforcement program of the Medical Board and the Board of Podiatric Medicine. Among other things, the statute (1) requires more parties (e.g., professional liability insurers) to report to the boards more information regarding charges, convictions, settlements, or arbitration awards against licensees, (2) increases the fines that may be imposed upon a licensee who has fraudulently billed insurance companies, Medi-Cal, or Medicare, (3) authorizes financial penalties for health care facilities that fail to turn over records to investigators as required, and (4) provides certain protections for non-expert, as well as expert, testimony in an enforcement action. (B&P C §§ 125.9, 800, 801.1, 802.1, 803, 803.2, 803.5, 804, 804.5, 2225.5, 2227, 2236.1, 225.5, 2305, 2317, 2335, 2336, 2337, 2416, 2430, & 2964.6 and Civ C § 43.96)

SB 682
Peace

Insurance Fraud

Chapter 167
Statutes of 1995

Existing law requires the Medical Board, the Board of Chiropractic Examiners, and the State Bar to designate employees to investigate fraudulent activities related to motor vehicle or disability insurance by their respective licensees. Existing law requires these employees to report their findings to the Bureau of Fraudulent Claims.

This statute requires these entities to investigate and report on fraudulent activities related to workers' compensation insurance. (Ins C § 1872.95)

SB 779
Lewis

Diversion Programs

Chapter 252
Statutes of 1995

Existing law establishes a diversion program within the Medical Board of California (MBC) to rehabilitate physicians whose professional abilities are impaired due to drug or alcohol abuse or mental or physical illness. Existing law sets forth various

(21) Medical Board (cont.)	Summary	Disposition
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SB 779
Lewis

Diversion Programs (cont.)

prerequisites for participation in the program.

This statute would require the MBC to automatically refer a physician to diversion if the physician is under investigation and requests diversion, and the investigation is based primarily on substance abuse and the offense could not have resulted in any actual harm to the public or the physician's patients. The statute also specifically authorizes the MBC to investigate or continue to investigate, and take disciplinary action or continue to take disciplinary action against, a physician in the diversion program. (B&P C § 2350)

(22) Board of Nursing Home Administrators	Summary	Disposition
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No Bills For 1995 Session.

(23) Board of Optometry	Summary	Disposition
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AB 1969
Isenberg

Optometry

Existing law defines the practice of optometry and authorizes the State Board of Optometry (Board) to examine and license optometrists and to regulate optometric practice. Under existing law the practice of optometry includes, among other things, the examination of the human eye or its appendages; the analysis of the human vision system, either subjectively or objectively; the determination of the powers or range of human vision; and the use of topical agents for the sole purpose of examination of the human eye.

This bill would permit optometrists to use pharmaceuticals for examining and treating the human eye or its appendages and adnexa for any disease or pathological condition. It would authorize an optometrist to write a prescription and to furnish drugs and devices under certain conditions, which is similar to the authority for dentists, podiatrists, and veterinarians. (B&P C

**2-Year Bill
Assembly Health**

(23) Board of
Optometry
(cont.)

Summary

Disposition

AB 1969
Isenberg

Optometry (cont.)

§§ 3041, 3041.1, 3041.2, 3041.3, 3041.4, 3059, 3122, 4033, 4036, 4049, 4051, & 4052)

SB 510
Maddy

Optometry

Existing law defines the practice of optometry and authorizes the State Board of Optometry to examine and license optometrists and to regulate optometric practice. Under existing law the practice of optometry includes the examination of the human eye or its appendages; the analysis of the human vision system, either subjectively or objectively; the determination of the powers or range of human vision; and the use of topical agents for the sole purpose of examination of the human eye.

This bill would permit optometrists to use pharmaceuticals for examining and treating the human eye or its appendages for any disease or pathological condition. It would authorize an optometrist to write a prescription and to furnish drugs and devices under certain conditions, which is similar to the authority for dentists, podiatrists, and veterinarians. (B&P C §§ 3041, 3041.1, 3041.2, 3041.3, 3041.4, 3059, 3122, 4033, 4036, 4049, 4051, & 4052)

**2-Year Bill
Senate Business &
Professions**

SB 640
Craven

Prescription Lenses: Nonresident Contact Lens Sellers

Existing law provides for the registration of dispensing opticians by the Medical Board of California (MBC).

This statute enacts the Nonresident Contact Lens Seller Registration Act. The statute provides for the registration of persons out of state who ship, mail, or deliver contact lenses to residents of California. **This statute also requires the Division of Licensing of the Medical Board of California to register those persons who wish to ship, mail, or deliver in any manner, contact lenses at retail to a patient at a California address. Before issuing or extending a registration, the Division of Licensing will be required to ensure that the applicant has complied with the provisions of this statute.** (B&P C § 2546)

**Chapter 853
Statutes of 1995**

(23) Board of
Optometry
(cont.)

Summary

Disposition

SB 668
Polanco

Optometry: Ancillary Personnel

**2-Year Bill
Senate Conference
Committee**

Under existing law, the State Board of Optometry examines and licenses optometrists, and enforces the laws regulating the practice of optometry. Currently, optometric assistants are not addressed in the Optometric Practice Act.

However, this bill would set up a whole new area of responsibility for ancillary personnel. This bill would authorize ancillary personnel to assist in the preparation of a patient and assist in the collection of preliminary data. These tasks may be performed under the direct in-office supervision of an optometrist. However, optometrists shall not allow ancillary personnel to collect data requiring the exercise of professional judgment or skill of an optometrist; perform any subjective refraction procedures; perform any contact tonometry; perform any data analysis; perform any diagnosis; or prescribe and determine any treatment plan. (B&P C § 3042)

(24) Board of
Pharmacy

Summary

Disposition

AB 611
Aguiar

Food-Animal Retailers

**Chapter 350
Statutes of 1995**

Existing law (1) limits drug residues that may be in food-animals or products marketed for human consumption, and (2) provides for the licensure of pharmacists, pharmacy premises, medical device retailers, and drug wholesalers under the Board of Pharmacy.

This statute creates a new licensing subcategory, the "veterinary food-animal retailer," within the board for those already licensed as a wholesaler, and makes various provisions applicable to medical device retailers also applicable to veterinary food-animal drug retailers. (Numerous sections between B&P C §§ 4034.6 & 4416)

(24) Board of
Pharmacy
(cont.)

Summary

Disposition

AB 1107
Campbell

Contact Lenses

Existing law authorizes only physicians, optometrists, and registered dispensing opticians to dispense, sell or furnish prescription lenses at retail or to the person named in the prescription.

This statute authorizes pharmacists to dispense replacement contact lenses according to a prescription from a physician or optometrist, as packaged and sealed by the manufacturer. The contacts may only be dispensed without the need for fitting or adjustment. **The statute requires pharmacies dispensing replacement contacts to register with the Medical Board of California.** (B&P C §§ 4050.1, 4050.3, 4050.4, & 4350.6)

**Chapter 719
Statutes of 1995**

SB 922
Mello

Regulations

Existing law requires the Board of Pharmacy (board) to adopt regulations that apply the same standards for oral consultation to certain out-of-state pharmacies as applied to certain in-state pharmacies, and precludes the regulations from resulting in any unnecessary delay in patients receiving their medication.

In addition, this bill would preclude the board's regulations from resulting in any unnecessary expense to patients in receiving their medication. (B&P C § 4050.2)

**2-Year Bill
Senate Business &
Professions**

SB 959
Mello

Prescriptions

Existing law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy.

This bill would state legislative intent to prohibit pharmacists from receiving compensation for dispensing prescription drugs beyond a predetermined fee established by the patient's insurer. (B&P C § 4047.7)

**2-Year Bill
Senate Rules**

(24) Board of
Pharmacy
(cont.)

Summary

Disposition

SB 988
Polanco

Drugs: Discipline: Foreign Graduates

**Chapter 442
Statutes of 1995**

Existing law (1) applies the pharmacy law to anyone who practices pharmacy, with some exceptions, (2) prohibits anyone from furnishing drugs except upon the prescription of a physician, dentist, podiatrist, or veterinarian, (3) authorizes a pharmacist's certificate to be suspended or revoked for specified reasons, and (4) establishes procedures for requesting reinstatement, and (5) specifies the requirements that graduates of foreign pharmacy schools must meet to qualify for licensure.

This statute (1) exempts from the pharmacy law the furnishing of dangerous drugs and devices to recognized schools of nursing, as long as the drugs are not used for the cure, mitigation, or treatment of disease in humans, (2) authorizes a wholesaler or pharmacy to furnish drugs to the first officer of an ocean vessel, (3) **requires the suspension of a pharmacist's certificate upon conviction of a felony**, (4) **revises the procedures for requesting reinstatement**, and (5) **revises the licensing requirements for foreign pharmacy school graduates.** (B&P C §§ 4052, 4085, 4227.5, 350.1, & 4360)

SJR 23
Dills

Pharmaceutical Price Controls

**2-Year Bill
Senate Business &
Professions**

This resolution would memorialize the President and the Congress to enact legislation encouraging pharmaceutical companies to eliminate price inequities so that the cost of prescription drugs in the United States is comparable to that in Canada and Mexico and, if the voluntary program fails, to impose mandatory price controls.

(25) Physical
Therapy
Examining
Committee

Summary

Disposition

No Bills For 1995 Session.

**(26) Physician
Assistant
Examining
Committee**

Summary

Disposition

**AB 753
Morrow**

Physician Assistants

Existing law authorizes a physician assistant (PA) to perform certain services under the supervision of a physician and surgeon, if the PA is licensed by the Physician Assistant Examining Committee and the physician is approved to supervise the assistant by the Medical Board of California or the Osteopathic Medical Board of California.

This bill would authorize a PA to perform these services under the supervision of a licensed podiatrist, if the assistant is licensed by the Board of Podiatric Medicine as a podiatrist assistant. (B&P C §§ 2499.900 & 3500)

**2-Year Bill
Senate Business &
Professions**

**(27) Board of
Podiatric
Medicine**

Summary

Disposition

See Physician Assistant.

**(28) Board of
Psychology**

Summary

Disposition

**AB 944
Gallegos**

Health Facilities: Staff Privileges: Clinical Psychologists

**2-Year Bill
Assembly Health**

Under existing law, the rules of a health facility may enable the appointment of clinical psychologists under the terms and conditions established by the facility.

This bill would require the rules of a health facility to include provisions for the use of the facility by, and staff privileges for, duly licensed clinical psychologists. (H&S C § 1316.5)

**SB 777
Polanco**

Psychologists: Prescribing Drugs

**2-Year Bill
Senate Business &
Professions**

Existing law provides for the regulation of psychologists by the Board of Psychology (board); defines the practice of psychology; and specifically excludes from the practice of psychology, the prescribing of drugs, the performance of surgery, and the administration of electro-convulsive surgery.

(28) Board of
Psychology
(cont.)

Summary

Disposition

SB 777
Polanco

Psychologists: Prescribing Drugs (cont.)

This bill would delete the exclusion of the prescribing of drugs by certified psychologists; require the board to establish and administer a certification to grant licensed psychologists prescriptive authority; require the board to develop procedures for that certification; and require each applicant for certification to satisfy certain educational and training requirements. (B&P §§ 2902, 2904, & 2949)

(29) Board of
Registered
Nursing

Summary

Disposition

AB 1077
Hannigan

Nursing

**2-Year Bill
Senate Business &
Professions**

Existing law provides that nurse practitioners certified by the State Board of Registered Nursing (board) may furnish drugs or devices to essentially healthy persons under the following conditions: (1) the patients receiving the drugs/devices are undergoing medical treatment in specified health facilities; (2) the nurse practitioner furnishes the drugs/devices pursuant to a standardized procedure developed and approved by the supervising physician and surgeon, the nurse practitioner, and the facility administrator; (3) the furnishing of drugs/devices by a nurse practitioner occurs under physician and surgeon supervision; (4) the drugs/devices furnished do not include controlled substances under the California Uniform Controlled Substances Act; and (5) the board has certified that the nurse practitioner has satisfactorily completed at least six months of physician and surgeon-supervised experience in the furnishing of drugs/devices, and a course in pharmacology.

This bill would authorize nurse practitioners to furnish drugs and devices, including specified controlled substances, in accordance with protocols and standards developed by the nurse practitioner and his or her supervising physician and surgeon. (B&P C § 2836.1)

(29) Board of
Registered
Nursing
(cont.)

Summary

Disposition

AB 1176
Cunneen

Registered Nurses: Clinical Nurse Specialists

Existing law requires the State Board of Registered Nursing to regulate and license registered nurses and to certify the following advanced practice nurses: (1) nurse anesthetists, (2) nurse midwives, and (3) nurse practitioners.

This bill would prohibit any person from holding himself or herself out as a clinical nurse specialist unless he or she is a nurse licensed by the State Board of Registered Nursing (board) and meets the standards for a clinical nurse specialist established by the board. (B&P C § 2838)

**2-Year Bill
Senate Business &
Professions**

SB 638
Alquist

Healing Arts: Point-Of-Care Laboratory Testing

Existing law defines the scope of practice for registered nurses (RNs) and requires the Board of Registered Nursing to examine, license, and regulate RNs.

This bill would declare that it is within the existing scope of practice for RNs to use point-of-care laboratory testing devices. The bill would also require that health care providers who use point-of-care laboratory testing devices within his/her scope of practice to demonstrate competency in utilizing those testing devices. Further, the bill would require any health facility where point-of-care laboratory testing devices are used to establish specific protocols for the use of such devices. (B&P C § 1241.5)

**2-Year Bill
Assembly Health**

(30) Respiratory
Care
Examining
Committee

Summary

Disposition

No Bills For 1995 Session.

AB 53
Murray, M

Concealed Weapons Permits

Existing law provides for the issuance of concealed weapons licenses by local law enforcement agencies to residents of the county in which the agency has jurisdiction.

This bill would authorize the Director of the Department of Consumer Affairs to issue concealed firearms permits to certain licensees of the Bureau of Security and Investigative Services including private investigators, private security services licensees and alarm company operators. A Concealed Weapons Permit Board consisting of law enforcement representatives would be created by this bill to review applications and make recommendations to the Director. The bill exempts permit holders from the existing prohibitions against carrying a firearms at public meetings, in certain state buildings and on school grounds. (B&P C §§ 7515, 7516, 7570, 7581, 7582.1, 7583.31, 7583.37, 7588, 7596.6 & 7597.6; and Pen C §§ 171b, 171c, 171d, 626.9, 11106 & 12027)

**2-Year Bill
Assembly
Inactive File**

AB 123
Rainey

Locksmiths

Existing law defines "locksmith" as any person who engages in the business of installing, repairing, opening, modifying locks or who originates keys for locks, and requires licensure of these persons.

This statute exempts from licensure as a locksmith any retail store or any employee of a retail store that has a primary business other than locksmith services so long as the lock is purchased from that store and the work is done at the store. The statute also exempts from licensure as a locksmith on-duty peace officers, firefighters and emergency medical personnel. **As of January 1, 1996, this statute requires that the Bureau of Security and Investigative Services must cease activities to license these exempt persons.** (B&P C §§ 6980 & 6980.12)

**Chapter 1263
Statutes of 1995**

(31) Bureau of
Security and
Investigative
Services
(cont.)

Summary

Disposition

AB 581
Hoge

Security Services: Peace Officer Exemption

Existing law requires persons working in various security services professions must pass training specified by the Bureau of Security and Investigative Services in order to become licensed by the Bureau. Active duty peace officers are exempt from these requirements.

This bill would clarify exemptions for peace officers from training and qualifications required of security services professionals in the use of firearms and powers to arrest. (B&P C §§ 7583.6 & 7583.22)

**2-Year Bill
Assembly Consumer
Protection**

AB 655
McPherson

Private Investigators: Subpoenas

Existing law prohibits private investigators from issuing subpoenas.

This bill would authorize court-appointed private investigators to issue subpoenas to gather information on behalf of a defendant. The bill would also provide that private investigators are learned professionals. (B&P § 7520.6 and Pen C § 987.2)

**2-Year Bill
Assembly Public
Safety**

AB 952
Gallegos

Alarm Companies

Existing law requires persons who engage in the business to install, maintain, alter, sell on premises, or service alarm systems to be licensed by the Bureau of Security and Investigative Services as Alarm Operators. Employees of those companies must register with the Bureau. Existing law specifically exempts businesses that only monitor alarms.

This statute repeals that exemption and requires that companies that only monitor alarms be licensed and their employees registered by the Bureau of Security and Investigative Services. (B&P C § 7590.2)

**Chapter 395
Statutes of 1995**

AB 1270
McPherson

Alarm Agent Applications

**Chapter 359
Statutes of 1995**

Under existing law the information contained in an application for an Alarm Agent employee is public record and must be provided by the Bureau of Security and Investigative Services to any requestor.

This statute provides that the information on an application for an Alarm Agent may not be released by the Bureau of Security and Investigative Services to the public except for the applicant's name, employer, employer's address and registration number. (B&P C §§ 7593, 7598.4 & 7599.36)

AB 1541
Lee

Repossessors

**Chapter 505
Statutes of 1995**

Existing law, the Repossessors Act, provides for licensing and regulation of repossessionors and registration of their employees.

This statute makes technical and "clean-up" changes to the existing Repossessors Act. Highlights include changing the name of the Act to the Collateral Recovery Act, defining when a lawful repossession occurs, changing procedures for handling seized personal effects, limiting liability between owners and repossessionors, authorizes the Chief of the Bureau to approve the transfer of a license under limited circumstances and allow the issuance of temporary renewals. **This statute authorizes the Chief of the Bureau to allow the assignment of a repossessionor license and develop an administrative procedure to evaluate requests. A fee of \$125 is provided to pay for administrative costs associated with assigning a license. This statute authorizes the Bureau to take administrative steps to make changes to documents and publications reflecting the changing of the Act's name and the reference change from employees to registrants and personal property to collateral. The Bureau must cease enforcement of repealed requirements including: 1) that personal effects obtained must be stored at the licensed location; and 2) that a consumer must be told the**

(31) Bureau of
Security and
Investigative
Services
(cont.)

Summary

Disposition

AB 1541
Lee

Repossessors (cont.)

repossession agency is attempting to collect a debt prior to collection. This statute requires the Bureau to provide for a temporary renewal registration for up to 90 days. (B&P C §§ 7500, 7500.1, 7500.2, 7500.3, 7502.1, 7502.2, 7502.5, 7503.4, 7503.9, 7504, 7506.3, 7506.5, 7506.7, 7506.8, 7506.9, 7506.10, 7506.11, 7506.13, 7507.2, 7507.3, 7507.4, 7507.5, 7507.6, 7507.7, 7507.9, 7507.10, 7507.12, 7507.13, 7508.2, 7508.3, 7508.4, 7508.5, 7510.1, 7510.2 & 7511 and Veh C §§ 28 & 4022)

SB 263
Kelley

Public Funds: Accounts Receivable

**2-Year Bill
Senate Local
Government**

Existing law provides consumers specific protections and rights to which debt collectors must adhere. Existing law also authorizes local government to assign debt to private debt collectors under certain circumstances.

This bill would require out-of-state debt collectors, doing business in California, to maintain an office in this state and would limit the bond required of debt collectors by private agencies to 150 percent of the money due during an average two-month period. (Gov C § 16588)

(32) Speech-
Language
Pathology and
Audiology
Examining
Committee

Summary

Disposition

No Bills For 1995 Session.

(33) Structural
Pest Control
Board

Summary

Disposition

AB 568
Brown, V.

Structural Pest Control

**Chapter 718
Statutes of 1995**

Existing law requires a person who is engaged in the practice of structural pest control to be licensed by the Structural Pest Control Board.

This statute exempts from the licensing requirements of the Structural Pest Control Board, those persons who, without the use of pesticides, engage in the live capture and removal of vertebrate pests, as defined, or bees and wasps. **This statute requires the Structural Pest Control Board to exempt from its licensing requirements, those individuals who, without the use of pesticides, engage in the live capture and removal of vertebrate pests, or bees and wasps.** (B&P C §§ 8555, 8616.5, 8617, & 8662; and F&A C §§ 11531 & 15202)

AB 910
Speier

Department of Consumer Affairs

**Chapter 381
Statutes of 1995**

Existing law: (1) provides for the licensure and regulation of funeral directors and embalmers by the State Board of Funeral Directors and Embalmers and provides for the regulation of cemeteries by the Cemetery Board; (2) vests the Director of the Department of Consumer Affairs with various powers and duties; (3) authorizes various boards in the Department of Consumer Affairs to provide for a system of citation for violations, but this general provision does not apply to a board which has specific statutory authority; and (4) provides for the licensure and regulation of structural pest control operators by the Structural Pest Control Board.

This statute (1) vests the Department of Consumer Affairs with the duties, powers, purpose, responsibilities, and jurisdiction of the Cemetery Board and the Board of Funeral Directors and Embalmers if they are not otherwise consolidated or restructured; (2) gives the director broad authority to implement operational efficiencies (e.g., reclassifying staff, hiring and promoting personnel, executing contracts) to achieve goals in the department's performance-based budgeting contract, (3) gives all departmental boards, bureaus and commissions (with the exception of the Bureau of Security and Investigative Services) authority to adopt a

(33) Structural
Pest Control
Board
(cont.)

Summary

Disposition

AB 910
Speier

Department of Consumer Affairs (cont.)

cite and fine system, and (4) provides that if the Structural Pest Control Board does not comply with specified provisions, the Department of Consumer Affairs may assume the responsibilities and duties of the board or monitor its performance, and requires registered pest control companies to inform the consumer and receive the consumer's consent before subcontracting work. (B&P C §§ 102.1, 102.2, 125.9, 8514, 8514.5, 8516, & 8519.5)

AB 1182
Kuykendall

Structural Pest Control Operators

Chapter 273
Statutes of 1995

Existing law requires that when a registered company completes work under a contract, it shall, within 5 working days of the completion of work, file with the Structural Pest Control Board a "notice of work completed."

This statute requires a registered company to file a notice of work completed and not completed within 10 working days of completion of a project. The statute also provides that registered companies must furnish a copy of the notice to the owner or the owner's agent within 10 working days of completion. **This statute requires the Structural Pest Control Board to receive notices of work completed and not completed by a registered company within 10 days of project completion.** (B&P C §§ 8518 & 8674)

SB 378
Calderon

Pests: Fumigation

Chapter 691
Statutes of 1995

Existing law prohibits a fire department from charging a fee in excess of \$25 for receiving a notice of fumigation.

This statute prohibits a fire department from charging fees for any service related to any structural pest control activities except for the costs of an emergency response necessitated by illegal or negligent actions. The statute also provides for the extension of the Structural Fumigation Enforcement Program under the Department of Pesticide Regulation, and extends the authority of

(33) Structural
Pest Control
Board
(cont.)

Summary

Disposition

SB 378
Calderon

Pests: Fumigation (cont.)

the program to expend funds appropriated in the budget. (B&P C §§ 8505.5 & 8698.6)

SB 530
Kelley

Structural Pest Control: Fees

Dropped

Existing law regulates structural pest control operators and prescribes certain fees.

This bill would have required a transfer from the General Fund to the Structural Pest Control Research Fund of an amount equal to certain fees deposited into the fund during the prior fiscal year pursuant to specified provisions. (B&P C §§ 8674.1 & 8674.2)

(34) Tax
Preparer
Program

Summary

Disposition

SB 1077
Greene

Tax Preparers

**2-Year Bill
Senate Inactive File**

Existing law provides for the Tax Preparer Program (TPP) within the Department of Consumer Affairs (DCA); requires tax preparers to register with the administrator of the Tax Preparer Program; requires tax preparers to meet specified educational requirements; requires tax preparers to pay specified fees; and requires tax preparers to file a surety bond with the Director of the Department of Consumer Affairs.

This bill would eliminate the Tax Preparer Program. The bill would instead require tax preparers to file a bond with the Department of Consumer Affairs and would enact related provisions. (B&P C § 9891 and Civ C § 1812.550)

(35) Veterinary
Medicine
Board

Summary

Disposition

SB 42
Kelley

Discipline: Name Changes

**Chapter 60
Statutes of 1995**

Under existing law, the board may deny, suspend or revoke a

(35) Veterinary
Medicine
Board
(cont.)

Summary

Disposition

SB 42
Kelley

Discipline: Name Change (cont.)

license or assess a fine if another state or territory revokes the licensee's license.

This statute allows the Veterinary Medicine Board to deny, suspend or revoke a license or assess a fine if another state or territory has suspended the applicant's license or taken other disciplinary action. The statute also renames the Board of Examiners in Veterinary Medicine the "Veterinary Medical Board," renames the Animal Health Technician Examining Committee the "Registered Veterinary Technician Examining Committee," and renames animal health technicians "veterinary technicians." (B&P C §§ 101, 128.5, 130, 149, 205, & 4800 et seq.; Gov C §§ 11501, 24503, & 26500)

(36) Board of
Vocational
Nurse and
Psychiatric
Technician
Examiners

Summary

Disposition

AB 245
Battin

Community Care Facilities

**Chapter 223
Statutes of 1995**

Existing law authorizes a five-year pilot program in Napa and Riverside Counties establishing a 15-bed locked facility or the provision of community care and treatment of mentally disordered patients. The program requires that one or more of the following licensed professionals be present at the facility at all times: (1) a psychiatrist or psychologist; (2) a registered psychiatric nurse; (3) a psychiatric technician.

This statute adds a licensed vocational nurse (LVN) to the list of eligible licensed professionals required to be present on community care facility premises at all times and requires that protocols and training be established for LVNs employed by the community care facility. (W&I C § 5673)

**(36) Board of
Vocational
Nurse and
Psychiatric
Technician
Examiners**

Summary

Disposition

**AB 1508
Brown, V.**

Psychiatric Technicians

Existing law authorizes attendants or psychiatric technicians to provide nursing services only in institutions under the jurisdiction of the State Departments of Mental Health and Developmental Services, or institutions subject to visitation by the State Departments of Health Services or Corrections, if adequate medical and nursing supervision by a professional nurse or nurses is provided.

This bill would authorize attendants, psychiatric technicians, and psychiatric technician interim permittees to provide nursing services to patients or clients provided there is adequate medical and nursing supervision by a licensed physician and surgeon, or registered nurse. (B&P C §§ 2728 & 2728.5)

**2-Year Bill
Senate Business &
Professions**

C. STATE AGENCIES

(1) DCA General	Summary	Disposition
AB 778 Aguiar	<p data-bbox="332 365 688 392">Legislative Sunset Review</p> <p data-bbox="332 443 1156 621">Existing law (SB 2036, Ch. 908, Stats. 1994) establishes the Joint Legislative Sunset Review Committee, to conduct a review of each board within the Department of Consumer Affairs, and provides for the sunset of most of these boards unless they can demonstrate the need for their continued existence.</p> <p data-bbox="332 667 1156 1077">This statute makes various cleanup changes to SB 2036. Among other things, the statute (1) adds the Registered Veterinary Technician Examining Committee to the list of boards subject to sunset, (2) re-enacts the sunset dates of four boards whose dates were chaptered out by bills signed after SB 2036 (Accountancy, Respiratory Care, Registered Nursing, and Nursing Home Administrators); and (3) extends the sunset date for the Board of Registered Dispensing Opticians, to coincide with that of the Medical Board. (B&P C §§ 2569, 2701, 3710, 3716, 3910, 4832, 5000, 7607.5, 7801, & 7810)</p>	Chapter 599 Statutes of 1995
AB 910 Speier	<p data-bbox="332 1161 789 1188">Department of Consumer Affairs</p> <p data-bbox="332 1239 1156 1648">Existing law: (1) provides for the licensure and regulations of funeral directors and embalmers by the State Board of Funeral Directors and Embalmers and provides for the regulation of cemeteries by the Cemetery Board; (2) vests the Director of the Department of Consumer Affairs with various powers and duties; (3) authorizes various boards in the Department of Consumer Affairs to provide for a system of citations for violations, but this general provision does not apply to a board which has specific statutory authority; and (4) provides for the licensure and regulation of structural pest control operators by the Structural Pest Control Board.</p> <p data-bbox="332 1694 1156 1877">This statute (1) vests the Department of Consumer Affairs with the duties, powers, purpose, responsibilities, and jurisdiction of the Cemetery Board and the Board of Funeral Directors and Embalmers, if they are not otherwise consolidated or restructured; (2) gives the Director broad</p>	Chapter 381 Statutes of 1995

AB 910
Speier

Department of Consumer Affairs (cont.)

authority to implement operational efficiencies (e.g., reclassifying staff, hiring and promoting personnel, executing contracts) to achieve goals in the department's performance-based budgeting contract, (3) gives all departmental boards, bureaus and commissions (with one exception) authority to adopt a cite and fine system, and (4) requires registered pest control companies to inform the consumer and receive the consumer's consent before subcontracting work. (B&P C §§ 102.1, 102.2, 125.9, 8514, 8514.5, 8516, and 8519.5)

AB 1383
Speier

New Car Lemon Law

Existing law provides for the regulation and certification of third-party dispute resolution processes for new motor vehicles.

This bill would make those provisions inoperative. Instead, this bill would provide for an alternative process in which the Department of Consumer Affairs would contract with private companies to provide dispute resolution between consumers and manufacturers of new motor vehicles. (B&P §§ 472.6 & 472.50-472.71 and Civ C § 1794)

2-Year Bill
Senate Judiciary

SB 873
Russell

Mediation

Under existing law, there was in the Division of Consumer Services of the Department of Consumer Affairs a Dispute Resolution Advisory Council. That council completed its duties by January 1, 1989. Among those duties, the council adopted rules and regulations relative to dispute resolution programs established in counties.

This bill would, through a private organization, provide for the certification of individuals who meet certain education and training requirements and who also wish to hold themselves out to the public as a "certified mediator." (B&P C § 463)

2-Year Bill
Senate
Second Reading File
Senate Bills

(2) State
Agencies
General

Summary

Disposition

AB 141
Bowen

California Public Records Act: Sale of Records

**Chapter 108
Statutes of 1995**

The California Public Records Act requires that records subject to disclosure under the act be made available to the public upon request.

This statute prohibits state and local agencies from selling, exchanging, or otherwise providing a public record, subject to disclosure, to a private entity in such a manner that would prevent the agency from providing the record to the public as specified in the California Public Records Act. (Gov C § 6270)

AB 142
Bowen

Public Records

**2-Year Bill
Assembly
Governmental
Organization**

The California Public Records Act requires that records subject to disclosure under the act be made available to the public upon request.

This bill would expressly provide that any agency having information that constitutes an identifiable public record in an electronic format shall, unless otherwise prohibited by law, make that information available to the public in an electronic format upon request. (Gov C §§ 1798.24, 6256, 6256.5, & 6257 and H&S C §§ 10000, 10001.1, & 10001.2)

AB 211
Richter

Public Officers and Employees: Employment Preferences

**2-Year Bill
Assembly Higher
Education**

Existing law requires all state agencies, school districts, and community college districts to establish an affirmative action plan.

This bill would repeal these affirmative action requirements. (Ed C §§ 44100 & 87100 and Gov C §§ 1950 & 19790)

AB 250
Baldwin

Administrative Regulations: Review

**2-Year Bill
Assembly Consumer
Protection**

Existing law provides that state agencies develop regulations to implement statutes passed by the Legislature that apply to the specified areas under the agency's jurisdiction. All regulations

(2) State
Agencies
General
(cont.)

Summary

Disposition

AB 250
Baldwin

Administrative Regulations: Review (cont.)

are subject to review by the Office of Administrative Law (OAL) under specified procedures.

This bill would require the Office of Administrative Law and the Secretary of Trade and Commerce, on or before January 1, 1997, to recommend to the Legislature the suspension or repeal of all state regulations determined by the office and the secretary to be more stringent than federal regulations on the same subject. (Gov C § 11340.4)

AB 255
Speier

State Agencies: Collection of Accounts Receivable

Existing law, the Financial Integrity and State Manager's Accountability Act of 1983 and the Accounts Receivable Management Act of 1994, provides that state agencies are responsible for the establishment and maintenance of internal accounting and administrative control systems. Each participant is required to submit an annual report to the Legislature and other governmental entities describing the agency's present accounts receivable collection system, including an inventory of all the accounts, their age and what percentage of the accounts is anticipated to be collected. The state agencies may elect to assign or sell accounts receivable to a private debt collector under specified conditions except when that debt is being contested.

This bill would require specified state agencies, and permit other state agencies and local agencies, to enter into an agreement with the Franchise Tax Board to collect all or part of that agency's outstanding accounts receivable in any manner authorized by law for the collection of a delinquent personal income tax liability. (Gov C §§ 16581, 16582, 16583, 16584, & 16587 and R&T C §§ 19532, 19568)

**2-Year Bill
Assembly
Appropriations
(reconsideration
granted)**

AB 469
Vasconcellos

Industry Skills Panel

Under existing law, various state agencies and boards regulate professions, provide job training, and review labor issues.

**2-Year Bill
Assembly
Appropriations**

AB 469
Vasconcellos

Industry Skills Panel (cont.)

This bill would establish the advisory California Industry Skills, Standards and Certification Panel to review labor force licensing, certification and sanction procedures in California. (Lab C §§ 1650 & 1651)

AB 777
Speier

State Tort Liability: Sexual Harassment

Existing law provides for the liability of the state for the tortious acts of its officers and employees.

This bill would, among other things, enact special provisions governing the liability of the state for acts of sexual harassment by its officers and employees. (Gov C §§ 957 & 995.2)

2-Year Bill
Assembly Judiciary

AB 907
Vasconcellos

Capital Outlay Planning: State Agencies

Existing law provides that no funds appropriated for capital outlay may be expended by any state agency until the Department of Finance and the State Public Works Board have approved preliminary plans for the project to be financed from the appropriation for capital outlay. Further, existing law requires the department to prepare a report projecting the state's potential need for the financing of major capital outlay projects and infrastructure projects for the period of January 1, 1991 through December 31, 2000, inclusive. The report is updated annually and submitted to the Governor, the Treasurer, and the Legislature for their use in planning and policymaking for the state.

This bill would require each state agency to prepare and submit annually to the Department of Finance a list of its capital outlay needs (project costs exceeding \$250,000). The bill would require the department to prepare and submit annually to the Legislature a multi-year capital outlay master plan that is a compilation of the five year lists submitted by state agencies. The plan would serve as a supplement to the Governor's Budget. (Gov C § 13350)

2-Year Bill
Senate Governmental
Organization

(2) State
Agencies
General
(cont.)

Summary

Disposition

AB 1069
Hauser

Administrative Hearings

**2-Year Bill
Senate Judiciary**

The Administrative Procedure Act contains provisions relating to the preparation of decisions by an administrative law judge (ALJ) in contested disciplinary decisions. The ALJ is required to submit a proposed decision in a case to the agency for review and possible adoption.

This bill would: a) Provide that the decision prepared by the administrative law judge is final unless the agency filing the accusation petitions for judicial review; b) Delete the provision for granting a reconsideration to either party after the decision becomes effective; and d) Add language to provide that a petition for judicial review could be filed within a specific time period after the decision is adopted by the agency or within a specified time after the decision is delivered to the agency, or after the decision is served by the agency on each party. (Gov C §§ 11517, 11519, 11521, & 11523)

AB 1142
Baldwin

Administrative Regulations: Adverse Job Creation Impact

**2-Year Bill
Assembly Consumer
Protection**

The Administrative Procedures Act contains provisions relating to the adoption, review, and approval of regulations adopted by state agencies.

This bill would prohibit all regulations adopted by a state agency that has been determined by the Office of Administrative Law to have a substantial adverse job creation impact from remaining in effect for more than four years from the date of its filing with the Secretary of State.
(Gov C § 11347.1)

AB 1160
Morrissey

Administrative Regulations: Review

**2-Year Bill
Assembly Consumer
Protection**

The Administrative Procedures Act contains provisions relating to the adoption, review, and approval of regulations adopted by state agencies.

This bill would require the Office of Administrative Law and the Secretary of Trade and Commerce, on or before January 1, 1998, to recommend to the Legislature the suspension or repeal

(2) State
Agencies
General
(cont.)

Summary

Disposition

AB 1160
Morrissey

Administrative Regulations: Review (cont.)

of all state regulations determined by the office and the secretary to be more stringent than federal regulations on the same subject. This provision would be inoperative on July 1, 1998 and would repeal it on January 1, 1999. (Gov C § 11340.4)

AB 1179
Bordonaro

Trade and Commerce Agency: Rules and Regulations

The Administrative Procedure Act contains procedures to be followed by state agencies in adopting or amending regulations.

This bill would specify that no administrative regulation adopted after January 1, 1996, shall apply to businesses. (Gov C §§ 11346.3, 11346.9, 11349.1, & 15363.6)

**2-Year Bill
Assembly Inactive
File**

AB 1180
Morrissey

Administrative Adjudication: Small Business

The Administrative Procedures Act requires specified state agencies to follow prescribed procedures with respect to administrative adjudication.

This bill would permit a small business to utilize an alternative hearing procedure when a state agency seeks to impose a civil penalty on that business. (Gov C § 11540)

**2-Year Bill
Assembly Consumer
Protection**

AB 1368
Knowles

Claims Against the State: Overpayment

Existing law provides that a state agency that fails to make any payment for goods and services to certain entities pursuant to contract shall be subject to an interest penalty fee.

This bill would provide that any state agency that fails to reimburse a person for any undisputed overpayment made to that agency shall be subject to an interest penalty fee. (Gov C § 926.19)

**2-Year Bill
Assembly Consumer
Protection**

AB 1374
Speier

State Payment Card Act

Under current law, cities, counties, and courts have the authority to accept credit cards for any payments which are due from a

**Chapter 926
Statutes of 1995**

AB 1374
Speier

State Payment Card Act (cont.)

consumer. State agencies are not covered by this general legislation, although the Franchise Tax Board does have a specific authority to accept credit cards.

This statute requires state agencies, on or before January 1, 1997, to accept credit cards, debit cards, or other electronic fund transfers ("payment receipt alternative") in payment of any obligation due to the state. On or before June 30, 1996, a state agency may request that the Director of General Services grant an exemption from the requirements of this statute if the agency determines that its acceptance of payments by credit card or payment device would have any of the following results: 1) it would not be cost effective; 2) it would result in a net additional unfunded cost to the agency; 3) it would result in a short fall of revenues to the State of California. (Gov C § 6160)

AB 1580
Bowen

Government Entities: Voluntary Release of Personal Information

**2-Year Bill
Assembly Local
Government**

Existing law requires the Director of General Services to establish a forms management center for the orderly design, implementation, and maintenance of a statewide forms management program.

This bill would require each form contain a voluntary release of personal information clause. (Gov C § 6269)

SB 297
Campbell

State Regulatory Activities: Principal Agencies

**Chapter 650
Statutes of 1995**

Existing law establishes standards under which federal, state, regional and local agencies regulate various activities within the state. Those agencies often have overlapping authority. Statute also provides for a designation of a lead agency, within specified agencies, responsible for coordinating all permits required for a facility under the Environmental Protection Permit Reform Act.

This statute provides that when a principal state agency is not designated by statute, an agency shall be designated by the Governor for the coordination of procedures, forms, and

(2) State
Agencies
General
(cont.)

Summary

Disposition

SB 297
Campbell

State Regulatory Activities: Principal Agencies (cont.)

deadlines in all areas of regulatory activity within state jurisdiction, as determined by the Governor. (Gov C § 11019.6)

SB 323
Kopp

Public Records

Pursuant to the California Public Records Act (PRA), most public records are open to inspection during the office hours of state and local agencies, and every citizen has a right to inspect any public records, except for those records which are specifically exempted. Agencies may adopt guidelines setting forth the procedures to be followed when making their records available.

This bill would create significant changes to the PRA. The bill would, among other things, allow for timely public access for all computerized public records by way of the largest nonprofit, nonproprietary public computer network. (Gov C §§ 6252, 6253, 6253.1, 6253.3, 6254, 6255, 6256, 6256.1, 6257, & 6259)

**2-Year Bill
Assembly
Governmental
Organization**

SB 338
Campbell

State Funds

Existing law provides for the assessment of various fines and penalties by state agencies, collection of these fines and penalties, and deposit of the fine and penalty revenues into various state funds.

This statute restricts the expenditure of revenues derived from the assessment of fines and penalties by any state agency unless the Legislature specifically provides authority for the expenditure of these funds in the Annual Budget Act or other Legislation. (Gov C § 13332.18)

**Chapter 654
Statutes of 1995**

SB 452
Johannessen

Administrative Regulations

The Administrative Procedures Act contains provisions relating to the adoption, review, and approval of regulations adopted by state agencies.

This bill would have prohibited the enforcement of any regulation filed with the Secretary of State, unless the regulation

Vetoed

SB 452
Johannessen

Administrative Regulations (cont.)

had been made available to the public for 30 days. (CCP § 1021.5 and Gov C §§ 10248, 11343.4, & 11350.1)

SB 523
Kopp

Administrative Procedure Act

**Chapter 938
Statutes of 1995**

Existing law establishes a process for administrative adjudication, governed by the Administrative Procedure Act (APA).

This statute makes numerous revisions to the APA. Among other things, the statute (1) establishes new hearing options, including alternative dispute resolution, informal hearings, emergency decisions, and declaratory decisions; (2) enacts provisions governing the conversion from one type of administrative proceeding to another; (3) enacts an administrative adjudication bill of rights listing due process and notice requirements for administrative hearings; and (4) makes numerous other substantive and technical changes and additions to the Act. (Numerous sections of the Government Code and other codes)

SB 625
Johannessen

Administrative Regulations: Economic Impact

Dropped

The Administrative Procedure Act maintains that it is not the intent to impose additional criteria on agencies, above that which exists in current law, in assessing adverse economic impact on California business enterprises, but only to assure that the assessment is made early in the process of initiation and development of proposed regulations or amendments to regulations.

This bill would have repealed this intent provision. (Gov C § 11346.3)

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III. APPENDIX

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839	SB 26	64			
853	SB 640	82			
864	SB 1029	48-49			
866	AB 1100	4			
891	SB 1028	48			
911	AB 54	8-9			
923	SB 325	6			
926	AB 1374	104-105			
929	SB 501	57			
938	SB 523	107			
982	AB 63	52			
1263	AB 123	89			
R-32	ACR 31	44			
R-57	SJR 5	62			
R-68	SJR 2	61			
R-72	ACR 16	68			
R-81	SJR 24	8			

C. DEPARTMENT OF CONSUMER AFFAIRS DIRECTORY

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D. KEY - CALIFORNIA CODE ABBREVIATIONS

A listing of code sections affected by a chaptered bill follows the summary of that bill.

The following abbreviations of codes are used:

B&P C	Business and Professions Code
Civ C	Civil Code
CCP	Code of Civil Procedure
Com C	Commercial Code
Corp C	Corporation Code
Ed C	Education Code
Evid C	Evidence Code
Fam C	Family Code
Fin C	Financial Code
F&A C	Food & Agricultural Code
F&G C	Fish & Game Code
Gov C	Government Code
H&N C	Harbors & Navigation Code
H&S C	Health & Safety Code
Ins C	Insurance Code
Lab C	Labor Code
M&V C	Military & Veterans Code
Pen C	Penal Code
Prob C	Probate Code
PCC	Public Contract Code
PRC	Public Resources Code
PUC	Public Utilities Code
R&T C	Revenue & Taxation Code
UIC	Unemployment Insurance Code
Veh C	Vehicle Code
W&I C	Welfare & Institutions Code