

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1312**

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**Introduced by Senators Yee and Calderon**  
*(Coauthors: Senators Florez and Perata)*

February 20, 2008

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~~An act to amend Section 139 of the Business and Professions Code, relating to professions and vocations. An act to amend Sections 101, 128.5, 130, 5502, 5565, 5601, 5602, 5603, 5610, 5620, 5682, and 5683 of, to add Section 5503 to, to add Chapter 3.6 (commencing with Section 5700) and Chapter 3.7 (commencing with Section 5750) to Division 3 of, to repeal Sections 5701 and 5707 of, and to repeal Article 2 (commencing with Section 5510) of Chapter 3 of Division 3 of, the Business and Professions Code, to amend Section 13401 of the Corporations Code, and to amend Section 26509 of the Government Code, relating to interior design, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1312, as amended, Yee. ~~Department of Consumer Affairs.~~  
*Registered interior designers.*

*Existing law defines certified interior designers and interior design organizations, permits a certified interior designer to obtain and use a stamp identifying the designer, and, among other things, makes it an unfair business practice for a person to represent himself or herself as a certified interior designer unless he or she complies with certain requirements.*

*Existing law provides for the licensure and regulation of architects by the California Architects Board and imposes various related fees that are deposited in the California Architects Board Fund, a*

*continuously appropriated fund. Under existing law, the board consists of 10 members, including 5 architects and 5 public members.*

*This bill would eliminate the California Architects Board and instead establish the California Architects and Registered Interior Designers Board which would consist of 12 members, including 5 architects, 4 registered interior designers, and 3 public members.*

*The bill would provide for the registration and regulation by the board of persons that engage in the practice of registered interior design, as defined, and would require the board to issue a certificate of registration to a certified interior designer who applies before January 1, 2011. The bill would enact various provisions regarding the practice of registered interior design, including, but not limited to, practice requirements, registration requirements, conditions for registration renewals, and grounds for revocation or suspension of a registration, among other disciplinary actions. The bill would authorize registrants, architects, landscape architects, and engineers to join or form business organizations or associations, except as specified, with persons outside their field of practice if certain requirements are met.*

*The bill would rename the California Architects Board Fund, the California Architects and Registered Interior Designers Fund and would authorize the board to impose various fees on registered interior designers, which would be deposited in that fund. By increasing the amount of revenue in a continuously appropriated fund, the bill would make an appropriation.*

*The bill would make it unlawful for a person to hold himself or herself out as, or solicit business as, a registered interior designer or use the title “registered interior designer” unless registered pursuant to these provisions. The bill would also prohibit a person from engaging in the practice of registered interior design without a registration. The bill would make a violation of any of these provisions a misdemeanor and, by creating a new crime, would thereby impose a state-mandated local program. The bill would make conforming changes and enact related provisions.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law establishes the Department of Consumer Affairs to regulate and license the various professional and vocational occupations in the state. Existing law requires every board under the jurisdiction of the department to submit to the Director of Consumer Affairs, by December 1 of each year, its method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation, as specified. Existing law requires the department to compile information regarding these evaluations and submit that information to the Legislature by September 30 of each year.~~

~~This bill would instead require the department to submit that information to the Legislature by October 30 of each year.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 101 of the Business and Professions Code
- 2     is amended to read:
- 3     101. The department is comprised of:
- 4     (a) The Dental Board of California.
- 5     (b) The Medical Board of California.
- 6     (c) The State Board of Optometry.
- 7     (d) The California State Board of Pharmacy.
- 8     (e) The Veterinary Medical Board.
- 9     (f) The California Board of Accountancy.
- 10    (g) The California Architects *and Registered Interior Designers*
- 11    Board.
- 12    (h) The ~~Bureau~~ *State Board* of Barbering and Cosmetology.
- 13    (i) The Board for Professional Engineers and Land Surveyors.
- 14    (j) The Contractors’ State License Board.
- 15    (k) The Bureau for Private Postsecondary and Vocational
- 16    Education.
- 17    (l) The Structural Pest Control Board.
- 18    (m) The Bureau of Home Furnishings and Thermal Insulation.
- 19    (n) The Board of Registered Nursing.
- 20    (o) The Board of Behavioral Sciences.
- 21    (p) The State Athletic Commission.
- 22    (q) The Cemetery and Funeral Bureau.
- 23    (r) The State Board of Guide Dogs for the Blind.

- 1 (s) The Bureau of Security and Investigative Services.
- 2 (t) The Court Reporters Board of California.
- 3 (u) The Board of Vocational Nursing and Psychiatric
- 4 Technicians *of the State of California*.
- 5 (v) The Landscape Architects Technical Committee.
- 6 (w) The Bureau of Electronic and Appliance Repair.
- 7 (x) The Division of Investigation.
- 8 (y) The Bureau of Automotive Repair.
- 9 (z) The State Board ~~of Registration~~ for Geologists and
- 10 Geophysicists.
- 11 (aa) The Respiratory Care Board of California.
- 12 (ab) The Acupuncture Board.
- 13 (ac) The Board of Psychology.
- 14 (ad) The California Board of Podiatric Medicine.
- 15 (ae) The Physical Therapy Board of California.
- 16 (af) The Arbitration Review Program.
- 17 (ag) The Committee on Dental Auxiliaries.
- 18 (ah) The Hearing Aid Dispensers Bureau.
- 19 (ai) The Physician Assistant Committee.
- 20 (aj) The Speech-Language Pathology and Audiology Board.
- 21 (ak) The California Board of Occupational Therapy.
- 22 (al) The Osteopathic Medical Board of California.
- 23 (am) The Bureau of Naturopathic Medicine.
- 24 (an) Any other boards, offices, or officers subject to its
- 25 jurisdiction by law.

26 *SEC. 2. Section 128.5 of the Business and Professions Code*  
 27 *is amended to read:*

- 28 128.5. (a) Notwithstanding any other provision of law, if at
- 29 the end of any fiscal year, an agency within the Department of
- 30 Consumer Affairs, except the agencies referred to in subdivision
- 31 (b), has unencumbered funds in an amount that equals or is more
- 32 than the agency’s operating budget for the next two fiscal years,
- 33 the agency shall reduce license or other fees, whether the license
- 34 or other fees be fixed by statute or may be determined by the
- 35 agency within limits fixed by statute, during the following fiscal
- 36 year in an amount that will reduce any surplus funds of the agency
- 37 to an amount less than the agency’s operating budget for the next
- 38 two fiscal years.
- 39 (b) Notwithstanding any other provision of law, if at the end of
- 40 any fiscal year, the California Architects *and Registered Interior*

1 ~~Designers~~ Board, the Board of Behavioral–Science–Examiners  
2 ~~Sciences~~, the Veterinary Medical Board, the Court Reporters Board  
3 of California, the Medical Board of California, the Board of  
4 Vocational Nursing and Psychiatric Technicians *of the State of*  
5 *California*, or the Bureau of Security and Investigative Services  
6 has unencumbered funds in an amount that equals or is more than  
7 the agency’s operating budget for the next two fiscal years, the  
8 agency shall reduce license or other fees, whether the license or  
9 other fees be fixed by statute or may be determined by the agency  
10 within limits fixed by statute, during the following fiscal year in  
11 an amount that will reduce any surplus funds of the agency to an  
12 amount less than the agency’s operating budget for the next two  
13 fiscal years.

14 *SEC. 3. Section 130 of the Business and Professions Code is*  
15 *amended to read:*

16 130. (a) Notwithstanding any other provision of law, the term  
17 of office of any member of an agency designated in subdivision  
18 (b) shall be for a term of four years expiring on June 1.

19 (b) Subdivision (a) applies to the following boards or  
20 committees:

- 21 (1) The Medical Board of California.
- 22 (2) The California Board of Podiatric Medicine.
- 23 (3) The Physical Therapy Board of California.
- 24 (4) The Board of Registered Nursing.
- 25 (5) The Board of Vocational Nursing and Psychiatric  
26 Technicians *of the State of California*.
- 27 (6) The State Board of Optometry.
- 28 (7) The California State Board of Pharmacy.
- 29 (8) The Veterinary Medical Board.
- 30 (9) The California Architects *and Registered Interior Designers*  
31 Board.
- 32 (10) The Landscape Architect Technical Committee.
- 33 (11) The Board for Professional Engineers and Land Surveyors.
- 34 (12) The Contractors’ State License Board.
- 35 (13) The State Board of Guide Dogs for the Blind.
- 36 (14) The Board of Behavioral Sciences.
- 37 (15) The Structural Pest Control Board.
- 38 (16) The Bureau of Electronic and Appliance Repair.
- 39 (17) The Court Reporters Board of California.
- 40 (18) The State Board for Geologists and Geophysicists.

- 1 (19) The State Athletic Commission.
- 2 (20) The Osteopathic Medical Board of California.
- 3 (21) The Respiratory Care Board of California.
- 4 (22) The Acupuncture Board.
- 5 (23) The Board of Psychology.

6 *SEC. 4. Section 5502 of the Business and Professions Code is*  
 7 *amended to read:*

8 5502. As used in this chapter, board refers to the California  
 9 *Architects and Registered Interior Designers Board.*

10 *SEC. 5. Section 5503 is added to the Business and Professions*  
 11 *Code, to read:*

12 5503. *The California Architects and Registered Interior*  
 13 *Designers Board shall administer and enforce the provisions of*  
 14 *this chapter.*

15 *SEC. 6. Article 2 (commencing with Section 5510) of Chapter*  
 16 *3 of Division 3 of the Business and Professions Code is repealed.*

17 *SEC. 7. Section 5565 of the Business and Professions Code is*  
 18 *amended to read:*

19 5565. The decision may:

20 (a) Provide for the immediate complete suspension by the holder  
 21 of the license of all operations as an architect during the period  
 22 fixed by the decision.

23 (b) Permit the holder of the license to complete any or all  
 24 contracts for the performance of architectural services shown by  
 25 evidence taken at the hearing to be then unfinished.

26 (c) Impose upon the holder of the license compliance with any  
 27 specific conditions as may be just in connection with his or her  
 28 operations as an architect disclosed at the hearing, and may further  
 29 provide that until those conditions are complied with no application  
 30 for restoration of the suspended or revoked license shall be  
 31 accepted by the board.

32 (d) Assess a fine not in excess of five thousand dollars (\$5,000)  
 33 against the holder of a license for any of the causes specified in  
 34 Section 5577. A fine may be assessed in lieu of, or in addition to,  
 35 a suspension or revocation. All fines collected pursuant to this  
 36 subdivision shall be deposited to the credit of the California  
 37 *Architects and Registered Interior Designers Board Fund.*

38 *SEC. 8. Section 5601 of the Business and Professions Code is*  
 39 *amended to read:*

1 5601. Within 10 days after the beginning of every month, all  
2 fees collected by the department for the month preceding, under  
3 the provisions of this chapter, shall be paid into the State Treasury  
4 to the credit of the California Architects *and Registered Interior*  
5 *Designers* Board Fund.

6 *SEC. 9. Section 5602 of the Business and Professions Code is*  
7 *amended to read:*

8 5602. The money paid *pursuant to this chapter* into the  
9 California Architects *and Registered Interior Designers* Board  
10 Fund, which is hereby continued in existence, shall be used in the  
11 manner prescribed by law to defray the expenses of the board in  
12 carrying out and enforcing the provisions of this chapter *and*  
13 *Chapter 3.6 (commencing with Section 5700).*

14 *SEC. 10. Section 5603 of the Business and Professions Code*  
15 *is amended to read:*

16 5603. The board shall make available to local building  
17 departments, and others upon request, an official roster listing the  
18 name, license number, and address of all its licensees issued  
19 licenses pursuant to this chapter and who are in good standing.  
20 The roster shall be open to inspection by the public during office  
21 hours of the board. Except for local building departments, the  
22 board may charge a fee for the maintenance, publication, and  
23 distribution of the roster, not to exceed the actual cost. All fees  
24 collected pursuant to this section shall be deposited in the  
25 California Architects *and Registered Interior Designers* Board  
26 Fund.

27 *SEC. 11. Section 5610 of the Business and Professions Code*  
28 *is amended to read:*

29 5610. A professional architectural corporation is a corporation  
30 which is authorized to render professional services, as defined in  
31 Section 13401 of the Corporations Code, so long as that corporation  
32 and its shareholders, officers, directors, and employees rendering  
33 professional services who are licensed architects, are in compliance  
34 with the Moscone-Knox Professional Corporation Act (Part 4  
35 (commencing with Section 13400) of Division 3 of Title 1 of the  
36 Corporations Code), this article, and all other statutes and  
37 regulations pertaining to the corporation and the conduct of its  
38 affairs. With respect to an architectural corporation, the  
39 governmental agency referred to in the Moscone-Knox Professional

1 Corporation Act is the California Architects *and Registered Interior*  
2 *Designers* Board.

3 *SEC. 12. Section 5620 of the Business and Professions Code*  
4 *is amended to read:*

5 5620. The duties, powers, purposes, responsibilities, and  
6 jurisdiction of the California State Board of Landscape Architects  
7 that were succeeded to and vested with the Department of  
8 Consumer Affairs in accordance with Chapter 908 of the Statutes  
9 of 1994 are hereby transferred to the California Architects *and*  
10 *Registered Interior Designers* Board. The Legislature finds that  
11 the purpose for the transfer of power is to promote and enhance  
12 the efficiency of state government and that assumption of the  
13 powers and duties by the California Architects *and Registered*  
14 *Interior Designers* Board shall not be viewed or construed as a  
15 precedent for the establishment of state regulation over a profession  
16 or vocation that was not previously regulated by a board, as defined  
17 in Section 477.

18 (a) There is in the Department of Consumer Affairs a California  
19 Architects *and Registered Interior Designers* Board as defined in  
20 ~~Article 2 (commencing with Section 5510) of Chapter 3~~ *Chapter*  
21 *3.6 (commencing with Section 5700).*

22 Whenever in this chapter “board” is used it refers to the  
23 California Architects *and Registered Interior Designers* Board.

24 (b) Except as provided herein, the board may delegate its  
25 authority under this chapter to the Landscape Architects Technical  
26 Committee.

27 (c) After review of proposed regulations, the board may direct  
28 the examining committee to notice and conduct hearings to adopt,  
29 amend, or repeal regulations pursuant to Section 5630, provided  
30 that the board itself shall take final action to adopt, amend, or  
31 repeal those regulations.

32 (d) The board shall not delegate its authority to discipline a  
33 landscape architect or to take action against a person who has  
34 violated this chapter.

35 (e) This section shall become inoperative on July 1, 2011, and,  
36 as of January 1, 2012, is repealed, unless a later enacted statute,  
37 that becomes operative on or before January 1, 2012, deletes or  
38 extends the dates on which it becomes inoperative and is repealed.

39 *SEC. 13. Section 5682 of the Business and Professions Code*  
40 *is amended to read:*

1 5682. Within 10 days after the beginning of every month, all  
2 fees collected by the department for the month preceding, under  
3 the provisions of this chapter, shall be paid into the State Treasury  
4 to the credit of the California Architects *and Registered Interior*  
5 *Designers* Board-Landscape Architects Fund, which is hereby  
6 created.

7 *SEC. 14. Section 5683 of the Business and Professions Code*  
8 *is amended to read:*

9 5683. The money paid into the California Architects *and*  
10 *Registered Interior Designers* Board-Landscape Architects Fund  
11 shall be used for expenditure in the manner prescribed by law to  
12 defray the expenses of the board and in carrying out and enforcing  
13 the provisions of this chapter.

14 *SEC. 15. Chapter 3.6 (commencing with Section 5700) is added*  
15 *to Division 3 of the Business and Professions Code, to read:*

16

17 *CHAPTER 3.6. CALIFORNIA ARCHITECTS AND REGISTERED*  
18 *INTERIOR DESIGNERS BOARD*

19

20 5700. As used in this chapter, the following terms shall have  
21 the following meanings:

22 (a) "Licensee" means a person licensed pursuant to Chapter  
23 3 (commencing with Section 5500).

24 (b) "Registrant" means a person registered pursuant to Chapter  
25 3.7 (commencing with Section 5750).

26 5701. (a) There is in the Department of Consumer Affairs a  
27 California Architects and Registered Interior Designers Board  
28 that consists of 12 members.

29 (b) "Board," as used in this chapter, Chapter 3 (commencing  
30 with Section 5500), and Chapter 3.7 (commencing with Section  
31 5750), means the California Architects and Registered Interior  
32 Designers Board.

33 (c) Any reference in law to the California Architects Board or  
34 to the California Board of Architectural Examiners shall mean  
35 the California Architects and Registered Interior Designers Board.

36 (d) This section shall become inoperative on July 1, 2011, and,  
37 as of January 1, 2012, is repealed, unless a later enacted statute,  
38 which becomes effective on or before January 1, 2012, deletes or  
39 extends the dates on which it becomes inoperative and is repealed.

1 *The repeal of this section renders the board subject to the review*  
2 *required by Division 1.2 (commencing with Section 473).*

3 *5702. The Legislature finds and declares that it is the mandate*  
4 *of the board to regulate the practice of architecture, as defined in*  
5 *Section 5500.1, and the practice of registered interior design, as*  
6 *defined in Section 5753, in the interest and for the protection of*  
7 *the public health, safety, and welfare. For this purpose, the board*  
8 *shall delineate the minimum professional qualifications and*  
9 *performance standards for admission to and practice of the*  
10 *profession of architecture. The board shall establish a fair and*  
11 *uniform enforcement policy to deter and prosecute violations of*  
12 *Chapter 3 (commencing with Section 5500) and Chapter 3.7*  
13 *(commencing with Section 5750) or any rules and regulations*  
14 *promulgated pursuant to those chapters to provide for the*  
15 *protection of the consumer.*

16 *5703. Protection of the public shall be the highest priority for*  
17 *the California Architects and Registered Interior Designers Board*  
18 *in exercising its licensing, regulatory, and disciplinary functions.*  
19 *Whenever the protection of the public is inconsistent with other*  
20 *interests sought to be promoted, the protection of the public shall*  
21 *be paramount.*

22 *5704. (a) The membership of the board shall be composed of*  
23 *12 members, five of whom shall be state licensed architects, four*  
24 *of whom shall be state registered interior designers, and three of*  
25 *whom shall be public members.*

26 *(b) The five architect members of the board shall be selected*  
27 *from architects in good standing who have been licensed and in*  
28 *practice in this state for at least five years at the time of*  
29 *appointment, all of whom shall be residents of and in practice in*  
30 *California.*

31 *(c) (1) Except as provided in paragraph (2), the four registered*  
32 *interior designer members of the board shall be selected from*  
33 *registered interior designers in good standing who have been*  
34 *registered and in practice in this state for at least four years, all*  
35 *of whom shall be residents of and in practice in California.*

36 *(2) The initial four registered interior designer members of the*  
37 *board shall be selected from persons who are eligible to become*  
38 *registered under Chapter 3.7 (commencing with Section 5750)*  
39 *and shall become registered pursuant to that chapter within one*  
40 *year of appointment.*

1     *(d) The public members of the board shall not be licensees or*  
2 *registrants of the board.*

3     5705. *Every person appointed to the board shall serve for four*  
4 *years and until the appointment and qualification of his or her*  
5 *successor or until one year shall have elapsed since the expiration*  
6 *of the term for which he or she was appointed, whichever first*  
7 *occurs.*

8     *No person shall serve as a member of the board for more than*  
9 *two consecutive terms.*

10     *Vacancies occurring prior to the expiration of the term shall be*  
11 *filled by appointment for the unexpired term.*

12     *Each appointment shall expire on June 30 of the fourth year*  
13 *following the year in which the previous term expired.*

14     *The Governor shall appoint one of the public members and the*  
15 *five state licensed architect members qualified as provided in*  
16 *Section 5704. The Senate Committee on Rules and the Speaker of*  
17 *the Assembly shall each appoint one public member and two of*  
18 *the state registered interior designer members qualified as provided*  
19 *in Section 5704.*

20     5706. *Each member of the board shall receive a per diem and*  
21 *expenses as provided in Section 103.*

22     5707. (a) *The board may appoint a person exempt from civil*  
23 *service who shall be designated as an executive officer and who*  
24 *shall exercise the powers and perform the duties delegated by the*  
25 *board and vested in him or her by this chapter.*

26     (b) *This section shall become inoperative on July 1, 2011, and,*  
27 *as of January 1, 2012, is repealed, unless a later enacted statute,*  
28 *which becomes effective on or before January 1, 2012, deletes or*  
29 *extends the dates on which it becomes inoperative and is repealed.*

30     5708. *The duty of administering and enforcing this chapter,*  
31 *Chapter 3 (commencing with Section 5500), and Chapter 3.7*  
32 *(commencing with Section 5750) is vested in the board and the*  
33 *executive officer subject to, and under the direction of, the board.*

34     5709. *The board shall elect from its members a president, a*  
35 *vice president, and a secretary to hold office for one year, or until*  
36 *their successors are duly elected and qualified.*

37     5710. *The board shall adopt a seal for its own use. The seal*  
38 *used shall have the words, "State Board of Architects and*  
39 *Registered Interior Designers" inscribed thereon.*

40     *The executive officer shall have the care and custody of the seal.*

1 5711. *The executive officer shall keep an accurate record of*  
2 *all proceedings of the board.*

3 5712. *The board shall meet at least once each calendar quarter*  
4 *for the purpose of transacting the business that may lawfully come*  
5 *before it.*

6 *The board may hold meetings at any other times and at any place*  
7 *it designates.*

8 5713. *Special meetings of the board shall be called by the*  
9 *executive officer upon the written notice of four members by giving*  
10 *each member of the board 10 days' written notice of the time and*  
11 *place of the meeting.*

12 5714. *Seven of the members of the board constitute a quorum*  
13 *of the board for the transaction of business. The concurrence of*  
14 *six members of the board present at a meeting duly held at which*  
15 *a quorum is present shall be necessary to constitute an act or*  
16 *decision of the board, except that when all 12 members of the*  
17 *board are present at a meeting duly held, the concurrence of seven*  
18 *members shall be necessary to constitute an act or decision of the*  
19 *board.*

20 5715. *The board may prosecute all persons guilty of violating*  
21 *the provisions of Chapter 3 (commencing with Section 5500) or*  
22 *Chapter 3.7 (commencing with Section 5750). Except as provided*  
23 *in Section 159.5, the board may employ the inspectors, special*  
24 *agents, investigators, and clerical assistants it deems necessary*  
25 *to carry into effect the provisions of Chapter 3 (commencing with*  
26 *Section 5500) and Chapter 3.7 (commencing with Section 5750).*  
27 *It may also fix the compensation to be paid for those services and*  
28 *incur such additional expense as may be deemed necessary.*

29 5716. (a) *The board shall adopt rules and regulations*  
30 *governing the examination of applicants for licenses to practice*  
31 *architecture in this state.*

32 (b) *The board may incur any necessary expenses to administer*  
33 *Chapter 3.7 (commencing with Section 5750), but those expenses*  
34 *shall not exceed the revenue derived from the fees imposed*  
35 *pursuant to that chapter.*

36 (c) *The board may, by rule or regulation, adopt rules of*  
37 *professional conduct that are not inconsistent with state or federal*  
38 *law. Every person who holds a license or registration issued by*  
39 *the board shall be governed and controlled by these rules.*

1 (d) The board may adopt other rules and regulations as may  
2 be necessary and proper.

3 (e) The board may, from time to time, repeal, amend, or modify  
4 rules and regulations adopted under this section. No rule or  
5 regulation shall be inconsistent with Chapter 3 (commencing with  
6 Section 5500) or Chapter 3.7 (commencing with Section 5750).

7 (f) The board shall adopt, by regulation, a system as described  
8 in Section 125.9, for the issuance to a licensee of a citation and a  
9 system, as described in Section 148, for the issuance of an  
10 administrative citation to an unlicensed person who is acting in  
11 the capacity of a licensee under the jurisdiction of the board.

12 (g) The adoption, repeal, amendment, or modification of these  
13 rules and regulations shall be made in accordance with Chapter  
14 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
15 Title 2 of the Government Code.

16 5717. Whenever a person has engaged in or is about to engage  
17 in an act or practice which constitutes or which will constitute an  
18 offense against Chapter 3 (commencing with Section 5500) or  
19 Chapter 3.7 (commencing with Section 5750), the superior court  
20 of the county in which the offense has occurred or is about to  
21 occur, on application of the board, may issue an injunction or  
22 other appropriate order restraining that act or practice.

23 The proceedings authorized by this section shall be conducted  
24 in accordance with the provisions contained in Chapter 3  
25 (commencing with Section 525) of Title 7 of Part 2 of the Code of  
26 Civil Procedure, except that no bond or undertaking is required  
27 in an action commenced by the board.

28 5718. (a) The board may select and contract with necessary  
29 architect consultants who are licensed architects to assist it in its  
30 enforcement program on an intermittent basis. The architect  
31 consultants shall perform only those services that are necessary  
32 to carry out and enforce this chapter and Chapter 3 (commencing  
33 with Section 5500).

34 (b) The board may select and contract with necessary interior  
35 design consultants who are registered interior designers to assist  
36 in its enforcement program on an intermittent basis. These interior  
37 design consultants shall perform only those services that are  
38 necessary to carry out and enforce this chapter and Chapter 3.7  
39 (commencing with Section 5750).

1 (c) For the purposes of Division 3.6 (commencing with Section  
2 810) of Title 1 of the Government Code, a consultant under  
3 contract with the board shall be considered a public employee.

4 SEC. 16. Chapter 3.7 (commencing with Section 5750) is added  
5 to Division 3 of the Business and Professions Code, to read:

6  
7 CHAPTER 3.7. REGISTERED INTERIOR DESIGNERS

8  
9 Article 1. General

10  
11 5750. The purpose of this chapter is to safeguard life, health,  
12 and property, to promote the public welfare by improving the  
13 quality of human environmental design, and to limit the practice  
14 of registered interior design to persons who hold design education  
15 and experience and successfully pass an interior design  
16 examination, as provided in this chapter.

17 5751. The California Architects and Registered Interior  
18 Designers Board shall administer and enforce the provisions of  
19 this chapter.

20 5752. For purposes of this chapter, the following terms have  
21 the following meanings:

22 (a) "Board" means the California Architects and Registered  
23 Interior Designers Board.

24 (b) "Building shell" means the architecture of an existing  
25 building, including, but not limited to, the framework, the perimeter  
26 and exterior walls, the building core and columns, and other  
27 structural, load-bearing elements.

28 (c) "Construction documents" means the detailed working  
29 drawings that define the work to be constructed. These documents  
30 may include, but are not limited to, partition plans, power and  
31 communication plans, reflected ceiling plans, materials and  
32 finishes plans, furniture layout plans, and elevations, sections, and  
33 details, along with the drawings of associated consultants.

34 (d) "Contract documents" means the set of documents that form  
35 a part of the legal contract for services between two or more  
36 parties. These documents may include, but are not limited to,  
37 detailed instructions to the contractor, tender forms, construction  
38 documents, and specifications.

39 (e) "Interior design" means a multifaceted profession in which  
40 creative and technical solutions are applied within a structure to

1 *achieve a built interior environment. These solutions are functional*  
2 *and enhance the quality of life and culture of the occupants.*  
3 *Interior design includes, but is not limited to, both of the following:*

4 (1) *The creation of designs, in response to and in coordination*  
5 *with the building shell, that acknowledge the physical location*  
6 *and social context of a project, adhere to code and regulatory*  
7 *requirements, and encourage the principles of environmental*  
8 *sustainability.*

9 (2) *The use of a systematic and coordinated methodology,*  
10 *including research, analysis, and integration of knowledge into*  
11 *the creative process, to satisfy the needs of a client, using the*  
12 *resources of the client, in order to produce an interior space that*  
13 *fulfills a project's goals.*

14 (f) *“Nonstructural or nonseismic elements or components”*  
15 *means interior elements or components that are not load bearing,*  
16 *or do not assist in the seismic design, and do not require design*  
17 *computations for a building's structure. These elements or*  
18 *components include, but are not limited to, ceiling and partition*  
19 *systems and elements or components that employ normal and*  
20 *typical bracing conventions but are not part of the structural*  
21 *integrity of the building. These elements or components exclude*  
22 *the structural frame supporting a building.*

23 (g) *“Partition” means a wall that does not support a vertical*  
24 *load of a structure other than its own weight, but may support*  
25 *loads attached to it such as cabinetry, shelving, or grab bars, and*  
26 *does not extend further than the distance from the floor of an*  
27 *interior area of a structure designed for human habitation or*  
28 *occupancy to the underside of the deck of that structure.*

29 (h) *“Registrant” means a person registered pursuant to the*  
30 *provisions of this chapter.*

31 (i) *“Reflected ceiling plan” means a ceiling design that*  
32 *illustrates a ceiling as if the ceiling was projected downward, and*  
33 *may include, but is not limited to, lighting and other elements.*

34 (j) *“Responsible supervisory control” means the direct*  
35 *responsibility for supervising work and the decisionmaking process,*  
36 *including the review, control, and enforcement of compliance with*  
37 *design criteria and life safety requirements.*

38 (k) *“Space planning” means the analysis and design of spatial*  
39 *and occupancy requirements, including, but not limited to,*

1 preliminary space layouts and final planning for nonload bearing  
2 walls, partitions, panels, and furnishings.

3 (l) “Specifications” means the detailed written description of  
4 construction, workmanship, and materials of the work to be  
5 undertaken.

6 5753. “Registered interior design” or “practice of registered  
7 interior design” means the rendering of services to enhance the  
8 quality and function of an interior area within a structure designed  
9 for human habitation or occupancy, and includes, but is not limited  
10 to, all of the following:

11 (a) An analysis of a client’s needs and goals for the interior  
12 area and an analysis of the safety requirements applicable to that  
13 area.

14 (b) The formulation of appropriate, functional, and safe  
15 preliminary designs, including space planning, for the interior  
16 area.

17 (c) The development and presentation of final designs, including,  
18 but not limited to, drawings affecting nonstructural or nonseismic  
19 elements or components, that are appropriate for the alteration  
20 or construction of the interior area.

21 (d) The preparation of contract documents for the alteration or  
22 construction of the interior area, including, but not limited to,  
23 specifications for partitions, materials, finishes, furniture, fixtures,  
24 and equipment.

25 (e) Collaboration with professional engineers registered  
26 pursuant to Chapter 7 (commencing with Section 6700) or  
27 architects licensed pursuant to Chapter 3 (commencing with  
28 Section 5500) for the alteration or construction of the interior  
29 area.

30 (f) The preparation and administration of bids or contract  
31 documents for the alteration or construction of the interior area  
32 as the agent of a client.

33 (g) The review and evaluation of problems relating to the design  
34 of the interior area during the alteration or construction of the  
35 area and upon completion of that alteration or construction.

36 5754. (a) This chapter shall not apply to any of the following:

37 (1) An architect licensed pursuant to Chapter 3 (commencing  
38 with Section 5500) acting within the scope of his or her license.

39 (2) A professional engineer registered pursuant to Chapter 7  
40 (commencing with Section 6700).

1 (3) A person engaging in work related to registered interior  
2 design as an employee of a registered interior designer if the work  
3 does not include responsible supervisory control or supervision  
4 of the practice of registered interior design.

5 (4) A person performing registered interior design work under  
6 the responsible supervisory control of a registered interior  
7 designer.

8 (5) A consultant retained by a registered interior designer.

9 (6) A person who prepares drawings of the layout of materials  
10 or furnishings used in registered interior design or provides  
11 assistance in the selection of materials or furnishings used in  
12 registered interior design, if the preparation or implementation  
13 of those drawings, or the installation of those materials or  
14 furnishings, is not regulated by a building code or other law,  
15 ordinance, rule, or regulation governing the alteration or  
16 construction of a structure. The persons exempt from this chapter  
17 pursuant to this paragraph include, but are not limited to, a person  
18 who prepares drawings of the layout of, or provides assistance in  
19 the selection of, any of the following materials:

20 (A) Decorative accessories.

21 (B) Wallpaper, wallcoverings, or paint.

22 (C) Linoleum, tile, carpeting, or floor coverings.

23 (D) Draperies, blinds, or window coverings.

24 (E) Lighting or plumbing fixtures that are not part of a structure.

25 (F) Furniture or equipment.

26 (7) An employee of a retail establishment providing consultation  
27 regarding interior decoration or furnishings on the premises of  
28 the retail establishment or in the furtherance of a retail sale or  
29 prospective retail sale.

30 (b) (1) Notwithstanding subdivision (a), a person shall not refer  
31 to himself or herself as a registered interior designer without being  
32 registered pursuant to this chapter.

33 (2) This subdivision does not prohibit a person certified or  
34 otherwise qualified or approved by a private organization from  
35 using a term or title copyrighted or otherwise protected under law  
36 by the certifying organization provided that the use of that term  
37 or title does not connote registration under this chapter.

38 (c) The exemptions created by this section shall not absolve a  
39 person from any civil or criminal liability that might otherwise  
40 accrue.

1                    *Article 2. Practice Requirements*

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*5760. (a) A registrant shall sign, date, and seal or stamp, using a seal or stamp described in subdivision (b), all plans, specifications, studies, drawings, and other documents he or she issues for official use. The board may adopt regulations specifying the manner in which a registrant may electronically issue those documents.*

*(b) A registrant shall use a seal or stamp of the design authorized by the board, bearing his or her name, the serial number included on his or her certificate of registration, and the legend "registered interior designer."*

*(c) It is unlawful for a person to seal or stamp a plan, specification, study, drawing, or other document after the certificate of the registrant, named thereon, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.*

*(d) A plan, specification, study, drawing, or other document prepared by a registrant shall contain a statement that the document was prepared by a person registered pursuant to this chapter.*

*5761. A registrant may, in the practice of registered interior design, collaborate with any of the following persons:*

*(a) An architect licensed pursuant to Chapter 3 (commencing with Section 5500).*

*(b) An electrical, structural, or mechanical engineer registered and authorized to use that title pursuant to Chapter 7 (commencing with Section 6700).*

*5762. A person shall not bring or maintain an action in the courts of this state for the collection of compensation for the performance of an act or contract for which registration is required by this chapter without alleging and proving that he or she was duly registered under this chapter at all times during the performance of the act or contract.*

*5763. (a) An office or place of business in this state that engages in the practice of registered interior design shall have a registered interior designer, who is a resident of this state, regularly working in that office or place of business. That registered interior designer shall have responsible supervisory control for the registered interior design work conducted in that*

1 office or place of business and may be held liable for violations  
2 of this chapter committed by unregistered persons at the office or  
3 place of business. This section shall not apply to an office or place  
4 of business established for contract administration.

5 (b) “Contract administration” includes, but is not limited to,  
6 all of the following services:

7 (1) Developing and monitoring schedules and construction  
8 costs.

9 (2) Ensuring construction is completed in conformance with  
10 contracts and design intent.

11 (3) Serving as a liaison with contractors and consultants  
12 throughout the course of construction.

13 (4) Reviewing shop drawings and submissions from the  
14 contractor.

15 (5) Observing and commenting on construction progress related  
16 to interior design services.

17 (6) Monitoring move-in and furniture installation.

18 (7) Conducting required post-occupancy evaluations.

19 5764. (a) Notwithstanding any other provision of law, persons  
20 registered pursuant to this chapter, architects licensed pursuant  
21 to Chapter 3 (commencing with Section 5500), landscape architects  
22 licensed pursuant to Chapter 3.5 (commencing with Section 5615),  
23 and professional engineers registered pursuant to Chapter 7  
24 (commencing with Section 6700) may join or form a partnership,  
25 corporation, or other business organization or association, except  
26 a limited liability company or limited liability partnership, with  
27 persons outside their field of practice who are not registered or  
28 licensed if all of the following requirements are met:

29 (1) Control and two-thirds ownership of the business  
30 organization or association are held by persons registered pursuant  
31 to this chapter, architects licensed pursuant to Chapter 3  
32 (commencing with Section 5500), landscape architects licensed  
33 pursuant to Chapter 3.5 (commencing with Section 5615), or  
34 professional engineers registered pursuant to Chapter 7  
35 (commencing with Section 6700). For purposes of this paragraph,  
36 “control” means the direct or indirect possession of power to  
37 direct or cause the direction of the management and policies of  
38 the business organization or association.

1 (2) *The business organization or association demonstrates to*  
2 *the satisfaction of the board that it is in compliance with the*  
3 *requirements of this section.*

4 (3) *The business organization or association qualifies to do*  
5 *business in this state.*

6 (4) *The business organization, if a corporation, obtains a*  
7 *certificate of registration from the board and furnishes to the board*  
8 *a complete list of all shareholders when it first registers with the*  
9 *board, and annually thereafter within 30 days after the annual*  
10 *meeting of the shareholders of the corporation, showing the number*  
11 *of shares held by each shareholder.*

12 (5) *The business organization or association, if not a*  
13 *corporation, obtains a certificate of registration from the board*  
14 *and furnishes information similar to that required under paragraph*  
15 *(4), as prescribed by the board by regulation.*

16 (b) *A business organization or association shall not perform,*  
17 *promote, or advertise the services of a registered interior designer*  
18 *unless a registered interior designer is an owner of the business*  
19 *organization or association.*

20 (c) *A registrant practicing in a business organization or*  
21 *association holding a certificate of registration pursuant to this*  
22 *section remains subject to Section 5785.*

23 (d) *If an unregistered person, or a registrant who is not an*  
24 *owner, and who is employed by or affiliated with a business*  
25 *organization or association that holds a certificate pursuant to*  
26 *this section, is found by the board to have violated a provision of*  
27 *this chapter or a regulation of the board, the board may hold the*  
28 *business organization or association and the registrants who are*  
29 *owners responsible for the violation.*

30

31

### Article 3. Registration

32

33 5770. *The board shall issue a certificate of registration to a*  
34 *person who meets all of the following requirements:*

35 (a) *Has not committed any of the acts listed in Section 5785.*

36 (b) *Completes an application for a certificate on a form*  
37 *prescribed by the board.*

38 (c) *Pays the registration fee prescribed by the board pursuant*  
39 *to Section 5795.*

1 (d) Submits proof satisfactory to the board of successful  
2 completion of one of the following:

3 (1) A bachelor's degree program in interior design and 3,520  
4 hours of interior design experience, including 1,760 hours earned  
5 after the degree program is completed.

6 (2) A bachelor's degree program in any major, no less than 60  
7 semester or 90 quarter hours of interior design coursework that  
8 culminates in a degree, and 3,520 hours of interior design  
9 experience, including 1,760 hours earned after the degree program  
10 and coursework are completed.

11 (3) No less than 60 semester or 90 quarter hours of interior  
12 design coursework that culminates in a degree or diploma and  
13 5,280 hours of interior design experience earned after that  
14 coursework is completed.

15 (4) No less than 40 semester or 60 quarter hours of interior  
16 design coursework that culminates in a certificate, degree, or  
17 diploma and 7,040 hours of interior design experience earned  
18 after that coursework is completed.

19 (e) Submits proof of passage of the examination prepared and  
20 administered by the National Council for Interior Design  
21 Qualification.

22 5771. The board may issue a certificate of registration to a  
23 person who, at the time of application, holds a valid registration  
24 to practice registered interior design issued in another state if the  
25 education and experience requirements imposed by that state are  
26 equivalent to, or more stringent than, those imposed by this  
27 chapter, as determined by the board.

28 5772. (a) The board shall issue a certificate of registration to  
29 a person who meets both of the following requirements.

30 (1) May lawfully represent himself or herself as a "certified  
31 interior designer" pursuant to Section 5812.

32 (2) Submits an application to the board before January 1, 2011.

33 (b) The board shall issue a certificate of registration to a person  
34 who submits an application to the board before January 1, 2011,  
35 and submits proof acceptable to the board of one of the following:

36 (1) Ten years of experience in interior design.

37 (2) Eight years of experience in interior design and two years  
38 of education in interior design that is acceptable to the board.

39 (c) A person registered pursuant to this section who has not  
40 passed the examination described in subdivision (e) of Section

1 5770 within the first two renewal periods shall, as a condition of  
2 renewal of his or her certificate of registration, show proof  
3 acceptable to the board of both of the following:

4 (1) Passage of Section I of the examination described in  
5 subdivision (e) of Section 5770.

6 (2) Completion of 15 hours of board-approved continuing  
7 education coursework relating to health, safety, and welfare  
8 regulation. The hours earned pursuant to this paragraph shall be  
9 credited toward the continuing education requirements established  
10 by the board.

11 5773. Before being issued a certificate of registration under  
12 this chapter, an applicant shall personally appear before the board  
13 to take an oath prescribed by the board.

14 5774. The board may deny a certificate of registration for any  
15 violation of this chapter.

16 5775. (a) Certificates issued pursuant to this chapter shall  
17 include the full name of the registrant and a serial number and  
18 shall be signed by the president and the secretary of the board  
19 under seal of the board. The issuance of a certificate of registration  
20 by the board pursuant to this chapter is evidence that the registrant  
21 is entitled to all the rights and privileges of a registered interior  
22 designer while the certificate remains unsuspended, unrevoked,  
23 and unexpired.

24 (b) The unauthorized use or display of a certificate of  
25 registration is unlawful.

26 5776. (a) A certificate of registration issued pursuant to this  
27 chapter shall expire two years after the date of issue.

28 (b) To renew the certificate, the registrant shall, on or before  
29 the expiration date of the certificate, do all of the following:

30 (1) Apply for renewal on a form prescribed by the board.

31 (2) Pay a renewal fee prescribed by the board pursuant to  
32 Section 5795.

33 (3) Submit proof of compliance with the continuing education  
34 requirements established by the board.

35 (4) Comply with subdivision (c) of Section 5772, if applicable.

36 (c) After a registrant has satisfied the requirements of  
37 subdivision (b), the secretary of the board shall execute and issue  
38 a certificate renewal card to the registrant, certifying that his or  
39 her certificate of registration is renewed for two years. The  
40 certificate renewal card shall bear the registrant's serial number,

1 *the seal of the board, and the signature, or a facsimile thereof, of*  
2 *the secretary or president of the board. The secretary of the board*  
3 *shall record the renewal in the official register of the board.*

4 *5777. The board may, by regulation, require registered interior*  
5 *designers to complete not more than 10 hours of continuing*  
6 *education per renewal period as a condition of renewal of their*  
7 *certificates of registration.*

8 *5778. (a) Except as provided in subdivision (b), a certificate*  
9 *of registration that is not renewed on or before its expiration date*  
10 *may be renewed at any time within one year of the date of its*  
11 *expiration if the registrant meets the requirements of subdivision*  
12 *(b) of Section 5776.*

13 *(b) The board may, by regulation, authorize the renewal of a*  
14 *certificate of registration that has not been renewed within one*  
15 *year of the date of its expiration.*

16 *5779. The board shall issue, upon application, a retired*  
17 *certificate of registration to a person registered by the board under*  
18 *this chapter who chooses to relinquish or not renew his or her*  
19 *registration. A person holding a retired certificate of registration*  
20 *pursuant to this section shall be permitted to use the title “retired*  
21 *registered interior designer.”*

22

#### 23 *Article 4. Discipline*

24

25 *5785. (a) The board may, by order, suspend, revoke, or place*  
26 *on probation the certificate of a registrant, assess a fine of not*  
27 *more than ten thousand dollars (\$10,000) against a registrant,*  
28 *impose the costs of an investigation and prosecution upon a*  
29 *registrant, or take any combination of these disciplinary actions*  
30 *if a registrant does any of the following:*

31 *(1) Obtains a certificate of registration by fraud or concealment*  
32 *of a material fact.*

33 *(2) Is found guilty by the board or a court of competent*  
34 *jurisdiction of fraud, deceit, or concealment of a material fact in*  
35 *his or her professional practice, or is convicted by a court of*  
36 *competent jurisdiction of a crime involving moral turpitude.*

37 *(3) Is found mentally ill by a court of competent jurisdiction.*

38 *(4) Is found guilty by the board of incompetence, negligence,*  
39 *or gross negligence in the practice of interior design.*

1 (5) Affixes his or her signature, stamp, or seal to plans,  
2 specifications, studies, drawings, or other instruments of service  
3 that have not been prepared by him or her, or in his or her office,  
4 or under his or her responsible supervisory control, or permits  
5 the use of his or her name to assist a person who is not a registered  
6 interior designer to evade any provision of this chapter.

7 (6) Aids or abets an unauthorized person to practice as a  
8 registered interior designer.

9 (7) Violates a law, regulation, or code of ethics pertaining to  
10 the practice of registered interior design.

11 (8) Fails to comply with an order issued by the board or fails  
12 to cooperate with an investigation conducted by the board.

13 (b) An order issued pursuant to this section, and the findings  
14 of fact and conclusions of law supporting that order, are public  
15 records.

16 (c) The board shall not privately reprimand a registrant.

17 (d) For purposes of this section, the following terms have the  
18 following meanings:

19 (1) “Gross negligence” means conduct that demonstrates a  
20 reckless disregard of the consequences affecting the life or property  
21 of another person.

22 (2) “Incompetence” means conduct that, in the practice of  
23 registered interior design, demonstrates a significant lack of ability,  
24 knowledge, or fitness to discharge a professional obligation.

25 (3) “Negligence” means a deviation from the normal standard  
26 of professional care exercised generally by other persons engaging  
27 in the practice of registered interior design.

28 5786. The proceedings for the disciplinary actions described  
29 in this article shall be conducted in accordance with Chapter 5  
30 (commencing with Section 11500) of Part 1 of Division 3 of Title  
31 2 of the Government Code.

32 5787. An order placing a registrant on probation pursuant to  
33 Section 5785 may include, but shall not be limited to, any of  
34 the following conditions:

35 (a) Restriction on the scope of practice of the registrant.

36 (b) Peer review by peers designated by the board.

37 (c) Required continuing education or counseling.

38 (d) Payment of restitution to persons who suffered harm or loss.

1 Article 5. Offenses Against the Chapter

2  
3 5790. (a) *It is unlawful for a person to do any of the following:*

4 (1) *Hold himself or herself out to the public or solicit business*  
5 *as a registered interior designer in this state without holding a*  
6 *certificate of registration issued by the board pursuant to this*  
7 *chapter. This paragraph does not prohibit a person who is exempt*  
8 *from this chapter pursuant to Section 5754 from holding himself*  
9 *or herself out to the public or soliciting business in this state as*  
10 *an interior designer.*

11 (2) *Advertise or put out any sign, card, or other device that*  
12 *indicates to the public that he or she is a registered interior*  
13 *designer or that he or she is otherwise qualified to engage in the*  
14 *practice of registered interior design, without holding a certificate*  
15 *of registration issued by the board pursuant to this chapter.*

16 (3) *Practice registered interior design, or use the title*  
17 *“registered interior designer,” in this state unless he or she holds*  
18 *a certificate of registration issued by the board pursuant to this*  
19 *chapter.*

20 (4) *Violate any provision of this chapter.*

21 (b) *This section does not prohibit a person certified or otherwise*  
22 *qualified or approved by a private organization from using a term*  
23 *or title copyrighted or otherwise protected under law by the*  
24 *certifying organization provided that the use of that term or title*  
25 *does not connote registration under this chapter.*

26 5791. *A person who violates any provision of this chapter is*  
27 *guilty of a misdemeanor, punishable as follows:*

28 (a) *For a first violation, the person shall be punished by a fine*  
29 *of not less than five hundred dollars (\$500) nor more than one*  
30 *thousand dollars (\$1,000), or by imprisonment in the county jail*  
31 *for not more than six months, or by both that fine and*  
32 *imprisonment.*

33 (b) *For a second or subsequent violation, the person shall be*  
34 *punished by a fine of not less than one thousand dollars (\$1,000)*  
35 *nor more than two thousand dollars (\$2,000), or by imprisonment*  
36 *in the county jail for not more than one year, or by both that fine*  
37 *and imprisonment.*

38 5792. *In addition to any other penalty prescribed by law, a*  
39 *person who violates any provision of this chapter or any regulation*  
40 *adopted by the board is subject to a civil penalty of not more than*

1 *ten thousand dollars (\$10,000) for each violation. That penalty*  
2 *shall be imposed by the board at a hearing conducted in*  
3 *accordance with Chapter 5 (commencing with Section 11500) of*  
4 *Part 1 of Division 3 of Title 2 of the Government Code.*

5 *5793. The district attorney in each county shall prosecute all*  
6 *violations of this chapter occurring in his or her jurisdiction at*  
7 *the request of the board.*

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*Article 6. Revenue*

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11 *5795. The board shall assess fees for registration, registration*  
12 *renewal, and other items in amounts sufficient to cover the*  
13 *administrative and operating expenses related to this chapter*  
14 *incurred by the board. All moneys collected pursuant to this*  
15 *chapter shall be deposited in the California Architects and*  
16 *Registered Interior Designers Board Fund and shall be used for*  
17 *expenditure in the manner prescribed by law to defray the expenses*  
18 *of the board and in carrying out and enforcing the provisions of*  
19 *this chapter and Chapter 3.6 (commencing with Section 5700).*

20 *SEC. 17. Section 13401 of the Corporations Code is amended*  
21 *to read:*

22 *13401. As used in this part:*

23 (a) “Professional services” means any type of professional  
24 services that may be lawfully rendered only pursuant to a license,  
25 certification, or registration authorized by the Business and  
26 Professions Code, the Chiropractic Act, or the Osteopathic Act.

27 (b) “Professional corporation” means a corporation organized  
28 under the General Corporation Law or pursuant to subdivision (b)  
29 of Section 13406 that is engaged in rendering professional services  
30 in a single profession, except as otherwise authorized in Section  
31 13401.5, pursuant to a certificate of registration issued by the  
32 governmental agency regulating the profession as herein provided  
33 and that in its practice or business designates itself as a professional  
34 or other corporation as may be required by statute. However, any  
35 professional corporation or foreign professional corporation  
36 rendering professional services by persons duly licensed by the  
37 Medical Board of California or any examining committee under  
38 the jurisdiction of the board, the Osteopathic Medical Board of  
39 California, the Dental Board of California, the California State  
40 Board of Pharmacy, the Veterinary Medical Board, the California

1 Architects and Registered Interior Designers Board, the Court  
2 Reporters Board of California, the Board of Behavioral Sciences,  
3 the Speech-Language Pathology and Audiology Board, the Board  
4 of Registered Nursing, or the State Board of Optometry shall not  
5 be required to obtain a certificate of registration in order to render  
6 those professional services.

7 (c) “Foreign professional corporation” means a corporation  
8 organized under the laws of a state of the United States other than  
9 this state that is engaged in a profession of a type for which there  
10 is authorization in the Business and Professions Code for the  
11 performance of professional services by a foreign professional  
12 corporation.

13 (d) “Licensed person” means any natural person who is duly  
14 licensed under the provisions of the Business and Professions  
15 Code, the Chiropractic Act, or the Osteopathic Act to render the  
16 same professional services as are or will be rendered by the  
17 professional corporation or foreign professional corporation of  
18 which he or she is or intends to become, an officer, director,  
19 shareholder, or employee.

20 (e) “Disqualified person” means a licensed person who for any  
21 reason becomes legally disqualified (temporarily or permanently)  
22 to render the professional services that the particular professional  
23 corporation or foreign professional corporation of which he or she  
24 is an officer, director, shareholder, or employee is or was rendering.

25 *SEC. 18. Section 26509 of the Government Code is amended*  
26 *to read:*

27 26509. (a) Notwithstanding any other provision of law,  
28 including any provision making records confidential, and including  
29 Title 1.8 (commencing with Section 1798) of Part 4 of Division 3  
30 of the Civil Code, the district attorney shall be given access to,  
31 and may make copies of, any complaint against a person subject  
32 to regulation by a consumer-oriented state agency and any  
33 investigation of the person made by the agency, where that person  
34 is being investigated by the district attorney regarding possible  
35 consumer fraud.

36 (b) Where the district attorney does not take action with respect  
37 to the complaint or investigation, the material shall remain  
38 confidential.

39 (c) Where the release of the material would jeopardize an  
40 investigation or other duties of a consumer-oriented state agency,

1 the agency shall have discretion to delay the release of the  
2 information.

3 (d) As used in this section, a consumer-oriented state agency is  
4 any state agency that regulates the licensure, certification, or  
5 qualification of persons to practice a profession or business within  
6 the state, where the regulation is for the protection of consumers  
7 who deal with the professionals or businesses. It includes, but is  
8 not limited to, all of the following:

- 9 (1) The Dental Board of California.
- 10 (2) The Medical Board of California.
- 11 (3) The State Board of Optometry.
- 12 (4) The California State Board of Pharmacy.
- 13 (5) The Veterinary Medical Board.
- 14 (6) The California Board of Accountancy.
- 15 (7) The California Architects *and Registered Interior Designers*  
16 Board.
- 17 (8) The State Board of Barbering and Cosmetology.
- 18 (9) The Board for Professional Engineers and Land Surveyors.
- 19 (10) The Contractors' State License Board.
- 20 (11) The Funeral Directors and Embalmers Program.
- 21 (12) The Structural Pest Control Board.
- 22 (13) The Bureau of Home Furnishings and Thermal Insulation.
- 23 (14) The Board of Registered Nursing.
- 24 (15) The State Board of Chiropractic Examiners.
- 25 (16) The Board of Behavioral Science Examiners.
- 26 (17) The State Athletic Commission.
- 27 (18) The Cemetery Program.
- 28 (19) The State Board of Guide Dogs for the Blind.
- 29 (20) The Bureau of Security and Investigative Services.
- 30 (21) The Court Reporters Board of California.
- 31 (22) The Board of Vocational Nursing and Psychiatric  
32 Technicians of the State of California.
- 33 (23) The Osteopathic Medical Board of California.
- 34 (24) The Division of Investigation.
- 35 (25) The Bureau of Automotive Repair.
- 36 (26) The State Board for Geologists and Geophysicists.
- 37 (27) The Department of Alcoholic Beverage Control.
- 38 (28) The Department of Insurance.
- 39 (29) The Public Utilities Commission.
- 40 (30) The State Department of Health Services.

1 (31) The New Motor Vehicle Board.

2 *SEC. 19. No reimbursement is required by this act pursuant*  
3 *to Section 6 of Article XIII B of the California Constitution because*  
4 *the only costs that may be incurred by a local agency or school*  
5 *district will be incurred because this act creates a new crime or*  
6 *infraction, eliminates a crime or infraction, or changes the penalty*  
7 *for a crime or infraction, within the meaning of Section 17556 of*  
8 *the Government Code, or changes the definition of a crime within*  
9 *the meaning of Section 6 of Article XIII B of the California*  
10 *Constitution.*

11 ~~SECTION 1. Section 139 of the Business and Professions Code~~  
12 ~~is amended to read:~~

13 ~~139. (a) The Legislature finds and declares that occupational~~  
14 ~~analyses and examination validation studies are fundamental~~  
15 ~~components of licensure programs. It is the intent of the Legislature~~  
16 ~~that the policy developed by the department pursuant to subdivision~~  
17 ~~(b) be used by the fiscal, policy, and sunset review committees of~~  
18 ~~the Legislature in their annual reviews of these boards, programs,~~  
19 ~~and bureaus.~~

20 ~~(b) Notwithstanding any other provision of law, the department~~  
21 ~~shall develop, in consultation with the boards, programs, bureaus,~~  
22 ~~and divisions under its jurisdiction, and the Osteopathic Medical~~  
23 ~~Board of California and the State Board of Chiropractic Examiners,~~  
24 ~~a policy regarding examination development and validation, and~~  
25 ~~occupational analysis. The department shall finalize and distribute~~  
26 ~~this policy by September 30, 1999, to each of the boards, programs,~~  
27 ~~bureaus, and divisions under its jurisdiction and to the Osteopathic~~  
28 ~~Medical Board of California and the State Board of Chiropractic~~  
29 ~~Examiners. This policy shall be submitted in draft form at least 30~~  
30 ~~days prior to that date to the appropriate fiscal, policy, and sunset~~  
31 ~~review committees of the Legislature for review. This policy shall~~  
32 ~~address, but shall not be limited to, the following issues:~~

33 ~~(1) An appropriate schedule for examination validation and~~  
34 ~~occupational analyses, and circumstances under which more~~  
35 ~~frequent reviews are appropriate.~~

36 ~~(2) Minimum requirements for psychometrically sound~~  
37 ~~examination validation, examination development, and~~  
38 ~~occupational analyses, including standards for sufficient number~~  
39 ~~of test items.~~

40 ~~(3) Standards for review of state and national examinations.~~

1 ~~(4) Setting of passing standards.~~

2 ~~(5) Appropriate funding sources for examination validations~~  
3 ~~and occupational analyses.~~

4 ~~(6) Conditions under which boards, programs, and bureaus~~  
5 ~~should use internal and external entities to conduct these reviews.~~

6 ~~(7) Standards for determining appropriate costs of reviews of~~  
7 ~~different types of examinations, measured in terms of hours~~  
8 ~~required.~~

9 ~~(8) Conditions under which it is appropriate to fund permanent~~  
10 ~~and limited term positions within a board, program, or bureau to~~  
11 ~~manage these reviews.~~

12 ~~(e) Every regulatory board and bureau, as defined in Section~~  
13 ~~22, and every program and bureau administered by the department,~~  
14 ~~the Osteopathic Medical Board of California, and the State Board~~  
15 ~~of Chiropractic Examiners, shall submit to the director on or before~~  
16 ~~December 1, 1999, and on or before December 1 of each~~  
17 ~~subsequent year, its method for ensuring that every licensing~~  
18 ~~examination administered by or pursuant to contract with the board~~  
19 ~~is subject to periodic evaluation. The evaluation shall include (1)~~  
20 ~~a description of the occupational analysis serving as the basis for~~  
21 ~~the examination; (2) sufficient item analysis data to permit a~~  
22 ~~psychometric evaluation of the items; (3) an assessment of the~~  
23 ~~appropriateness of prerequisites for admittance to the examination;~~  
24 ~~and (4) an estimate of the costs and personnel required to perform~~  
25 ~~these functions. The evaluation shall be revised and a new~~  
26 ~~evaluation submitted to the director whenever, in the judgment of~~  
27 ~~the board, program, or bureau, there is a substantial change in the~~  
28 ~~examination or the prerequisites for admittance to the examination.~~

29 ~~(d) The evaluation may be conducted by the board, program,~~  
30 ~~or bureau, the Office of Examination Resources of the department,~~  
31 ~~the Osteopathic Medical Board of California, or the State Board~~  
32 ~~of Chiropractic Examiners or pursuant to a contract with a qualified~~  
33 ~~private testing firm. A board, program, or bureau that provides for~~  
34 ~~development or administration of a licensing examination pursuant~~  
35 ~~to contract with a public or private entity may rely on an~~  
36 ~~occupational analysis or item analysis conducted by that entity.~~  
37 ~~The department shall compile this information, along with a~~  
38 ~~schedule specifying when examination validations and occupational~~  
39 ~~analyses shall be performed, and submit it to the appropriate fiscal,~~  
40 ~~policy, and sunset review committees of the Legislature by October~~

1 30 of each year. It is the intent of the Legislature that the method  
2 specified in this report be consistent with the policy developed by  
3 the department pursuant to subdivision (b).

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