

Introduced by Senator MorrellFebruary 18, 2016

An act to amend Section 7124.6 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1209, as introduced, Morrell. Contractors: discipline.

Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law requires the board, with the approval of the Director of Consumer Affairs, to appoint a registrar of contractors to serve as the executive officer and secretary of the board. Existing law requires the registrar, among other things, to make available to the public the date, nature, and disposition of all legal actions against a licensee, except as specified. Existing law limits the disclosure of citations to a specified time period.

This bill would require that disclosure of citations also appear, for the period of disclosure of the citation, on the license record of any other license that was issued, or was associated with the license subject to the citation, on or after the date of the act or omission that led to the citation and the other license includes a member of the personnel of record who, at the time that the act or omission occurred that led to the citation, was identified as a qualifier of the license subject to the citation.

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

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

1 SECTION 1. Section 7124.6 of the Business and Professions
2 Code is amended to read:

3 7124.6. (a) The registrar shall make available to members of
4 the public the date, nature, and status of all complaints on file
5 against a licensee that do either of the following:

6 (1) Have been referred for accusation.

7 (2) Have been referred for investigation after a determination
8 by board enforcement staff that a probable violation has occurred,
9 and have been reviewed by a supervisor, and regard allegations
10 that if proven would present a risk of harm to the public and would
11 be appropriate for suspension or revocation of the contractor's
12 license or criminal prosecution.

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

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

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

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

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

32 (B) *Any disclosure pursuant to this paragraph also shall appear*
33 *on the license record of any other license that meets both of the*
34 *following criteria:*

35 (i) *The other license was issued, or was associated with the*
36 *license subject to the citation, on or after the date of the act or*
37 *omission that led to the issuance of the citation.*

1 (ii) *The other license includes a member of the personnel of*
2 *record, as defined in Section 7025, who, at the time of the act or*
3 *omission that led to the issuance of the citation, was identified as*
4 *a qualifier, as defined in Section 7025, of the license subject to the*
5 *citation.*

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

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

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