



1625 Market Blvd., Suite S204, SACRAMENTO, CALIFORNIA 95834



The Consumer Affairs Act of 1970, Business and Profession Code Section 300 et al, which is the governing law for the Department of Consumer Affairs, requires the Department to represent the interests of California consumers before the State Legislature.

This Legislative Digest summarizes legislation that the Department reviewed on behalf of California consumers during the 2005 legislative year.

We hope that it serves as a useful resource for identifying legislation of interest.

Please don't hesitate to contact Pam Myczek, Manager of the Legislative and Regulatory Review Division, at (916) 574-7811 with any questions or comments.

Charlene Zettel, Director
Department of Consumer Affairs

For further information on bills, relevant code sections, the Governor's veto messages, or bill authors, you can consult www.leginfo.ca.gov or your local legislator. For additional copies of the digest, please consult www.dca.ca.gov or contact the Department's Division of Legislative and Regulatory Review at (916) 574-7800.

Foreword

The Department of Consumer Affairs' (DCA) 2005 Legislative Digest is a summary of significant consumer protection legislation relative to DCA Boards, Bureaus, Commissions, and Programs introduced during the first year of the 2005-2006 legislative session.

We have organized the Digest by subject category, bill number, and chapter number. Some bills may be referenced in more than one category.

Unless otherwise indicated, enacted bills become effective on January 1, 2006.

The **Contents** page lists each subject heading. The subject headings refer you to the summaries for each subject.

The **Bill Summaries** are organized numerically by bill number under each category. This section provides a brief summary of each bill, the bill's author, and its disposition.

There is also a **Bill Number Index** and a **Chaptered Bill Index**, for easy reference.

All department and agency references are for California entities, unless noted otherwise.

While we have made every effort to ensure the accuracy of the information in this Digest, please refer to the California codes for exact statutory citations.

CONTENTS

A. GENERAL CONSUMER PROTECT BILLS

1. Business Practices
2. Court System & Legal Services
3. Internet / e-Commerce / e-Government
4. Landlord Tenant / Common Interest Developments
5. Miscellaneous Consumer Issues
6. New / Proposed Regulatory Programs
7. Telecommunications

B. BILLS BY DCA BOARD, BUREAU, COMMISSION AND PROGRAM

1. Accountancy
2. Acupuncture
3. All Boards / Bureaus / Commissions / Program
4. Architects
5. Athletic Commission
6. Automotive Repair
7. Barbering & Cosmetology
8. Behavioral Sciences
9. Cemetery & Funeral
10. Contractors
11. Court Reporters
12. Dentists / Dental Auxiliaries
13. Electronic & Appliance Repair
14. Engineers & Land Surveyors
15. Geologists & Geophysicists
16. Guide Dogs
17. Hearing Aid Dispensers
18. Home Furnishings & Thermal Insulation
19. Landscape Architects
20. Medical Board
21. Naturopathic Medicine
22. Occupational Therapy
23. Office of Privacy Protection
24. Optometry
25. Osteopathic Medical Board
26. Pharmacy
27. Physical Therapy
28. Physician Assistants
29. Podiatric Medicine
30. Private Postsecondary & Vocational Education
31. Psychology
32. Registered Nursing
33. Respiratory Care Board
34. Security & Investigative Services
35. Speech-Language Pathology & Audiology
36. Structural Pest Control
37. Sunset Review
38. Telephone Medical Advice Services
39. Veterinary Medicine
40. Vocational Nurses & Psychiatric Technicians

**DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
2005 Legislative Session**

A. GENERAL CONSUMER PROTECTION

(1) BUSINESS PRACTICES

AB 139 Committee on Budget	<u>State Government</u> Deletes continuously appropriated funding to various Department of Consumer Affairs' boards/bureaus. Modifies the continuous appropriation language to the Medical Board's Medically Underserved Account by requiring that the monies are to repay loans per agreements with physicians who practice in underserved areas. (Urgency Measure)	Enacted Chapter 74
AB 173 Houston	<u>Liability: Immunity: Food and Beverages</u> Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.	Two Year Bill
AB 175 Calderon	<u>Gift Cards: Multiple Sellers</u> Would require that a gift card usable with multiple sellers of goods or services clearly and conspicuously disclose its purchase price, any dormancy or regularly recurring maintenance or service fee, and the fee to obtain any remaining balance on that card, if applicable.	Two Year Bill
AB 180 Horton, Jerome	<u>Limited Liability Partnerships for Engineers and Land Surveyors</u> Would authorize limited liability partnerships and foreign limited liability partnerships to be formed for the practice of engineering or land surveying until January 1, 2009. Would require these partnerships to maintain a maximum security of \$7.5 million.	Two Year Bill
AB 205 Ruskin	<u>Identification of Dentures</u> Provides that instead of requiring dentures to be marked with the patient's name or social security number unless the patient objects, the dentures are to be marked with the patient's name. Requires the dentist to inform the patient that his or her name is to be used for identification purposes only, and he or she can decide whether or not the dentures are to be marked.	Enacted Chapter 182

AB 226 Bermudez	<u>Automotive Technology Education</u>	Two Year Bill
	<p>Would create the Automotive Career and Technical Education Account in the Vehicle Inspection and Repair Fund of the Bureau of Automotive Repairs (Bureau). Would require the Bureau to work with an advisory committee in granting awards for automotive technology education and that school districts and community colleges receiving grants are to provide matching funds or equivalent resources. Would require each grant recipient to report to the Bureau and the Bureau to report to the Legislature on the grant program. Would provide a repeal date for the grant program as of January 1, 2013.</p>	
AB 283 Koretz	<u>Ephedrine and Pseudoephedrine: Retail Sale Regulations</u>	Two Year Bill
	<p>Would require a retailer to store any compound, mixture, preparation, or product that contains any detectable quantity of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine, or any detectable quantity of salt, optical isomer, or salt of an optical isomer of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine in a locked cabinet, or in such a manner that the product is accessible only with the assistance of the retailer or an employee of the retailer.</p>	
AB 293 Maze	<u>Home Inspections</u>	Two Year Bill
	<p>Would require a home inspector to provide certain written disclosures to a party on whose behalf a home inspection is being performed. Would make it an unfair business practice for a home inspector or company that employs a home inspector to fail to make those written disclosures or to disclose certain personal identifying information of persons involved in the inspection without that person's approval.</p>	
AB 316 Nakanishi	<u>Contractors: Arbitration, Home Improvement, and Service/Repair Contracts</u>	Enacted Chapter 385
	<p>Clarifies that a person who qualifies for a contractor's license on behalf of an individual or firm as a partner, responsible managing officer or responsible managing employee, and then disassociates from such a license that has been referred to arbitration, is still responsible for complying with an arbitration award rendered as a result of acts or omissions that occurred while this person was still associated with the license. Revises and recasts existing home improvement and service/repair contracts, consolidating many of the existing requirements for these contracts and setting forth the required information, notices and disclosures to be included as part of these contracts.</p>	
AB 341 Daucher	<u>Works of Improvement: Disputed Amounts</u>	Enacted Chapter 156
	<p>Would have revised existing law authorizing the withholding of disputed amounts owed to a contractor or subcontractor. The bill was later amended and now corrects a chaptering out that occurred earlier this year (2005) relating to the receipt of medical benefits under Medicare and Medi-Cal.</p>	

AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 425 Negrete McLeod	<u>Immigration Consultants: Information on Documents</u>	Two Year Bill
	Would require an immigration consultant to include his/her signature, business address and telephone number, and bond number on any form, document, petition, or correspondence prepared on behalf of a client.	
AB 446 Negrete McLeod	<u>Licensees: Settlement Agreements</u>	Vetoed
	Would have prohibited the use of gag clauses in the settlement of lawsuits against all licensed individuals regulated by the Department of Consumer Affairs.	
AB 450 Yee	<u>Violent Video Games: Sales to Minors</u>	Two Year Bill
	Would prohibit the sale or rental of violent video games, as defined, to persons 16 years of age or younger. Would also provide that a person who violates the bill's provisions shall be liable in an amount of up to \$1,000 for each violation.	
AB 485 Arambula	<u>Master Business License Center: Feasibility Study</u>	Two Year Bill
	Would require the State and Consumer Services Agency to conduct a feasibility study on the creation of a Master Business License Center.	
AB 497 Negrete McLeod	<u>Surety Bonds and License Fees for Nonresident Drug Wholesalers and Manufacturers</u>	Enacted Chapter 301
	Allows a nonresident wholesaler of pharmaceutical drugs to submit a single surety bond for all licensed distribution sites, excludes bond requirement for certain facilities, as well as reduces the application fee for wholesalers who have more than 20 facilities to \$225 which may be increased to \$300, for every location after the first 20 are licensed.	
AB 695 Mullin	<u>Return Policy Displays</u>	Two Year Bill
	Would require a retail seller to conspicuously display information about their return policy on signs posted at each public entrance or sales counter. Would require retail sellers to provide purchasers with a legible receipt.	
AB 718 Calderon	<u>Manual Capture of Data Contained on Driver's Licenses</u>	Two Year Bill
	Would authorize a retail seller to type, key in, or otherwise capture data from an individual's driver's license or identification card if the license or card is not readable through normal electronic means. Also, would allow the electronic swiping of the driver's license or identification card by specific sellers and for specific purposes.	

AB 859 Bass	<u>Medical Assistants' Authorized Activities</u>	Two Year Bill
	Would authorize a medical assistant to perform specific medical treatment activities in certain licensed clinics without a license but only with the authorization of a physician assistant, a nurse practitioner or nurse-midwife.	
AB 861 Bass	<u>Licensure Denial Exemptions</u>	Two Year Bill
	Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.	
AB 886 Committee on Business and Professions	<u>Home Inspectors: Clarification for Licensed Roofing Contractors</u>	Two Year Bill
	Would specify that repairs performed by a roofing contractor, licensed by the Contractors' State License Board, as a result of his or her roof inspection do not constitute an unfair business practice.	
AB 894 La Suer	<u>Licensed Professional Counselors</u>	Two Year Bill
	Would provide for the licensing and regulation of professional counselors by the Board of Behavioral Sciences (Board). Would add four members to the Board. Would enact various requirements for these counselors and would make a continuous appropriation from the Board fund to the Board.	
AB 1027 Horton, Jerome	<u>Criminal Investigation</u>	Enacted Chapter 428
	Establishes a procedure for the Contractors' State License Board (Board) to receive information about licensees who have failed to secure adequate insurance. Requires the Franchise Tax Board to notify the Board of any criminal charges or arraignments against Board licensees related to the Revenue and Taxation Code.	
AB 1082 Ruskin	<u>Mobile Phone Services: Consumer Protection Rules</u>	Two Year Bill
	Would state legislative intent to establish substantial consumer protections related to mobile telephony services, and establish additional protections related to information obtained by the telephone corporation about a consumer's social security number, credit history, personal financial information, e-mail address, and phone usage. This bill would require the Public Utilities Commission to establish these rules prior to July 1, 2006.	
AB 1104 Levine	<u>Video Provider Billing Practices</u>	Enacted Chapter 429
	Requires a cable operator or other video service provider to cease charging a customer for service within seven business days of receiving a request to discontinue service or by midnight of the last day of service if the customer provided seven or more business days notice before the date for the discontinuance of service.	

AB 1143 Emmerson	<u>Dentist Special Permits</u>	Enacted Chapter 534
	Establishes 1) two alternate pathways for a dentist to apply for a special permit if he or she meets certain requirements and 2) a fee cap for the issuance and renewal of special permits. Requires 1) the Dental Board of California (Board) to limit the number of special permits issued under the new alternate pathways to no more than five permits per pathway per dental school and 2) that an applicant for a special permit furnish satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the Board.	
AB 1179 Yee	<u>Violent Video Games: Sales to Minors</u>	Enacted Chapter 638
	Prohibits the sale or rental of video games that have been labeled as a violent video game, as defined, to anyone under the age of 18. Requires a label, with specified parameters, be affixed to all games that are classified as violent video games. Provides that a person who violates these provisions shall be liable in an amount of up to \$1,000 for each violation.	
AB 1268 Oropeza	<u>Advertising of Dental Specialty Credentials</u>	Two Year Bill
	Would repeal and recast provisions relating to the conditions under which a licensed dentist may advertise as a specialist or practicing in a specialty area.	
AB 1334 Salinas	<u>Prescription Requirement for Registered Dental Hygienists in Alternative Practice</u>	Two Year Bill
	Would remove the prescription requirement for registered dental hygienists in alternative practice and expand alternative hygienists' scope of hiring and supervision to include registered dental assistants.	
AB 1382 Nakanishi	<u>Contact Lenses: Advertising Restrictions</u>	Two Year Bill
	Would expand existing law to make the advertising or sales presentation relating to contact lenses that represents that contacts could be obtained without confirmation of a valid prescription a deceptive business practice when done by any person, not just specified health care professionals.	
AB 1386 Laird	<u>Adult Oral Conscious Sedation for Dental Work</u>	Enacted Chapter 539
	Requires dentists who want to administer or supervise the administration of oral conscious sedation on a patient 13 years or older to meet certain requirements. Requires dentists, who have been issued a permit to administer general anesthesia, to complete 24 hours of Dental Board approved courses of study related to general anesthesia instead of 15 hours.	
AB 1495 Canciamilla	<u>Confidentiality of Public Records Relating to Infrastructure Security</u>	Enacted Chapter 476
	Exempts from the California Public Records Act's disclosure requirement defined infrastructure information that is voluntarily submitted to the California Office of Homeland Security. (Urgency Measure)	

AB 1622 Liu	<u>Retention Caps for Private Works of Improvement</u>	Vetoed
	Would have provided that retention proceeds withheld from private works of improvement, by the owner to the original contractor, or by the original contractor to a subcontractor, or by subcontractor to subcontractor, would have been limited to maximum retention rates of 10% of each progress payment before the contract is 50% complete, and 5% of each progress payment after the contract is 50% complete. Would have provided that retention proceeds must be paid, with interest, 45 days after the completion by the contractor or subcontractor.	
AB 1641 Harman	<u>Consumer Warranties</u>	2 Year Bill
	Would require the seller of a service contract on a home appliance or a home electronic product to honor its obligations under the contract for the full term of the contract as represented to the buyer at the time of purchase. Would provide that a seller's obligation under the contract may not be limited to a single product replacement or a maximum number of claims, and would provide that a service contract shall transfer to any replacement product that is replaced pursuant to a manufacturer's express warranty.	
AB 1735 De La Torre	<u>Cable Television: Price Competition</u>	Enacted Chapter 719
	Would have stated legislative intent to promote price competitions, broader consumer choice, and improved customer services in the cable television marketplace. The bill was later amended to change and adjust various effective dates of requirements to reduce Medi-Cal provider payments.	
SB 96 Murray	<u>Peer-to-Peer Networks: File Sharing Software</u>	Two Year Bill
	Would impose a fine of up to \$2,500 per copyright violation and a jail term of up to one year on anyone who sells, offers, advertises, distributes, disseminates, provides, or makes available file-sharing software without incorporating available filtering technology into that software to prevent its use for piracy. Would declare that this bill is to take effect immediately as an urgency statute.	
SB 228 Figueroa	<u>Geologists/Geophysicists and Professional Engineers/Land Surveyors</u>	Enacted Chapter 657
	Extends the sunsets dates for the Board of Professional Engineers and Land Surveyors and the Board for Geologists and Geophysicists from January 1, 2007 to January 1, 2009. Deletes the provision of existing law allowing a person to have temporary authorization to practice as a professional land surveyor if certain conditions and qualifications exist.	
SB 229 Figueroa	<u>Professions and Vocations</u>	Enacted Chapter 658
	Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.	

SB 231 Figueroa	<u>Medical Board of California</u>	Enacted Chapter 674
	<p>Extends the sunset date for the Medical Board (Board) from January 1, 2007 to January 1, 2011. Requires licensees to inform the Board when they are subject to various court judgements and convictions. Increases the Board's licensing fees and requires the Joint Committee on Boards, Commissions and Consumer Protection to examine the Board's composition and fees and report all findings to the Governor and Legislature no later than July 1, 2008.</p>	
SB 232 Figueroa	<u>Boards and Commissions</u>	Enacted Chapter 675
	<p>Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractor's State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.</p>	
SB 246 Figueroa	<u>Board for Professional Engineers and Land Surveyors</u>	Two Year Bill
	<p>Would extend the sunset dates for the Board for Professional Engineers and Land Surveyors and the executive officer from January 1, 2007 to January 1, 2013. Would discontinue the existing agricultural, industrial and metallurgical engineering title acts and establish chemical, control systems, fire protection, nuclear, petroleum and traffic engineering as practice acts. <i>Portions of this bill were moved to SB 228.</i></p>	
SB 248 Figueroa	<u>Professions and Vocations</u>	Enacted Chapter 659
	<p>Extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries. Repeals and reconstitutes a new seven-member Acupuncture Board (Board) authorized until January 1, 2011, and allows the Board, with the approval of the Department of Consumer Affairs, to appoint an executive officer.</p>	
SB 299 Chesbro	<u>Licensing of Out-of-State Dentists (Licensure by Credential)</u>	Two Year Bill
	<p>Would remove the five-year active clinical experience requirement for two of three options offered for applicants seeking California licensure and replace it with a two-year requirement. Would restrict these two options to the location where the dentist has agreed to practice or teach/practice for two years, i.e., a primary care clinic or Dental Board of California approved dental education program.</p>	
SB 307 Simitian	<u>Dextromethorphan: Sale to Minors Prohibited</u>	Two Year Bill
	<p>Would prohibit the over-the-counter sale, without a prescription, of a non-prescription drug containing dextromethorphan to a person under 18 years of age.</p>	

SB 582 Figueroa	<u>Shelf Placement Fees</u>	Two Year Bill
	Would require that retailers provide information to a vendor of a product regarding the discounts and stocking fees offered by other vendors to place similar products on the shelf. Would require retailers to share market information equally with all vendors.	
SB 636 Figueroa	<u>Credit Cards: Photo Identification Requirements</u>	Two Year Bill
	Would require that any retailer, as defined, must see photo identification for any in person transaction on business premises, and specify all of the procedures, exemptions, and penalties related to this requirement.	
SB 683 Aanestad	<u>Alternative Pathway to Dental Licensure</u>	Two Year Bill
	Would create an alternate pathway to licensure and allow dental license applicants to complete at least a one-year, clinically based, postdoctoral general practice or specialty dental residency program instead of taking the Dental Board's clinical examination.	
SB 747 Machado	<u>Abusive Tax Shelters and Tax Professional Discipline</u>	Two Year Bill
	Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.	
SB 802 Simitian	<u>Debit Card Receipts</u>	Enacted Chapter 445
	Prohibits a person or business that accepts credit cards or debit cards from printing more than the last five digits of a debit card account number or the expiration date upon any receipt, except as specified.	
SB 932 Kuehl	<u>Process for Hospital Physicians' and Surgeons' Peer Review</u>	Two Year Bill
	Would state the intent of the Legislature to ensure that the hospital peer review process is structured to protect the public as well as the oversight functions of hospitals and medical staff.	
SB 937 Aanestad	<u>Liability: Obesity</u>	Two Year Bill
	Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.	
SB 986 Escutia	<u>Credit Reports: Employment Purposes</u>	Two Year Bill
	Would revise the definition of "employment purposes" related to the providing of consumer credit reports to require that when the report is used for "employment purposes" the information must be directly related to the skills necessary to perform the job.	

SB 1022 **Limited Liability Companies** **Two Year Bill**
Campbell

Would authorize the formation of professional limited liability companies to provide specific professional services and require these companies to meet certain requirements.

SB 1068 **Telecommunications: Consumer Protection Rules** **Two Year Bill**
Escutia

Would require the Public Utilities Commission (PUC) to establish and enforce various consumer protection rules by July 1, 2006. If the PUC fails to establish their own rules by this date, then the requirements set forth in this bill would become effective and the PUC would no longer be able to establish their own rules.

SB 1111 **Health Omnibus** **Enacted**
Committee **Chapter 621**
on
Business,
Professions
and
Economic
Development
t

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board of California, 2) Medical Board of California, 3) Board of Podiatric Medicine, 4) California Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, 7) Board of Pharmacy and 8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board of California's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(2) COURT SYSTEM AND LEGAL SERVICES

AB 173 **Liability: Immunity: Food and Beverages** **Two Year Bill**
Houston

Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.

AB 238 **Fraudulent Transfers of Personal Property** **Enacted**
Harman **Chapter 43**

Prevents a potential conflict between certain provisions of the Civil Code and the Government Tort Claims Act by exempting governmental entities from a Civil Code provision that requires a change in possession of property in order for the property to be exempt from judgement by creditors.

AB 248 **Fraudulent Transfers** **Enacted**
Tran **Chapter 34**

Makes technical corrections to the California version of the federal Uniform Fraudulent Transfers Act, in order to provide consistency with the federal law. **(Urgency Measure)**

AB 278 Bogh	<u>Commercial Mail Receiving Agencies</u>	Two Year Bill
	Would require a commercial mail receiving agency to obtain a customer's thumbprint and those thumbprints' of other authorized users. Would prohibit a commercial mail receiving agency from releasing thumbprint identification to any entity other than the Department of Consumer Affairs or law enforcement agencies and would require probable cause before such information is released.	
AB 341 Daucher	<u>Works of Improvement: Disputed Amounts</u>	Enacted Chapter 156
	Would have revised existing law authorizing the withholding of disputed amounts owed to a contractor or subcontractor. The bill was later amended and now corrects a chaptering out that occurred earlier this year (2005) relating to the receipt of medical benefits under Medicare and Medi-Cal.	
AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 481 Calderon	<u>Repossessors</u>	Vetoed
	Would have provided that a reposessor has no obligation to determine whether an accessory or equipment is a personal effect. Would have authorized the party in possession of the collateral at the time of the repossession to waive the debtor's right to an inventory of personal effects and allow the collateral to be taken. Would have prohibited any person from interfering, as defined in the Penal code, with a reposessor once the repossession is complete. Would have further defined repossession as complete when the reposessor gains access to or entrance into the collateral.	
AB 496 Aghazarian	<u>Service of Process Registration Requirements</u>	Enacted Chapter 300
	Makes various changes to the service of process registration requirements and other procedures to clarify the existing law and avoid some confusion that has been created by the existing law.	
AB 552 La Suer	<u>Structural Pest Control: Timelines for Notices and Actions</u>	Two Year Bill
	Would require that the lead agency charging a person with pesticide misuse, either the county agricultural commissioner or the Structural Pest Control Board, to send a notice of proposed action within 60 days of the initial notice of violation. Also, would provide that if the proposed action is not taken within 90 days after specific dates, the citation shall be dismissed with prejudice.	

AB 618 Cogdill	<u>Identity Theft</u>	Two Year Bill
	<p>Would provide that a second or subsequent conviction of identity theft is punishable by imprisonment in state prison for up to four years. Would clarify that those convicted of identity theft are also guilty of grand theft, which is punishable by imprisonment in a county jail up to one year or state prison.</p>	
AB 664 Jones	<u>State Bar: Applicant Identification Numbers</u>	Enacted Chapter 610
	<p>Allows specified applicants for a new or renewed license with the California State Bar to provide an alternate identification number in lieu of a social security number if they are unable to obtain one. Also, allows the named defendants in an eviction action to receive notice containing a name and phone number for qualified alternate legal service projects.</p>	
AB 843 Nunez	<u>Refund Anticipation Loans and Tax Preparers</u>	Enacted Chapter 396
	<p>Prohibits a tax preparer from representing the availability of a refund anticipation loan as a client's actual refund. Requires a tax preparer that offers to facilitate this type of loan to provide the client with a specified written disclosure that includes the amount of a fee that would be charged, if any, if the client's loan is not approved. Requires that all disclosure documents comply with current law regarding translation of documents for those who primarily negotiate in Spanish, Chinese, Tagalog, Vietnamese or Korean.</p>	
AB 861 Bass	<u>Licensure Denial Exemptions</u>	Two Year Bill
	<p>Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.</p>	
AB 928 Horton, Jerome	<u>Attorney's Fees</u>	Two Year Bill
	<p>Would require that if a court has established an attorney fee schedule, the prevailing party in a collection action based on certain contracts would be awarded attorney's fees in an amount that is equal to 25% of the first \$4,000 of the principal obligation owed under the contract when the debtor is a business entity.</p>	
AB 1036 Koretz	<u>Identity Theft</u>	Two Year Bill
	<p>Would expand the definition of identity theft to include unauthorized retention and transfer of personal identifying information. Would also add the county of the victim's residence to the jurisdiction where a criminal action may be brought for such crimes.</p>	

AB 1069 Montanez	<u>Deceptive Identification Documents</u>	Enacted Chapter 326
	Makes it a misdemeanor crime to possess deceptive identification document-making devices with the intent that the devices will be used to manufacture, alter, or authenticate a deceptive identification document. Allows document-making devices to be seized by and forfeited to or destroyed by law enforcement upon a court order.	
AB 1351 Vargas	<u>Office of Administrative Law</u>	Vetoed
	Would have developed a process and regulations for determining underground regulations and further defined emergency regulation procedures. This bill was later amended to permit the San Diego Regional Airport Authority to issue notes, commercial paper notes or any other type of obligation allowable by law.	
AB 1459 Canciamilla	<u>Increased Jurisdictional Limit for Small Claims</u>	Enacted Chapter 618
	Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.	
AB 1495 Canciamilla	<u>Confidentiality of Public Records Relating to Infrastructure Security</u>	Enacted Chapter 476
	Exempts from the California Public Records Act's disclosure requirement defined infrastructure information that is voluntarily submitted to the California Office of Homeland Security. (Urgency Measure)	
AB 1529 Jones	<u>State Bar: Membership Fees</u>	Enacted Chapter 341
	Extends the existing fee assessment authority of the State Bar of California (Bar) for the next two years (2006 and 2007) and authorizes the Bar to increase some supplementary fees and general fees for its members. Also, authorizes the Bar to revise the fee scaling, and authorizes the Bar to settle for partial collection of Client Security Fund payments.	
AB 1539 Bass	<u>Notaries Public: Elder Abuse Reporting</u>	Two Year Bill
	Would require a notary public to notify law enforcement authorities if he or she believes that a signer of a quit claim deed is doing so under coercion or undue influence or is unaware of the purpose of the quit claim deed.	
AB 1581 Garcia	<u>Identity Theft: Alternate Felony-Misdemeanor</u>	Two Year Bill
	Would create a new alternate felony-misdemeanor for a person who intends to defraud, acquire, retain or transfer the personal identifying information of 100 or more people.	

AB 1739 Committee on Judiciary	<u>California Commission on Access to Justice: Report on Access to Legal Services</u>	Vetoed
	<p>Would have required the California Commission on Access to Justice to issue a written report on or before January 1, 2007, to the Legislature regarding its recommendations for specific actions that will assist the State Bar of California, the Judicial Council of California, the California Supreme Court and the Legislature in ensuring equal access to justice for poor and disadvantaged residents of California.</p>	
SB 158 Machado	<u>Powers of Attorney: Social Security Numbers</u>	Enacted Chapter 251
	<p>Revises the statutory form power of attorney (power of attorney form) by removing the line requiring the social security number of the person designating power of attorney. Would also include a statement on the form that a third party may seek identification.</p>	
SB 262 Dunn	<u>Restraints on Competition</u>	Two Year Bill
	<p>Would have expressed the Legislature's intent to examine existing law, the Cartwright Act, prohibiting restraints on competition to determine whether the provisions sufficiently prevent anti-competitive activity and protect consumer choice. The bill was later amended and now would make the State Bar of California's Committee on Bar Examiners responsible for the regulation and oversight of unaccredited law schools.</p>	
SB 422 Simitian	<u>Increased Jurisdictional Limit for Small Claims</u>	Enacted Chapter 600
	<p>Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.</p>	
SB 747 Machado	<u>Abusive Tax Shelters and Tax Professional Discipline</u>	Two Year Bill
	<p>Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.</p>	

SB 894 Dunn	<u>Practice of Law</u>	Enacted Chapter 273
	Authorizes the State Bar to pursue, in conjunction with the Superior Court, unauthorized practice of law by non-attorneys using the same civil remedies applied to former State Bar attorneys. Allows attorneys who have participated in the Attorney Diversion and Assistance Program and been placed by the State Bar Court on inactive status and complied with any and all probation conditions to receive credit for periods of inactive enrollment in the State Bar towards any suspension imposed by the State Supreme Court.	
SB 937 Aanestad	<u>Liability: Obesity</u>	Two Year Bill
	Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.	
(3) INTERNET / e-COMMERCE / e-GOVERNMENT		
AB 516 Yee	<u>Clarification of Prohibitions for Referring Patients for a Service</u>	Two Year Bill
	Would specify that, for magnetic resonance imaging, computed axial tomography scan, or positron emission tomography scan, the exemption from prohibition for referring a patient for a service for which the licensee has a financial interest only applies to a radiologist group practice or an office consisting solely of one or more radiologists.	
AB 1035 Spitzer	<u>Public Officials: Disclosing Residence Information</u>	Two Year Bill
	Would expand current law to prohibit any person from knowingly posting on the internet, hosting a web site that posts, or disclosing a public official's home address or telephone number. Would allow an official who is a victim of these provisions to recover actual damages and punitive damages, and other relief that a court deems appropriate.	
AB 1595 Evans	<u>Public Officials: Disclosing Personal Information</u>	Enacted Chapter 343
	Expands existing law prohibiting posting public official's personal information on the Internet with the intent to cause bodily harm to also prohibit the public posting and displaying of this information if the official has made a written request that the information not be disclosed. Also expands the law to prohibit soliciting, selling, or trading this information on the Internet with the intent to cause bodily harm, and allows the official recourse through court orders and civil penalties if the official's personal information is solicited, sold, or traded with the intent to cause bodily harm.	
SB 92 Murray	<u>Computer Spyware: Penalties</u>	Two Year Bill
	Would provide a right of civil action and misdemeanor penalties for violations of the Consumer Protection Against Computer Spyware Act, and exempt anti-spyware providers from liability if the providers meet certain requirements.	

**AB 619
Leslie**

Common Interest Developments: Assessments

Two Year Bill

Would make changes to the procedures that associations managing common interest developments (CIDs) follow regarding notification and collection of late homeowner assessments. Specifically, the bill would 1) provide that the statutorily required CID assessment notices sent prior to the beginning of the CID's fiscal year shall include timeframes upon which various fees and costs will be incurred and collected; 2) require that any notice of delinquent assessment include a payment plan request form and would require the CID association to offer the payment plan to the homeowner if requested; 3) require a CID association to send copies of all notices to the homeowner's primary address, as well as to any secondary address, if provided, as specified; require any notice of default be served upon the homeowner according to specified methods; and 4) provide that the bill would become operative only if SB 137 (Ducheny) is also enacted. ***Certain provisions of this bill were incorporated into SB 137.***

**AB 770
Mullin**

Common Interest Developments: Ombudsperson

Two Year Bill

Would establish an Office of the Common Interest Development Ombudsperson (Ombudsperson) within the Department of Consumer Affairs, to be funded by a fee on common interest development (CID) associations. The Ombudsperson would be required, among other things, to do the following: offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner; maintain a toll-free telephone number and Internet Web site for purposes of further providing that information and assistance; and provide assistance in resolving CID disputes.

**AB 1098
Jones**

Common Interest Developments: Access to Records

**Enacted
Chapter 458**

Establishes rules for access to association records in a common interest development and for actions by the association to grant exclusive use of the common area of the development to individual members. Becomes operative only if SB 61 is enacted and becomes effective on or before January 1, 2006.

**AB 1323
Vargas**

Landlord/Tenant: Registered Sex Offenders

**Enacted
Chapter 722**

Updates provisions of "Megan's Law" in order to conform to newly enacted provisions which require the Department of Justice to post sex offender registration information on the Internet. Among other things, requires landlord/tenant lease and rental contracts, as well as residential real property sales contracts to indicate that "Megan's Law" information can be found at the Department of Justice Web site.

**AB 1754
Committee
on Housing
and
Community
Developmen
t**

Common Interest Developments: Documents to Members

**Enacted
Chapter 348**

Corrects drafting errors in the law concerning which documents associations governing common interest developments (CID) must prepare and distribute to CID members.

SB 51 Kuehl	<u>Real Property: Rentals</u>	Two Year Bill
	Would extend existing law that requires rental property owners to give long-term tenants a 60-day notice prior to terminating the tenancy from January 1, 2006 to January 1, 2009.	
SB 61 Battin	<u>Common Interest Developments: Elections</u>	Enacted Chapter 450
	Establishes procedures for elections in common interest developments and provides civil remedies for violations of those procedures. Provides that the bill will only become operative if AB 1098 (Jones, Chapter 458) is enacted and becomes effective on or before January 1, 2006.	
SB 137 Ducheny	<u>Common Interest Developments: Assessments</u>	Enacted Chapter 452
	Enacts numerous changes to the Davis-Stirling Common Interest Development Act. Most significantly, this bill 1) revises procedures for a common interest development (CID) association to collect delinquent assessments; 2) requires CID associations to send any and all correspondence and specified legal notices to both a primary and secondary address, as specified, if the owner provides written notice of the secondary address; and 3) requires, to the extent existing funds are available, the Department of Consumer Affairs and the Department of Real Estate to develop an on-line education course for the board of directors of a CID association regarding the role, duties, laws, and responsibilities of board members and prospective board members and the nonjudicial foreclosure process.	
SB 186 Battin	<u>Common Interest Developments: Elections</u>	Enacted Chapter 594
	Would have 1) prohibited the use of common interest development (CID) association funds for "campaign purposes," as defined, in connection with any association election; and 2) permitted a homeowner to bring a civil action for a CID election procedure violation, as specified. The bill was subsequently amended to authorize the relinquishment of portions of State Route 74 to the City of Palm Desert and respective portions of SR 111 to the Cities of Indian Wells, Palm Desert, and Indio pending approval by the California Transportation Commission and other conditions.	
SB 540 Kehoe	<u>Tenancy: Signs and Flags</u>	Two Year Bill
	Would prohibit a landlord from prohibiting a tenant from posting or displaying noncommercial signs, posters, flags, or banners, unless the posting or display would violate a local, state or federal law.	

AB 293 Maze	<u>Home Inspections</u>	Two Year Bill
	<p>Would require a home inspector to provide certain written disclosures to a party on whose behalf a home inspection is being performed. Would make it an unfair business practice for a home inspector or company that employs a home inspector to fail to make those written disclosures or to disclose certain personal identifying information of persons involved in the inspection without that person's approval.</p>	
AB 303 Calderon	<u>Concierge Insurance Program</u>	Two Year Bill
	<p>Would allow a vehicle owner to authorize their insurer to act on his or her behalf to arrange vehicle repairs. Insurers would be required to supply claimants with a rental car during repairs, and to allow the owner to inspect and approve repairs upon completion.</p>	
AB 361 Runner, Sharon	<u>Notaries Public: Identity Theft</u>	Enacted Chapter 295
	<p>Requires a court to revoke a notary public's commission upon conviction of any offense related to his or her duties, or of any felony, and requires the surrender of his or her seal to the court. Also makes it a misdemeanor for any person to solicit, coerce, or influence a notary public to perform an improper notarial act, and for a notary public to willfully fail to perform the required duties of a notary public or to willfully fail to keep the seal of the notary under his or her direct and exclusive control.</p>	
AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	<p>Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.</p>	
AB 481 Calderon	<u>Repossessors</u>	Vetoed
	<p>Would have provided that a reposessor has no obligation to determine whether an accessory or equipment is a personal effect. Would have authorized the party in possession of the collateral at the time of the repossession to waive the debtor's right to an inventory of personal effects and allow the collateral to be taken. Would have prohibited any person from interfering, as defined in the Penal code, with a reposessor once the repossession is complete. Would have further defined repossession as complete when the reposessor gains access to or entrance into the collateral.</p>	

AB 594 Karnette	<u>Rent-to-Own Transactions</u>	Two Year Bill
	Would revise the types of evidence a retailer can use to set their “cash price,” with regard to rent-to-own transactions, by deleting a provision that allows the cash price to be based on a manufacturer’s suggested retail price.	
AB 602 Spitzer	<u>Health Studios</u>	Two Year Bill
	Would provide, when a health studio facility is transferred or sold to another health studio, that consumers of the health studio facility shall be given the option of receiving a refund of their remaining payments on the contract or entering into a new contract on the same terms with the new owners of the facility.	
AB 646 Runner, Sharon	<u>Body Piercing: Minors</u>	Enacted Chapter 307
	Reinstates the law that sunset on January 1, 2005, which created an infraction with a maximum penalty of \$250 for performing body piercing, excluding ear piercing, on a minor without parental consent.	
AB 695 Mullin	<u>Return Policy Displays</u>	Two Year Bill
	Would require a retail seller to conspicuously display information about their return policy on signs posted at each public entrance or sales counter. Would require retail sellers to provide purchasers with a legible receipt.	
AB 843 Nunez	<u>Refund Anticipation Loans and Tax Preparers</u>	Enacted Chapter 396
	Prohibits a tax preparer from representing the availability of a refund anticipation loan as a client’s actual refund. Requires a tax preparer that offers to facilitate this type of loan to provide the client with a specified written disclosure that includes the amount of a fee that would be charged, if any, if the client’s loan is not approved. Requires that all disclosure documents comply with current law regarding translation of documents for those who primarily negotiate in Spanish, Chinese, Tagalog, Vietnamese or Korean.	
AB 852 Leno	<u>Board of Pilot Commissioners: Pilot Boat Surcharges</u>	Enacted Chapter 129
	Allows funds collected for new pilot boat acquisition to be also used for "design and engineering modifications" to extend the service life of existing pilot boats, excluding costs for maintenance and repair. Specifies that any proceeds from the sale of existing pilot boats must be used to pay down any debt associated with the modification of pilot boats. Authorizes the Board of Bar Pilot Commissioners to adjust a pilot boat surcharge to reflect any associated operational savings resulting from the modification of pilot boats, including, but not limited to, reduced repairs and maintenance expenses.	
AB 886 Committee on Business and Professions	<u>Home Inspectors: Clarification for Licensed Roofing Contractors</u>	Two Year Bill
	Would specify that repairs performed by a roofing contractor, licensed by the Contractors’ State License Board, as a result of his or her roof inspection do not constitute an unfair business practice.	

AB 920 Aghazarian	<u>California Physicians Corps Program</u> Moves the Steven M. Thompson Physician Corps Loan Repayment Program and the Volunteer Physician Program from the Medical Board of California to the Health Professions Education Foundation within the Office of Statewide Health Planning and Development as of July 1, 2006.	Enacted Chapter 317
AB 987 Frommer	<u>Vehicle Rental Agreements: Disclosures</u> Continues a provision of law that allows rental car companies to exempt members of the company's membership program from oral disclosure requirements stating that the company's damage waiver policies may be duplicative of coverage that the customer maintains under his or her own policy of motor vehicle insurance. This waiver provision is set to repeal on January 1, 2006, at which time rental car companies would be required to provide the oral disclosure. Provides that contracts for renters who are not members of the rental car companies membership program include a clear and conspicuous written disclosure that the damage waiver may be duplicative of coverage that the customer maintains under his or her own policy of motor vehicle insurance.	Enacted Chapter 82
AB 1069 Montanez	<u>Deceptive Identification Documents</u> Makes it a misdemeanor crime to possess deceptive identification document-making devices with the intent that the devices will be used to manufacture, alter, or authenticate a deceptive identification document. Allows document-making devices to be seized by and forfeited to or destroyed by law enforcement upon a court order.	Enacted Chapter 326
AB 1178 Yee	<u>Secondhand Dealers and Pawnbrokers</u> Would provide for the creation of an electronic data reporting system within the Department of Justice by January 1, 2008, that would receive reports of tangible personal property acquired by secondhand dealers and pawnbrokers and would specify licensing fees that are to be used to fund the creation and maintenance of the electronic data reporting system.	Two Year Bill
AB 1351 Vargas	<u>Office of Administrative Law</u> Would have developed a process and regulations for determining underground regulations and further defined emergency regulation procedures. This bill was later amended to permit the San Diego Regional Airport Authority to issue notes, commercial paper notes or any other type of obligation allowable by law.	Vetoed

AB 1459 Canciamilla	<u>Increased Jurisdictional Limit for Small Claims</u>	Enacted Chapter 618
	Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.	
AB 1539 Bass	<u>Notaries Public: Elder Abuse Reporting</u>	Two Year Bill
	Would require a notary public to notify law enforcement authorities if he or she believes that a signer of a quit claim deed is doing so under coercion or undue influence or is unaware of the purpose of the quit claim deed.	
AB 1641 Harman	<u>Consumer Warranties</u>	Two Year Bill
	Would require the seller of a service contract on a home appliance or a home electronic product to honor its obligations under the contract for the full term of the contract as represented to the buyer at the time of purchase. Would provide that a seller's obligation under the contract may not be limited to a single product replacement or a maximum number of claims, and would provide that a service contract shall transfer to any replacement product that is replaced pursuant to a manufacturer's express warranty.	
AB 1700 Pavley	<u>Secrecy Agreements: Public Dangers</u>	Two Year Bill
	Would ensure that information revealed in a lawsuit about the existence of a serious public danger shall be presumed to be public information and may not be kept secret. This would include information regarding defective products, environmental hazards, and dangerous individuals that have caused and are likely to cause substantial injury or death. Would specifically create an exemption for trade secrets, privileged communications, and other information a court deems should be protected.	
SB 101 Battin	<u>Employee Compensation: Identification Number</u>	Enacted Chapter103
	Prohibits an employer from including more than the last four digits of an employee's social security number or other identification number on the employee's itemized statement furnished at the time of payment of wages to an employee.	
SB 247 Figueroa	<u>The Boxing Act</u>	Two Year Bill
	Would repeal the State Athletic Commission (Commission) as of January 1, 2006 and repeal other related provisions. Would require the State Athletic Commissioner to appoint an advisory to advise the Director and State Athletic Commissioner concerning the administration, licensing and enforcement of the Boxing Act.	

**SB 263
Speier**

Sellers of Travel: Penalties and Prohibitions

Two Year Bill

Would expand the Sellers of Travel law to include land and water based travel. Would increase consumer protections by restricting the Travel Consumer Restitution Fund's ability to deny claims from aggrieved consumers, facilitating prompt refunds, and restricting the sale of discount travel clubs. Would require the Attorney General to suspend the registration of any person convicted of a felony violation of the Sellers of Travel law and prohibit that person from registering as a seller of travel and from participating in the Travel Consumer Restitution Fund for seven years.

**SB 389
Morrow**

Automated Teller Machine Fees: Foreign Cardholders

**Enacted
Chapter 256**

Provides that subject to the surcharge disclosure requirement, an agreement to operate an automated teller machine (ATM) may not prohibit the operator or owner from charging an access fee for customers conducting a transaction using an account from a foreign financial institution; and specifies that these provisions do not prohibit or limit the ability of an ATM operator or owner to voluntarily enter into an agreement regarding participation in a surcharge free network.

**SB 412
Figueroa**

Massage Therapy

Two Year Bill

Would create the nonprofit Massage Therapy Organization, delegating authority and outlining specific requirements, for the purpose of issuing certificates to massage therapists and massage practitioners, provided they meet certain qualifications, as defined. These provisions would sunset January 1, 2010.

**SB 422
Simitian**

Increased Jurisdictional Limit For Small Claims

**Enacted
Chapter 600**

Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.

**SB 460
Margett**

Offenders' Access to Personal Identifying Information

**Enacted
Chapter 259**

Prohibits any offender confined in a county facility or the Department of Corrections and Rehabilitation from being employed in or performing any work that grants them access to the personal identifying information of private citizens.

**SB 495
Vincent**

Traveling Carnivals

Two Year Bill

Would require a person who is injured on an amusement ride to the extent that medical attention for the injury is required to notify the carnival operator; require a traveling carnival that is notified of an injury to report the injury to the Department of Consumer Affairs and send a copy of the injury report to the injured person; and provide for criminal penalties for carnivals and operators who violate the bill's provisions.

**SB 504
Alquist**

Identity Theft Related to Purchases from Vehicle Dealerships

Two Year Bill

Would prohibit a licensed motor vehicle dealer from selling or leasing a vehicle through long term financing or credit card without first obtaining the right-hand thumbprint, with specific exceptions, and a valid photo identification of the purchaser/lessee. Would authorize a peace officer to inspect and seize a thumbprint or fingerprint card if the officer is acting within his/her scope of duties in response to a search warrant.

**SB 577
Figueroa**

State Government Operations and Accountability

Vetoed

Would have required all state agencies, to the extent feasible, to participate in the Cal-Card program for purchases up to \$5,000 as well as, use the State Contract and Procurement Registration System, and the California Automated Travel Expense Reimbursement System. Also, would have required all state construction projects beginning after January 1, 2006 and funded with state money to consider whether an owner controlled insurance program might reduce costs without hindering the construction project. Additionally, would have required the Governor to create and implement a pilot volunteer leave program by July 1, 2006 for state employees.

**SB 581
Figueroa**

Health Studio Contracts: Fees and Cancellation Rights

**Enacted
Chapter 439**

Makes various changes to health studio (i.e., health club) contract law, including 1) changing the timeframe, depending on the total amount of the contract, in which consumers may cancel a contract and get a pro-rated refund; 2) changing the amount a health studio may charge as part of the contract; and 3) requiring that facilities that have not yet opened must hold moneys received in trust.

**SB 637
Speier**

Motor Vehicle Sales

Two Year Bill

Would 1) prohibit a car dealer from advertising a used vehicle as "certified" or any other descriptive term that implies the vehicle has been certified to meet the terms of a used vehicle certification program, unless, among other requirements, the vehicle has been inspected by the dealer and the dealer certifies that vehicle is free of any damage that substantially impairs its use or safety; 2) provide, when a seller assigns or sells a conditional sale contract, the amount of money the seller is allowed to receive from the assignment, with specified exceptions, is limited as specified; 3) require car dealers who finance a motor vehicle sale to disclose to the buyer the price of additional products, services, or other items, if the sales contract includes a charge for those items; 4) require car dealers who finance a motor vehicle sale to disclose the buyer's credit score, the range of possible credit scores established by the credit reporting agency, and provide the buyer a written notice regarding credit scores. *Substantially similar provisions were enacted by AB 68 (Montanez, Chapter 128, Statutes of 2005).*

**SB 731
Torlakson**

State and Local Government

**Enacted
Chapter 270**

Modifies smog check inspection provisions by further defining who is exempt from smog checks.

**SB 747
Machado**

Abusive Tax Shelters and Tax Professional Discipline

Two Year Bill

Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.

**SB 796
Figueroa**

State Government Operations and Accountability

**Enacted
Chapter 686**

Establishes the Government Modernization, Efficiency, Accountability and Transparency Act of 2005. Requires until January 1, 2012, that every state agency that has a Web site and issues permits or licenses, or accepts applications, proposals, bids or similar requests to post, no later than January 1, 2007, a customer service link with specific information. Requires every state agency to televise public hearings on proposed regulations via the internet or other technology, as practicable.

**SB 839
Poochigian**

Identity Theft

Two Year Bill

Would create the Identity Theft Traffickers Act of 2005, and provide that every person with the intent to defraud, sell, transfer or convey the personal identifying information of another person without consent, or within a 12 month period acquires the personal information of 4 or more people known to the person and, which information is known to be identity theft is guilty of grand theft and punishable by imprisonment in county jail up to one year or in a state prison up to 16 months. Would provide sentence enhancements for repeat crimes or crimes against minors or uniformed service people.

SB 412
Figueroa

Massage Therapy

Two Year Bill

Would create the nonprofit Massage Therapy Organization, delegating authority and outlining specific requirements, for the purpose of issuing certificates to massage therapists and massage practitioners, provided they meet certain qualifications, as defined. These provisions would sunset January 1, 2010.

SB 551
Lowenthal

Common Interest Developments: Ombudsperson

Two Year Bill

Would establish an Office of the Common Interest Development Ombudsperson (Ombudsperson) within the Department of Consumer Affairs, to be funded by a fee on common interest development (CID) associations. The Ombudsperson would be required, among other things, to do the following: offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner; maintain a toll-free telephone number and Internet Website for purposes of further providing that information and assistance; and provide assistance in resolving CID disputes.

(7) TELECOMMUNICATIONS

AB 225
Negrete
McLeod

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

AB 1082
Ruskin

Mobile Phone Services: Consumer Protection Rules

Two Year Bill

Would state legislative intent to establish substantial consumer protections related to mobile telephony services, and establish additional protections related to information obtained by the telephone corporation about a consumer's social security number, credit history, personal financial information, e-mail address, and phone usage. This bill would require the Public Utilities Commission to establish these rules prior to July 1, 2006.

SB 402
Campbell

Telecommunications: Internet Affirmative Consent

Enacted
Chapter 495

Allows a mobile telephone service provider to obtain a subscriber's affirmative consent on an Internet Web site for inclusion of the subscriber's phone number in a public directory assistance database.

Would require the Public Utilities Commission (PUC) to establish and enforce various consumer protection rules by July 1, 2006. If the PUC fails to establish their own rules by this date, then the requirements set forth in this bill would become effective and the PUC would no longer be able to establish their own rules.

DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
2005 Legislative Session

B. BILLS BY DCA BOARDS, BUREAUS, & PROGRAMS

(1) ACCOUNTANCY, BOARD OF

AB 843
Nunez

Refund Anticipation Loans and Tax Preparers

Enacted
Chapter 396

Prohibits a tax preparer from representing the availability of a refund anticipation loan as a client's actual refund. Requires a tax preparer that offers to facilitate this type of loan to provide the client with a specified written disclosure that includes the amount of a fee that would be charged, if any, if the client's loan is not approved. Requires that all disclosure documents comply with current law regarding translation of documents for those who primarily negotiate in Spanish, Chinese, Tagalog, Vietnamese or Korean.

SB 747
Machado

Abusive Tax Shelters and Tax Professional Discipline

Two Year Bill

Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.

(2) ACUPUNCTURE BOARD

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 1113
Yee

Acupuncturists: Diagnosis

Vetoed

Would have authorized a licensed acupuncturist to diagnose within his or her scope of practice.

AB 1114
Yee

Acupuncturists: Continuing Education Requirements

Enacted
Chapter 648

Increases an acupuncturist's required continuing education hours from 30 every two years to 50 every two years. Requires that no more than 5 of these hours be spent on issues unrelated to clinical matters or the actual provision of health care to patients.

AB 1115 Yee	<u>Acupuncture Assistants: Definition</u>	Vetoed
	Would have created a definition for an “acupuncture assistant” and specifies that this individual may perform clerical, administrative, and supportive services under the supervision of a licensed acupuncturist, but may not perform acupuncture.	
AB 1117 Yee	<u>Acupuncture: Asian Medicine</u>	Enacted Chapter 649
	Changes the term “Oriental” to “Asian” in statutes relating to the practice of acupuncture and the practice of “Oriental Medicine.”	
SB 233 Figueroa	<u>Acupuncturists: Authorization to Diagnose and Provide Treatment</u>	Two Year Bill
	Would authorize an acupuncturist to diagnose for the purpose of providing acupuncture treatment. Also, would eliminate/sunset the Acupuncture Board as of January 1, 2006.	
SB 248 Figueroa	<u>Professions and Vocations</u>	Enacted Chapter 659
	Extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries. Repeals and reconstitutes a new seven-member Acupuncture Board (Board) authorized until January 1, 2011, and allows the Board, with the approval of the Department of Consumer Affairs, to appoint an executive officer.	
SB 356 Alarcon	<u>Acupuncturists: Scope of Practice</u>	Two Year Bill
	Would define Chinese or oriental massage. Would also authorize the holder of an acupuncturist’s license to order diagnostic tests commonly accepted in the medical community and to perform or prescribe electrical stimulation.	

(3) ALL BOARDS / BUREAUS / COMMISSIONS / PROGRAMS
--

AB 139 Committee on Budget	<u>State Government</u>	Enacted Chapter 74
	Deletes continuously appropriated funding to various Department of Consumer Affairs’ boards/bureaus. Modifies the continuous appropriation language to the Medical Board’s Medically Underserved Account by requiring that the monies are to repay loans per agreements with physicians who practice in underserved areas. (Urgency Measure)	
AB 219 Nakanishi	<u>State Agencies’ Publications</u>	Two Year Bill
	Would require all state agencies and departments to submit an electronic copy of their publications to the State Library. Would require the State Library to create and maintain a Web site containing electronic versions of all state government publications, update it quarterly or monthly, produce a cumulative version at the end of the year and make the list accessible to the public. Would require the State Library to retain in its permanent records a copy, printed or electronic, of each publication on its lists and make these available as determined by the State Librarian.	

AB 277 Mountjoy	<u>Open Meetings: Closed Sessions</u>	Enacted Chapter 288
	Eliminates the January 1, 2006, sunset date on the provisions authorizing state bodies to hold closed sessions to discuss security matters, thereby extending these provisions indefinitely. Also authorizes the California Public Employees' Retirement System Board to hold closed sessions when discussing rates and competitive strategies for its Long-Term Care Program.	
AB 278 Bogh	<u>Commercial Mail Receiving Agencies</u>	Two Year Bill
	Would require a commercial mail receiving agency to obtain a customer's thumbprint and those thumbprints' of other authorized users. Would prohibit a commercial mail receiving agency from releasing thumbprint identification to any entity other than the Department of Consumer Affairs or law enforcement agencies and would require probable cause before such information is released.	
AB 446 Negrete McLeod	<u>Licensees: Settlement Agreements</u>	Vetoed
	Would have prohibited the use of gag clauses in the settlement of lawsuits against all licensed individuals regulated by the Department of Consumer Affairs.	
AB 1351 Vargas	<u>Office of Administrative Law</u>	Vetoed
	Would have developed a process and regulations for determining underground regulations and further defined emergency regulation procedures. This bill was later amended to permit the San Diego Regional Airport Authority to issue notes, commercial paper notes or any other type of obligation allowable by law.	
AB 1625 Klehs	<u>State Government: Reports: Declarations</u>	Vetoed
	Would have required reports that are submitted to the Legislature to be accompanied by a signed statement from the head of the agency or specified officers of a board or commission declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge.	
SB 577 Figueroa	<u>State Government Operations and Accountability</u>	Vetoed
	Would have required all state agencies, to the extent feasible, to participate in the Cal-Card program for purchases up to \$5,000 as well as, use the State Contract and Procurement Registration System, and the California Automated Travel Expense Reimbursement System. Also, required all state construction projects beginning after January 1, 2006 and funded with state money to consider whether an owner controlled insurance program might reduce costs without hindering the construction project. Additionally, required the Governor to create and implement a pilot volunteer leave program by July 1, 2006 for state employees.	

SB 796
Figueroa

State Government Operations and Accountability

Enacted
Chapter 686

Establishes the Government Modernization, Efficiency, Accountability and Transparency Act of 2005. Requires until January 1, 2012, that every state agency that has a website and issues permits or licenses, or accepts applications, proposals, bids or similar requests to post, no later than January 1, 2007, a customer service link with specific information. Requires every state agency to televise public hearings on proposed regulations via the internet or other technology, as practicable.

SB 1022
Campbell

Limited Liability Companies

Two Year Bill

Would authorize the formation of professional limited liability companies to provide specific professional services and require these companies to meet certain requirements.

(4) ARCHITECTS BOARD

AB 302
Committee
on Business
and
Professions

Architects: Reporting Requirements

Enacted
Chapter 506

Clarifies when an architect is required to report a settlement of a claim in specified circumstances.

SB 1112
Committee
on
Business,
Professions
and
Economic
Development
t

Architects and Contractors

Enacted
Chapter 280

Provides that appointments to the California Architects Board expire on June 30, instead of June 1, of the 4th year following the year in which the previous term expired. Clarifies bond requirements and arbitration proceedings administered by the Contractors' State License Board. Authorizes the registrar of contractors to issue a probationary license with specified terms and conditions.

(5) ATHLETIC COMMISSION

AB 972
Runner,
Sharon

Boxing: Pregnancy Tests

Two Year Bill

Would require a female boxer, kickboxer and martial artist to provide the results of a pregnancy test to the State Athletic Commission before competing in a match and would prohibit her from competing in a match if she is pregnant.

SB 247
Figueroa

The Boxing Act

Two Year Bill

Would repeal the State Athletic Commission (Commission) as of January 1, 2006 and repeal other related provisions. Would require the State Athletic Commissioner to appoint an advisory committee to advise the Director of the Department of Consumer Affairs and the State Athletic Commissioner concerning the administration, licensing and enforcement of the Boxing Act. Would require the State Athletic Commissioner in consultation with the Director and an advisory committee to submit a strategic plan to the Governor and Legislature by July 1, 2006 and for the State Athletic Commissioner to submit a report on the implementation of the strategic plan by August 1, 2006 to the Director, Governor and Legislature.

SB 278
Cedillo

Boxers' Pension Fund: Sunset Date Extension

Enacted
Chapter 104

Removes the sunset date on provisions providing for the \$100,000 fee cap on boxing contests and requiring payments to the Boxers' Pension Fund and the State Athletic Commission when the fee based on admission receipts exceeds \$70,000, allowing those provisions to remain in effect indefinitely.

(6) AUTOMOTIVE REPAIR, BUREAU OF

AB 79
Calderon

Automotive Repair Dealers

Two Year Bill

Would revise the definitions of "motor vehicle" and "customer," in the Automotive Repair Act, to include vehicles powered by electricity, hydrogen or other alternative fuels, and to allow an insurer to act as the customer when certain conditions are met.

AB 184
Cogdill

High Polluter Vehicle Exchange Program

Two Year Bill

Would create a program where those businesses or individuals who own low-emission vehicles can donate those vehicles to the Department of Consumer Affairs, and those vehicles would then be traded to consumers for vehicles that have been determined to be high polluters.

AB 226
Bermudez

Automotive Technology Education

Two Year Bill

Would create the Automotive Career and Technical Education Account in the Vehicle Inspection and Repair Fund of the Bureau of Automotive Repairs (Bureau). Would require the Bureau to work with an advisory committee in granting awards for automotive technology education and that school districts and community colleges receiving grants are to provide matching funds or equivalent resources. Would require each grant recipient to report to the Bureau and the Bureau to report to the Legislature on the grant program. Would provide a repeal date for the grant program as of January 1, 2013.

AB 303 Calderon	<u>Concierge Insurance Program</u>	Two Year Bill
	Would allow a vehicle owner to authorize their insurer to act on his or her behalf to arrange vehicle repairs. Insurers would be required to supply claimants with a rental car during repairs, and to allow the owner to inspect and approve repairs upon completion.	
AB 383 Montanez	<u>Motor Vehicle Inspection Program: Repair Assistance</u>	Enacted Chapter 565
	Sets the maximum income level for eligible low-income participants in the Bureau of Automotive Repair's (Bureau) Consumer Assistance Program (CAP) at 200% of the federal poverty level and repeals this provision January 1, 2009. Requires the Bureau to give priority to applications submitted by owners whose vehicle has failed a smog check inspection and that is directed to a test only facility. Allows the Bureau to increase the maximum income level from 200% but not to exceed 225% when funding is available.	
AB 386 Lieber	<u>Smog Check Program: Shift in Oversight and Responsibility</u>	Two Year Bill
	Would shift the oversight and responsibility for the Smog Check program from the Bureau of Automotive Repair (BAR) to the Air Resources Board (ARB), leaving BAR to implement and enforce the program, with ARB having authority over the program and its funding.	
AB 578 Horton, Shirley	<u>Gold Shield Test Stations: Initial Smog Check Tests</u>	Two Year Bill
	Would allow the top performing Gold Shield test-and-repair Smog Check stations to also perform initial Smog Check tests which are now only allowed at test-only stations.	
AB 861 Bass	<u>Licensure Denial Exemptions</u>	Two Year Bill
	Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.	
AB 898 Maze	<u>Smog Check Technician Qualification Requirements</u>	Two Year Bill
	Would require the Department of Consumer Affairs to review qualification requirements for smog check technicians and make them as consistent as possible with those in other states, as well as establish prerequisite training for those technicians which would allow a technician who completes 60 hours of that training to take a qualification examination. Would also revise the qualification requirements to allow a technician who completes the 60 hours of prerequisite training and passes the qualification examination to become a smog check technician.	

AB 1163
Yee

Motor Vehicle Replacement Parts

Two Year Bill

Would 1) require an insurer or repair facility to notify a consumer of the use of crash parts supplied by the manufacturer of the vehicle, certified aftermarket crash parts, as defined, crash parts supplied by an independent manufacturer, or recycled or salvaged crash parts; 2) provide that certified aftermarket crash parts and crash parts produced by the manufacturer of the vehicle are warranted by the manufacturer or distributor of the parts and the insurer; 3) define "independent third-party certifier" as an entity, meeting specified requirements, which is registered with the Director of the Department of Consumer Affairs; and 4) establish that noncar company certified aftermarket crash parts are of like kind and quality to car company parts.

SB 731
Torlakson

State and Local Government

Enacted
Chapter 270

Modifies smog check inspection provisions by further defining who is exempt from smog checks. Authorizes red fog tail lamps to be installed no lower than 12 inches and no higher than 60 inches on all vehicles.

(7) BARBERING & COSMETOLOGY BOARD

AB 163
Bermudez

Barbering and Cosmetology: Threading: Examination and Licensure

Vetoed

Would have revised the definition of "threading" in the Barbering and Cosmetology Act to include the possible incidental trimming of eyebrow hair and made the Board of Barbering and Cosmetology's application for admission to examination and the application for licensure two separate applications.

AB 861
Bass

Licensure Denial Exemptions

Two Year Bill

Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.

AB 1263
Yee

Barbering and Cosmetology: Pedicure Equipment

Vetoed

Would have required the Board of Barbering and Cosmetology (Board) to adopt regulations on or before July 1, 2006 that set forth standards and requirements for the use of pedicure equipment; required the Board to establish minimum safety specifications and other requirements for the manufacture of new whirlpool pedicure equipment and the modification of existing whirlpool pedicure equipment if the appropriate technology is available; required the Board to develop a consumer warning notice, as specified, which should be prominently displayed in pedicure foot spas by pedicure foot spa operators; and required the Board to display a notice in a violator's place of business or employment for specified violations.

(8) BEHAVIORAL SCIENCES, BOARD OF

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 733
Nation

Psychotherapists: Duty to Warn

Two Year Bill

Would clarify the law regarding the duty of a psychotherapist to warn of physical violence against a reasonably identifiable victim when a serious threat of physical violence has been communicated to the therapist by a patient. Would encourage, but not require, therapists to contact patients who may have threatened harm to an individual, as reported by a 3rd party.

AB 894
La Suer

Licensed Professional Counselors

Two Year Bill

Would provide for the licensing and regulation of professional counselors by the Board of Behavioral Sciences (Board). Would add four members to the Board. Would enact various requirements for these counselors and would make a continuous appropriation from the Board fund to the Board.

SB 229
Figueroa

Professions and Vocations

Enacted
Chapter 658

Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.

(9) CEMETERY & FUNERAL BUREAU

AB 861
Bass

Licensure Denial Exemptions

Two Year Bill

Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.

(10) CONTRACTORS' STATE LICENSE BOARD

**AB 316
Nakanishi**

**Contractors: Arbitration, Home Improvement, & Service/Repair
Contracts**

**Enacted
Chapter 385**

Clarifies that a person who qualifies for a contractor's license on behalf of an individual or firm as a partner, responsible managing officer or responsible managing employee, and then disassociates from such a license that has been referred to arbitration, is still responsible for complying with an arbitration award rendered as a result of acts or omissions that occurred while this person was still associated with the license. Revises and recasts existing home improvement and service/repair contracts, consolidating many of the existing requirements for these contracts and setting forth the required information, notices and disclosures to be included as part of these contracts.

**AB 341
Daucher**

Works of Improvement: Disputed Amounts

**Enacted
Chapter 156**

Would have revised existing law authorizing the withholding of disputed amounts owed to a contractor or subcontractor. The bill was later amended and now corrects a chaptering out that occurred earlier this year (2005) relating to the receipt of medical benefits under Medicare and Medi-Cal.

**AB 581
Klehs**

Public Works: Wages

Two Year Bill

Would require awarding bodies on public works projects to submit to the Contractors' State License Board (CSLB) the name and license number of all contractors and subcontractors awarded contracts, which the CSLB must then post on its Web site. Would provide that a licensee's failure to pay wages as required by the Labor Code is cause for disciplinary action by the CSLB, with or without a finding of a violation by the Labor Commissioner, and would provide that a joint labor-management committee could bring an action for violations of prevailing wage laws on public works within four years of a violation.

**AB 881
Emmerson**

Workers' Compensation: Roofers

Two Year Bill

Would require all licensed roofing contractors to have workers compensation insurance, would authorize the registrar of contractors to remove the roofing classification from a contractor license for failure to maintain workers' compensation insurance, and would require insurers who issue workers compensation policies to roofing contractors to perform annual audits of these policyholders, as specified, and would allow the insurers to recoup the cost of these audits through a policy surcharge.

**AB 886
Committee
on Business
and
Professions**

Home Inspectors: Clarification for Licensed Roofing Contractors

Two Year Bill

Would specify that repairs performed by a roofing contractor, licensed by the Contractors' State License Board, as a result of his or her roof inspection do not constitute an unfair business practice.

AB 1027 Horton, Jerome	<u>Criminal Investigation</u>	Enacted Chapter 428
	Establishes a procedure for the Contractors' State License Board (Board) to receive information about licensees who have failed to secure adequate insurance. Requires the Franchise Tax Board to notify the Board of any criminal charges or arraignments against Board licensees related to the Revenue and Taxation Code.	
AB 1622 Liu	<u>Retention Caps for Private Works of Improvement</u>	Vetoed
	Would have provided that retention proceeds withheld from private works of improvement, by the owner to the original contractor, or by the original contractor to a subcontractor, or by subcontractor to subcontractor, would have been limited to maximum retention rates of 10% of each progress payment before the contract is 50% complete, and 5% of each progress payment after the contract is 50% complete. Would have provided that retention proceeds must be paid, with interest, 45 days after the completion by the contractor or subcontractor.	
SB 232 Figueroa	<u>Boards and Commissions</u>	Enacted Chapter 675
	Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractors' State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.	
SB 488 Soto	<u>Contractors</u>	Enacted Chapter 205
	Increases penalties for third or subsequent convictions of contracting without a license to not less than \$4,500 nor more than the greater amount of either \$10,000 or 20% of the contract price under which the unlicensed person performed contracting work or by imprisonment or by both that fine and imprisonment. Makes failure to comply with workers' compensation insurance requirements a misdemeanor under the Contractors' State License Law.	
SB 1112 Committee on Business, Professions and Economic Developmen t	<u>Architects and Contractors</u>	Enacted Chapter 280
	Provides that appointments to the California Architects Board expire on June 30, instead of June 1, of the 4th year following the year in which the previous term expired. Clarifies bond requirements and arbitration proceedings administered by the Contractors' State License Board. Authorizes the registrar of contractors to issue a probationary license with specified terms and conditions.	

SB 1113
Committee
on
Business,
Professions
and
Economic
Developmen
t

Landscape Architects, Engineers, and Contractors

Enacted
Chapter 48

Clarifies the practice exemption for licensed landscape contractors regulated by the Landscape Architects Technical Committee. Provides the Board of Professional Engineers and Land Surveyors with the authority to employ an executive officer until July 1, 2006, that coincides with its sunset date. Makes corrections to the home improvement and service and repair contract requirements enacted by SB 30 (Figueroa, Chapter 566, Statutes of 2004) and administered by the Contractors' State License Board.

(11) COURT REPORTERS BOARD

SB 229
Figueroa

Professions and Vocations

Enacted
Chapter 658

Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.

(12) DENTAL BOARD / DENTAL AUXILIARIES

AB 205
Ruskin

Identification of Dentures

Enacted
Chapter 182

Provides that instead of requiring dentures to be marked with the patient's name or social security number unless the patient objects, the dentures are to be marked with the patient's name. Requires the dentist to inform the patient that his or her name is to be used for identification purposes only, and he or she can decide whether or not the dentures are to be marked.

AB 225
Negrete
McLeod

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 657 Karnette	<u>Information on Prescription Labels: Dentists</u>	Two Year Bill
	Would require prescription labels to include the intended purpose of the drug, if indicated on the prescription. Would require a physician, dentist, optometrist, podiatrist, and other specified drug prescribers, to ask the patient or the patient's authorized representative, whether to indicate the intended purpose of the prescription on the label.	
AB 1143 Emmerson	<u>Dentist Special Permits</u>	Enacted Chapter 534
	Establishes (1) two alternate pathways for a dentist to apply for a special permit if he or she meets certain requirements and (2) a fee cap for the issuance and renewal of special permits. Requires (1) the Dental Board (Board) to limit the number of special permits issued under the new alternate pathways to no more than five permits per pathway per dental school and (2) that an applicant for a special permit furnish satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the Board.	
AB 1268 Oropeza	<u>Advertising of Dental Specialty Credentials</u>	Two Year Bill
	Would repeal and recast provisions relating to the conditions under which a licensed dentist may advertise as a specialist or practicing in a specialty area.	
AB 1334 Salinas	<u>Prescription Requirement for Registered Dental Hygienists in Alternative Practice</u>	Two Year Bill
	Would remove the prescription requirement for registered dental hygienists in alternative practice and expand alternative hygienists' scope of hiring and supervision to include registered dental assistants.	
AB 1386 Laird	<u>Adult Oral Conscious Sedation for Dental Work</u>	Enacted Chapter 539
	Requires dentists who want to administer or supervise the administration of oral conscious sedation on a patient 13 years or older to meet certain requirements. Requires dentists, who have been issued a permit to administer general anesthesia, to complete 24 hours of Dental Board approved courses of study related to general anesthesia instead of 15 hours.	
SB 248 Figueroa	<u>Professions and Vocations</u>	Enacted Chapter 659
	Extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries. Repeals and reconstitutes a new seven-member Acupuncture Board (Board) authorized until January 1, 2011, and allows the Board, with the approval of the Department of Consumer Affairs, to appoint an executive officer.	

SB 299 Chesbro	<u>Licensing of Out-of-State Dentists (Licensure by Credential)</u>	Two Year Bill
	Would remove the five-year active clinical experience requirement for two of three options offered for applicants seeking California licensure and replace it with a two-year requirement. Would restrict these two options to the location where the dentist has agreed to practice or teach/practice for two years, i.e., a primary care clinic or Dental Board approved dental education program.	
SB 438 Migden	<u>Oral and Maxillofacial Surgery</u>	Two Year Bill
	Would authorize oral and maxillofacial surgeons licensed as dentists by the Dental Board to perform "elective facial cosmetic surgical procedures" as defined, under specified circumstances.	
SB 683 Aanestad	<u>Alternative Pathway to Dental Licensure</u>	Two Year Bill
	Would create an alternate pathway to licensure and allow dental license applicants to complete at least a one-year, clinically based, postdoctoral general practice or specialty dental residency program instead of taking the Dental Board's clinical examination.	
SB 1108 Committee on Judiciary	<u>Maintenance Of The Codes</u>	Enacted Chapter 22
	Makes grammatical changes to existing law that governs the practice of dentistry. Makes grammatical changes and technical corrections to existing law that impacts the Board of Professional Engineers and Land Surveyors and its licensees.	
SB 1111 Committee on Business, Professions and Economic Development	<u>Health Omnibus</u>	Enacted Chapter 621
	Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.	
(13) ELECTRONIC & APPLIANCE REPAIR, BUREAU OF		
AB 861 Bass	<u>Licensure Denial Exemptions</u>	Two Year Bill
	Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.	

(14) ENGINEERS & LAND SURVEYORS, BOARD FOR PROFESSIONAL

AB 180 Horton, Jerome	<u>Limited Liability Partnerships for Engineers and Land Surveyors</u>	Two Year Bill
	Would authorize limited liability partnerships and foreign limited liability partnerships to be formed for the practice of engineering or land surveying until January 1, 2009. Would require these partnerships to maintain a maximum security of \$7.5 million.	
SB 228 Figueroa	<u>Geologists/Geophysicists and Professional Engineers/Land Surveyors</u>	Enacted Chapter 657
	Extends the sunsets dates for the Board of Professional Engineers and Land Surveyors and the Board for Geologists and Geophysicists from January 1, 2007 to January 1, 2009. Deletes the provision of existing law allowing a person to have temporary authorization to practice as a professional land surveyor if certain conditions and qualifications exist.	
SB 246 Figueroa	<u>Board for Professional Engineers and Land Surveyors</u>	Two Year Bill
	Would extend the sunset dates for the Board for Professional Engineers and Land Surveyors and the executive officer from January 1, 2007 to January 1, 2013. Would discontinue the existing agricultural, industrial and metallurgical engineering title acts and establish chemical, control systems, fire protection, nuclear, petroleum and traffic engineering as practice acts. <i>Portions of this bill were moved to SB 228.</i>	
SB 752 Cox	<u>Engineering Licensure for Out-of-State Applicants</u>	Two Year Bill
	Would specify that if an out-of-state applicant for registration as a professional engineer in California has passed an examination in a branch of engineering not recognized in California, the Board for Professional Engineers and Land Surveyors (Board) may (rather than shall) register the applicant in a specific licensed branch of engineering in which his or her experience and education indicate the closest relationship, as long as the Board determines that the applicant meets the minimum qualifications for licensure in that branch.	
SB 1108 Committee on Judiciary	<u>Maintenance of the Codes</u>	Enacted Chapter 22
	Makes grammatical changes to existing law that governs the practice of dentistry. Makes grammatical changes and technical corrections to existing law that impacts the Board of Professional Engineers and Land Surveyors and its licensees.	

SB 1113
Committee
on
Business,
Professions
and
Economic
Developmen
t

Landscape Architects, Engineers, and Contractors

Enacted
Chapter 48

Clarifies the practice exemption for licensed landscape contractors regulated by the Landscape Architects Technical Committee. Provides the Board of Professional Engineers and Land Surveyors with the authority to employ an executive officer until July 1, 2006, that coincides with its sunset date. Makes corrections to the home improvement and service and repair contract requirements enacted by SB 30 (Figueroa, Chapter 566, Statutes of 2004) and administered by the Contractors' State License Board and clarifies that they are also applicable to swimming pool contractors.

(15) GEOLOGISTS & GEOPHYSICISTS, BOARD

SB 228
Figueroa

Geologists/Geophysicists and Professional Engineers/Land Surveyors

Enacted
Chapter 657

Extends the sunsets dates for the Board of Professional Engineers and Land Surveyors and the Board for Geologists and Geophysicists from January 1, 2007 to January 1, 2009. Deletes the provision of existing law allowing a person to have temporary authorization to practice as a professional land surveyor if certain conditions and qualifications exist.

(16) GUIDE DOGS FOR THE BLIND, STATE BOARD OF

No bills introduced in the 2005 legislative session.

(17) HEARING AID DISPENSERS BUREAU

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 615
Vargas

Hearing Aids: Over-the-Counter Sales

Two Year Bill

Would authorize over-the-counter sales of hearing aids if consistent with federal law.

(18) HOME FURNISHINGS & THERMAL INSULATION, BUREAU

AB 861
Bass

Licensure Denial Exemptions

Two Year Bill

Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.

AB 1641
Harman

Consumer Warranties

Two Year Bill

Would require the seller of a service contract on a home appliance or a home electronic product to honor its obligations under the contract for the full term of the contract as represented to the buyer at the time of purchase. Would provide that a seller's obligation under the contract may not be limited to a single product replacement or a maximum number of claims, and would provide that a service contract shall transfer to any replacement product that is replaced pursuant to a manufacturer's express warranty.

(19) LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

SB 1113
Committee
on
Business,
Professions
and
Economic
Development

Landscape Architects, Engineers, and Contractors

Enacted
Chapter 48

Clarifies the practice exemption for licensed landscape contractors regulated by the Landscape Architects Technical Committee. Provides the Board of Professional Engineers and Land Surveyors with the authority to employ an executive officer until July 1, 2006, that coincides with its sunset date. Makes corrections to the home improvement and service and repair contract requirements enacted by SB 30 (Figueroa, Chapter 566, Statutes of 2004) and administered by the Contractors' State License Board and clarifies that they are also applicable to swimming pool contractors.

(20) MEDICAL BOARD

AB 139
Committee
on Budget

State Government

Enacted
Chapter 74

Deletes continuously appropriated funding to various Department of Consumer Affairs' boards/bureaus. Modifies the continuous appropriation language to the Medical Board's Medically Underserved Account by requiring that the monies are to repay loans per agreements with physicians who practice in underserved areas. **(Urgency Measure)**

AB 225
Negrete
McLeod

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

AB 327
De La Torre

Steven M. Thompson Physician Corps Loan Repayment Program

Enacted
Chapter 293

Permits the Medical Board (Board) to give a physician and surgeon the option of making a \$50 voluntary donation upon the initial issuance or biennial renewal of a physician and surgeon's certificate in order to fund the Steven M. Thompson Physician Corps Loan Repayment Program (Thompson Program). Specifies that the Board shall deposit any money collected pursuant to this bill in the Medically Underserved Account for the purpose of supporting the Thompson Program.

AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 367 Nakanishi	<u>Physician and Surgeon License Fee Waiver</u>	Enacted Chapter 144
	Waives the initial license fee for physician and surgeon applicants who certify to the Medical Board that the issuance of the license is for the sole purpose of providing voluntary, unpaid service in a specified setting.	
AB 592 Yee	<u>Physicians and Surgeons</u>	Enacted Chapter 304
	Provides that a physician and surgeon may not be disciplined for unprofessional conduct solely on the basis that the advice or care rendered to a patient is alternative or complementary medicine, including the treatment of persistent Lyme Disease, if specified conditions are satisfied.	
AB 657 Karnette	<u>Information on Prescription Labels</u>	Two Year Bill
	Would require prescription labels to include the intended purpose of the drug, if indicated on the prescription. Would require a physician, dentist, optometrist, podiatrist, and other specified drug prescribers, to ask the patient or the patient's authorized representative, whether to indicate the intended purpose of the prescription on the label.	
AB 859 Bass	<u>Medical Assistants' Authorized Activities</u>	Two Year Bill
	Would authorize a medical assistant to perform specific medical treatment activities in certain licensed clinics without a license but only with the authorization of a physician assistant, a nurse practitioner or nurse-midwife.	
AB 920 Aghazarian	<u>California Physicians Corps Program</u>	Enacted Chapter 317
	Moves the Steven M. Thompson Physician Corps Loan Repayment Program and the Volunteer Physician Program from the Medical Board of California to the Health Professions Education Foundation within the Office of Statewide Health Planning and Development as of July 1, 2006.	
AB 1195 Coto	<u>Continuing Education: Cultural and Linguistic Competency</u>	Enacted Chapter 514
	Requires all continuing medical education courses, unless exempted, to contain curriculum pertaining to cultural and linguistic competency in the practice of medicine by July 1, 2006.	

SB 231 Figueroa	<u>Medical Board of California</u> Extends the sunset date for the Medical Board (Board) from January 1, 2007 to January 1, 2011. Requires licensees to inform the Board when they are subject to various court judgements and convictions. Increases the Board's licensing fees and requires the Joint Committee on Boards, Commissions and Consumer Protection to examine the Board's composition and fees and report all findings to the Governor and Legislature no later than July 1, 2008.	Enacted Chapter 674
SB 232 Figueroa	<u>Boards and Commissions</u> Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractors' State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.	Enacted Chapter 675
SB 279 Cedillo	<u>Physicians and Surgeons: Locum Tenens Services</u> Provides that temporary staffing agencies, commonly referred to as locum tenens agencies, are not an employer of the physicians they place.	Enacted Chapter 596
SB 401 Ortiz	<u>Medical Information: Pharmacies: Marketing</u> Would prohibit a pharmacy from providing its customers with marketing communication about drugs or treatments not currently being dispensed to the customer when the communication is paid for or sponsored by a prescription drug manufacturer, labeler or distributor.	Two Year Bill
SB 438 Migden	<u>Oral and Maxillofacial Surgery</u> Would authorize oral and maxillofacial surgeons licensed as dentists by the Dental Board to perform "elective facial cosmetic surgical procedures" as defined, under specified circumstances.	Two Year Bill
SB 524 Torlakson	<u>Primary Care Physicians: Continuing Education</u> Would require physicians who treat patients for depression and other related ailments to complete continuing education courses on Selective Serotonin Reuptake Inhibitors and newer classes of antidepressants as a condition of their medical license renewal.	Two Year Bill
SB 583 Figueroa	<u>Cancer Treatment</u> Would provide that a licensed physician who provides treatment to cancer patients is not subject to discipline by the Medical Board of California solely on the basis that the physician's treatment or advice is "alternative or complementary medicine" if specified conditions are satisfied.	Two Year Bill

**SB 736
Speier**

Healing Arts: Financial Interest Reporting

Two Year Bill

Would require the Medical Board (Board) to report to the Legislature by July 1, 2006, all information submitted to the Board on and after January 1, 2000, by healing arts licensees regarding the financial interest that the licensees or their immediate family members may have in a health-related facility.

**SB 932
Kuehl**

Process for Hospital Physicians' and Surgeons' Peer Review

Two Year Bill

Would state the intent of the Legislature to ensure that the hospital peer review process is structured to protect the public as well as the oversight functions of hospitals and medical staff.

**SB 1111
Committee
on
Business,
Professions
and
Economic
Development**

Health Omnibus

**Enacted
Chapter 621**

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, 7) Board of Pharmacy and 8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(21) NATUROPATHIC MEDICINE

**AB 302
Committee
on Business
and
Professions**

Naturopathic Doctors: Prescriptions

**Enacted
Chapter 506**

Clarifies when an architect is required to report a settlement of a claim in specified circumstances. Makes various changes to the Naturopathic Doctor's Act and Pharmacy Law to recognize the ability of naturopathic doctors to prescribe certain treatments and medicines.

(22) OCCUPATIONAL THERAPY, BOARD OF

**AB 366
Maze**

Health Care Peer Reviews: Occupational Therapists

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

SB 1111
Committee
on
Business,
Professions
and
Economic
Developmen
t

Health Omnibus

Enacted
Chapter 621

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(23) OFFICE OF PRIVACY PROTECTION

AB 361
Runner,
Sharon

Notaries Public: Identity Theft

Enacted
Chapter 295

Requires a court to revoke a notary public's commission upon conviction of any offense related to his or her duties, or of any felony, and requires the surrender of his or her seal to the court. Also makes it a misdemeanor for any person to solicit, coerce, or influence a notary public to perform an improper notarial act, and for a notary public to willfully fail to perform the required duties of a notary public or to willfully fail to keep the seal of the notary under his or her direct and exclusive control.

AB 424
Calderon

Identity Theft

Two Year Bill

Would revise the definition of "person" in existing laws relating to identity theft to include a firm, association, organization, partnership, business trust, company, corporation, limited liability company or other public entity and revise the definition of personal identifying information to include an equivalent form of identification.

AB 618
Cogdill

Identity Theft

Two Year Bill

Would provide that a second or subsequent conviction of identity theft is punishable by imprisonment in state prison for up to four years. Would clarify that those convicted of identity theft are also guilty of grand theft, which is punishable by imprisonment in a county jail up to one year or state prison.

AB 1035
Spitzer

Public Officials: Disclosing Residence Information

Two Year Bill

Would expand current law to prohibit any person from knowingly posting on the internet, hosting a web site that posts, or disclosing a public official's home address or telephone number. Would allow an official who is a victim of these provisions to recover actual damages and punitive damages, and other relief that a court deems appropriate.

AB 1036
Koretz

Identity Theft

Two Year Bill

Would expand the definition of identity theft to include unauthorized retention and transfer of personal identifying information. Would also add the county of the victim's residence to the jurisdiction where a criminal action may be brought for such crimes.

AB 1069 Montanez	<u>Deceptive Identification Documents</u>	Enacted Chapter 326
	Makes it a misdemeanor crime to possess deceptive identification document-making devices with the intent that the devices will be used to manufacture, alter, or authenticate a deceptive identification document. Allows document-making devices to be seized by and forfeited to or destroyed by law enforcement upon a court order.	
AB 1566 Calderon	<u>Identity Theft</u>	Enacted Chapter 432
	Provides that every person who, with the intent to defraud, acquires, transfers, or retains possession of the personal identifying information of another person who is in the armed forces and is deployed, as defined, to a location outside of the state is guilty of a public offense, and upon conviction therefore, shall be punished by imprisonment in a county jail not to exceed one year, or a fine not to exceed fifteen hundred dollars (\$1,500), or by both that imprisonment and fine.	
AB 1581 Garcia	<u>Identity Theft: Alternate Felony-Misdemeanor</u>	Two Year Bill
	Would create a new alternate felony-misdemeanor for a person who intends to defraud, acquire, retain or transfer the personal identifying information of 100 or more people.	
AB 1595 Evans	<u>Public Officials: Disclosing Personal Information</u>	Enacted Chapter 343
	Expands existing law prohibiting posting public official's personal information on the Internet with the intent to cause bodily harm to also prohibit the public posting and displaying of this information if the official has made a written request that the information not be disclosed. Also expands the law to prohibit soliciting, selling, or trading this information on the Internet with the intent to cause bodily harm, and allows the official recourse through court orders and civil penalties if the official's personal information is solicited, sold, or traded with the intent to cause bodily harm.	
AB 1694 Leno	<u>Consumer Credit Reporting</u>	Two Year Bill
	Would require a consumer credit reporting agency, upon the request of a consumer whose personal information was breached by a computerized data system, to place a security freeze on the consumer's credit report without charge to the consumer for this service. Also, would require a consumer credit reporting agency to notify each consumer who is the subject of a consumer credit report of each instance that a new account is entered on the consumer's report if the address on the credit application is different from the last address on record held by the consumer credit reporting agency.	
AB 1741 Committee on Judiciary	<u>Voter Information: Privacy</u>	Enacted Chapter 121
	Prohibits persons from sending voter and petition information outside of the United States.	

SB 13 Bowen	<u>Personal Information</u>	Enacted Chapter 241
	Permits an agency to disclose information to the University of California or a nonprofit educational institution conducting research only if the request is approved by the Committee for the Protection of Human Subjects of the California Health and Human Services Agency. Eliminates the general exemption of any state agency to disclose personal information for research purposes and specifically prohibits the California Department of Social Services from releasing any personal information in case records in a manner that links that information to the individual.	
SB 97 Murray	<u>Spam: Enhanced Criminal Penalties</u>	Enacted Chapter 247
	Provides that a person who violates California's anti-spam law by sending unsolicited commercial electronic mail ("spam"), has committed a misdemeanor punishable by a fine of not more than \$1,000, imprisonment in a county jail for not more than six months, or by both the fine and imprisonment.	
SB 101 Battin	<u>Employee Compensation: Identification Number</u>	Enacted Chapter 103
	Prohibits an employer from including more than the last four digits of an employee's social security number or other identification number on the employee's itemized statement furnished at the time of payment of wages to an employee.	
SB 202 Simitian	<u>Privacy: Telephone Calling Pattern Record or List</u>	Two Year Bill
	Would make it a crime, punishable by fine or imprisonment or both, to purchase, sell, offer to purchase or sell, or conspire to purchase or sell, any telephone calling pattern record or list, as specified, without the written consent of the person making the call and of each person called.	
SB 355 Murray	<u>Internet Regulation</u>	Enacted Chapter 437
	Prohibits Internet "phishing" and provides for civil remedies and civil penalties. Specifically, prohibits a person from soliciting, requesting, or taking any action to induce another person to provide identifying information by representing him or herself to be a business without the approval of that business.	
SB 440 Speier	<u>Personal Information</u>	Two Year Bill
	Would require a state agency, or any person contracting with a state agency, to encrypt all personal information, as defined, that is owned by the state and stored or transported on a portable computing or electronic storage device. Also, would prohibit a business, as defined, from discriminating against or denying a qualified consumer a product or service, or from charging a higher price for a product or service, because the consumer has not provided consent to disclose or share covered personal information about him or her, except as provided.	

SB 451 Poochigian	<u>Thumbprint and Fingerprint Identification</u>	Two Year Bill
	Would authorize the Department of Motor Vehicles to collect more than one finger or thumbprint when a person applies for a driver's license or identification card and would provide that a finger or thumbprint may only be used for identifying the license applicant, determining whether he or she may be issued a license and investigating fraud.	
SB 460 Margett	<u>Offenders' Access to Personal Identifying Information</u>	Enacted Chapter 259
	Prohibits any offender confined in a county facility or the Department of Corrections and Rehabilitation from being employed in or performing any work that grants them access to the personal identifying information of private citizens.	
SB 504 Alquist	<u>Identity Theft Related to Purchases from Vehicle Dealerships</u>	Two Year Bill
	Would prohibit a licensed motor vehicle dealer from selling or leasing a vehicle through long term financing or credit card without first obtaining the right-hand thumbprint, with specific exceptions, and a valid photo identification of the purchaser/lessee. Would authorize a peace officer to inspect and seize a thumbprint or fingerprint card if the officer is acting within his/her scope of duties in response to a search warrant.	
SB 550 Speier	<u>Data Brokers</u>	Two Year Bill
	Would regulate the disclosure of personal information by data brokers and would provide consumers with access to their personal information collected by data brokers. Also, would require data brokers to reinvestigate disputed items of information. Would provide for civil actions and remedies for violation.	
SB 682 Simitian	<u>Identity Information Protection Act of 2005</u>	Two Year Bill
	Would prohibit the use of contactless integrated circuits encoded with personal information in government issued identification documents. Also, would prohibit the use of contactless integrated circuits encoded with a unique personal identifier number in government issued identification documents unless they meet a specified minimum level of encryption and contain mutual authentication but would provide exceptions to the above if the system is in place by January 1, 2006. Would make it a crime to remotely scan a person's identification document without the knowledge of that person.	
SB 768 Simitian	<u>Identity Information Protection Act of 2005</u>	Two Year Bill
	Would require identification documents, except as specified, that are created, mandated, purchased, or issued by various public entities that use radio waves to broadcast personal information, or to enable personal information to be read remotely, to meet specified requirements. Would provide that a person or entity that intentionally remotely reads or attempts to remotely read a person's identification document using radio waves without his or her knowledge shall be punished by imprisonment or a fine or both.	

SB 802
Simitian

Debit Card Receipts

Enacted
Chapter 445

Prohibits a person or business that accepts credit cards or debit cards from printing more than the last five digits of a debit card account number or the expiration date upon any receipt, except as specified.

SB 839
Poochigian

Identity Theft

Two Year Bill

Would create the Identity Theft Traffickers Act of 2005, and provide that every person with the intent to defraud, sell, transfer or convey the personal identifying information of another person without consent, or within a 12 month period acquires the personal information of 4 or more people known to the person and, which information is known to be identity theft is guilty of grand theft and punishable by imprisonment in county jail up to one year or in a state prison up to 16 months. Would provide sentence enhancements for repeat crimes or crimes against minors or uniformed service people.

SB 852
Bowen

Identity Theft

Two Year Bill

Would expand on current law by requiring companies and public agencies to notify a consumer anytime his or her personal information is lost, stolen, or accessed by the wrong person, regardless of whether the data was computerized when it was acquired.

SB 1016
Bowen

Voter Information: Privacy

Enacted
Chapter 726

Makes voters' signature confidential, except for purposes of challenging a vote. Requires disclosure to registrants that only one type of identification number need be provided, as specified. Extends the requirement that initiative proponents and signature gatherers sign a statement acknowledging the law regarding the appropriate use of the signatures gathered and provide that they must execute and submit a signed statement acknowledging that it is a misdemeanor under state law to knowingly or willfully allow the signature on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

(24) OPTOMETRY, BOARD OF

AB 225
Negrete
McLeod

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 370 Aghazarian	<u>Optometry: Accusations</u>	Enacted Chapter 186
	Requires the Optometry Board (Board) to file an accusation against a licensee within three years after the Board discovers the act or omission that is the subject of proceedings, or within seven years after the act or omission occurred, whichever comes first. Accusations alleging fraud or willful misrepresentation, unprofessional conduct based on incompetence, gross negligence or repeated negligent acts, are excluded from the statute of limitations established by this bill. Alleged acts of sexual abuse, misconduct, or relations with a minor patient shall delay the statute of limitations until the minor reaches the age of maturity.	
AB 488 Bermudez	<u>Optometry</u>	Enacted Chapter 393
	Authorizes the Optometry Board (Board) to issue a probationary license to an applicant guilty of unprofessional conduct or any cause that would subject a licensee to revocation or suspension of his or her license and provides that the probationary license would be subject to specified terms and conditions that may be modified or terminated at the discretion of the Board. Eliminates the legislative reporting mandate regarding fee increases and the grace period of 30 days before a delinquency fee is assessed to a license late for renewal, and requires all late renewals to be assessed the delinquency fee.	
AB 657 Karnette	<u>Information on Prescription Labels</u>	Two Year Bill
	Would require prescription labels to include the intended purpose of the drug, if indicated on the prescription. Would require a physician, dentist, optometrist, podiatrist, and other specified drug prescribers, to ask the patient or the patient's authorized representative, whether to indicate the intended purpose of the prescription on the label.	
AB 1382 Nakanishi	<u>Contact Lenses: Advertising Restrictions</u>	Two Year Bill
	Would expand existing law to make the advertising or sales presentation relating to contact lenses that represents that contacts could be obtained without confirmation of a valid prescription a deceptive business practice when done by any person, not just specified health care professionals.	
SB 579 Aanestad	<u>Optometry Advertisements</u>	Two Year Bill
	Would revise the optometry advertising provisions to prohibit advertising optometric services as being free or without cost where the services are contingent upon other purchases, unless the contingency is fully disclosed in the advertisement.	

(25) OSTEOPATHIC MEDICAL BOARD

AB 268
Matthews

Osteopathic Medical Board: Reporting Requirements

Enacted
Chapter 216

Makes technical, clarifying changes to existing law stating that reports of misconduct in various circumstances relating to licensees of the Osteopathic Medical Board be made to that board.

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 657
Karnette

Information on Prescription Labels

Two Year Bill

Would require prescription labels to include the intended purpose of the drug, if indicated on the prescription. Would require a physician, dentist, optometrist, podiatrist, and other specified drug prescribers, to ask the patient or the patient's authorized representative, whether to indicate the intended purpose of the prescription on the label.

SB 230
Figueroa

Osteopathic Medical Board of California: Report

Two Year Bill

Would require the Osteopathic Medical Board to submit a report to the Joint Committee on Boards, Commissions and Consumer Protection by September 1, 2010. *This bill was amended and all content was moved to SB 248.*

SB 248
Figueroa

Professions and Vocations

Enacted
Chapter 659

Extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries. Repeals and reconstitutes a new seven-member Acupuncture Board (Board) authorized until January 1, 2011, and allows the Board, with the approval of the Department of Consumer Affairs, to appoint an executive officer. Also requires the Osteopathic Medical Board to submit a report to the Joint Committee on Boards, Commissions and Consumer Protection by September 1, 2010.

SB 583
Figueroa

Cancer Treatment

Two Year Bill

Would provide that a licensed physician who provides treatment to cancer patients is not subject to discipline by the Medical Board solely on the basis that the physician's treatment or advice is "alternative or complementary medicine" if specified conditions are satisfied.

(26) PHARMACY, BOARD OF

**AB 21
Levine**

Pharmacists Required to Dispense Lawful Prescription

Two Year Bill

Would require a pharmacist to dispense a lawful prescription unless the prescription is contraindicated for the patient, the particular drug is out of stock, or the pharmacist elects to refuse on ethical, moral, or religious grounds, as long as the employer has been notified of these grounds and has established policies and protocols to accommodate the patient's need for the drug. Would make violation of those provisions, as well as harassment of a patient, unprofessional conduct subject to disciplinary action by the board.

**AB 225
Negrete
McLeod**

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

**AB 283
Koretz**

Ephedrine and Pseudoephedrine: Retail Sale Regulations

Two Year Bill

Would require a retailer to store any compound, mixture, preparation, or product that contains any detectable quantity of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine, or any detectable quantity of salt, optical isomer, or salt of an optical isomer of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine in a locked cabinet, or in such a manner that the product is accessible only with the assistance of the retailer or an employee of the retailer.

**AB 288
Mountjoy**

Pharmacies: Prescription Container Labeling

Two Year Bill

Would require prescription labels to include the condition for which a drug is prescribed, unless the patient, physician, or a parent or legal guardian of a minor patient requests that the information be omitted.

**AB 366
Maze**

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 497 Negrete McLeod	<u>Surety Bonds and License Fees for Nonresident Drug Wholesalers and Manufacturers</u>	Enacted Chapter 301
	Allows a nonresident wholesaler of pharmaceutical drugs to submit a single surety bond for all licensed distribution sites, excludes bond requirement for certain facilities, as well as reduces the application fee for wholesalers who have more than 20 facilities to \$225 which may be increased to \$300, for every location after the first 20 are licensed.	
AB 522 Plescia	<u>Pharmacy: Automated Drug Delivery System</u>	Enacted Chapter 469
	Defines pharmacy services; requires a pharmacist reviewing an order for a drug to check for contraindications and adverse drug reactions; and prevents licensed personnel from accessing a different drug or dose of a drug than that ordered by the prescriber and reviewed by a pharmacist.	
AB 595 Negrete McLeod	<u>Pharmacy: Compounding of Prescription Drugs</u>	Two Year Bill
	Would define compounding of prescription drugs and establish standards for pharmacies that compound drug products for patients.	
AB 657 Karnette	<u>Information on Prescription Labels</u>	Two Year Bill
	Would require prescription labels to include the intended purpose of the drug, if indicated on the prescription. Would require a physician, dentist, optometrist, podiatrist, and other specified drug prescribers, to ask the patient or the patient's authorized representative, whether to indicate the intended purpose of the prescription on the label.	
SB 152 Speier	<u>Pseudoephedrine</u>	Two Year Bill
	Would prohibit the furnishing of a pseudoephedrine product by any individual other than a pharmacist or pharmacy technician in a pharmacy and would place a limit on the amount one could acquire in a thirty-day period.	
SB 307 Simitian	<u>Dextromethorphan: Sale to Minors Prohibited</u>	Two Year Bill
	Would prohibit the over-the-counter sale, without a prescription, of a non-prescription drug containing dextromethorphan to a person under 18 years of age.	
SB 592 Aanestad	<u>Acute Care Hospitals: Inpatient Pharmacy Technician Services</u>	Two Year Bill
	Would allow general acute care hospitals to implement and operate programs using specially trained pharmacy technicians to check the work of other pharmacy technicians under prescribed conditions and circumstances.	

**SB 644
Ortiz**

Dispensing Prescription Drugs and Devices: Requirements

**Enacted
Chapter 417**

Requires a health care licentiate to dispense a lawful prescription except in specified circumstances, which include if the drug is not stocked or if the licentiate has an ethical, moral, or religious objection to dispensing the prescription. Requires that the licentiate's employer form protocols to allow a patient to obtain the prescription without undue hardship to provide reasonable accommodation to the licentiate who has expressed an objection to dispensing the prescription on these grounds.

**SB 734
Torlakson**

Controlled Substances

**Enacted
Chapter 487**

Makes technical and clean-up changes to facilitate the effective operation of the Controlled Substances Utilization Review and Evaluation System and the program duties of the Bureau of Narcotics Enforcement, within the Department of Justice (DOJ) and the Board of Pharmacy. Creates a new fee payable by doctors to the DOJ to fund background checks required for security printer approval.

**SB 1111
Committee
on
Business,
Professions
and
Economic
Development**

Health Omnibus

**Enacted
Chapter 621**

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(27) PHYSICAL THERAPY BOARD

**AB 366
Maze**

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

(28) PHYSICIAN ASSISTANT COMMITTEE

**AB 225
Negrete
McLeod**

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

**SB 1111
Committee
on
Business,
Professions
and
Economic
Development**

Health Omnibus

**Enacted
Chapter 621**

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(30) PRIVATE POSTSECONDARY & VOCATIONAL EDUCATION, BUREAU

**AB 827
Goldberg**

Private Postsecondary Education: Tuition Loans

Two Year Bill

Would prohibit a private postsecondary or vocational institution from enforcing tuition loans that fail to meet certain enumerated requirements.

**AB 840
Arambula**

Private Postsecondary Education: Accreditation

Two Year Bill

Would exempt educational institutions accredited by specified national accrediting bodies from programmatic and institutional review and approval by the Bureau for Private Postsecondary and Vocational Education.

**AB 1532
Bass**

Private Postsecondary Institution: Complaints for Damages

Two Year Bill

Would enact detailed timeframes for the filing of complaints against institutions regulated by the Department of Consumer Affairs' Bureau for Private Postsecondary and Vocational Education (Bureau) under the Private Postsecondary and Vocational Education Reform Act of 1989. Would also provide a timeline for the Bureau's responses to these complaints, its disposition of these complaints, and the execution of the Bureau's decisions with respect to these complaints.

**SB 445
Ducheny**

Commission on Statewide Postsecondary Education Policy and Planning

Two Year Bill

Would reconstitute the California Postsecondary Education Commission into a new entity entitled, The California Commission on Statewide Postsecondary Education Policy and Planning (Commission). Would give the Commission the responsibility of approving and regulating private degree-granting postsecondary educational institutions that participate in Title IV student financial aid programs and that are not accredited by a regional accrediting association recognized by the United States Department of Education.

(31) PSYCHOLOGY, BOARD OF

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

SB 229
Figueroa

Professions and Vocations

Enacted
Chapter 658

Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.

(32) REGISTERED NURSING, BOARD OF

AB 225
Negrete
McLeod

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

SB 614
Figueroa

Certified Nurse-Midwives

Enacted
Chapter 266

Expands the locations where certified nurse-midwives can furnish Schedule II medication from hospital settings to all the health care settings in which they provide care.

**SB 1111
Committee
on
Business,
Professions
and
Economic
Development**

Health Omnibus

**Enacted
Chapter 621**

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(33) RESPIRATORY CARE BOARD

**AB 366
Maze**

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

**SB 232
Figueroa**

Boards and Commissions: Respiratory Care

**Enacted
Chapter 675**

Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractors' State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.

**SB 1111
Committee
on
Business,
Professions
and
Economic
Development**

Health Omnibus

**Enacted
Chapter 621**

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(34) SECURITY & INVESTIGATIVE SERVICES, BUREAU OF

AB 481
Calderon

Repossessionors

Vetoed

Would have provided that a repossessionor has no obligation to determine whether an accessory or equipment is a personal effect. Would have authorized the party in possession of the collateral at the time of the repossession to waive the debtor's right to an inventory of personal effects and allow the collateral to be taken. Would have prohibited any person from interfering, as defined in the Penal code, with a repossessionor once the repossession is complete. Would have further defined repossession as complete when the repossessionor gains access to or entrance into the collateral.

SB 194
Maldonado

Proprietary Private Security Officers: License Program

Enacted
Chapter 655

Requires proprietary private security guards to comply with licensing requirements and register with the Bureau of Security and Investigative Services within the Department of Consumer Affairs.

(35) SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY BOARD

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

SB 232
Figueroa

Boards and Commissions

Enacted
Chapter 675

Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractors' State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.

(36) STRUCTURAL PEST CONTROL BOARD

AB 87 **Trapping Licenses: Exemptions** **Two Year Bill**
Bermudez

Would exempt structural pest control operators licensed by the Structural Pest Control Board from obtaining a trapping license from the Department of Fish and Game when trapping certain mammals, and would instead require that they be trained and tested by Fish and Game regulations.

AB 552 **Structural Pest Control: Timelines for Notices and Actions** **Two Year Bill**
La Suer

Would require that the lead agency charging a person with pesticide misuse, either the county agricultural commissioner or the Structural Pest Control Board, to send a notice of proposed action within 60 days of the initial notice of violation. Also, would provide that if the proposed action is not taken within 90 days after specific dates, the citation shall be dismissed with prejudice.

AB 861 **Licensure Denial Exemptions** **TwoYear Bill**
Bass

Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.

SB 229 **Professions and Vocations** **Enacted**
Figueroa **Chapter 658**

Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.

(37) SUNSET REVIEW

SB 228 **Geologists/Geophysicists and Professional Engineers/Land Surveyors** **Enacted**
Figueroa **Chapter 657**

Extends the sunsets dates for the Board of Professional Engineers and Land Surveyors and the Board for Geologists and Geophysicists from January 1, 2007 to January 1, 2009. Deletes the provision of existing law allowing a person to have temporary authorization to practice as a professional land surveyor if certain conditions and qualifications exist.

SB 229 **Professions and Vocations: Sunset Review** **Enacted**
Figueroa **Chapter 658**

Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.

SB 230 Figueroa	<u>Osteopathic Medical Board of California: Report</u>	Two Year Bill
	Would require the Osteopathic Medical Board to submit a report to the Joint Committee on Boards, Commissions and Consumer Protection by September 1, 2010. <i>This bill was amended and all content was moved to SB 248.</i>	
SB 231 Figueroa	<u>Medical Board of California</u>	Enacted Chapter 674
	Extends the sunset date for the Medical Board (Board) from January 1, 2007 to January 1, 2011. Requires licensees to inform the Board when they are subject to various court judgements and convictions. Increases the Board's licensing fees and requires the Joint Committee on Boards, Commissions and Consumer Protection to examine the Board's composition and fees and report all findings to the Governor and Legislature no later than July 1, 2008.	
SB 232 Figueroa	<u>Boards and Commissions: Sunset Review</u>	Enacted Chapter 675
	Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractor's State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.	
SB 233 Figueroa	<u>Acupuncture Board: Sunset Date</u>	Two Year Bill
	Would change the sunset date for the Acupuncture Board from July 1, 2006 to January 1, 2006.	
SB 246 Figueroa	<u>Board for Professional Engineers and Land Surveyors</u>	Two Year Bill
	Would extend the sunset dates for the Board for Professional Engineers and Land Surveyors (Board) and the executive officer from January 1, 2007 to January 1, 2013. Would discontinue the existing agricultural, industrial and metallurgical engineering title acts and establish chemical, control systems, fire protection, nuclear, petroleum and traffic engineering as practice acts. <i>Portions of this bill were moved to SB 228.</i>	

SB 247
Figueroa

The Boxing Act

Two Year Bill

Would repeal the State Athletic Commission (Commission) as of January 1, 2006 and repeal other related provisions. Would require the State Athletic Commissioner to appoint an advisory committee provide that they may advise the Director and State Athletic Commissioner concerning the administration, licensing and enforcement of the Boxing Act. Require the State Athletic Commissioner in consultation with the director and an advisory committee to submit a strategic plan to the Governor and Legislature by July 1, 2006 and for the State Athletic Commissioner to submit a report on the implementation of the strategic plan by August 1, 2006 to the director, Governor and Legislature.

SB 248
Figueroa

Professions and Vocations

Enacted
Chapter 659

Extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries. Repeals and reconstitutes a new seven-member Acupuncture Board (Board) authorized until January 1, 2011, and allows the Board, with the approval of the Department of Consumer Affairs, to appoint an executive officer. Also requires the Osteopathic Medical Board to submit a report to the Joint Committee on Boards, Commissions and Consumer Protection by September 1, 2010.

(38) TELEPHONE MEDICAL ADVICE BUREAU

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

(39) VETERINARY MEDICAL BOARD

AB 366
Maze

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

AB 418
Koretz

Dogs: Animal Cruelty: Ear Cropping

Two Year Bill

Would make the ear cropping of a dog a misdemeanor except as provided.

**SB 1111
Committee
on
Business,
Professions
and
Economic
Dev**

Health Omnibus

**Enacted
Chapter 621**

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board, 2) Medical Board, 3) Board of Podiatric Medicine, 4) Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, (7) Board of Pharmacy and (8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(40) VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS, BOARD OF

**AB 366
Maze**

Health Care Peer Reviews

Two Year Bill

Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.

**AB 704
Dymally**

Geriatric Health Care Assistants: Licensing and Regulation

Two Year Bill

Would provide for the licensing and regulation of geriatric health care assistants within the Board of Vocational Nursing and Psychiatric Technicians in the Department of Consumer Affairs.

2005 DIGEST – INDEX BY BILL #

Bill #	Chapter #
AB 14	281
AB 21	
AB 68	128
AB 79	
AB 87	
AB 139	74
AB 163	
AB 173	
AB 175	
AB 180	
AB 184	
AB 205	182
AB 219	
AB 225	
AB 226	
AB 238	43
AB 248	34
AB 268	216
AB 277	288
AB 278	
AB 283	
AB 288	
AB 293	
AB 302	506
AB 303	
AB 316	385
AB 327	293
AB 341	156
AB 361	295
AB 366	
AB 367	144
AB 370	186
AB 383	565
AB 386	
AB 418	
AB 424	
AB 425	
AB 446	
AB 450	
AB 481	
AB 485	
AB 488	393
AB 496	300
AB 497	301
AB 516	
AB 522	469
AB 552	
AB 578	
AB 581	
AB 592	304
AB 594	

Bill #	Chapter #
AB 595	
AB 602	
AB 615	
AB 618	
AB 619	
AB 634	
AB 646	307
AB 657	
AB 664	610
AB 695	
AB 704	
AB 718	
AB 733	
AB 770	
AB 827	
AB 840	
AB 843	396
AB 852	129
AB 859	
AB 861	
AB 881	
AB 886	
AB 894	
AB 898	
AB 920	317
AB 928	
AB 972	
AB 987	82
AB 1027	428
AB 1035	
AB 1036	
AB 1069	326
AB 1082	
AB 1098	458
AB 1104	429
AB 1113	
AB 1114	648
AB 1115	
AB 1117	649
AB 1143	534
AB 1163	
AB 1178	
AB 1179	638
AB 1195	514
AB 1263	
AB 1268	
AB 1323	722
AB 1334	
AB 1351	
AB 1382	
AB 1386	539

Bill #	Chapter #
AB 1459	618
AB 1495	476
AB 1529	341
AB 1532	
AB 1539	
AB 1566	432
AB 1581	
AB 1595	343
AB 1622	
AB 1625	
AB 1641	
AB 1694	
AB 1700	
AB 1735	719
AB 1739	
AB 1741	121
AB 1754	348
SB 13	241
SB 51	
SB 61	450
SB 92	
SB 96	
SB 97	247
SB 101	103
SB 137	452
SB 152	
SB 158	251
SB 186	594
SB 194	655
SB 202	
SB 228	657
SB 229	658
SB 230	
SB 231	674
SB 232	675
SB 233	
SB 246	
SB 247	
SB 248	659
SB 262	
SB 263	
SB 278	104
SB 279	596
SB 299	
SB 307	
SB 355	437
SB 356	
SB 389	256
SB 401	
SB 402	495
SB 412	

Bill #	Chapter #
SB 422	600
SB 438	
SB 440	
SB 445	
SB 451	
SB 460	259
SB 488	205
SB 495	
SB 504	
SB 524	
SB 540	
SB 550	
SB 551	
SB 577	
SB 579	
SB 581	439
SB 582	
SB 583	
SB 592	
SB 614	266
SB 636	
SB 637	
SB 644	417
SB 682	
SB 683	
SB 731	270
SB 734	487
SB 735	
SB 736	
SB 747	
SB 752	
SB 768	
SB 796	686
SB 802	445
SB 833	667
SB 839	
SB 852	
SB 853	37
SB 894	273
SB 914	669
SB 932	
SB 937	
SB 986	
SB 1016	726
SB 1022	
SB 1068	
SB 1108	22
SB 1111	621
SB 1112	280
SB 1113	48

2005 DIGEST – INDEX BY CHAPTER NUMBER

Ch #	Bill #
------	--------

22	SB 1108
34	AB 248
37	SB 853
43	AB 238
48	SB 1113
74	AB 139
82	AB 987
103	SB 101
104	SB 278
121	AB 1741
128	AB 68
129	AB 852
144	AB 367
156	AB 341
182	AB 205
186	AB 370
205	SB 488
216	AB 268
241	SB 13
247	SB 97
251	SB 158

Ch #	Bill #
------	--------

256	SB 389
259	SB 460
266	SB 614
270	SB 731
273	SB 894
280	SB 1112
281	AB 14
288	AB 277
293	AB 327
295	AB 361
300	AB 496
301	AB 497
304	AB 592
307	AB 646
317	AB 920
326	AB 1069
341	AB 1529
343	AB 1595
348	AB 1754
385	AB 316
393	AB 488

Ch #	Bill #
------	--------

396	AB 843
417	SB 644
428	AB 1027
429	AB 1104
432	AB 1566
437	SB 355
439	SB 581
445	SB 802
450	SB 61
452	SB 137
458	AB 1098
469	AB 522
476	AB 1495
487	SB 734
495	SB 402
506	AB 302
514	AB 1195
534	AB 1143
539	AB 1386
565	AB 383
594	SB 186

Ch #	Bill #
------	--------

596	SB 279
600	SB 422
610	AB 664
618	AB 1459
621	SB 1111
638	AB 1179
648	AB 1114
649	AB 1117
655	SB 194
657	SB 228
658	SB 229
659	SB 248
667	SB 833
669	SB 914
674	SB 231
675	SB 232
686	SB 796
719	AB 1735
722	AB 1323
726	SB 1016