



**BUREAU OF HOUSEHOLD GOODS AND SERVICES  
 Advisory Council Meeting Materials Packet  
 Wednesday, June 15, 2022 | 10:00 a.m.**

**TABLE OF CONTENTS**

**Agenda.....2-12**

<b><u>AGENDA ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b>3. January 20, 2022, Advisory Council Meeting Minutes .....</b>	<b>13-21</b>
<b>4. Review Strategic Plan .....</b>	<b>22-36</b>
<b>5. Division Updates and Statistical Overviews.....</b>	<b>37-48</b>
a. Fiscal Update .....	37
c. Licensing Statistical Overview .....	41
d. Laboratory Statistical Overview .....	43
e. Enforcement Statistical Overview .....	46
<b>6. Legislative and Policy Updates .....</b>	<b>49-150</b>
a. AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: household movers.....	49
b. AB 2956 (Committee on Transportation) – Transportation.....	54
c. SB 983 (Eggman) – Consumer warranty protection: express warranties .....	88
d. SB 1443 (Roth) – The Department of Consumer Affairs .....	94
g. Upholstered Furniture and Bedding Law Label Regulatory Proposal .....	112



**BUREAU OF HOUSEHOLD GOOD AND SERVICES  
ADVISORY COUNCIL MEETING  
NOTICE and AGENDA**

**IN-PERSON AND TELECONFERENCE MEETING**

**Wednesday, June 15, 2022, 10:00 am  
Until the Completion of Business**

**Meeting Location:**

Department of Consumer Affairs – HQ 1 Hearing Room  
1625 North Market Blvd, Room 102  
Sacramento, CA 95834

**Important Notices to the Public: The Bureau of Household Goods and Services (Bureau) will hold a public meeting both in-person and via a teleconference platform.**

Note: The Bureau will endeavor to provide reliable means for members of the public to participate remotely; however, in the unlikely event that the remote means fails, the meeting may continue in person. For this reason, members of the public are advised to consider attending the meeting in person in order to ensure their participation during the meeting.

**To participate in the WebEx Events meeting, please log on to this website the day of the meeting:**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m941b783708f314874b1fd5dd7ed1c626>

Event number: 2497 322 5696  
Event password: BHGS06152022

**INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached here to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.**

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to three minutes unless, in the discretion of the Advisory Council, circumstances require a shorter period. Members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at <https://thedcapage.wordpress.com/webcasts/>.

**Teleconference/Audio Conference Option:**

US Toll +1-415-655-0001  
Access code: 249 732 25696  
Passcode: 24470615

**Advisory Council Members:**

Pascal Benyamini, Industry  
Burt Grimes, Industry  
Donald Lucas, Public  
Dan Rhodes, Industry  
Steve Weitekamp, Industry  
Toby Taylor, Industry

Agenda items may be taken out of order. Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Advisory Council.

In accordance with the Bagley-Keene Open Meeting Act, all meetings are open to the public. Pursuant to Government Code section 11125.7, the Advisory Council provides the opportunity for the public to address each agenda item during discussion or consideration by the Advisory Council. Total time allocated for public comment on particular issues may be limited. Individuals may appear to discuss items not on the agenda; however, the Advisory Council may not discuss any matter not included in this agenda. (Government Code sections 11125, 11125.7(a)).

The Bureau plans to webcast this meeting at <https://thedcapage.blog/webcasts/>. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available.

The meeting is accessible to the disabled. A person who needs disability-related accommodations or modifications to participate in the meeting may make a request by contacting Ashleigh Reitter at [ashleigh.reitter@dca.ca.gov](mailto:ashleigh.reitter@dca.ca.gov) by sending a written request to the address indicated above or at TDD (800) 326-2297 for the hearing impaired. Please provide at least five working days' notice before the meeting to help ensure accommodations.

## AGENDA

1. Bureau Chief Introduction, Call to Order, and Roll Call
2. Public Comment on Items Not on the Agenda  
*Please note that the Advisory Council may not discuss any matter raised during this public comment section that is not included on this agenda. (Government Code sections 11125, 11125.7(a).)*
3. Review January 20, 2022, Advisory Council Meeting Minutes
4. Review Strategic Plan
5. Division Updates and Statistical Overviews
  - a. Fiscal Update
  - b. Administrative
  - c. Licensing
  - d. Laboratory
  - e. Enforcement
6. Legislative and Policy Updates
  - a. AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: household movers
  - b. AB 2956 (Committee on Transportation) – Transportation
  - c. SB 983 (Eggman) – Consumer warranty protection: express warranties
  - d. SB 1443 (Roth) – The Department of Consumer Affairs
  - e. Business Modernization Project
  - f. CPS Fee Study
  - g. Upholstered Furniture and Bedding Law Label Regulatory Proposal
7. Confirm Future Meeting Date of Thursday, October 13, 2022, at 10 a.m.
8. Future Agenda Items
9. Adjournment

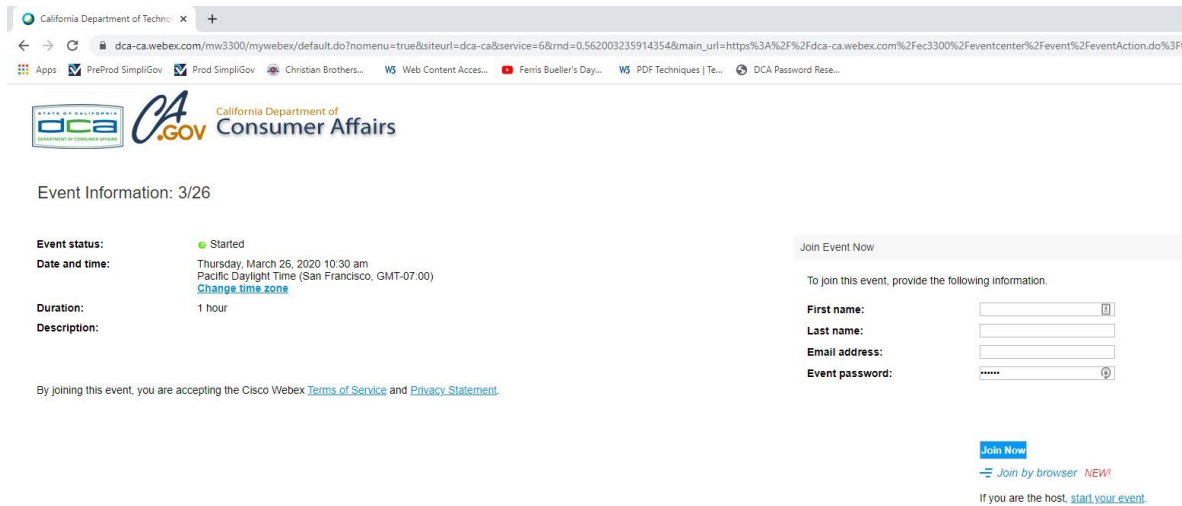
# HOW TO – Join – DCA WebEx Event

The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

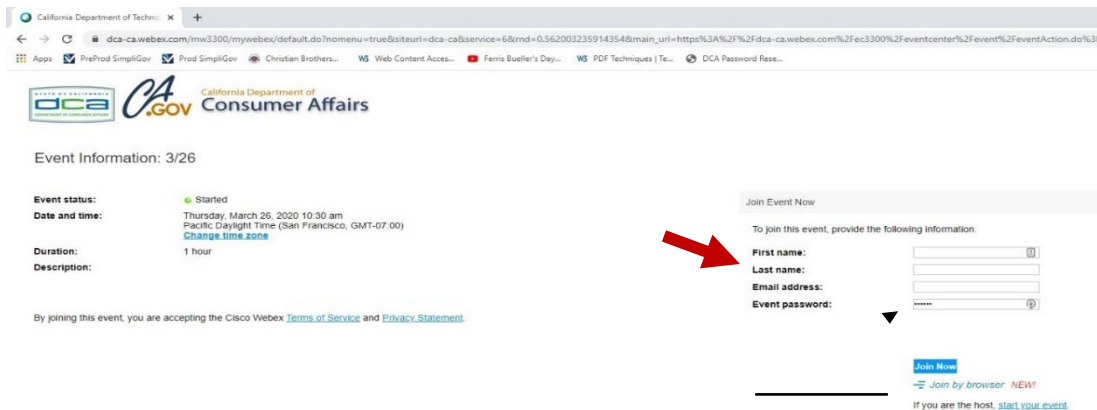
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

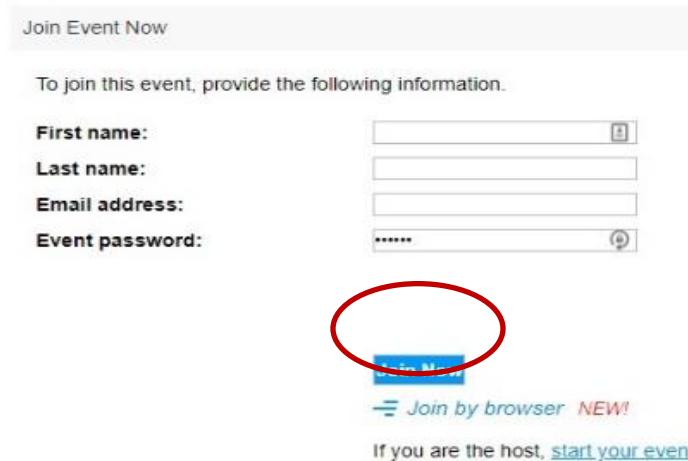
*NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.*



# HOW TO – Join – DCA WebEx Event

3. Click the 'Join Now' button.

*NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.*



Join Event Now

To join this event, provide the following information.

**First name:**

**Last name:**

**Email address:**

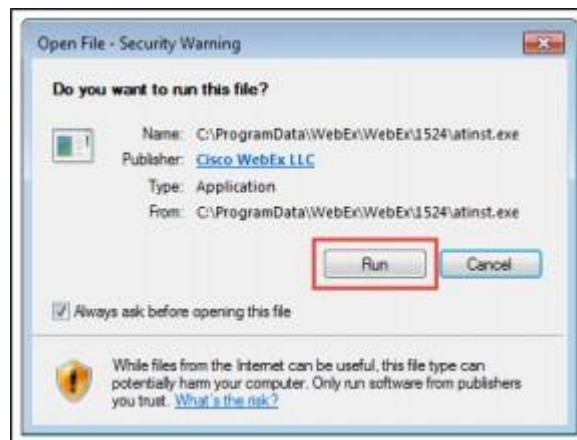
**Event password:**

**Join Now**

[Join by browser](#) **NEW!**

If you are the host, [start your event](#).

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

# HOW TO – Join – DCA WebEx Event

- To bypass step 4, click 'Run a temporary application'.

## Starting Webex...



Still having trouble? [Run a temporary application](#) to join this meeting immediately.

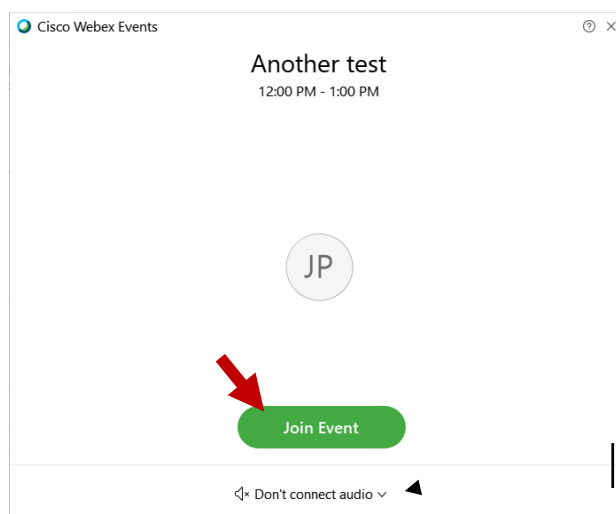
- A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

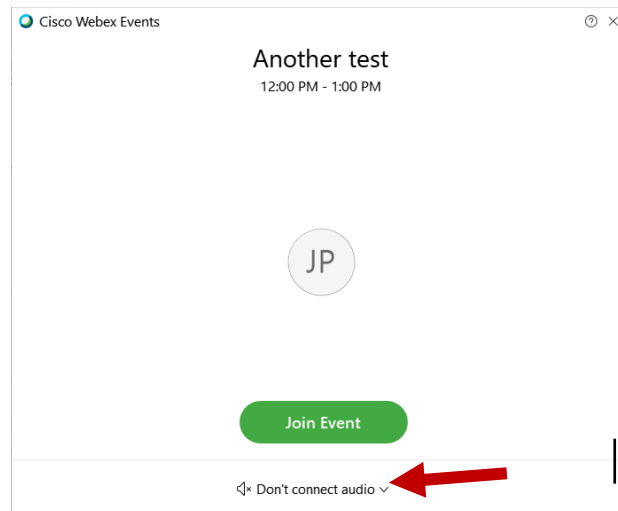
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

- If using a headset plugged into your computer, click the 'Join Event' button.

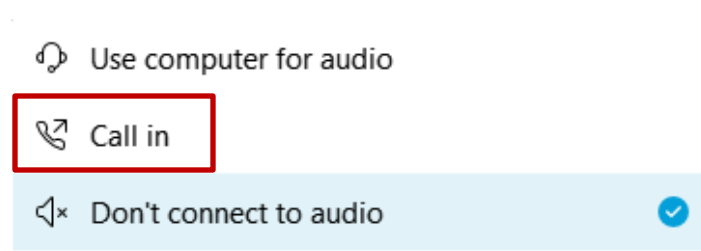


# HOW TO – Join – DCA WebEx Event

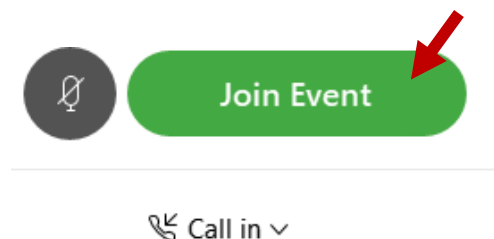
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



9. When the audio menu appears click 'Call in'.



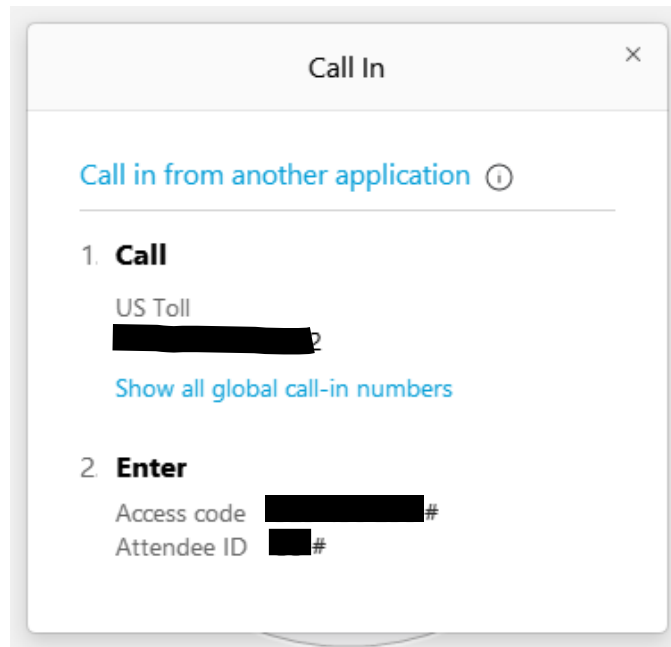
10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.





# HOW TO – Join – DCA WebEx Event

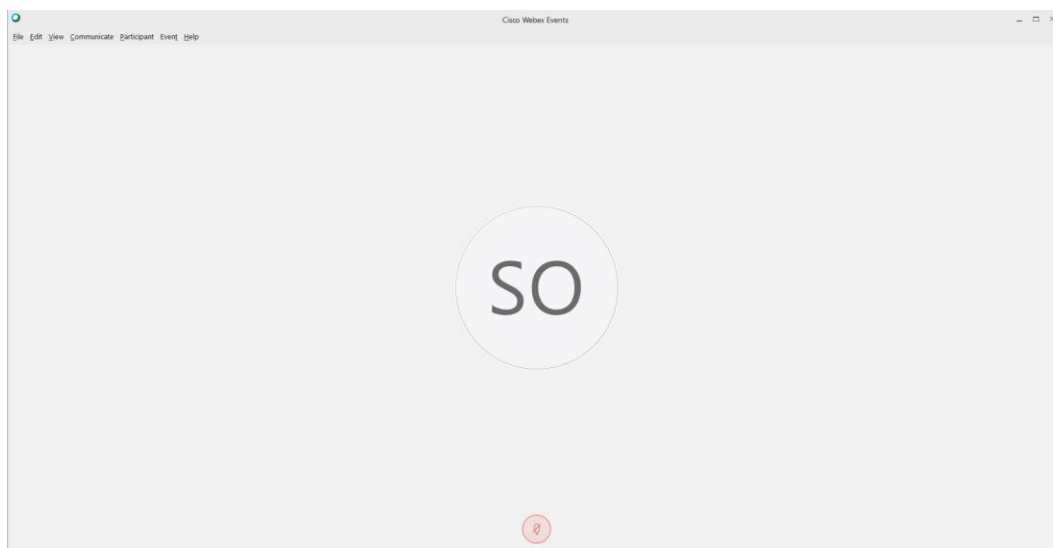
11. Call into the audio conference with the details provided.



*NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.*

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

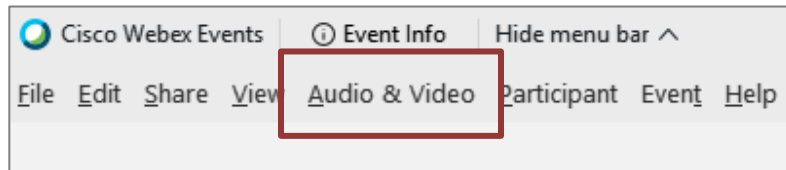


*NOTE: Your audio line is muted and can only be unmuted by the event host.*

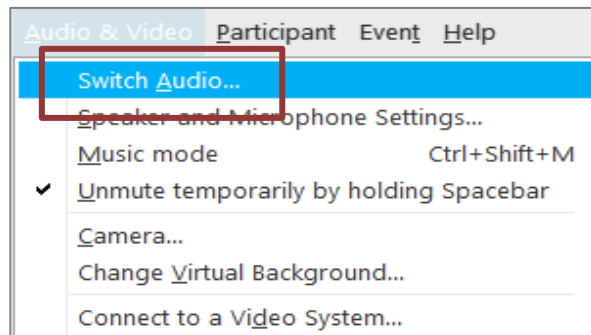
## Selecting Audio Connection After Joining

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

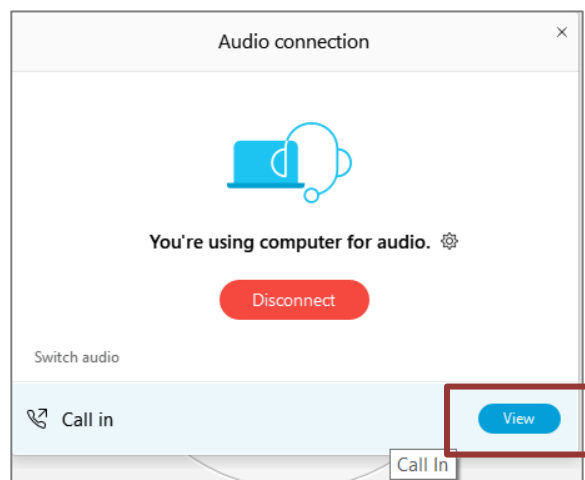
1. Select 'Audio & Video' from the menu bar at the top of your screen.



2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



You will then be presented the dial in information for you to call in from any phone.

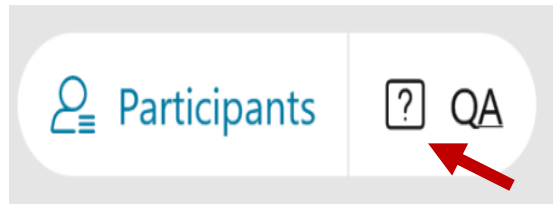
# HOW TO – Join – DCA WebEx Event

## Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment.

### Using the Question & Answer feature (Q&A):

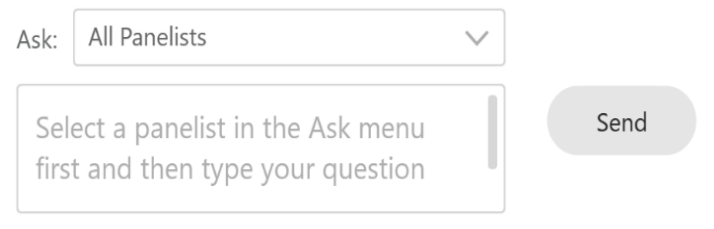
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

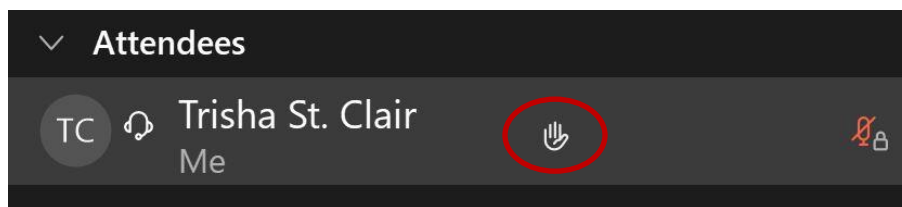
*NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.*

Make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



### Using the hand raise feature:

If the program elects to allow use of the hand raise feature and you would like to make a public comment, click on the hand icon next to your name.



Please click on the hand icon again once your comment has been presented to lower your hand.

# HOW TO – Join – DCA WebEx Event

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

When you are identified as the next commenter, the moderator will unmute your line, sending you a request to unmute yourself. Clicking “unmute me” on the pop-up window will open your microphone. You may then begin providing your public comment.



*NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.*



### Agenda Item 3: Review January 20, 2022 Advisory Council Meeting Minutes

**Bureau of Household Goods and Services (Bureau or BHGS)  
Advisory Council Meeting Minutes**

WebEx

4244 South Market Court, Suite D  
Sacramento, CA 95834  
January 20, 2022

**Attendees:**

Advisory Council Members: Pascal Benyamini, Public  
James Garelli, Industry  
Burt Grimes, Industry  
Chris Higdon, Industry  
Donald Lucas, Public  
Dan Rhodes, Industry  
Toby Taylor, Industry  
Steve Weitekamp, Industry

Bureau Staff: Justin Paddock, Bureau Chief  
Nichole Bowles, Supervising Special Investigator  
Diana Godines, Policy Manager  
Yeaphana La Marr, Policy Manager  
Rosemarie Pecota, Laboratory Manager  
Rick Villucci, Supervising Special Investigator II  
Avra Wallace-Schoell, Licensing Analyst Household Movers  
Kelli Williams, Administrative Manager

Other Individuals Present: Suzanne Balkis, DCA Budget Analyst  
Ann Fisher, DCA SOLID Planning Solutions  
Carrie Holmes, DCA Deputy Director of Board and Bureau  
Relations  
Michael Kanotz, DCA Legal  
Karen Munoz, DCA Budget Manager  
Trisha St. Clair, DCA SOLID Planning Solutions

**1. Welcome, Introductions, and Roll Call**

Bureau Chief Justin Paddock started the meeting at 10:00 am with an introduction. Policy Manager Yeaphana La Marr gave a statement from former Advisory Council (Council) member Heidi Sanborn to announce her departure from the Council. Policy Manager Diana Godines conducted roll call of Council members. All members were in attendance except Stephen McDaniel.

Chief Paddock opened the floor to Council members to make comments or ask questions. There were none. The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## **2. Public Comment on Items Not on the Agenda**

Chief Paddock opened the floor to Council members to make comments or ask questions about topics not on the agenda. Council member Steve Weitekamp strongly recommended the Bureau conduct outreach to seniors regarding moving scams, particularly by participating in Senior Scam Stopper events.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## **3. Update from the Department of Consumer Affairs (DCA) – Carrie Holmes, Deputy Director of Board and Bureau Relations**

Deputy Director of Board and Bureau Relations, Carrie Holmes, expressed excitement for Chief Paddock's return to the Bureau. Ms. Holmes discussed COVID guidelines and DCA COVID testing policy, including requirements that employees provide proof of vaccination or test weekly. Additionally, before attending the next in person meeting, Council members must provide proof of vaccination or participate in DCA testing. Ms. Holmes also reminded Council members that their terms expire in April and directed those who wish to apply for reappointment to the Council to apply online. Chief Paddock mentioned that the link for Council member applications is out date and will be updated.

Chief Paddock opened the floor to Council members to make comments or ask questions. There were none. The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## **4. Review and Approval of August 27, 2021, Advisory Council Minutes**

Chief Paddock opened discussion to Council members regarding questions or edits to the meeting minutes of the August 27, 2021, Advisory Council meeting. There were no comments or edits from the Council. Discussion was opened to public attendees for comment or to ask questions. There were none.

## **5. Division Updates and Statistical Overviews**

### **a. Fiscal Update**

Suzanne Balkis, DCA Budget Analyst, reviewed BHGS fund conditions. Ms. Balkis discussed the fund reserves – the EAR fund is currently at 11.5 months in reserves, the HFTI fund is currently at 12.2 months, and the HHM fund is at 27.9 months. All three funds are healthy and there are currently no issues.

Chief Paddock opened the floor to Council members to make comments or ask questions.

Council Member Weitekamp asked where the HHM budget shows revenue from fines. Chief Paddock confirmed that these fees will be represented in the "Other regulatory fees" and "Other regulatory licenses and permits" categories. Chief Paddock will send Mr. Weitekamp a follow up email regarding his question.

Council Member James Garelli asked if there is a target number of months in reserve balance. Chief Paddock responded that he aims for twelve months of reserves. The HHM budget is very healthy and growing, but these numbers are projected to decline in the near future with upcoming hiring, proactive enforcement, and IT projects. These numbers are not yet represented in the projected budgets.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## **b. Administration**

Mrs. Williams directed Council members to the organizational chart to demonstrate the positions that are vacant, have been reclassified, and for which recruitment is in progress.

Mrs. Williams discussed the new Administrative Unit, which was created to streamline administrative functions at the Bureau, as well as provide centralized services and oversight of administrative activities within the Bureau. The new Administrative Unit is comprised as follows:

- Staff Services Manager I
- Associate Governmental Program Analyst – for HR duties
- Associate Governmental Program Analyst – Contract duties
- Staff Services Analyst (reclass of Executive Secretary)
- Three Office Technicians

The Administrative Manager was created by reclassifying a vacant Information Officer position. The Administrative Manager will oversee three-support staff who reported to the Bureau Chief and the Personnel Liaison and Contracts Analyst who reported to the Deputy Chief. The Administrative Manager will be responsible for ensuring personnel policies comply with civil service laws, rules, and regulations, and that contract administration and purchasing comply with the State Contracting Manual and supplemental memos from the Department of General Services (DGS).

Mrs. Williams opened the floor to Council members to make comments or ask questions.

Council member Burt Grimes asked Mrs. Williams to clarify that the Bureau would be getting five new northern California Special Investigators. Mrs. Williams explained that three positions are to be refilled with two more vacancies coming up at the end of the month. Mr. Grimes ask how many investigators the Bureau has for central and southern California. Mrs. Williams responded that the Bureau has six Special Investigators, one Field Representative, one Inspector II and one Supervising Special Investigator in southern California. There is one vacancy in southern California.

Council member Weitekamp asked if the Bureau could provide an organization chart that includes names of the employees that hold each position, especially the Special Investigators. Chief Paddock said he would share that version of the organizational chart with Mr. Weitekamp.



The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

### **c. Licensing**

Licensing Analyst Avra Wallace-Schoell reported the licensing statistics found on page 35.

Council Member Weitekamp praised revenue brought in by household movers as impressive and when the Bureau looks at fees being collected, it should be noted that this is working.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

### **d. Laboratory**

Laboratory Manager Rosemarie Pecota explained that in the last six months, the laboratory has begun to return to semi-normal operations. Mrs. Pecota discussed the vacant positions within the laboratory – that duties of the vacant positions are shared among laboratory staff.

Mrs. Pecota reported that the laboratory continues to test furniture and bedding products secured by Bureau investigators. Additionally, the Bureau finalized an agreement in October with the Department of Toxic Substances Control (DTSC) for the current fiscal year to resume sending samples to DTSC for flame retardant chemical content testing.

Ms. Pectota announced the January Thermal Insulation Directory is nearing completion and is expected to be posted in the coming weeks.

Additionally, onsite assessment for the National Voluntary Laboratory Accreditation Program (NVLAP) accreditation for the thermal insulation program was conducted on December 6, 2021. This step completed the NVLAP 2020 accreditation assessment, which could not be completed during the pandemic due to federal travel restrictions. The Bureau is renewing its contract with NVLAP, but until execution, cannot generate reports using the NVLAP accreditation symbol. During this time, thermal insulation testing is performed offsite by accredited contracted testing laboratories.

Mrs. Pecota presented laboratory testing statistics on page 37 of the meeting materials.

Council Member Don Lucas asked if the thermal insulation fail rates are in line with past failure rates and asked why they are failing. Ms. Pecota responded that she would need to check with the Bureau's flammability Engineer, but these tests do not represent the entire spectrum, as these results were samples only sent for E84 analysis.

Council member Lucas mentioned that label failure rates have been high for years and wondered what can be done. He asked Chief Paddock if the Bureau is working with Consumer Product Safety Commission (CPSC) on having one label. Policy Manager, Diana Godines, said we are still looking into combining the law labels. Chief Paddock offered to update Mr. Lucas after meeting with CPSC. Mr. Lucas requested to be present with any discussion with the CPSC. Chief Paddock agreed.



Council member Burt Grimes asked if the TB 117-2013 pass and fail data could be shown by the manufacturer locations. Ms. Pecota will provide this information in future meetings.

Council member Grimes requested that the Bureau's website include more information regarding specifications for the law labels, such as font and layout. Chief Paddock explained that this would be difficult because every violation should be considered on a case-by-case basis, taking into account the circumstances of each, such as history of compliance, egregiousness of the violation, etc.

Council Member Pascal Benyamini requested a breakdown of factory locations for each category that is requested in the data presented. Mrs. Pecota agreed.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

Andrew Lock from the CPSC stated he is happy to set up a meeting to discuss labeling. It may be difficult for CPSC to enforce California's label because California's label requirements are not included in TB 117-2013. Mr. Lock advised that having Mr. Lucas in the meeting might be difficult due to public meeting requirements.

Tom Dykstra asked if the TB 117-2013 failure was reupholstered or if it was from a California Manufacturer. Mrs. Pecota replied that it was a new product, not reupholstered.

#### **e. Enforcement**

Supervising Special Investigator II Rick Villucci presented the enforcement statistics included in the Advisory Council meeting materials on page 39.

Mr. Villucci discussed goods releases that the Bureau has facilitated. Since October 2021, the Bureau's Special Investigations Unit has assisted 15 consumers in locating and obtaining their household goods throughout the state. There are an additional 40 loads of belongings that have been located and are in the process of being released this week with more releases pending, all from the same moving company. There are four additional releases from unrelated companies that investigators are facilitating. Field Enforcement staff are working with 12 separate storage facilities in Central and Southern California to help locate and release household goods to consumers.

Mr. Villucci opened the floor to Council members to make comments or ask questions.

Council Member Weitekamp commended the Bureau for its work in helping consumers recover their goods, but also noticed that citations for household movers have dropped this quarter. He will be monitoring Bureau enforcement and knows the Bureau will hold itself accountable for getting those numbers back up.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## 6. Legislative and Policy Updates

### a. Sunset Review Extension

Ms. La Marr informed the Council that the Legislature delayed the Bureau's sunset review to 2023. The extension was amended into SB 607 (Min, Chapter 367, Statutes of 2021) on August 30, 2021. The Bureau will write its sunset report this year. Next year, the Legislature will review the Bureau's performance over the past five years instead of the usual four.

Ms. La Marr encouraged any Council members to identify any issues they would like the Bureau to include in its report. Ms. La Marr reminded the Council that in the previous meeting, they identified annual fees for HFTI licenses, removing percentages from law labels, and a need for consumer outreach as issues. There were no comments or additional suggestions from Council.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

### b. Enacted Legislation: AB 1221(Flora) – Consumer warranties: service contracts: cancellation: disclosures

The Governor enacted AB 1221 on October 24, 2021. Effective January 1, 2022, this bill allows service contractors registered with the Bureau to offer month-to-month contracts. This bill also allows continuous until canceled service contracts so long as the continuous nature of the contract is disclosed in a clear and conspicuous manner. This bill defines "clear and conspicuous" for the purposes of the disclosure and requires affirmative consent from the consumer to enter into a "continue until canceled" service contract.

The Bureau issued an implementation memo for this bill on December 7, 2021. The Policy Unit worked with the Licensing Unit early on as the Bureau began receiving contracts to review in October. The Policy Unit has also provided training to the Compliance Unit for use when resolving consumer complaints.

Ms. La Marr opened the floor to Council members to make comments or ask questions. There were none.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

### c. Pending Legislation: AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: Household Movers

This bill would grant an exemption from Bureau permit requirements under the authority of the Household Movers Act for storage container delivery companies when a person other than an employee or agent of the storage delivery company packs the storage container.

Ms. La Marr added that the permit exemption would result in an exemption from complying with the Maximum Rates and Rules for the Transportation of Used Property (Tariff), which limits rates that can be charged by household movers and establishes contracting, consumer notification, and claims process requirements, among many other consumer protection provisions.

Ms. La Marr opened the floor to Council members to make comments or ask questions.

Advisory Council Member Weitekamp commented that the California Moving and Storage Association is strongly opposed to this bill. Mr. Weitekamp does not think any entities should be able to operate outside of the regulation.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

Mr. Weitekamp asked if the Bureau could track AB 294 (Santiago). Ms. La Marr agreed.

#### **d. Business Modernization Project**

Ms. La Marr presented an update on the Bureau Modernization project. DCA has acquired inLumon, an off the shelf system, through DGS' Software Licensing Program. In November, DCA published a request for proposals to procure IT implementation services to develop specific functionality within inLumon specific to DCA programs. In February, the Bureau will evaluate proposals to select a vendor, with whom DCA will negotiate in March. The tentative project start date is in April and system rollouts will be over four months, with the initial rollout scheduled for October.

Household movers are currently on a system that is not supported by DCA. Its current host would like to retire the system so the Bureau's initial rollout will include household movers as Priority 1. To facilitate transfer from the PUC to inLumon, DCA's Office of Information Services began working with the PUC in early December to convert and transfer data so we will not lose any historical household mover information.

After the project begins, Ms. La Marr will call on internal Subject Matter Experts (SMEs) from licensing and enforcement for testing and to assist in identifying and developing system requirements. Ms. La Marr plans to facilitate SMEs by committee to reduce workload impacts to the Bureau and obtain a comprehensive perspective of ideal functionality.

Ms. La Marr opened the floor to Council members to make comments or ask questions. There were none.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

#### **e. CPS Fee Study**

Ms. Godines gave an update on the Bureau's Fee Study. The Bureau has contracted with Cooperative Personnel Services (CPS) to conduct a fee study on the Bureau's three

programs. The study is being conducted to determine appropriate fee levels to recover the actual costs to the Bureau for the work performed to enforce its practice acts. The study will also provide recommendations regarding combining the three funds into a single fund.

The Bureau has been working with CPS since December 2021. CPS is currently meeting with each manager, gathering information to capture the work performed within each unit, and developing a task list which will be used to determine the percentage of time staff spends on each high-level process or task over the course of a year. The Bureau anticipates a draft report to be provided toward the end of April with a final report to follow in May. The report will be included in the Bureau's sunset review report for review.

Ms. Godines opened the floor to Council members to make comments or ask questions. There were none.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## **7. Strategic Planning**

The Department of Consumer Affairs' SOLID Planning Solutions briefly presented the Council and managers with information on the strategic planning process. After a 45-minute recess, SOLID facilitated the goal-setting process for the Bureau in the areas of licensing, consumer protection and enforcement, communication and education, legislation and regulations, and organizational development.

## **8. Review, Discuss, and Set Future Meeting Dates**

Chief Paddock and Council members agreed on Wednesday, June 15, 2022, at 10 a.m. for the next Council meeting and Thursday, October 13, 2022, at 10 a.m. for a future Council meeting.

The WebEx moderator opened the floor for public attendees to make comments or ask questions. There were none.

## **9. Future Agenda Items**

Chief Paddock opened the floor for Council members to recommend future agenda items. There were none.

The WebEx moderator opened the floor for public attendees to recommend future agenda items. There were none.

## **10. Adjournment**

Chief Paddock thanked the Council members and SOLID for their time and adjourned the meeting.



## Agenda Item 4: Review Strategic Plan



# Strategic Plan 2022-2027

**Prepared by:**  
SOLID Planning Solutions  
Department of Consumer Affairs

## Table of Contents

Bureau of Household Goods and Services.....	2
Advisory Council Members.....	2
Message from the Chief.....	3
About the Bureau.....	4
History and Function of the Bureau.....	4
Bureau Advisory Council Composition.....	5
Mission, Vision, and Values .....	6
Mission.....	6
Vision.....	6
Values.....	6
Goal 1: Licensing .....	7
Goal 2: Consumer Protection and Enforcement.....	8
Goal 3: Communication and Education .....	9
Goal 4: Legislation and Regulations.....	10
Goal 5: Organizational Development.....	11
Strategic Planning Process .....	12



## Bureau of Household Goods and Services

Advisory Council Members as of January 20, 2022

Pascal Benyamini, Public Member  
James Garelli, Industry Member (Household Movers)  
Burt Grimes, Industry Member (Home Furnishings and Thermal Insulation)  
Chris Higdon, Industry Member (Household Movers)  
Donald Lucas, Public Member  
Stephen McDaniel, Industry Member (Electronic and Appliance Repair)  
Dan Rhodes, Industry Member (Electronic and Appliance Repair)  
Toby Taylor, Industry Member (Electronic and Appliance Repair)  
Steve Weitekamp, Industry Member (Movers and Storage)

Gavin Newsom, Governor  
Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services and Housing Agency  
Kimberly Kirchmeyer, Director, Department of Consumer Affairs  
Justin Paddock, Chief, Bureau of Household Goods and Services

## Message from the Chief

I am pleased to present the Bureau of Household Goods and Services' (Bureau) 2022-2027 Strategic Plan. The Strategic Plan is the result of a long collaborative process between our executive and management teams, as well as both internal and external stakeholders. Our goal was to provide a fresh look at the next five years and build a relevant plan for continued improvement at the Bureau.

Keeping true to our mission to protect and serve consumers while ensuring a fair and competitive marketplace, we have outlined five goals – each with its own set of objectives – designed to ensure the continued success of our mission. Over the course of the next half a decade, Bureau staff will focus on enhancing our licensing and enforcement processes, increasing our communication and educational outreach activities, implementing legislative and regulatory updates, and improving the overall organizational effectiveness of the Bureau.

I invite you to join us as the Bureau implements the various elements of this plan and I hope that you will continue to work with us to achieve these ambitious goals.

Sincerely,

Justin Paddock  
Chief, Bureau of Household Goods and Services

# About the Bureau

## History and Function of the Bureau

The Bureau is split into four distinct areas of regulation: 1) Home furnishings and thermal insulation, 2) electronic and appliance repair, 3) service contracts, and 4) household movers.

### Home Furnishings and Thermal Insulation

The California Bureau of Home Furnishings and Thermal Insulation (BHFTI) was initially established in 1911 as part of the Bureau of Labor Statistics in response to unscrupulous manufacturing in the mattress industry. There were no requirements at the time to disclose the materials used in the contents of the mattresses, which were widely recognized as contributors to fires following the 1906 San Francisco earthquake. Later, BHFTI's jurisdiction was expanded to include retailers, wholesalers, and importers, to be able to trace the origin of a product to the source and when products were deemed dangerous to have a mechanism to remove the product from the market.

In addition to bedding and furniture manufacturers, importers, wholesalers, and retailers, the Bureau currently regulates supply dealers, custom upholsterers, bedding sanitizers, and manufacturers of thermal insulation.

### Electronic and Appliance Repair

The California Bureau of Electronic and Appliance Repair (BEAR) was established in 1963 as the Bureau of Repair Services under the Department of Professional and Vocational Standards, which later became the Department of Consumer Affairs (Department), in response to fraud and negligence in the television repair industry.

In 1973, major home appliance repair was added to BEAR's regulatory authority. As technology evolves, the Bureau's regulation has been revised to add such items as microwave ovens, personal computers, satellite antennas, and home office products. In 2013, BEAR was also authorized to regulate the installation, service, and maintenance of ignition interlock devices.

### Service Contracts

In 1994, service contracts for consumer electronic and home appliance products were added to BEAR's regulatory authority in response to companies selling or administering contracts without providing adequate financial backing or properly disclosing the terms and conditions as required by the Song-Beverly Consumer Warranty Act.

The products covered under service contracts were expanded in 2004 to include furniture, jewelry, lawn and garden products, and many other items used in homes for personal use. In 2014, service contract authority was expanded again to include optical products, such as eyeglasses. On January 1, 2020, the products covered under service contracts were expanded again to include all consumer goods.

## Household Movers

As of July 1, 2018, the Bureau’s oversight includes household movers as a result of legislation that transferred administration of the Household Movers Act from the California Public Utilities Commission.

## How the Bureau’s Composition and Functions Evolved

To effectively share resources and provide cost savings, BHFTI and BEAR were housed together and placed under the oversight of one Chief in the late 1990s. As time went on, units within the bureaus consolidated and staff cross-trained, sharing the workload. In 2009, legislation – ABX4 20 – officially merged the two bureaus as the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation.

The Division of Household Movers augmented the Bureau’s existing workforce by providing additional licensing, enforcement, and administrative positions to effectively regulate the moving industry and protect consumers. The Bureau recruited additional staff, while providing cross-training and opportunities for existing staff to affect the implementation of the new program, while maintaining a high level of service for the existing programs.

The Bureau currently licenses and regulates over 42,000 companies across the globe from small single-person businesses to major corporations. The Bureau currently has a staff of over 60 employees who license, register, and permit companies, handle consumer complaints, inspect businesses, ensure compliance with laws and regulations, conduct investigations, test products to determine whether they meet Bureau and federal standards, and initiate disciplinary action against companies that commit violations.

## Bureau Advisory Council Composition

The Advisory Council (Council) is an informal, voluntary council dedicated to assisting the Bureau by providing perspective and insight into the electronic and appliance service markets, service contract market, the upholstered furniture, bedding and thermal insulation markets, and the household mover market in California. Members serve in an advisory capacity on policy matters, making recommendations directly to the Bureau Chief. The Director of the Department of Consumer Affairs appoints members who serve two-year terms.

As of January 20, 2022, the Council included two public members: Pascal Benyamini and Donald Lucas. The Council’s seven industry members were from three distinct fields.

<b>Household Movers</b>	<b>Electronic &amp; Appliance Repair</b>	<b>Home Furnishings &amp; Thermal Insulation</b>	<b>Service Contracts</b>
James Garelli	Dan Rhodes	Burt Grimes	Stephen McDaniel
Chris Higdon	Toby Taylor		
Steve Weitekamp			

## Mission, Vision, and Values

### Mission

The Bureau of Household Goods and Services' mission is to protect and serve consumers while ensuring a fair and competitive market.

### Vision

The Bureau of Household Goods and Services' vision is to be an efficient organization that effectively protects consumers and improves the marketplace through quality customer service, prompt licensing, and enforcing the law.

### Values

- Accountability
- Consumer Protection
- Effectiveness
- Integrity
- Professionalism
- Service
- Education

## Goal 1: Licensing

Administer a licensing program that enables applicants to timely enter the workforce while ensuring consumer protection.

- 1.1 Establish licensing processes and procedures to streamline workflow.
- 1.2 Review and enhance customer service standards to carry out the mission of the Bureau.
- 1.3 Continually improve online services to increase compliance and reduce barriers to licensure.
- 1.4 Streamline the electronic filing process for insurance companies to decrease reporting timeframes and increase compliance by household movers.

## Goal 2: Consumer Protection and Enforcement

Ensure the Bureau’s enforcement program maximizes resources to provide timely consumer protection through actively enforcing the laws and regulations governed.

- 2.1 Establish processes and procedures in enforcement operations to ensure accountability of all regulated populations.
- 2.2 Implement proactive enforcement and “sting operations” to enhance consumer protection and increase permitted household movers in the state.
- 2.3 Annually solicit input from partners on industry trends and business practices to ensure the Bureau uses up-to-date enforcement/investigative practices.
- 2.4 Coordinate outreach to local law enforcement and local prosecutors to increase cooperation amongst different agencies.
- 2.5 Leverage the Bureau’s Memorandum of Agreement with the Federal Motor Carrier Safety Administration to protect California consumers from unpermitted inter-state movers.

## Goal 3: Communication and Education

Inform and engage consumers, licensees, and other stakeholders about the Bureau's laws and regulations and the availability of the complaint process.

- 3.1 Educate consumers about what the Bureau is and how it protects consumers.
- 3.2 Educate the regulated industries about the functions of the Bureau and the resources available to them to enhance their business operations and increase compliance.
- 3.3 Publicize enforcement actions to inform consumers of industry violations.
- 3.4 Conduct outreach to related industries to educate them of the Bureau's laws and create partnerships to identify illegal activity.
- 3.5 Create and implement a comprehensive outreach plan.
- 3.6 Improve the user friendliness of the Bureau's website to make it an indispensable resource for licensees and consumers.
- 3.7 Explore new and alternative methods of communication to reach more stakeholders.



## Goal 4: Legislation and Regulations

Implement legislative and regulatory changes to provide for the protection of consumers and to address current and emerging issues.

- 4.1 Adopt regulations to clarify law label requirements and remove outdated language to increase compliance.
- 4.2 Adopt regulations to enable comprehensive enforcement actions for violations of the Household Movers Act.
- 4.3 Analyze ignition interlock device legislation and regulations to evaluate the Bureau's role in regulating the industry.
- 4.4 Update Bureau regulations and statutes to reflect the evolving gig economy (freelance and independent contract workers), as well as explore and identify participants in the gig economy.
- 4.5 Update and simplify Electronic and Appliance Repair Dealer Registration Law to address current and emerging technologies, eliminate obsolete references, assist enforcement, align with current business practices, address privacy and information security issues, and enhance compliance.

## Goal 5: Organizational Development

Provide effective leadership and improve the quality of services in all program areas.

- 5.1 Implement effective staff recruitment, including updating candidate evaluation criteria, to improve recruitment and retention of qualified staff.
- 5.2 Identify and implement creative ways to attract an increased number of qualified applicants.
- 5.3 Increase the speed in which staff vacancies are filled, reducing the Bureau's staff vacancy rate to less than 10 percent.
- 5.4 Create a comprehensive Bureau training plan to initiate long-term succession planning.
- 5.5 Facilitate staff team building to increase collaboration and improve morale among staff.

## Strategic Planning Process

To understand the environment in which the Bureau operates, as well as identify factors that could impact the Bureau's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Planning unit conducted a SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats) of the Bureau's current situation, including assessing internal and external environments, by collecting information through the following methods:

- Interviews were conducted with almost all Advisory Council members, as well as with Bureau leadership, during the month of November 2021 to assess the challenges and opportunities the Bureau is currently facing or will face in the upcoming years.
- An online survey was sent to external stakeholders on November 11, 2021, closing on December 1, 2021. In the survey, external stakeholders provided anonymous input regarding the challenges and opportunities the Bureau is currently facing or will face in the upcoming years. A total of 33 external stakeholders participated in the survey.

Bureau executive staff were provided the results of the environmental scan over a week before the strategic planning session on Thursday, January 20, 2022. They were also given an objectives worksheet and a list of action words to consider when creating their objectives, and these were passed along to the Advisory Council members and Bureau leadership. During the planning session, suggestions were taken from Council Members, the new Bureau Chief, and members of Bureau management. These objectives were discussed and rephrased into the objectives included in this document.

**Bureau of Household Goods and Services**

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Sacramento, California 95834-1243

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Strategic plan adopted on TBD.

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Bureau of Household Goods and Services on January 20, 2022. Subsequent amendments may have been made after the adoption of this plan.

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

**SOLID TRAINING AND  
PLANNING SOLUTIONS**

Prepared by:

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## Agenda Item 5a: Fiscal Update

**0325 - Bureau of Electronic Appliance Repair Fund Analysis of Fund Condition**

**(Dollars in Thousands)**

**2022-23 Governor's Budget with 2021-22 FM 10 Projections**

	<b>PY</b> <b>2020-21</b>	<b>CY</b> <b>2021-22</b>	<b>BY</b> <b>2022-23</b>	<b>BY +1</b> <b>2023-24</b>	<b>BY +2</b> <b>2024-25</b>
<b>BEGINNING BALANCE</b>	\$ 3,936	\$ 3,770	\$ 3,499	\$ 2,645	\$ 1,719
Prior Year Adjustment	\$ 14	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 3,950	\$ 3,770	\$ 3,499	\$ 2,645	\$ 1,719
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 106	\$ 115	\$ 93	\$ 93	\$ 93
4127400 - Renewal fees	\$ 2,109	\$ 2,180	\$ 2,269	\$ 2,269	\$ 2,269
4129200 - Other regulatory fees	\$ 3	\$ 10	\$ 12	\$ 12	\$ 12
4129400 - Other regulatory licenses and permits	\$ 277	\$ 306	\$ 236	\$ 236	\$ 236
4163000 - Income from surplus money investments	\$ 21	\$ 9	\$ 0	\$ 25	\$ 10
4171400 - Escheat of unclaimed checks and warrants	\$ 4	\$ 4	\$ 4	\$ 4	\$ 4
4173500 - Settlements and Judgements - Other	\$ 2	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 2,522	\$ 2,624	\$ 2,614	\$ 2,639	\$ 2,624
Totals, Transfers and Other Adjustments	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 2,522	\$ 2,624	\$ 2,614	\$ 2,639	\$ 2,624
<b>TOTAL RESOURCES</b>	\$ 6,472	\$ 6,394	\$ 6,113	\$ 5,284	\$ 4,343
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 2,526	\$ 2,662	\$ 3,233	\$ 3,330	\$ 3,430
9892 Supplemental Pension Payments (State Operations)	\$ 46	\$ 46	\$ 46	\$ 46	\$ 46
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 130	\$ 187	\$ 189	\$ 189	\$ 189
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 2,702	\$ 2,895	\$ 3,468	\$ 3,565	\$ 3,665
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 3,770	\$ 3,499	\$ 2,645	\$ 1,719	\$ 678
Months in Reserve	15.6	12.1	8.9	5.6	2.2

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
 Expenditure growth projected at 3% beginning BY +1.  
 Expenditures General Salary 4.55% increase.

**0752 - Home Furnishings and Thermal Insulation Fund Analysis of Fund Condition**  
**(Dollars in Thousands)**  
**2022-23 Governor's Budget with 2021-22 FM 10 Projections**

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
<b>BEGINNING BALANCE</b>	\$ 5,213	\$ 6,058	\$ 6,871	\$ 5,915	\$ 4,815
Prior Year Adjustment	\$ 30	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 5,243	\$ 6,058	\$ 6,871	\$ 5,915	\$ 4,815
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 156	\$ 261	\$ 140	\$ 140	\$ 140
4127400 - Renewal fees	\$ 3,758	\$ 4,461	\$ 3,905	\$ 3,905	\$ 3,905
4129200 - Other regulatory fees	\$ 86	\$ 135	\$ 99	\$ 99	\$ 99
4129400 - Other regulatory licenses and permits	\$ 1,038	\$ 937	\$ 971	\$ 971	\$ 971
4163000 - Income from surplus money investments	\$ 30	\$ 16	\$ 45	\$ 71	\$ 52
4171400 - Escheat of unclaimed checks and warrants	\$ 13	\$ 16	\$ 15	\$ 15	\$ 15
4172500 - Miscellaneous revenues	\$ 0	\$ 0	\$ 1	\$ 1	\$ 1
4173000 - Penalty Assessments (4171500 - Escheat - Unclaimed Proper	\$ 0	\$ 0	\$ 7	\$ 7	\$ 7
4173500 - Settlements and Judgements - Other	\$ 2	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 5,083	\$ 5,826	\$ 5,183	\$ 5,209	\$ 5,190
Totals, Transfers and Other Adjustments	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 5,083	\$ 5,826	\$ 5,183	\$ 5,209	\$ 5,190
<b>TOTAL RESOURCES</b>	\$ 10,326	\$ 11,884	\$ 12,054	\$ 11,124	\$ 10,005
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,898	\$ 4,553	\$ 5,667	\$ 5,837	\$ 6,012
9892 Supplemental Pension Payments (State Operations)	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 259	\$ 349	\$ 361	\$ 361	\$ 361
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 4,268	\$ 5,013	\$ 6,139	\$ 6,309	\$ 6,484
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 6,058	\$ 6,871	\$ 5,915	\$ 4,815	\$ 3,521
Months in Reserve	14.5	13.4	11.3	8.9	6.5

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
Expenditures General Salary 4.55% increase.

**3315 - Household Movers Fund Analysis of Fund Condition  
(Dollars in Thousands)**

2022-23 Governor's Budget with 2021-22 FM 10 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
<b>BEGINNING BALANCE</b>	\$ 3,316	\$ 5,062	\$ 7,064	\$ 7,995	\$ 8,860
Prior Year Adjustment	\$ 99	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 3,415	\$ 5,062	\$ 7,064	\$ 7,995	\$ 8,860
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 125	\$ 129	\$ 131	\$ 131	\$ 131
4127400 - Renewal fees	\$ 3,368	\$ 3,813	\$ 3,435	\$ 3,435	\$ 3,435
4129200 - Other regulatory fees	\$ 73	\$ 72	\$ 74	\$ 74	\$ 74
4129400 - Other regulatory licenses and permits	\$ 100	\$ 92	\$ 103	\$ 103	\$ 103
4143500 - Miscellaneous Services to the Public	\$ 1	\$ 0	\$ 0	\$ 0	\$ 0
4163000 - Income from surplus money investments	\$ 0	\$ 0	\$ 116	\$ 131	\$ 143
4160400 - Sale of Fixed Assets (4171400 Canceled Warrants Revenue)	\$ 2	\$ 2	\$ 0	\$ 0	\$ 0
4173000 - Penalty Assessments	\$ 0	\$ 0	\$ 1	\$ 1	\$ 1
4173500 - Settlements and Judgements - Other	\$ 1	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 3,670	\$ 4,108	\$ 3,860	\$ 3,875	\$ 3,887
Revenue Transfer from Household Mover's Fund (3315) to Motor Carri	\$ -21	\$ -21	\$ -21	\$ -21	\$ -21
Totals, Transfers and Other Adjustments	\$ -21	\$ -21	\$ -21	\$ -21	\$ -21
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 3,649	\$ 4,087	\$ 3,839	\$ 3,854	\$ 3,866
<b>TOTAL RESOURCES</b>	\$ 7,064	\$ 9,149	\$ 10,903	\$ 11,849	\$ 12,726
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,720	\$ 1,805	\$ 2,697	\$ 2,778	\$ 2,861
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 282	\$ 280	\$ 211	\$ 211	\$ 211
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 2,002	\$ 2,085	\$ 2,908	\$ 2,989	\$ 3,072
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 5,062	\$ 7,064	\$ 7,995	\$ 8,860	\$ 9,654
Months in Reserve	29.1	29.1	32.1	34.6	37.7

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
Expenditures General Salary 4.55% increase.





## Agenda Item 5c: Licensing Statistical Overview

## LICENSING STATISTICS

Electronic and Appliance Repair Registrations					
Quarter Ending	6/30/21	9/30/21	12/31/21	3/31/22	Average
Appliance Service Dealers	2,530	2,551	2,548	2,552	<b>2,545</b>
Electronic Service Dealers	3,767	3,681	3,448	3,403	<b>3,575</b>
Combination Electronic/ Appliance Service Dealers	413	282	295	264	<b>314</b>
Service Contract Administrators	61	64	68	69	<b>66</b>
Service Contract Sellers	11,000	10,371	10,561	11,545	<b>10,869</b>
<b>Total Active EAR Registrations</b>	<b>17,771</b>	<b>16,949</b>	<b>16,920</b>	<b>17,833</b>	<b>17,368</b>

Home Furnishings and Thermal Insulations Licenses					
Quarter Ending	6/30/21	9/30/21	12/31/21	3/31/22	Average
Furniture Retailers	2,039	2,018	2,011	1,884	<b>1,988</b>
Bedding Retailers	2,171	2,140	2,160	1,795	<b>2,067</b>
Furniture and Bedding Retailers	10,907	10,829	10,965	10,262	<b>10,741</b>
Custom Upholsterers	446	442	453	459	<b>450</b>
Supply Dealers	86	87	91	92	<b>89</b>
Importers (includes overseas Manufacturers)	5,670	5,729	5,873	5,854	<b>5,782</b>
Manufacturers	1,342	1,325	1,340	1,332	<b>1,335</b>
Sanitizers	25	24	24	24	<b>24</b>
Wholesalers	166	166	160	159	<b>163</b>
Thermal Insulation Manufacturers	98	100	100	101	<b>100</b>
<b>Total Active HFTI Licenses</b>	<b>22,950</b>	<b>22,860</b>	<b>23,177</b>	<b>21,962</b>	<b>22,737</b>

Household Movers Permits					
Quarter Ending	6/30/21	9/30/21	12/31/21	3/31/22	Average
Permits Issued	36	40	37	35	<b>37</b>
Exams Administered	39	51	44	34	<b>42</b>
Exam Pass Rate	97%	82%	93%	97%	<b>92%</b>
<b>Total Active HHM Permits</b>	<b>1,076</b>	<b>1,084</b>	<b>1,090</b>	<b>1,099</b>	<b>1,087</b>

Household Movers Quarterly Revenue Report					
Quarter Ending	6/30/21	9/30/21	12/31/21	3/31/22	Average
Number of Permits	1,126	1,135	1,115	982	<b>1,090</b>
Gross Revenue	\$1,095,265	\$1,201,501	\$970,100	\$786,103	<b>\$1,013,242</b>
Administrative Fees	\$11,260	\$11,350	\$11,150	\$9,820	<b>\$10,895</b>
CHP Fees	\$5,630	\$5,675	\$5,575	\$4,910	<b>\$5,448</b>
Net Revenue	\$1,078,375	\$1,184,476	\$953,375	\$771,373	<b>\$996,900</b>
Net Revenue Including Admin Fees	\$1,089,635	\$1,195,826	\$964,525	\$781,193	<b>\$1,007,795</b>



## Agenda Item 5d: Laboratory Statistical Overview



## LABORATORY STATISTICS

Samples Collected / Tests Conducted					
Test Type	Quarter Ending				Quarterly Average
	6/30/21	9/30/21	12/31/21	3/31/22	
<b>TB 117-2013</b>					
Received	16	16	10	16	15
Pass	19	23	16	16	19
Fail	0	0	1	1	1
<b>16 CFR 1633</b>					
Received	5	8	4	3	5
Pass	3	4	5	1	3
Fail	3	2	0	1	2
<b>Thermal Insulation</b>					
Received	2	0	0	0	1
Pass	18	2	4	0	6
Fail	5	0	5	0	3
<b>Bedding*</b>					
Received	4	6	8	8	7
Pass	4	6	6	7	6
Fail	0	0	0	0	0
<b>Test Totals</b>					
Received	27	30	22	27	27
Pass	44	35	31	24	34
Fail	8	2	6	2	5

\*Analysis of label formats, fiber components, finished size, and/or net weight of filling materials.

Label Reviews Conducted					
Review Type	Quarter Ending				Quarterly Average
	6/30/21	9/30/21	12/31/21	3/31/22	
<b>Labeling**</b>					
Pass	5	2	6	3	4
Minor	8	7	9	2	7
Moderate	16	22	12	20	18
Fail	5	4	1	1	3
<b>Total Labels Reviewed</b>	34	35	28	26	31

\*\*Labeling results exclude thermal insulation products.

Flame Retardant Chemical Statement Analysis					
Standard	Quarter Ending				Quarterly Average
Label Checked As	6/30/21	9/30/21	12/31/21	3/31/22	
No Added FR Chemicals	15	16	10	16	14
Added FR Chemicals	1	0	0	0	0
No Box Checked	0	0	0	0	0



<b>Samples Analyzed with the “NO” Flame Retardant Chemical Statement</b>					
<b>Test Type</b>	<b>Quarter Ending</b>				<b>Quarterly Average</b>
	<b>6/30/21</b>	<b>9/30/21</b>	<b>12/31/21</b>	<b>3/31/22</b>	
<b>DTSC Analysis</b>					
Pass	2	1	3	4	3
Fail	0	0	0	1	0
<b>Flame Retardant Document Review</b>					
Pass	0	0	0	0	0
Fail	0	0	0	0	0

<b>Manufacturing Locations of Test Failures</b>					
<b>Standard</b>	<b>Quarter Ending</b>				<b>Quarterly Average</b>
	<b>6/30/21</b>	<b>9/30/21</b>	<b>12/31/21</b>	<b>3/31/22</b>	
<b>TB 117-2013</b>					
USA – CA	0	0	0	0	0
USA – Other States	0	0	0	0	0
Overseas	0	0	1	1	1
<b>16 CFR 1633</b>					
USA – CA	2	1	0	1	1
USA – Other States	0	1	0	0	0
Overseas	1	0	0	0	0
<b>Thermal Insulation</b>					
USA – CA	0	0	1	0	0
USA – Other States	5	0	4	0	2
Overseas	0	0	0	0	0
<b>Bedding</b>					
USA – CA	0	0	0	0	0
USA – Other States	0	0	0	0	0
Overseas	0	0	0	0	0
<b>Label Review</b>					
USA – CA	14	12	4	5	9
USA – Other States	4	1	1	2	2
Overseas	11	20	17	16	16
<b>DTSC Flame Retardant Chemical Content Analysis</b>					
USA – CA	0	0	0	0	0
USA – Other States	0	0	0	0	0
Overseas	0	0	0	1	0
<b>Flame Retardant Document Review</b>					
USA – CA	N/A	N/A	N/A	N/A	N/A
USA – Other States	N/A	N/A	N/A	N/A	N/A
Overseas	N/A	N/A	N/A	N/A	N/A



## Agenda Item 5e: Enforcement Statistical Overview

## ENFORCEMENT STATISTICAL OVERVIEW

### Compliance Unit Update

Complaints Received					
Program	Quarter Ending				Quarterly Average
	6/30/21	9/30/21	12/31/21	3/31/22	
<b>EAR</b>					
Received	312	367	284	295	315
Closed w/out Investigation	198	227	186	196	202
Referred for Investigation	118	128	102	95	111
<b>HFTI</b>					
Received	183	219	131	156	172
Closed w/out Investigation	50	131	92	73	87
Referred for Investigation	130	85	38	83	84
<b>HHM*</b>					
Received	144	140	153	137	144
Closed w/out Investigation	17	10	2	2	8
Referred for Investigation	127	130	151	135	136
<b>Bureau Totals*</b>					
Received	639	726	568	588	630
Closed w/out Investigation	265	368	280	271	296
Referred for Investigation	375	343	291	313	331

\*Please note, the HHM statistics presented in this file vary by as many as 28 cases from what was previously reported. These cases are presumed to have been reopened after being prematurely closed. As a result, Bureau Totals are also skewed. Staff are reviewing these cases in detail and will report findings to the Council in October.

Compliance Unit Investigations Conducted					
Program	Quarter Ending				Quarterly Average
	6/30/21	9/30/21	12/31/21	3/31/22	
<b>EAR</b>					
Received	80	81	76	56	73
Closed	111	87	52	29	70
<b>HFTI</b>					
Received	29	34	27	37	32
Closed	38	23	60	7	32
<b>HHM</b>					
Received	73	7	0	34	29
Closed	60	1	0	3	16
<b>Compliance Unit Totals</b>					
Received	182	122	103	127	134
Closed	209	111	112	39	118

## Special Investigations Unit Update

Field Unit Investigations Conducted					
Program	Quarter Ending				Quarterly Average
	6/30/21	9/30/21	12/31/21	3/31/22	
<b>EAR</b>					
Received	43	49	41	50	46
Closed	38	54	28	38	40
<b>HFTI</b>					
Received	101	59	13	50	56
Closed	79	69	40	45	58
<b>HHM</b>					
Received	54	123	151	103	108
Closed	31	110	59	72	68
<b>Field Unit Totals</b>					
Received	198	231	205	203	209
Closed	148	233	127	155	166

Citations Assessed					
Program	Quarter Ending				Quarterly Average
	6/30/21	9/30/21	12/31/21	3/31/22	
<b>EAR</b>					
Citations Issued	16	37	85	56	49
Amount Issued	\$4,100	\$11,500	\$23,250	\$14,750	\$13,400
<b>HFTI</b>					
Citations Issued	32	126	32	71	65
Amount Issued	\$29,750	\$124,500	\$31,500	\$61,850	\$61,900
<b>HHM*</b>					
Citations Issued	7	15	5	27	14
Amount Issued	\$30,000	\$24,500	\$9,000	\$41,000	\$26,125
<b>Bureau Totals*</b>					
Citations Issued	55	178	122	154	127
Amount Issued	\$63,850	\$160,500	\$63,750	\$117,600	\$101,425

\*Please note, the HHM statistics presented in this file vary by as many as 28 cases from what was previously reported. These cases are presumed to have been reopened after being prematurely closed. As a result, Bureau Totals are also skewed. Staff are reviewing these cases in detail and will report findings to the Council in October.





Agenda Item 6a: AB 224 (Daly) – Department of  
Consumer Affairs: Bureau of Household  
Goods and Services: household movers

AMENDED IN ASSEMBLY APRIL 8, 2021

AMENDED IN ASSEMBLY MARCH 26, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 224**

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**Introduced by Assembly Member Daly**

January 11, 2021

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An act to amend Section 19225.5 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

AB 224, as amended, Daly. Department of Consumer Affairs: Bureau of Household Goods and Services: household movers.

Existing law establishes the Bureau of Household Goods and Services within the Department of Consumer Affairs. Existing law establishes the Division of Household Movers within the bureau and makes it responsible for the licensure and regulation of household movers. Existing law, the Household Movers Act, defines terms for its purposes, including “household mover,” which includes every corporation or person, as specified, engaged in the permitted or unpermitted transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state.

This bill would exclude from the definition of “household mover” a motor carrier, as defined, that *only* provides transportation of household goods in containers or trailers ~~where~~ *when* the household goods are entirely loaded and unloaded by an individual ~~other than~~ *who is not* an

97

employee or agent of the motor carrier and *does not otherwise advertise as a permitted household mover, as specified. The bill would also exclude from the definition of “household mover” a broker that broker, as defined, that, pursuant to a broker registration issued by the United States Department of Transportation, only utilizes the services of that motor carrier and does not otherwise advertise, solicit, offer, or arrange for the full service moving of used household goods by motor carrier for compensation. advertise as a permitted household mover, as specified.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 19225.5 of the Business and Professions  
 2 Code is amended to read:  
 3 19225.5. For purposes of this chapter, unless the context  
 4 otherwise requires, the following provisions shall apply:  
 5 (a) “Broker” means a person engaged by others in the act of  
 6 arranging, for compensation, the intrastate transportation of used  
 7 household goods by a motor vehicle over the highways of this state  
 8 for, or on behalf of, a shipper, a consignor, or a consignee.  
 9 (b) “Bureau” refers to the Bureau of Household Goods and  
 10 Services, as established in Section 9810.  
 11 (c) “Chief” refers to the chief of the bureau.  
 12 (d) “Corporation” includes a corporation, a company, an  
 13 association, and a joint stock association.  
 14 (e) “Department” refers to the Department of Consumer Affairs.  
 15 (f) “Director” refers to the Director of Consumer Affairs.  
 16 (g) “Fund” means the Household Movers Fund established  
 17 pursuant to Section 19229.  
 18 (h) (1) “Household mover” includes every corporation or  
 19 person, their lessees, trustee, receivers, or trustees appointed by  
 20 any court whatsoever, engaged in the permitted or unpermitted  
 21 transportation for compensation or hire as a business by means of  
 22 a motor vehicle or motor vehicles being used in the transportation  
 23 of used household goods and personal effects over any public  
 24 highway in this state. A broker, as defined in subdivision (a), shall

1 be considered a household mover. The Legislature intends  
2 “household mover” to have the same meaning as “household goods  
3 carrier” in former Section 5109 of the Public Utilities Code, as  
4 that section read on June 30, 2018.

5 (2) “Household mover” does not include either of the following:

6 (A) A motor carrier, as ~~that term is~~ defined in Section ~~13102~~  
7 ~~34601~~ of ~~Title 49 of the United States~~ *the Vehicle Code, including*  
8 *a motor carrier registered under the federal Unified Carrier*  
9 *Registration Act, pursuant to Section 14504a of Title 49 of the*  
10 *United States Code, that ~~provides~~ meets both of the following:*

11 (i) *The motor carrier only provides* transportation of household  
12 goods in containers or trailers ~~where~~ *when* the household goods  
13 are entirely loaded and unloaded by an individual ~~other than~~ *who*  
14 *is not* an employee or agent of the motor carrier.

15 (ii) *The motor carrier does not otherwise advertise as a*  
16 *permitted household mover in compliance with Section 19279.3.*  
17 *This clause shall not be construed to prohibit the advertisement*  
18 *or offer of the services described under clause (i).*

19 (B) A broker, as defined under Section 13102(2) of Title 49 of  
20 the United States Code, that meets both of the following:

21 ~~(B) A broker that~~

22 (i) *The broker, pursuant to a broker registration issued by the*  
23 *United States Department of Transportation, only utilizes the*  
24 *services of a motor carrier ~~described in that meets the requirements~~*  
25 *of subparagraph (A) and does not otherwise advertise, solicit, offer,*  
26 *or arrange for the full-service moving of used household goods by*  
27 *motor carrier for compensation. (A).*

28 (ii) *The broker does not otherwise advertise as a permitted*  
29 *household mover in compliance with Section 19279.3. This clause*  
30 *shall not be construed to prohibit the advertisement or offer of the*  
31 *services described under clause (i) of subparagraph (A).*

32 (i) “Inspector” refers to an inspector either employed by, or  
33 under contract to, the bureau.

34 (j) “Motor vehicle” means every motor truck, tractor, or other  
35 self-propelled vehicle used for transportation of property over the  
36 public highways, other than upon fixed rails or tracks, and any  
37 trailer, semitrailer, dolly, or other vehicle drawn thereby.

38 (k) “Owner,” with respect to a motor vehicle used in the  
39 transportation of property for compensation by a household mover,  
40 means the corporation or person who is registered with the

1 Department of Motor Vehicles as the owner of the vehicle, or who  
2 has a legal right to possession of the vehicle pursuant to a lease or  
3 rental agreement.

4 (l) "Person" includes an individual, a firm, or a copartnership.

5 (m) "Public highway" includes every public street, road, or  
6 highway in this state.

7 SEC. 2. This act is an urgency statute necessary for the  
8 immediate preservation of the public peace, health, or safety within  
9 the meaning of Article IV of the California Constitution and shall  
10 go into immediate effect. The facts constituting the necessity are:

11 In order to protect more Californians from losing their jobs  
12 during a pandemic and preserve an industry that promotes social  
13 distancing options for California consumers, it is necessary that  
14 this measure take effect immediately.

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## Agenda Item 6b: AB 2956 (Committee on Transportation) – Transportation

AMENDED IN ASSEMBLY APRIL 18, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2956**

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**Introduced by Committee on Transportation (Assembly Members Friedman (Chair), Fong (Vice Chair), Berman, Cunningham, Daly, Gipson, Kalra, Nazarian, O'Donnell, and Ward)**

February 28, 2022

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An act to amend Section 2381 of the Streets and Highways Code, and to amend Sections ~~11102.5, 27150.2, 27151, and 34601 of the Vehicle Code~~; 2400, 2800, 2810.1, 2813, 11102.5, 11617, 11721, 12505, 12509, 16020, 16028, 16560, 26710, 27150.2, 27151, 27903, 34501, 34505.6, 34507.5, 34601, 34603, and 34622 of, and to add Section 34501.19 to, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2956, as amended, Committee on Transportation. Transportation. (1) Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires the program to be funded by state and federal funds from appropriations in the annual Budget Act to the Department of Transportation, for allocation to the California Transportation Commission. Under existing law, the amount of these appropriations include 100% of federal Transportation Alternative Program funds, except as specified.

This bill would revise those provisions to specify the federal statutory source for the Transportation Alternative Program and would make a related technical change.

(2) Existing law requires a driving school operator to meet specified requirements, including having worked for an established licensed California driving school as a driving instructor for a period of not less than 2,000 hours of actual behind-the-wheel teaching, as specified. In lieu of those requirements, existing law authorizes the operator, including an owner who is also the operator, of a driving school that exclusively teaches motorcycle driving to have worked for an established licensed California driving school as a motorcycle driving instructor for not less than 300 hours of motorcycle range and street teaching, and have taught 300 hours of actual motorcycle range and street instruction under the guidance of the Motorcycle Safety Foundation.

This bill, instead, would require the motorcycle range and street instruction for an operator that exclusively teaches motorcycle driving to be under the guidance of the California Motorcyclist Safety Program.

(3) Existing law specifies standards and requirements for the equipment of motor vehicles, including vehicular exhaust systems. Under those provisions, compliance with state requirements is determined by testing performed in accordance with Society of Automotive Engineers Standard J1492 October 2008.

This bill would update those references to require the testing of vehicular exhaust systems under those provisions to be performed in accordance with the most current SAE International standard.

(4) Existing law, the Household Movers Act, renamed household goods carriers “household movers” and transferred regulatory authority for those carriers from the Public Utilities Commission to the Division of Household Movers within the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation in the Department of Consumer Affairs.

~~This bill would delete obsolete Vehicle Code references to “household goods carriers” and replace them with “household movers” in accordance with the act.~~

*This bill would delete obsolete references to “household goods carriers” and the Public Utilities Commission and replace them with “household movers” and the Department of Consumer Affairs, in accordance with the act.*

*(5) Under existing law, the Department of Motor Vehicles regulates and issues licenses to lessor-retailers, manufacturers, manufacturer branches, remanufacturers, remanufacturer branches, distributors, distributor branches, transporters, and dealers. The California Constitution provides for the establishment of the State Board of*



*Equalization, which, until 2017, had primary responsibility for most of the state's duties, powers, and responsibilities regarding the administration of taxes and fees. In 2017, the California Department of Tax and Fee Administration was established, and existing law transferred many of the tax and fee administration duties, powers, and responsibilities of the board to the department. Existing law provides that the licenses issued by the Department of Motor Vehicles shall be automatically canceled if the licensee's seller's permit is suspended or revoked by the State Board of Equalization.*

*This bill would instead require that the license issued by the Department of Motor Vehicles be automatically canceled if the licensee's seller's permit is suspended, revoked, or canceled by the California Department of Tax and Fee Administration pursuant to specified provisions.*

*(6) Existing law authorizes the Department of Motor Vehicles to issue an instruction permit to a physically and mentally qualified person who is, among other criteria, over 17 years and 6 months of age. Existing law allows a person with a valid permit to operate a motor vehicle, as specified.*

*This bill would clarify that a person, who is over 17 years and 6 months of age and possesses a valid permit, may operate a motor vehicle under supervision, as specified.*

*(7) Existing law requires the Department of Motor Vehicles to develop a method for peace officers to electronically verify that an insurance policy or bond has been issued for a motor vehicle. Existing law, upon the demand of a peace officer or traffic collision investigator, requires a person who drives a motor vehicle upon a highway to provide evidence of financial responsibility for the vehicle. Existing law requires a peace officer, when issuing a notice to appear for a violation, as specified, to write the driver's evidence of financial responsibility on the notice to appear, except when the peace officer is unable to do so, due to an emergency.*

*This bill would instead require a peace officer to verify the driver's evidence of financial responsibility when issuing a notice to appear, as specified, and would remove the exemption in the case of an emergency.*

*(8) Existing federal law establishes statutory and regulatory requirements for the operation of commercial vehicles, with respect to subjects, including, but not limited to, size and weight enforcement, inspection standards, and equipment safety. Under existing law, the Department of the California Highway Patrol (department or CHP) is*

*responsible for enforcement of the federal requirements and related state law at the state level.*

*This bill would make various changes to clarify and conform existing law relating to commercial vehicles with federal law and regulation, including, among other provisions, designating the Commissioner of the California Highway Patrol as the certifying official for purposes of enforcing state size and weight laws on specified federal-aid highway systems. The bill would make it unlawful for commercial vehicle driver to fail to comply with vehicle inspection testing and procedures required by an authorized member of the CHP, and would revise the information a commercial vehicle driver is required to submit to inspection at a location where CHP members are conducting tests and inspections of commercial vehicles, as specified. The bill would require vehicles regulated by the CHP to comply with requirements prescribed in federal regulations relating to equipment, including, but not limited to, the vehicle windshield, antilock brake systems, cab and body components, wheels, and suspension systems.*

*(9) Existing law requires the department to adopt regulations for the transportation of hazardous materials in this state, except the transportation of materials that are subject to other provisions of this code, that the department determines are reasonably necessary to ensure the safety of persons and property using the highways.*

*This bill would require the department, with respect to vehicles engaged in interstate or intrastate commerce, to establish hazardous materials regulatory requirements that are consistent with specified hazardous materials regulations adopted by the United States Department of Transportation, except as specified. The bill would exclude vehicles operated by a peace officer or public agency under designated circumstances from those regulatory requirements.*

*(10) Because a violation of certain of the bill's requirements would be a crime, this bill would impose a state-mandated local program.*

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

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

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

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

1 SECTION 1. Section 2381 of the Streets and Highways Code  
2 is amended to read:

3 2381. (a) The Active Transportation Program shall be funded  
4 by state and federal funds from appropriations in the annual Budget  
5 Act. Funds for the program shall be appropriated to the department,  
6 for allocation by the commission. The amount to be appropriated  
7 shall include 100 percent of the federal Transportation Alternative  
8 Program funds described in Section 133(h) of Title 23 of the United  
9 States Code, except for any federal funds for recreational trails  
10 projects described in Section 133(h)(5) of Title 23 of the United  
11 States Code appropriated to the Department of Parks and  
12 Recreation; twenty-one million dollars (\$21,000,000) of federal  
13 Highway Safety Improvement funds or other federal funds; and  
14 State Highway Account funds. Future funding may be augmented  
15 if state or federal funds increase, or if other funding sources are  
16 identified. Funds appropriated for the Active Transportation  
17 Program shall be distributed as follows:

18 (1) Forty percent to metropolitan planning organizations in  
19 urban areas with populations greater than 200,000, in proportion  
20 to their relative share of population. Funds allocated under this  
21 paragraph shall be obligated for eligible projects selected through  
22 a competitive process by the metropolitan planning organizations  
23 in consultation with the department and the commission and in  
24 accordance with guidelines established pursuant to this chapter.

25 (2) Ten percent to small urban and rural regions with populations  
26 of 200,000 or less, with projects competitively awarded by the  
27 commission to projects in those regions.

28 (3) Fifty percent to projects competitively awarded by the  
29 commission on a statewide basis.

30 (b) For the purpose of paragraph (1) of subdivision (a), the  
31 following shall apply in the region served by the multicounty  
32 designated transportation planning agency described in Section  
33 130004 of the Public Utilities Code:

34 (1) The multicounty designated transportation planning agency  
35 shall consult with the county transportation commissions created  
36 pursuant to Sections 130050, 130050.1, and 132800 of the Public  
37 Utilities Code, the commission, and the department in the  
38 development of competitive selection criteria to be adopted by the

1 multicounty designated transportation planning agency, which  
2 should include consideration of geographic equity, consistent with  
3 program objectives.

4 (2) The multicounty designated transportation planning agency  
5 shall place priority on projects that are consistent with plans  
6 adopted by local and regional governments within the county where  
7 the project is located.

8 (3) The multicounty designated transportation planning agency  
9 shall obtain concurrence from the county transportation  
10 commissions, adopt the projects selected in a comprehensive  
11 program of projects, and make funds available to selected project  
12 recipients.

13 (c) The Legislature finds and declares that the program described  
14 in this chapter constitutes a highway purpose under Article XIX  
15 of the California Constitution and justifies the expenditure of  
16 highway funds therefor, and all expenditures of Article XIX funds  
17 under this program shall be consistent with Article XIX.

18 *SEC. 2. Section 2400 of the Vehicle Code is amended to read:*

19 2400. (a) The commissioner shall administer Chapter 4  
20 (commencing with Section 10850) of Division 4, Article 3  
21 (commencing with Section 17300) of Chapter 1 of Division 9,  
22 Division 10 (commencing with Section 20000), Division 11  
23 (commencing with Section 21000) except Chapter 11 (commencing  
24 with Section 22950), Division 12 (commencing with Section  
25 24000), Division 13 (commencing with Section 29000), Division  
26 14 (commencing with Section 31600), Division 14.1 (commencing  
27 with Section 32000), Division 14.5 (commencing with Section  
28 33000), Division 14.7 (commencing with Section 34000), Division  
29 14.8 (commencing with Section 34500), Division 15 (commencing  
30 with Section 35000), Division 16 (commencing with Section  
31 36000) except Chapter 2 (commencing with Section 36100) and  
32 Chapter 3 (commencing with Section 36300), and Division 16.5  
33 (commencing with Section 38000) except Chapter 2 (commencing  
34 with Section 38010).

35 (b) The commissioner shall enforce all laws regulating the  
36 operation of vehicles and the use of the highways except that, on  
37 ways or places to which Section 592 makes reference, the  
38 commissioner shall not be required to provide patrol or enforce  
39 any provisions of this code other than those provisions applicable  
40 to private property.

1 (c) The commissioner shall not be required to provide patrol 2  
for or enforce Division 16.5 (commencing with Section 38000).

3 (d) The commissioner shall have full responsibility and primary  
4 jurisdiction for the administration and enforcement of the laws,  
5 and for the investigation of traffic accidents, on all toll highways  
6 and state highways constructed as freeways, including  
7 transit-related facilities located on or along the rights-of-way of  
8 those toll highways or freeways, except facilities of the San  
9 Francisco Bay Area Rapid Transit District. However, city police  
10 officers while engaged primarily in general law enforcement duties  
11 may incidentally enforce state and local traffic laws and ordinances  
12 on toll highways and state freeways within incorporated areas of  
13 the state. In any city having either a population in excess of  
14 2,000,000 or an area of more than 300 square miles, city police  
15 officers shall have full responsibility and primary jurisdiction for  
16 the administration and enforcement of those laws and ordinances,  
17 unless the city council of the city by resolution requests  
18 administration and enforcement of those laws by the commissioner.

19 (e) The commissioner shall have full responsibility and primary  
20 jurisdiction for the administration and enforcement of the laws,  
21 and for the investigation of traffic accidents, on all highways within  
22 a city and county with a population of less than 25,000, if, at the  
23 time the city and county government is established, the county  
24 contains no municipal corporations.

25 (f) The commissioner may enter into any interagency agreement  
26 with the State Board of Equalization for the purpose of enforcement  
27 of statutes requiring commercial vehicles from foreign jurisdictions  
28 to have a diesel fuel tax permit and to make payments to the board  
29 as required.

30 (g) The commissioner shall assume those duties and  
31 responsibilities of providing protection to state property and  
32 employees actually being performed by the California State Police  
33 Division on and before July 11, 1995.

34 (h) The commissioner may provide for the physical security of  
35 any current or former constitutional officer of the state and current  
36 or former legislator of the state.

37 (i) Upon request of the Chief Justice of the California Supreme  
38 Court, the commissioner may provide appropriate protective  
39 services to any current or former member of the State Court of  
40 Appeal or the California Supreme Court.

1       (j) *The commissioner shall have full responsibility as the*  
2 *certifying official of the Annual State of California Size and Weight*  
3 *Certification for the enforcement of all state size and weight laws*  
4 *on the federal-aid interstate, primary urban, and secondary systems*  
5 *in accordance with Sections 657.13 and 657.15 of Title 23 of the*  
6 *Code of Federal Regulations.*

7       SEC. 3. *Section 2800 of the Vehicle Code is amended to read:*

8       2800. (a) It is unlawful to willfully fail or refuse to comply  
9 with a lawful order, signal, or direction of a peace officer, as  
10 defined in Chapter 4.5 (commencing with Section 830) of Title 3  
11 of Part 2 of the Penal Code, when that peace officer is in uniform  
12 and is performing duties pursuant to any of the provisions of this  
13 code, or to refuse to submit to a lawful inspection pursuant to this  
14 code.

15       (b) (1) Except as authorized pursuant to Section 24004, it is  
16 unlawful to fail or refuse to comply with a lawful out-of-service  
17 order issued by an authorized employee of the Department of the  
18 California Highway Patrol or by an authorized enforcement officer  
19 as described in subdivision (d).

20       (2) It is unlawful for a driver transporting hazardous materials  
21 in a commercial motor vehicle that is required to display a placard  
22 pursuant to Section 27903 to violate paragraph (1).

23       (3) It is unlawful for a driver of a vehicle designed to transport  
24 16 or more passengers, including the driver, to violate paragraph  
25 (1).

26       (c) It is unlawful to fail or refuse to comply with a lawful  
27 out-of-service order issued by the United States Secretary of the  
28 Department of Transportation.

29       (d) “Out-of-Service order” means a declaration by an authorized  
30 enforcement officer of a federal, state, Canadian, Mexican, or local  
31 jurisdiction that a driver, a commercial motor vehicle, or a motor  
32 carrier operation is out-of-service pursuant to Section 386.72,  
33 392.5, 392.9a, 395.13, or 396.9 of Title 49 of the Code of Federal  
34 Regulations, state law, or the North American Standard  
35 Out-of-Service Criteria.

36       (e) *It is unlawful for a driver of a commercial vehicle subject*  
37 *to inspection under this code to fail to comply with any vehicle*  
38 *inspection testing and associated procedures as required by an*  
39 *authorized member of the California Highway Patrol.*

40       SEC. 4. *Section 2810.1 of the Vehicle Code is amended to read:*

1       2810.1.       (a) Any traffic officer may stop any commercial  
 2 vehicle, as defined in Section 260, that is a rental vehicle and  
 3 inspect the bills of lading, shipping, delivery papers, or other  
 4 evidence to determine whether the driver is transporting household  
 5 goods in violation of the Household Movers Act (Chapter 3.1  
 6 (commencing with ~~Sec. 19225~~) *Section 19225*) of Division 8 of  
 7 the Business and Professions Code. The officer may only stop and  
 8 inspect where the officer has probable cause to believe that the  
 9 vehicle is being operated in violation of that act.

10       (b) It is a public offense, for which an officer may issue a  
 11 citation, for a driver to unlawfully transport household goods in  
 12 violation of the ~~Household Goods Carriers Act~~. *Household Movers*  
 13 *Act*. That public offense is punishable as prescribed in Article 8  
 14 (~~commencing with Section 5311~~) of ~~Chapter 7 of Division 2 of~~  
 15 ~~the Public Utilities Code~~. (*commencing with Section 19277*) of  
 16 *Chapter 3.1 of Division 3 of the Business and Professions Code*.  
 17 It is an infraction to refuse to submit to an inspection as authorized  
 18 by subdivision (a).

19       (c) A copy of the citation for any offense described in  
 20 subdivision (b) shall be sent by the department that employs the  
 21 traffic officer to the ~~Director of the Consumer Services Division~~  
 22 ~~of the California Public Utilities Commission~~. *Chief of the Bureau*  
 23 *of Household Goods and Services*. A copy of a citation shall be  
 24 removed from any record of the ~~commission~~ *bureau* upon a  
 25 showing that the person was not convicted of the offense or that  
 26 bail was not forfeited for that offense. A person for whom a copy  
 27 of a citation has been sent to the ~~commission~~ *bureau* and is on file  
 28 with the ~~commission~~ *bureau* may request the ~~commission~~ *bureau*  
 29 for an administrative hearing on that matter.

30       *SEC. 5. Section 2813 of the Vehicle Code is amended to read:*

31       2813. Every driver of a commercial vehicle shall stop and  
 32 submit the vehicle to an inspection of the *vehicle's* size, weight,  
 33 equipment, *loading*, and smoke ~~emissions of the vehicle~~ *emissions*,  
 34 *as well as the driver's license, medical qualifications, and*  
 35 *hours-of-service compliance of a driver of the vehicle* at any  
 36 location where members of the California Highway Patrol are  
 37 conducting tests and inspections of commercial vehicles and when  
 38 signs are displayed requiring the stop. Every driver who fails or  
 39 refuses to stop and submit the vehicle to an inspection when signs  
 40 are displayed requiring that stop is guilty of a misdemeanor.

1 ~~SEC. 2.~~

2 *SEC. 6.* Section 11102.5 of the Vehicle Code is amended to  
3 read:

4 11102.5. (a) A driving school operator shall meet all of the  
5 following requirements:

6 (1) Within three attempts, pass an examination that the  
7 department requires on traffic laws, safe driving practices,  
8 operation of motor vehicles, teaching methods and techniques,  
9 driving school statutes and regulations, and office procedures and  
10 recordkeeping.

11 (2) Pay the department a fee of one hundred dollars (\$100),  
12 which shall entitle the applicant to three examinations.

13 (3) Be 21 years of age or older.

14 (4) Have worked for an established licensed California driving  
15 school as a driving instructor for a period of not less than 2,000  
16 hours of actual behind-the-wheel teaching and, on and after July  
17 1, 1973, have satisfactorily completed a course in the teaching of  
18 driver education and driver training acceptable to the department,  
19 except that the operator, including an owner who is also the  
20 operator, of a driving school that exclusively teaches motorcycle  
21 driving may, in lieu of the behind-the-wheel teaching requirement,  
22 have worked for an established licensed California driving school  
23 as a motorcycle driving instructor for not less than 300 hours of  
24 actual motorcycle range and street teaching, have taught 300 hours  
25 of actual motorcycle range and street instruction under the guidance  
26 of the California Motorcyclist Safety Program, or have given  
27 comparable training instruction that is acceptable to the department.  
28 This paragraph does not apply to any person who is certified by  
29 the State Department of Education as fully qualified to teach driver  
30 education and driver training and has taught those subjects in the  
31 public school system for not less than 1,000 hours.

32 (b) The qualifying requirements referred to in this section shall  
33 be met within one year from the date of application for a license,  
34 or a new application, examination, and a fee shall be required.

35 *SEC. 7. Section 11617 of the Vehicle Code is amended to read:*

36 11617. (a) The license provided for in this chapter shall be  
37 automatically canceled upon the happening of any of the following:

38 (1) The abandonment of the principal place of business of the  
39 lessor-retailer or the change thereof without notice to the  
40 department as provided in Section 11610.



1 (2) The failure of the licensee to maintain an adequate bond or  
2 to procure and file another bond as required by Section 11612 prior  
3 to the effective date of the termination by the surety of any existing  
4 bond.

5 (3) The voluntary or involuntary surrender for any cause by the  
6 licensee of the license, except that a surrender of the license, or  
7 cessation of business by the licensee, or the suspension or  
8 revocation of the corporate status of the licensee, does not preclude  
9 the filing of an accusation for revocation or suspension of the  
10 surrendered license as provided in Section 11613, and does not  
11 affect the department's decision to suspend or revoke the license.  
12 The department's determination to suspend or revoke the license  
13 may be considered in issuing or refusing to issue any subsequent  
14 license authorized by this division to that licensee or any business  
15 representative of that licensee.

16 (4) Notification to the department that the person designated as  
17 licensee has changed.

18 (5) The suspension or cancellation of the corporate status of the  
19 licensee.

20 (6) ~~The suspension or revocation~~ *The suspension, revocation,*  
21 *or cancellation* of the seller's permit of the licensee by the ~~State~~  
22 ~~Board of Equalization.~~ *California Department of Tax and Fee*  
23 *Administration pursuant to Part 1 (commencing with Section 6001)*  
24 *of Division 2 of the Revenue and Taxation Code.*

25 (b) The branch office location license provided for in this chapter  
26 shall be automatically canceled upon the abandonment of the  
27 branch office location of the lessor-retailer or the change of that  
28 branch office without notice to the department as provided in  
29 Section 11610.

30 *SEC. 8. Section 11721 of the Vehicle Code is amended to read:*

31 11721. The special plates and licenses provided for in this  
32 article shall be automatically canceled upon the happening of any  
33 of the following:

34 (a) The abandonment of the established place of business of the  
35 dealer or the change thereof without notice to the department as  
36 provided in Section 11712.

37 (b) The failure of the licensee to maintain an adequate bond or  
38 to procure and file another bond as provided in Section 11710 prior  
39 to the effective date of the termination by the surety of any existing  
40 bond.

1 (c) The voluntary or involuntary surrender for any cause by the  
 2 licensee of the special plates and license, except that the surrender  
 3 of the special plates and license, the cessation of business by the  
 4 licensee, or the suspension or revocation of the corporate status of  
 5 the licensee, does not preclude the filing of an accusation for  
 6 revocation or suspension of the surrendered license as provided  
 7 in Section 11705, does not affect the department’s decision to  
 8 suspend or revoke the license. The department’s determination to  
 9 suspend or revoke the license may be considered in issuing or  
 10 refusing to issue any subsequent license authorized by this division  
 11 to that licensee or to a business representative of that prior licensee.

12 (d) Notification to the department that the person designated as  
 13 licensee has changed, except that the special plates issued to the  
 14 original licensee may be transferred and the newly designated  
 15 licensee as transferee shall succeed to the privileges evidenced by  
 16 the plates until their expiration.

17 (e) The suspension or revocation of the corporate status of the  
 18 licensee.

19 (f) ~~The suspension or revocation~~ *The suspension, revocation,*  
 20 *or cancellation* of the seller’s permit of the licensee by the ~~State~~  
 21 ~~Board of Equalization. California Department of Tax and Fee~~  
 22 ~~Administration pursuant to Part 1 (commencing with Section 6001)~~  
 23 ~~of Division 2 of the Revenue and Taxation Code.~~

24 *SEC. 9. Section 12505 of the Vehicle Code is amended to read:*

25 12505. (a) (1) For purposes of this division only and  
 26 notwithstanding Section 516, residency shall be determined as a  
 27 person’s state of domicile. “State of domicile” means the state  
 28 where a person has ~~his or her~~ *their* true, fixed, and permanent home  
 29 and principal residence and to which ~~he or she~~ *the person* has  
 30 manifested the intention of returning whenever ~~he or she is~~ *they*  
 31 *are* absent.

32 Prima facie evidence of residency for driver’s licensing purposes  
 33 includes, but is not limited to, the following:

- 34 (A) Address where registered to vote.
- 35 (B) Payment of resident tuition at a public institution of higher  
 36 education.
- 37 (C) Filing a homeowner’s property tax exemption.
- 38 (D) Other acts, occurrences, or events that indicate presence in  
 39 the state is more than temporary or transient.

1 (2) California residency is required of a person in order to be  
2 issued a commercial driver’s license under this code.

3 (b) The presumption of residency in this state may be rebutted  
4 by satisfactory evidence that the licensee’s primary residence is  
5 in another state.

6 (c) ~~Any~~ *A* person entitled to an exemption under Section 12502,  
7 12503, or 12504 may operate a motor vehicle in this state for not  
8 to exceed 10 days from the date ~~he or she~~ *the person* establishes  
9 residence in this state, except that a person shall not operate a  
10 motor vehicle for employment in this state after establishing  
11 residency without first obtaining a license from the department.

12 (d) If the State of California is decertified by the federal  
13 government and prohibited from issuing an initial, renewal, or  
14 upgraded commercial driver’s license pursuant to Section 384.405  
15 of Title 49 of the Code of Federal Regulations, the following  
16 applies:

17 (1) An existing commercial driver’s license issued pursuant to  
18 this code prior to the date that the state is notified of its  
19 decertification shall remain valid until its expiration date.

20 (2) A person who is a resident of this state may obtain a  
21 nondomiciled commercial learner’s permit or commercial driver’s  
22 license from any state that elects to issue a nondomiciled  
23 commercial learner’s permit or commercial driver’s license and  
24 that complies with the testing and licensing standards contained  
25 in subparts F, G, and H of Part 383 of Title 49 of the Code of  
26 Federal Regulations.

27 (3) For the purposes of this subdivision, a nondomiciled  
28 commercial learner’s permit or commercial driver’s license is a  
29 commercial learner’s permit or commercial driver’s license issued  
30 by a state to an individual domiciled in a foreign country or in  
31 another state.

32 (e) The department may issue a nondomiciled commercial  
33 learner’s permit or nondomiciled commercial driver’s license to  
34 a person who is domiciled in a state or jurisdiction that has been  
35 decertified by the federal government or not determined to be in  
36 compliance with the testing and licensing standards contained in  
37 subparts F, G, and H of Part 383 of Title 49 of the Code of Federal  
38 Regulations.

39 (f) Subject to Section 12504, a person over the age of 16 years  
40 who is a resident of a foreign jurisdiction other than a state,

1 territory, or possession of the United States, the District of  
 2 Columbia, the Commonwealth of Puerto Rico, or Canada, having  
 3 a valid driver’s license issued to ~~him or her~~ *the person* by any other  
 4 foreign jurisdiction may operate a motor vehicle in this state  
 5 without obtaining a license from the department, unless the  
 6 department determines that the foreign jurisdiction does not meet  
 7 the licensing standards imposed by this code.

8 (g) A person who is 18 years of age or older and in possession  
 9 of a valid commercial learner’s permit or commercial driver’s  
 10 license issued by ~~any state, territory, or possession of the United~~  
 11 ~~States, the District of Columbia, the Commonwealth of Puerto~~  
 12 ~~Rico, or~~ a foreign jurisdiction that meets the licensing standards  
 13 contained in subparts F, G, and H of Part 383 of Title 49 of the  
 14 Code of Federal Regulations shall be granted reciprocity to operate  
 15 vehicles of the appropriate class on the highways of this state.

16 (h) ~~Any~~ *A* person from a foreign jurisdiction that does not meet  
 17 the licensing standards contained in subparts F, G, and H of Part  
 18 383 of Title 49 of the Code of Federal Regulations shall obtain a  
 19 commercial learner’s permit or commercial driver’s license from  
 20 the department before operating on the highways a motor vehicle  
 21 for which a commercial driver’s license is required, as described  
 22 in Section 12804.9. The medical examination form required for  
 23 issuance of a commercial driver’s license shall be completed by a  
 24 health care professional, as defined in paragraph (2) of subdivision  
 25 (a) of Section 12804.9, who is licensed, certified, or registered to  
 26 perform physical examinations in the United States of America.  
 27 This subdivision does not apply to (1) drivers of schoolbuses  
 28 operated in California on a trip for educational purposes or (2)  
 29 drivers of vehicles used to provide the services of a local public  
 30 agency.

31 (i) This section does not authorize the employment of a person  
 32 in violation of Section 12515.

33 *SEC. 10. Section 12509 of the Vehicle Code is amended to*  
 34 *read:*

35 12509. (a) Except as otherwise provided in subdivision (f) of  
 36 Section 12514, the department, for good cause, may issue an  
 37 instruction permit to a physically and mentally qualified person  
 38 who meets one of the following requirements and who applies to  
 39 the department for an instruction permit:

1 (1) Is 15 years and 6 months of age or older, and has successfully  
2 completed approved courses in automobile driver education and  
3 driver training as provided in paragraph (3) of subdivision (a) of  
4 Section 12814.6.

5 (2) Is 15 years and 6 months of age or older, and has successfully  
6 completed an approved course in automobile driver education and  
7 is taking driver training as provided in paragraph (3) of subdivision  
8 (a) of Section 12814.6.

9 (3) Is 15 years and 6 months of age and enrolled and  
10 participating in an integrated automobile driver education and  
11 training program as provided in subparagraph (B) of paragraph  
12 (3) of subdivision (a) of Section 12814.6.

13 (4) Is over 16 years of age and is applying for a restricted  
14 driver's license pursuant to Section 12814.7.

15 (5) Is over 17 years and 6 months of age.

16 (b) The applicant shall qualify for, and be issued, an instruction  
17 permit within 12 months from the date of the application.

18 (c) An instruction permit issued pursuant to subdivision (a) shall  
19 entitle the applicant to operate a vehicle, subject to the limitations  
20 imposed by this section and any other provisions of law, upon the  
21 highways for a period not exceeding 24 months from the date of  
22 the application.

23 (d) Except as provided in Section 12814.6, a person, while  
24 having in ~~his or her~~ *their* immediate possession a valid permit  
25 issued pursuant to paragraphs (1) to (3), inclusive, ~~of of, and~~  
26 *paragraph (5) of*, subdivision (a), may operate a motor vehicle,  
27 other than a motorcycle, motorized scooter, or a motorized bicycle,  
28 when accompanied by, and under the immediate supervision of,  
29 a California-licensed driver with a valid license of the appropriate  
30 class who is 18 years of age or over and whose driving privilege  
31 is not subject to probation. An accompanying licensed driver at  
32 all times shall occupy a position within the driver's compartment  
33 that would enable the accompanying licensed driver to assist the  
34 person in controlling the vehicle as may be necessary to avoid a  
35 collision and to provide immediate guidance in the safe operation  
36 of the vehicle.

37 (e) A person, while having in ~~his or her~~ *their* immediate  
38 possession a valid permit issued pursuant to paragraph (4) of  
39 subdivision (a), may only operate a government-owned motor  
40 vehicle, other than a motorcycle, motorized scooter, or a motorized

1 bicycle, when taking driver training instruction administered by  
 2 the California National Guard.

3 (f) The department may also issue an instruction permit to a  
 4 person who has been issued a valid driver’s license to authorize  
 5 the person to obtain driver training instruction and to practice that  
 6 instruction in order to obtain another class of driver’s license or  
 7 an endorsement.

8 (g) The department may further restrict permits issued under  
 9 subdivision (a) as it may determine to be appropriate to ensure the  
 10 safe operation of a motor vehicle by the permittee.

11 *SEC. 11. Section 16020 of the Vehicle Code is amended to*  
 12 *read:*

13 16020. (a) All drivers and all owners of a motor vehicle shall  
 14 at all times be able to establish financial responsibility pursuant  
 15 to Section 16021, and shall at all times carry in the vehicle evidence  
 16 of the form of financial responsibility in effect for the vehicle.

17 (b) “Evidence of financial responsibility” means any of the  
 18 following:

19 (1) A form issued by an insurance company or charitable risk  
 20 pool, as specified by the department pursuant to Section 4000.37.

21 (2) If the owner is a self-insurer, as provided in Section 16052  
 22 or a depositor, as provided in Section 16054.2, the certificate of  
 23 self-insurance or the assignment of deposit letter issued by the  
 24 department.

25 (3) An insurance covering note or binder pursuant to Section  
 26 382 or 382.5 of the Insurance Code.

27 (4) A showing that the vehicle is owned or leased by, or under  
 28 the direction of, the United States or a public entity, as defined in  
 29 Section 811.2 of the Government Code.

30 (c) For purposes of this section, “evidence of financial  
 31 responsibility” also may be obtained by a law enforcement officer  
 32 and court personnel from an electronic reporting system when that  
 33 system becomes available for use by law enforcement officers.

34 (d) For purposes of this section, “evidence of financial  
 35 responsibility” also includes any of the following:

36 (1) The name of the insurance company and the number of an  
 37 insurance policy or surety bond that was in effect at the time of  
 38 the accident or at the time that evidence of financial responsibility  
 39 is required to be provided pursuant to Section 16028, if that

1 information is contained in the vehicle registration records of the  
2 department.

3 (2) The identifying motor carrier of property permit number  
4 issued by the Department of the California Highway Patrol to the  
5 motor carrier of property as defined in Section 34601, and  
6 displayed on the motor vehicle in the manner specified by the  
7 Department of the California Highway Patrol.

8 (3) The identifying number issued to the household ~~goods~~  
9 ~~carrier,~~ *mover by the Bureau of Household Goods and Services*  
10 *and displayed on the motor vehicle in the manner specified by the*  
11 *bureau or an identifying number issued to the* passenger stage  
12 ~~carrier,~~ *carrier* or transportation charter party carrier by the Public  
13 Utilities Commission and displayed on the motor vehicle in the  
14 manner specified by the commission.

15 (e) Evidence of financial responsibility does not include an  
16 identification number in paragraph (1), (2), or (3) of subdivision  
17 (d) if the carrier is currently suspended by the issuing agency for  
18 lack or lapse of insurance or other form of financial responsibility.

19 *SEC. 12. Section 16028 of the Vehicle Code is amended to*  
20 *read:*

21 16028. (a) Upon the demand of a peace officer pursuant to  
22 subdivision (b) or upon the demand of a peace officer or traffic  
23 collision investigator pursuant to subdivision (c), every person  
24 who drives a motor vehicle upon a highway shall provide evidence  
25 of financial responsibility for the vehicle that is in effect at the  
26 time the demand is made. The evidence of financial responsibility  
27 may be provided using a mobile electronic device. However, a  
28 peace officer shall not stop a vehicle for the sole purpose of  
29 determining whether the vehicle is being driven in violation of this  
30 subdivision.

31 (b) If a notice to appear is issued for any alleged violation of  
32 this code, except a violation specified in Chapter 9 (commencing  
33 with Section 22500) of Division 11 or any local ordinance adopted  
34 pursuant to that chapter, the cited driver shall furnish written  
35 evidence of financial responsibility or may provide electronic  
36 verification of evidence of financial responsibility using a mobile  
37 electronic device upon request of the peace officer issuing the  
38 citation. The peace officer shall request and ~~write~~ *verify* the driver's  
39 evidence of financial ~~responsibility on the notice to appear, except~~  
40 ~~when the peace officer is unable to write the driver's evidence of~~

1 ~~financial responsibility on the notice to appear due to an emergency~~  
 2 ~~that requires his or her presence elsewhere. If the cited~~  
 3 ~~responsibility, as specified in Section 16020. If the~~ driver fails to  
 4 provide evidence of financial responsibility at the time the notice  
 5 to appear is issued, the peace officer may issue the driver a notice  
 6 to appear for violation of subdivision (a). The notice to appear for  
 7 violation of subdivision (a) shall be written on the same citation  
 8 form as the original violation.

9 (c) If a peace officer, or a regularly employed and salaried  
 10 employee of a city or county who has been trained as a traffic  
 11 collision investigator, is summoned to the scene of an accident  
 12 described in Section 16000, the driver of a motor vehicle that is  
 13 in any manner involved in the accident shall furnish written  
 14 evidence of financial responsibility or may provide electronic  
 15 verification of evidence of financial responsibility using a mobile  
 16 electronic device upon the request of the peace officer or traffic  
 17 collision investigator. If the driver fails to provide evidence of  
 18 financial responsibility when requested, the peace officer may  
 19 issue the driver a notice to appear for violation of subdivision (a).  
 20 A traffic collision investigator may cause a notice to appear to be  
 21 issued for a violation of subdivision (a), upon review of that citation  
 22 by a peace officer.

23 (d) (1) If, at the time a notice to appear for a violation of  
 24 subdivision (a) is issued, the person is driving a motor vehicle  
 25 owned or leased by the driver’s employer, and the vehicle is being  
 26 driven with the permission of the employer, this section shall apply  
 27 to the employer rather than the driver. In that case, a notice to  
 28 appear shall be issued to the employer rather than the driver, and  
 29 the driver may sign the notice on behalf of the employer.

30 (2) The driver shall notify the employer of the receipt of the  
 31 notice issued pursuant to paragraph (1) not later than five days  
 32 after receipt.

33 (e) A person issued a notice to appear for a violation of  
 34 subdivision (a) may personally appear before the clerk of the court,  
 35 as designated in the notice to appear, and provide written evidence  
 36 of financial responsibility in a form consistent with Section 16020,  
 37 showing that the driver was in compliance with that section at the  
 38 time the notice to appear for violating subdivision (a) was issued.  
 39 In lieu of the personal appearance, the person may submit by mail  
 40 to the court written evidence of having had financial responsibility



1 at the time the notice to appear was issued. Upon receipt by the  
2 clerk of that written evidence of financial responsibility in a form  
3 consistent with Section 16020, further proceedings on the notice  
4 to appear for the violation of subdivision (a) shall be dismissed.

5 (f) For the purposes of this section, “mobile electronic device”  
6 means a portable computing and communication device that has  
7 a display screen with touch input or a miniature keyboard.

8 (g) For the purposes of this section, when a person provides  
9 evidence of financial responsibility using a mobile electronic device  
10 to a peace officer, the peace officer shall only view the evidence  
11 of financial responsibility and is prohibited from viewing any other  
12 content on the mobile electronic device.

13 (h) If a person presents a mobile electronic device pursuant to  
14 this section, that person assumes all liability for any damage to the  
15 mobile electronic device.

16 *SEC. 13. Section 16560 of the Vehicle Code is amended to*  
17 *read:*

18 16560. (a) Any person or corporation who operates or causes  
19 to be operated on the highways of this state any motor vehicle in  
20 the interstate or foreign transportation of property, other than  
21 household goods, for compensation without having first complied  
22 with the requirements of paragraph (1) of subdivision (g) of Section  
23 7232 of the Revenue and Taxation Code is guilty of a  
24 misdemeanor, and is punishable by a fine of not more than one  
25 thousand dollars (\$1,000), or by imprisonment in the county jail  
26 for not more than three months, or by both that fine and  
27 imprisonment.

28 (b) Any person or corporation who operates or causes to be  
29 operated on the highways of this state any motor vehicle in the  
30 interstate or foreign transportation of household goods *for*  
31 *compensation without having first complied with the requirements*  
32 *of Chapter 3.1 (commencing with Section 19225) of Division 8 of*  
33 *the Business and Professions Code* or passengers for compensation  
34 without having first complied with the requirements of Chapter 1  
35 (commencing with Section 3901) of Division 2 of the Public  
36 Utilities Code is guilty of a misdemeanor, and is punishable by a  
37 fine of not more than one thousand dollars (\$1,000), or by  
38 imprisonment in the county jail for not more than three months,  
39 or both that fine and imprisonment.

1     *SEC. 14. Section 26710 of the Vehicle Code is amended to*  
2 *read:*

3     26710. (a) It is unlawful to operate any motor vehicle upon a  
4 highway when the windshield or rear window is in such a defective  
5 condition as to impair the driver’s vision either to the front or rear.

6     ***(b) Notwithstanding subdivision (a), it is unlawful to operate***  
7 ***any motor vehicle described in Section 34500 upon a highway***  
8 ***when the condition of the windshield is other than described in***  
9 ***Section 393.60(c) of Title 49 of the Code of Federal Regulations.***

10     ~~In~~

11     ***(c) In*** the event any windshield or rear window fails to comply  
12 with this code the officer making the inspection shall direct the  
13 driver to make the windshield and rear window conform to the  
14 requirements of this code within 48 hours. The officer may also  
15 arrest the driver and give ~~him~~ ***them*** notice to appear and further  
16 require the driver or the owner of the vehicle to produce in court  
17 satisfactory evidence that the windshield or rear window has been  
18 made to conform to the requirements of this code.

19     ~~SEC. 3.~~

20     ***SEC. 15.*** Section 27150.2 of the Vehicle Code is amended to  
21 read:

22     27150.2. (a) Stations providing referee functions pursuant to  
23 Section 44036 of the Health and Safety Code shall provide for the  
24 testing of vehicular exhaust systems and the issuance of certificates  
25 of compliance only for those vehicles that have received a citation  
26 for a violation of Section 27150 or 27151.

27     (b) A certificate of compliance for a vehicular exhaust system  
28 shall be issued pursuant to subdivision (a) if the vehicle complies  
29 with Sections 27150 and 27151. Exhaust systems installed on  
30 motor vehicles, other than motorcycles, with a manufacturer’s  
31 gross vehicle weight rating of less than 6,000 pounds comply with  
32 Sections 27150 and 27151 if they emit no more than 95 dbA when  
33 tested in accordance with the most current SAE International  
34 standard.

35     (c) An exhaust system certificate of compliance issued pursuant  
36 to subdivision (a) shall identify, to the extent possible, the make,  
37 model, year, license number, and vehicle identification number of  
38 the vehicle tested, and the make and model of the exhaust system  
39 installed on the vehicle.

1 (d) The station shall charge a fee for the exhaust system  
2 certificate of compliance issued pursuant to subdivision (a). The  
3 fee charged shall be calculated to recover the costs incurred by the  
4 Department of Consumer Affairs to implement this section. The  
5 fees charged by the station shall be deposited in the Vehicle  
6 Inspection and Repair Fund established by Section 44062 of the  
7 Health and Safety Code.

8 (e) Vehicular exhaust systems are exempt from the requirements  
9 of Sections 27150 and 27151 if compliance with those sections,  
10 or the regulations adopted pursuant thereto, would cause an  
11 unreasonable hardship without resulting in a sufficient  
12 corresponding benefit with respect to noise level control.

13 ~~SEC. 4.~~

14 *SEC. 16.* Section 27151 of the Vehicle Code is amended to  
15 read:

16 27151. (a) A person shall not modify the exhaust system of a  
17 motor vehicle in a manner which will amplify or increase the noise  
18 emitted by the motor of the vehicle so that the vehicle is not in  
19 compliance with the provisions of Section 27150 or exceeds the  
20 noise limits established for the type of vehicle in Article 2.5  
21 (commencing with Section 27200). A person shall not operate a  
22 motor vehicle with an exhaust system so modified.

23 (b) For the purposes of exhaust systems installed on motor  
24 vehicles with a manufacturer's gross vehicle weight rating of less  
25 than 6,000 pounds, other than motorcycles, a sound level of 95  
26 dbA or less, when tested in accordance with the most current SAE  
27 International standard, complies with this section. Motor vehicle  
28 exhaust systems or parts thereof include, but are not limited to,  
29 nonoriginal exhaust equipment.

30 *SEC. 17. Section 27903 of the Vehicle Code is amended to*  
31 *read:*

32 27903. (a) Subject to Section 114765 of the Health and Safety  
33 Code, a vehicle transporting an explosive, blasting agent,  
34 flammable liquid, flammable solid, oxidizing material, corrosive,  
35 compressed gas, poison, radioactive material, or other hazardous  
36 materials, of the type and in quantities that require the display of  
37 placards or markings on the vehicle exterior by the United States  
38 Department of Transportation pursuant to Parts 172, 173, and 177  
39 of Title 49 of the Code of Federal Regulations shall display those

1 placards and markings in the manner and under conditions  
2 prescribed by those regulations.

3 (b) Notwithstanding subdivision (a), a vehicle shall not display  
4 hazardous materials placards or markings unless permitted or  
5 required by Subparts D and F of Part 172 of Title 49 of the Code  
6 of Federal Regulations.

7 (c) This section does not apply to any of the following:

8 (1) A vehicle transporting not more than 20 pounds of smokeless  
9 powder or not more than five pounds of black sporting powder or  
10 any combination thereof.

11 ~~(2) An authorized emergency vehicle as defined in paragraph  
12 (1) of subdivision (b) of Section 165, operated by a peace officer  
13 as defined in Sections 830.1 and 830.2 of the Penal Code, when  
14 transportation is required within the scope and course of law  
15 enforcement explosives detection or removal duties, if either of  
16 the following conditions applies:~~

17 ~~(A) The law enforcement agency operating the vehicle complies  
18 with regulations adopted by the California Highway Patrol pursuant  
19 to subdivision (b) of Section 34501, notwithstanding Section 34500  
20 and subdivision (a) of Section 34501.~~

21 ~~(B) The peace officer possesses an exemption issued by the  
22 commissioner, who may require additional transportation  
23 restrictions as deemed appropriate.~~

24 ~~(2) The operation of a vehicle excepted by subdivision (b) of  
25 Section 34501.~~

26 *SEC. 18. Section 34501 of the Vehicle Code is amended to  
27 read:*

28 34501. (a) (1) The department shall adopt reasonable rules  
29 and regulations that, in the judgment of the department, are  
30 designed to promote the safe operation of vehicles described in  
31 Section 34500, regarding, but not limited to, controlled substances  
32 and alcohol testing of drivers by motor carriers, hours of service  
33 of drivers, equipment, fuel containers, fueling operations,  
34 inspection, maintenance, recordkeeping, accident reports, and  
35 drawbridges. The rules and regulations shall not, however, be  
36 applicable to schoolbuses, which shall be subject to rules and  
37 regulations adopted pursuant to Section 34501.5.

38 The rules and regulations shall exempt local law enforcement  
39 agencies, within a single county, engaged in the transportation of  
40 inmates or prisoners when those agencies maintain other motor

1 vehicle operations records which furnish hours of service  
2 information on drivers which are in substantial compliance with  
3 the rules and regulations. This exemption does not apply to any  
4 local law enforcement agency engaged in the transportation of  
5 inmates or prisoners outside the county in which the agency is  
6 located, if that agency would otherwise be required, by existing  
7 law, to maintain driving logs.

8 (2) The department may adopt rules and regulations relating to  
9 commercial vehicle safety inspection and out-of-service criteria.  
10 In adopting the rules and regulations, the commissioner may  
11 consider the commercial vehicle safety inspection and  
12 out-of-service criteria adopted by organizations such as the  
13 Commercial Vehicle Safety Alliance, other intergovernmental  
14 safety group, or the United States Department of Transportation.  
15 The commissioner may provide departmental representatives to  
16 that alliance or other organization for the purpose of promoting  
17 the continued improvement and refinement of compatible  
18 nationwide commercial vehicle safety inspection and out-of-service  
19 criteria.

20 (3) The commissioner shall appoint a committee of 15 members,  
21 consisting of representatives of industry subject to the regulations  
22 to be adopted pursuant to this section, to act in an advisory capacity  
23 to the department, and the department shall cooperate and confer  
24 with the advisory committee so appointed. The commissioner shall  
25 appoint a separate committee to advise the department on rules  
26 and regulations concerning wheelchair lifts for installation and use  
27 on buses, consisting of persons who use the wheelchair lifts,  
28 representatives of transit districts, representatives of designers or  
29 manufacturers of wheelchairs and wheelchair lifts, and  
30 representatives of the Department of Transportation.

31 (4) The department may inspect any vehicles in maintenance  
32 facilities or terminals, as well as any records relating to the dispatch  
33 of vehicles or drivers, and the pay of drivers, to ensure compliance  
34 with this code and regulations adopted pursuant to this section.

35 (b) (1) The department, using the definitions adopted pursuant  
36 to Section 2402.7, shall adopt regulations for the transportation of  
37 hazardous materials in this state, except the transportation of  
38 materials ~~which~~ *that* are subject to other provisions of this code,  
39 that the department determines are reasonably necessary to ensure  
40 the safety of persons and property using the highways. The

1 regulations may include provisions governing the filling, marking,  
2 packing, labeling, and assembly of, and containers that may be  
3 used for, hazardous materials shipments, and the manner by which  
4 the shipper attests that the shipments are correctly identified and  
5 in proper condition for transport.

6 *(2) (A) The regulations adopted under this section for vehicles*  
7 *engaged in interstate or intrastate commerce shall establish*  
8 *hazardous materials requirements that are consistent with the*  
9 *hazardous materials regulations adopted by the United States*  
10 *Department of Transportation in Chapter I of, and Part 397 of*  
11 *Subchapter B of Chapter III of, Subtitle B of Title 49 of the Code*  
12 *of Federal Regulations.*

13 *(B) If a carrier not subject to federal jurisdiction finds a*  
14 *regulation adopted pursuant to this section to be unnecessarily*  
15 *burdensome or impracticable, the carrier may apply to the*  
16 *department, at no cost, for an alternate method of compliance.*

17 *(3) Regulations adopted pursuant to this subdivision do not*  
18 *apply to the following:*

19 *(A) The transportation of explosives in an authorized emergency*  
20 *vehicle, as defined in paragraph (1) of subdivision (b) of Section*  
21 *165, when operated by a peace officer, as defined in Sections 830.1*  
22 *and 830.2 of the Penal Code, under the following conditions:*

23 *(i) The transportation is necessary for tactical operations or*  
24 *explosives detection or removal duties.*

25 *(ii) Storage and security is in compliance with the applicable*  
26 *provisions of "ATV Federal Explosives Laws and Regulations,"*  
27 *published by the Bureau of Alcohol, Tobacco, Firearms, and*  
28 *Explosives.*

29 *(B) The transportation of seized fireworks by a public agency*  
30 *as authorized by Part 2 (commencing with Section 12500) of*  
31 *Division 11 of the Health and Safety Code.*

32 *(c) (1) At least once every 13 months, the department shall*  
33 *inspect every maintenance facility or terminal of any person who*  
34 *at any time operates any bus. If the bus operation includes more*  
35 *than 100 buses, the inspection shall be without prior notice.*

36 *(2) This subdivision does not preclude the department from*  
37 *conducting inspections of tour bus operations with fewer than 100*  
38 *buses without prior notice. To the extent possible, the department*  
39 *shall conduct inspections without prior notice of any tour bus*  
40 *operation, including tour bus operations that have a history of*

1 noncompliance with safety laws or regulations, that have received  
2 unsatisfactory ratings, or that have had buses ordered out of service  
3 for safety violations.

4 (3) If a tour bus operator receives an unsatisfactory rating, the  
5 department shall conduct a followup inspection between 30 and  
6 90 days after the initial inspection during which the unsatisfactory  
7 rating was received.

8 (d) The commissioner shall adopt and enforce regulations which  
9 will make the public or private users of any bus aware of the  
10 operator’s last safety rating.

11 (e) It is unlawful and constitutes a misdemeanor for any person  
12 to operate any bus without the inspections specified in subdivision  
13 (c) having been conducted.

14 (f) The department may adopt regulations restricting or  
15 prohibiting the movement of any vehicle from a maintenance  
16 facility or terminal if the vehicle is found in violation of this code  
17 or regulations adopted pursuant to this section.

18 *SEC. 19. Section 34501.19 is added to the Vehicle Code, to*  
19 *read:*

20 *34501.19. A vehicle described in Section 34500 shall comply*  
21 *with the equipment requirements specified in Part 393 of Title 49*  
22 *of the Code of Federal Regulations, relating to automatic brake*  
23 *adjusters and brake adjustment indicators, antilock brake systems,*  
24 *frames, cab and body components, wheels, suspension systems,*  
25 *and steering wheel systems. In the application of this section to a*  
26 *vehicle, “commercial motor vehicle” and “motor vehicle” have*  
27 *the same meanings as those terms are defined in Section 390.5 of*  
28 *Title 49 of the Code of Federal Regulations.*

29 *SEC. 20. Section 34505.6 of the Vehicle Code is amended to*  
30 *read:*

31 34505.6. (a) Upon determining that a motor carrier of ~~property~~  
32 ~~who is operating any vehicle described in subdivision (a), (b), (e),~~  
33 ~~(f), (g), (j), or (k) of Section 34500, or any motortruck of two or~~  
34 ~~more axles that is more than 10,000 pounds gross vehicle weight~~  
35 ~~rating, on a public highway, has done either of the following,~~  
36 *property, as defined in Section 34601, either is subject to*  
37 *paragraph (1) or (2), or has been issued an out-of-service order*  
38 *for either an imminent hazard or an unsatisfactory or unfit rating*  
39 *by the United States Secretary of Transportation, the department*  
40 *shall recommend that the Department of Motor Vehicles suspend*

1 or revoke the carrier’s motor carrier permit, or, for interstate  
 2 operators, the department shall recommend to the Federal Motor  
 3 Carrier Safety Administration that appropriate administrative action  
 4 be taken against the ~~carrier~~: *carrier*.

5 (1) ~~Failed~~ *The motor carrier of property has failed* to maintain  
 6 any vehicle of a type described above in a safe operating condition  
 7 or to comply with the Vehicle Code or with ~~applicable~~ regulations  
 8 contained in Title 13 of the California Code of ~~Regulations~~;  
 9 *Regulations relative to motor carrier safety*, and, in the  
 10 department’s opinion, that failure presents an imminent danger to  
 11 public safety or constitutes a consistent failure so as to justify a  
 12 ~~suspension or revocation of the motor carrier’s motor carrier~~  
 13 ~~permit~~: *recommendation to the Department of Motor Vehicles*.

14 (2) ~~Failed~~ *The motor carrier of property has failed* to enroll all  
 15 drivers in the pull-notice system as required by Section 1808.1.

16 (b) Upon determining that a household ~~goods carrier~~, *mover*;  
 17 or a household ~~goods carrier~~ *mover* transporting used office, store,  
 18 or institution furniture and fixtures under its household ~~goods~~  
 19 ~~carrier permit issued under Section 5137 of the Public Utilities~~  
 20 ~~Code, operating any vehicle described in subdivision (a), (b), (c),~~  
 21 ~~(f), (g), (j), or (k) of Section 34500 on a public highway, has done~~  
 22 ~~either of the following, the department shall recommend that the~~  
 23 ~~Public Utilities Commission~~ *mover permit issued under Section*  
 24 *19241 of the Business and Professions Code, either is subject to*  
 25 *paragraph (1) or (2), or has been issued an out-of-service order*  
 26 *for either an imminent hazard or an unsatisfactory or unfit rating*  
 27 *by the United States Secretary of Transportation, the department*  
 28 *shall recommend that the Department of Consumer Affairs deny,*  
 29 *suspend, or revoke the carrier’s* ~~operating authority~~, *household*  
 30 *mover permit*, or, for interstate operators, the department shall  
 31 recommend to the Federal Motor Carrier Safety Administration  
 32 that appropriate administrative action be taken against the ~~carrier~~:  
 33 *household mover*.

34 (1) ~~Failed~~ *The motor carrier of property has failed* to maintain  
 35 any vehicle ~~used in transportation for compensation of the carrier~~  
 36 in a safe operating condition or to comply with the Vehicle Code  
 37 or with ~~applicable~~ regulations contained in Title 13 of the  
 38 California Code of ~~Regulations~~; *Regulations relative to motor*  
 39 *carrier safety*, and, in the department’s opinion, that failure presents  
 40 an imminent danger to public safety or constitutes a consistent



1 failure so as to justify a ~~suspension, revocation, or denial of the~~  
2 ~~motor carrier's operating authority.~~ *recommendation to the*  
3 *Department of Consumer Affairs.*

4 (2) ~~Failed~~ *The motor carrier of property has failed* to enroll all  
5 drivers in the pull-notice system as required by Section 1808.1.

6 (c) For purposes of this section, two consecutive unsatisfactory  
7 compliance ratings for an inspected terminal assigned because the  
8 motor carrier failed to comply with the periodic report requirements  
9 of Section 1808.1 or the cancellation of the carrier's enrollment  
10 by the Department of Motor Vehicles for the nonpayment of  
11 required fees is a consistent failure. The department shall retain a  
12 record, by operator, of every recommendation made pursuant to  
13 this section.

14 (d) Before transmitting a recommendation pursuant to  
15 subdivision (a), the department shall notify the carrier in writing  
16 of all of the following:

17 (1) That the department has determined that the carrier's safety  
18 record or compliance with Section 1808.1 is unsatisfactory,  
19 furnishing a copy of any documentation or summary of any other  
20 evidence supporting the determination.

21 (2) That the determination may result in a suspension,  
22 revocation, or denial of the carrier's motor carrier permit by the  
23 Department of Motor Vehicles, suspension, revocation, ~~of the~~  
24 ~~motor carrier's operating authority by the California Public Utilities~~  
25 ~~Commission,~~ *or denial of the carrier's household mover permit*  
26 *suspended, revoked, or denied, by the Department of Consumer*  
27 *Affairs,* or administrative action by the Federal Motor Carrier  
28 Safety Administration.

29 (3) That the carrier may request a review of the determination  
30 by the department within five days of its receipt of the notice  
31 required under this subdivision. If a review pursuant to this  
32 paragraph is requested by the carrier, the department shall conduct  
33 and evaluate that review prior to transmitting any notification  
34 pursuant to subdivision (a) or (b).

35 (e) Upon receipt of a written recommendation from the  
36 department that a motor carrier permit or ~~operating authority~~  
37 *household mover permit* be suspended, revoked, or denied, the  
38 Department of Motor Vehicles or ~~Public Utilities Commission,~~  
39 *Department of Consumer Affairs,* as appropriate, shall, pending a  
40 hearing in the matter pursuant to Section 34623 or appropriate

1 ~~Public Utilities Commission~~ *Department of Consumer Affairs*  
 2 authority, suspend the motor carrier permit or ~~operating authority.~~  
 3 *household mover permit*. The written recommendation shall  
 4 specifically indicate compliance with subdivision (d).

5 ~~(f) This section shall become operative on January 1, 2016.~~  
 6 *SEC. 21. Section 34507.5 of the Vehicle Code is amended to*  
 7 *read:*

8 34507.5. (a) A motor carrier, as defined in Section 408, whose  
 9 principal place of business is in this state, who operates from a  
 10 terminal in this state, or who is required to be licensed pursuant  
 11 to Section 32000.5, a motor carrier of property, and a for-hire  
 12 motor carrier of property, as defined in Section 34601, shall obtain  
 13 a carrier identification number from the department. Application  
 14 for a carrier identification number shall be on a form furnished by  
 15 the department. The department may furnish the form online and  
 16 require the form to be completed and submitted electronically via  
 17 the department’s internet website. Information provided in  
 18 connection with an application for a carrier identification number  
 19 shall be true and accurate. Information relating to a carrier  
 20 identification number shall be updated by a motor carrier upon  
 21 request from the department and within 15 days of a change of  
 22 information, or the cessation or resumption of regulated activity  
 23 at any of the motor carrier’s terminals.

24 (1) A motor carrier required to obtain a carrier identification  
 25 number shall first obtain a United States Department of  
 26 Transportation number from the Federal Motor Carrier Safety  
 27 Administration and provide that number on the application for a  
 28 carrier identification number. The department shall not assign a  
 29 carrier identification number unless the application includes the  
 30 United States Department of Transportation number assigned to,  
 31 and properly identifying, the motor carrier.

32 (2) A motor carrier shall ensure information associated with the  
 33 United States Department of Transportation number assigned to  
 34 the motor carrier is true and accurate. The information shall be  
 35 updated as required by Section 390.19T of Title 49 of the Code of  
 36 Federal Regulations, before the motor carrier operates a commercial  
 37 motor vehicle, at least once every two calendar years, and within  
 38 15 days of any change of information, or cessation or resumption  
 39 of regulated activity.

1 (b) The carrier identification number assigned to the motor  
2 carrier under whose operating authority or motor carrier permit  
3 the vehicle or combination of vehicles is being operated shall be  
4 displayed on both sides of each vehicle, or on both sides of at least  
5 one motor vehicle in each combination of the following vehicles:

- 6 (1) Each vehicle set forth in Section 34500.
- 7 (2) A motortruck of two or more axles that is more than 10,000  
8 pounds gross vehicle weight rating.
- 9 (3) Any other motortruck or motor vehicle used to transport  
10 property for compensation.

11 (c) The carrier identification number of a motor carrier operating  
12 a vehicle or combination of vehicles listed in subdivision (b) under  
13 a rental agreement with a term of not more than 30 calendar days  
14 need not be displayed if all of the following requirements are met:

- 15 (1) The name or trademark of the lessor are displayed on both  
16 sides of each vehicle or on both sides of one of the vehicles in each  
17 combination of vehicles.
- 18 (2) Any of the following numbers issued to the lessor are  
19 displayed on both sides of each vehicle or on both sides of one of  
20 the vehicles in each combination of vehicles:
  - 21 (A) The carrier identification number issued by the United States  
22 Department of Transportation.
  - 23 (B) A valid operating authority number.
  - 24 (C) A valid motor carrier of property number.
- 25 (3) (A) A copy of the rental agreement entered into by the lessor  
26 and the vehicle operator is in the vehicle or combination of  
27 vehicles.

28 (B) The rental agreement shall be available for inspection  
29 immediately upon the request of an authorized employee of the  
30 department, a regularly employed and salaried police officer or  
31 deputy sheriff, or a reserve police officer or reserve deputy sheriff  
32 listed pursuant to Section 830.6 of the Penal Code.

33 (C) If the rented vehicle or combination of vehicles is operated  
34 in conjunction with a commercial enterprise, the rental agreement  
35 shall include the operator's carrier identification number or motor  
36 carrier of property permit number.

37 (d) A vehicle or combination of vehicles that is in compliance  
38 with Section 390.21T of Title 49 of the Code of Federal  
39 Regulations shall be deemed to be in compliance with subdivision  
40 (c).

1 (e) This section does not apply to any of the following vehicles:

2 (1) A vehicle described in subdivision (f) of Section 34500, that  
3 is operated by a private carrier as defined in subdivision (d) of  
4 Section 34601, if the gross vehicle weight rating of the towing  
5 vehicle is 10,000 pounds or less, or the towing vehicle is a pickup  
6 truck, as defined in Section 471. This exception does not apply to  
7 a vehicle combination described in subdivision (k) of Section  
8 34500.

9 (2) A vehicle described in subdivision (g) of Section 34500,  
10 that is operated by a private carrier as defined in subdivision (d)  
11 of Section 34601, if the hazardous material transportation does  
12 not require the display of placards pursuant to Section 27903, a  
13 license pursuant to Section 32000.5, or hazardous waste hauler  
14 registration pursuant to Section 25163 of the Health and Safety  
15 Code.

16 (3) A historical vehicle, as described in Section 5004, and a  
17 vehicle that displays special identification plates in accordance  
18 with Section 5011.

19 (4) An implement of husbandry as defined in Chapter 1  
20 (commencing with Section 36000) of Division 16.

21 (5) A vehicle owned or operated by an agency of the federal  
22 government.

23 (6) A pickup truck, as defined in Section 471, and a two-axle  
24 daily rental truck with a gross vehicle weight rating of less than  
25 26,001 pounds, when operated in noncommercial use.

26 (f) Subdivision (b) does not apply to the following:

27 (1) A vehicle that displays a valid identification number assigned  
28 by the United States Secretary of the Department of Transportation.

29 (2) A vehicle that is regulated by, and that displays a valid  
30 operating authority number issued by the ~~Public Utilities~~  
31 ~~Commission~~, *Bureau of Household Goods and Services*, including  
32 a household ~~goods carrier mover~~ as defined in ~~Section 5109 of the~~  
33 ~~Public Utilities Code~~. *Section 19225.5 of the Business and*  
34 *Professions Code*.

35 (3) A for-hire motor carrier of passengers.

36 (g) The display of the carrier identification number shall be in  
37 sharp contrast to the background, and shall be of a size, shape, and  
38 color that it is readily legible during daylight hours from a distance  
39 of 50 feet.

1 (h) The carrier identification number for a company no longer  
2 in business, no longer operating with the same name, or no longer  
3 operating under the same operating authority, identification  
4 number, or motor carrier permit shall be removed before sale,  
5 transfer, or other disposal of a vehicle marked pursuant to this  
6 section.

7 ~~SEC. 5.~~

8 *SEC. 22.* Section 34601 of the Vehicle Code is amended to  
9 read:

10 34601. (a) As used in this division, “motor carrier of property”  
11 means any person who operates any commercial motor vehicle as  
12 defined in subdivision (c). “Motor carrier of property” does not  
13 include a household mover, as defined in Section 19225.5 of the  
14 Business and Professions Code, a household mover transporting  
15 used office, store, and institution furniture and fixtures under its  
16 household mover permit pursuant to Section 19237 of the Business  
17 and Professions Code, persons providing only transportation of  
18 passengers, or a passenger stage corporation transporting baggage  
19 and express upon a passenger vehicle incidental to the  
20 transportation of passengers.

21 (b) As used in this division, “for-hire motor carrier of property”  
22 means a motor carrier of property as defined in subdivision (a)  
23 who transports property for compensation.

24 (c) (1) As used in this division, except as provided in paragraph  
25 (2), a “commercial motor vehicle” means any self-propelled vehicle  
26 listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,  
27 any motortruck of two or more axles that is more than 10,000  
28 pounds gross vehicle weight rating, and any other motor vehicle  
29 used to transport property for compensation.

30 (2) As used in this division, “commercial motor vehicle” does  
31 not include any of the following:

32 (A) Vehicles identified in subdivision (f) of Section 34500, if  
33 the gross vehicle weight rating of the towing vehicle is 10,000  
34 pounds or less.

35 (B) Vehicles identified in subdivision (g) of Section 34500, if  
36 the hazardous material transportation does not require the display  
37 of placards under Section 27903, a license under Section 32000.5,  
38 or a hazardous waste transporter registration under Section 25163  
39 of the Health and Safety Code, and the vehicle is not operated in  
40 commercial use.

1 (C) Vehicles operated by a household mover, as defined in  
 2 Section 19225.5 of the Business and Professions Code, under the  
 3 household mover permit pursuant to Section 19237 of that code.

4 (D) Vehicles operated by a household mover to transport used  
 5 office, store, and institution furniture and fixtures under its  
 6 household mover permit pursuant to Section 19237 of the Business  
 7 and Professions Code.

8 (E) Pickup trucks as defined in Section 471, if the conditions  
 9 in subparagraphs (A) and (B) are also met.

10 (F) Two-axle daily rental trucks with a gross vehicle weight  
 11 rating of less than 26,001 pounds, when operated in noncommercial  
 12 use.

13 (G) Vehicles never operated in commercial use, including  
 14 motortrucks or two-axle truck tractors, with a gross vehicle weight  
 15 rating of less than 26,001 pounds, when operated singly, or, when  
 16 used to tow a camp trailer, trailer coach, fifth-wheel travel trailer,  
 17 trailer designed to transport watercraft, or a utility trailer, never  
 18 operated in commercial use. Vehicle combinations described in  
 19 this subparagraph are not subject to Section 27900, 34501.12, or  
 20 34507.5.

21 (d) For purposes of this chapter, “private carrier” means a motor  
 22 carrier of property, who transports only their own property,  
 23 including, but not limited to, the delivery of goods sold by that  
 24 carrier.

25 (e) This section shall become operative on January 1, 2016.

26 *SEC. 23. Section 34603 of the Vehicle Code is amended to*  
 27 *read:*

28 34603. The Department of the California Highway Patrol, the  
 29 Public Utilities Commission, *the Bureau of Household Goods and*  
 30 *Services*, and the State Board of Equalization shall furnish, upon  
 31 request, whatever information from their records may be required  
 32 to assist the department in the effective development and  
 33 enforcement of this division.

34 *SEC. 24. Section 34622 of the Vehicle Code is amended to*  
 35 *read:*

36 34622. This chapter does not apply to any of the following:

37 (a) Vehicles described in Section 5004 or 5011, and those that  
 38 are exempt from vehicle registration fees.

39 (b) A household ~~goods carrier~~ *mover* transporting used office,  
 40 store, and institution furniture and fixtures under its household

1 ~~goods carrier mover~~ permit pursuant to ~~Section 5137 of the Public~~  
2 ~~Utilities Code.~~ *Section 19241 of the Business and Professions*  
3 *Code.*

4 *SEC. 25. No reimbursement is required by this act pursuant*  
5 *to Section 6 of Article XIII B of the California Constitution because*  
6 *the only costs that may be incurred by a local agency or school*  
7 *district will be incurred because this act creates a new crime or*  
8 *infraction, eliminates a crime or infraction, or changes the penalty*  
9 *for a crime or infraction, within the meaning of Section 17556 of*  
10 *the Government Code, or changes the definition of a crime within*  
11 *the meaning of Section 6 of Article XIII B of the California*  
12 *Constitution.*

O



Agenda Item 6c: SB 983 (Eggman) – Consumer warranty protection: express warranties



AMENDED IN SENATE APRIL 21, 2022

AMENDED IN SENATE APRIL 7, 2022

**SENATE BILL**

**No. 983**

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**Introduced by Senator Eggman  
(Coauthor: Senator Newman)**

(Coauthors: Assembly Members Cristina Garcia, Cunningham, and  
Ting)

February 14, 2022

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An act to amend Sections 1793.03 and 1794.1 of the Civil Code,  
relating to consumer warranties.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 983, as amended, Eggman. Consumer warranty protection: express warranties.

Existing law, the Song-Beverly Consumer Warranty Act, provides a comprehensive set of procedures for the enforcement of express and implied warranties on consumer goods, as defined. Under existing law, every manufacturer making an express warranty with respect to an electronic or appliance product, including televisions, radios, audio or video recording equipment, major home appliances, antennas, and rotators, with a wholesale price to the retailer of not less than \$50 nor more than \$99.99 is required to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 3 years after the date a product model or type was manufactured, regardless of whether the 3-year period exceeds the warranty period for the product. Existing law also requires every manufacturer making an express warranty with respect to an electronic or appliance product, as described above, with a wholesale price to the retailer of \$100 or more, to make available to service and

repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 7 years after the date a product model or type was manufactured, regardless of whether the 7-year period exceeds the warranty period for the product.

This bill would instead require the manufacturer of an electronic or appliance product, in the above-described circumstances and timeframes, to make available, on fair and reasonable terms, sufficient service literature, at no charge, and prescribed functional parts and tools, including documentation, tools, software and parts needed to disable the lock or function during the course of the diagnosis, maintenance, or repair of a product, to owners of the product, service and repair facilities, and service dealers. *The bill would also require a service and repair facility or service dealer that is not an authorized facility or dealer of a manufacturer to provide a written notice containing specified information related to warranties to any customer seeking repair of an electronic or appliance product before the repair facility or service dealer repairs the product.*

This bill would define terms for its purposes, and would provide that the above-specified provisions do not require a manufacturer to divulge a trade secret, except as may be necessary to provide service literature, documentation, tools, and parts on fair and reasonable ~~terms~~ *terms, and shall not be construed to require the distribution of a product's source code.*

Existing law authorizes a retail seller of consumer goods or an independent serviceman of consumer goods injured by the willful or repeated violation of the Song-Beverly Consumer Warranty Act to bring a legal action for the recovery of damages. Existing law provides that a court may award 3 times the amount at which actual damages are assessed plus reasonable attorneys fees.

This bill would additionally authorize a service dealer, as defined, to bring a legal action pursuant to the above provisions.

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

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

1       SECTION 1. Section 1793.03 of the Civil Code is amended  
2       to read:  
3       1793.03. (a) (1) Every manufacturer of an electronic or  
4       appliance product with a wholesale price to the retailer of not less

1 than fifty dollars (\$50) and not more than ninety-nine dollars and  
2 ninety-nine cents (\$99.99), shall make available to owners of the  
3 product, service and repair facilities, and service dealers, sufficient  
4 service literature, at no charge, and functional parts and tools,  
5 inclusive of any updates, on fair and reasonable terms, to effect  
6 the diagnosis, maintenance, or repair of a product for at least three  
7 years after the date a product model or type was manufactured,  
8 regardless of whether the three-year period exceeds the warranty  
9 period for the product.

10 (2) For products with a wholesale price to the retailer of not less  
11 than fifty dollars (\$50) and not more than ninety-nine dollars and  
12 ninety-nine cents (\$99.99), that contains an electronic security  
13 lock or other security-related function, the manufacturer shall also  
14 make available to owners of the product, service and repair  
15 facilities, and service dealers, on fair and reasonable terms, any  
16 documentation, tools, software and parts needed to disable the lock  
17 or function, and to reset the lock or function when disabled, during  
18 the course of the inspection, diagnosis, maintenance, or repair of  
19 a product for at least three years after the date a product model or  
20 type was manufactured, regardless of whether the three-year period  
21 exceeds the warranty period for the product.

22 (b) (1) Every manufacturer of an electronic or appliance product  
23 with a wholesale price to the retailer of one hundred dollars (\$100)  
24 or more, shall make available to owners of the product, service  
25 and repair facilities, and service dealers sufficient service literature,  
26 at no charge, and functional parts and tools, inclusive of any  
27 updates, on fair and reasonable terms, to effect the diagnosis,  
28 maintenance, or repair of a product for at least seven years after  
29 the date a product model or type was manufactured, regardless of  
30 whether the seven-year period exceeds the warranty period for the  
31 product.

32 (2) For products with a wholesale price to the retailer of one  
33 hundred dollars (\$100) or more, that contain an electronic security  
34 lock or other security-related function, the manufacturer shall also  
35 make available to owners of the product, service and repair  
36 facilities, and service dealers, on fair and reasonable terms, any  
37 documentation, tools, software and parts needed to disable the lock  
38 or function, and to reset the lock or function when disabled, during  
39 the course of the inspection, diagnosis, maintenance, or repair of  
40 a product for at least seven years after the date a product model or

1 type was manufactured, regardless of whether the seven-year period  
2 exceeds the warranty period for the product.

3 (c) This section does not require a manufacturer to divulge a  
4 trade secret, except as may be necessary to provide service  
5 literature, documentation, tools, software, and parts on fair and  
6 reasonable terms.

7 (d) *This section shall not be construed to require the distribution*  
8 *of a product’s source code.*

9 (e) *A service and repair facility or service dealer that is not an*  
10 *authorized facility or dealer of a manufacturer shall provide a*  
11 *written notice to any customer seeking repair of an electronic or*  
12 *appliance product before the repair facility or service dealer*  
13 *repairs the product that contains the following information:*

14 (1) *The service and repair facility or service dealer is not a*  
15 *manufacturer authorized or affiliated service dealer for the*  
16 *product.*

17 (2) *The consumer may wish to review the terms and conditions*  
18 *of any warranty for the equipment, as repairs not performed by a*  
19 *designated authorized repair provider could potentially affect the*  
20 *warranty.*

21 (3) *Warranties for consumer products are governed by the*  
22 *federal Magnuson-Moss Warranty Act (Chapter 50 (commencing*  
23 *with Section 2301) of Title 15 of the United States Code), which*  
24 *gives consumers rights and protections that apply over any*  
25 *conflicting provisions in the warranty.*

26 (4) *Under Magnuson-Moss, a warranty cannot require that*  
27 *maintenance and repairs be performed only by an authorized*  
28 *repair provider.*

29 (5) *Under Magnuson-Moss, if damage to equipment is shown*  
30 *to be caused by faulty nonbrand equipment or by faulty repair of*  
31 *a nonauthorized repair provider, that damage may not be covered*  
32 *by the warranty, but the warranty may otherwise remain in effect.*

33 ~~(f)~~

34 (f) For purposes of this section, the following definitions apply:

35 (1) “Electronic or appliance product” or “product” means a  
36 product described in subdivision (h), (i), (j), or (k) of Section 9801  
37 of the Business and Professions Code.

38 (2) (A) “Fair and reasonable terms” means at costs and terms  
39 that are equivalent to the most favorable cost and terms under  
40 which the manufacturer offers the part, tool, or documentation to

1 an authorized service dealer, or to itself, if it does not have  
2 authorized service dealers, accounting for any discount, rebate,  
3 convenient and timely means of delivery, means of enabling fully  
4 restored and updated functionality, rights of use, or other incentive  
5 or preference the manufacturer offers to an authorized service  
6 dealer, or any additional cost, burden, or impediment the  
7 manufacturer imposes on an owner or independent service and  
8 repair facility or independent service dealer.

9 (B) For documentation, including any relevant updates, “fair  
10 and reasonable terms” also means at no charge, except that, when  
11 the documentation is requested in physical printed form, a charge  
12 may be included for the reasonable actual costs of preparing and  
13 sending the copy.

14 (3) “Service dealers” has the same meaning as defined in Section  
15 9801 of the Business and Professions Code.

16 (4) “Trade secret” has the same meaning as set forth in  
17 subdivision (d) of Section 3426.1 of this code, or paragraph (9) of  
18 subdivision (a) of Section 499c of the Penal Code.

19 SEC. 2. Section 1794.1 of the Civil Code is amended to read:

20 1794.1. (a) Any retail seller of consumer goods injured by the  
21 willful or repeated violation of the provisions of this chapter may  
22 bring an action for the recovery of damages. Judgment may be  
23 entered for three times the amount at which the actual damages  
24 are assessed plus reasonable attorney fees.

25 (b) Any independent serviceperson of consumer goods or service  
26 dealer, as defined in Section 9801 of the Business and Professions  
27 Code, injured by the willful or repeated violation of the provisions  
28 of this chapter may bring an action for the recovery of damages.  
29 Judgment may be entered for three times the amount at which the  
30 actual damages are assessed plus reasonable attorney fees.

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## Agenda Item 6d: SB 1443 (Roth) – The Department of Consumer Affairs

AMENDED IN SENATE MAY 19, 2022

**SENATE BILL**

**No. 1443**

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**Introduced by Senator Roth**

February 18, 2022

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An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, *7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 7573.5, 7576, 7588.8, 7593.1, 7593.5, 7599.80, 7599.345, 7602, 8000, 8005, 8030.2, 8030.4, 8030.6, 8030.8, 8050, 8051, 8710, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 9873, 18602, and 18613* of the Business and Professions Code, relating to professions and ~~vocations~~; *vocations, and making an appropriation therefore.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as amended, Roth. The Department of Consumer Affairs. Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

*Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services and makes violations of those provisions a crime.*

*Existing law, until January 1, 2024, authorizes the bureau to issue a private investigator license to a limited liability company.*

*This bill would extend that date to January 1, 2025. By extending the operation of these provisions, the bill would impose a state-mandated local program.*

*Existing law, the Alarm Company Act, establishes the Bureau of Security and Investigative Services headed by the Chief of the Bureau of Security and Investigative Services within the Department of Consumer Affairs and sets forth its powers and duties over the licensure, registration, and regulation of alarm company operators. Existing law prohibits a person from engaging in the activities of an alarm company operator unless the person holds a valid alarm company operator's license. Existing law makes a violation of these provisions a crime. Existing law authorizes the bureau to establish fees and penalties for licensure and registration. Existing law, beginning on January 1, 2024, prohibits an alarm company operator from conducting business under these provisions as a limited liability company.*

*This bill would extend that date until January 1, 2025, and make other conforming changes. By extending the operation of these provisions, the bill would impose a state-mandated local program.*

*Existing law requires, until January 1, 2024, funds generated by fees received by the Court Reporters Board of California, pursuant to specified provisions, in excess of funds needed to support the board's operating budget for the fiscal year, to be transferred from the Court Reporters' Fund and used by the board for the purpose of establishing and maintaining a Transcript Reimbursement Fund, which is continuously appropriated, to provide shorthand reporting services to low-income litigants in civil cases who are unable to otherwise afford those services.*

*This bill would continue the operation of provisions that provide for funds to be transferred into the Transcript Reimbursement Fund until January 1, 2025, and make other conforming changes. By continuing the transfer of funds into a continuously appropriated fund, the bill would make an appropriation.*

*Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, unless the person or entity is a licensed shorthand reporter, a shorthand reporting corporation,*



*or one of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor. Existing law, on and after July 1, 2022, and until January 1, 2024, authorizes an entity that is not a shorthand reporting corporation to engage in specified acts if the entity is approved for registration by the board, as specified.*

*This bill would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board, as specified, until January 1, 2025. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions described above to apply to these additional registrants, the bill would expand the scope of a crime and impose a state-mandated local program.*

*Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis. Existing law establishes the Electronic and Appliance Repair Fund, a continuously appropriated fund, and establishes a specified fee structure that, among other things, specifies the initial registration fee and annual renewal fee for a service dealer or service contractor who does not operate a place of business in this state. Existing law revises those provisions and repeals the provisions applicable to an out-of-state service contractor on January 1, 2023.*

*This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024. The bill would extend the fee schedule and provisions applicable to an out-of-state service contractor until January 1, 2024. Because the bill would continue the operation of provisions that require service contractors to pay fees that are deposited into a continuously appropriated fund, the Electronic and Appliance Repair Fund, this bill would make an appropriation.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

*Statutory provisions establish procedures for making that reimbursement.*

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

Vote: ~~majority~~ 2/3. Appropriation: ~~no~~ yes. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 1601.1 of the Business and Professions  
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer  
4 Affairs the Dental Board of California in which the administration  
5 of this chapter is vested. The board shall consist of eight practicing  
6 dentists, one registered dental hygienist, one registered dental  
7 assistant, and five public members. Of the eight practicing dentists,  
8 one shall be a member of a faculty of any California dental college,  
9 and one shall be a dentist practicing in a nonprofit community  
10 clinic. The appointing powers, described in Section 1603, may  
11 appoint to the board a person who was a member of the prior board.  
12 The board shall be organized into standing committees dealing  
13 with examinations, enforcement, and other subjects as the board  
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter  
16 to the Board of Dental Examiners shall be deemed to refer to the  
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the  
19 existing board under this chapter. The board may enforce all  
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until January 1, 2025,  
22 and as of that date is repealed. Notwithstanding any other law, the  
23 repeal of this section renders the board subject to review by the  
24 appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code  
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,  
28 may appoint a person exempt from civil service who shall be  
29 designated as an executive officer and who shall exercise the  
30 powers and perform the duties delegated by the board and vested  
31 in the executive officer by this chapter.

SB 1443 pages 5 – 42 do not impact the Bureau and were intentionally omitted to conserve space. For a full copy of the bill text, visit:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB1443](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1443)

1 decision to deny or revoke registration under this section either in  
2 an administrative hearing under Chapter 5 (commencing with  
3 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
4 Code or through an action brought pursuant to Section 1085 of the  
5 Code of Civil Procedure.

6 (j) A certificate holder shall not engage in the practice of  
7 shorthand reporting on behalf of an entity that the reporter knows  
8 or should know is not registered with the board and shall verify  
9 whether a person or entity is registered with the board before  
10 engaging in the practice of shorthand reporting on behalf of that  
11 person or entity.

12 (k) The board shall create and make available on its internet  
13 website a directory of registered entities. The board shall not take  
14 action against a certificate holder solely for a violation of  
15 subdivision (j) if the certificate holder reasonably relied on the  
16 board's directory stating that the entity was registered at the time.

17 (l) The board may adopt regulations to implement this section.

18 (m) This section shall remain in effect only until January 1,  
19 ~~2024~~, 2025, and as of that date is repealed.

20 *SEC. 51. Section 8710 of the Business and Professions Code*  
21 *is amended to read:*

22 8710. (a) The Board for Professional Engineers, Land  
23 Surveyors, and Geologists is vested with power to administer the  
24 provisions and requirements of this chapter, and may make and  
25 enforce rules and regulations that are reasonably necessary to carry  
26 out its provisions.

27 (b) The board may adopt rules and regulations of professional  
28 conduct that are not inconsistent with state and federal law. The  
29 rules and regulations may include definitions of incompetence and  
30 negligence. Every person who holds a license or certificate issued  
31 by the board pursuant to this chapter, or a license or certificate  
32 issued to a civil engineer pursuant to Chapter 7 (commencing with  
33 Section 6700), shall be governed by these rules and regulations.

34 (c) This section shall remain in effect only until January 1, ~~2024~~,  
35 2025, and as of that date is repealed. Notwithstanding any other  
36 law, the repeal of this section renders the board subject to review  
37 by the appropriate policy committees of the Legislature.

38 ~~SEC. 23.~~

39 *SEC. 52. Section 9812.5 of the Business and Professions Code*  
40 *is amended to read:*

1 9812.5. The director shall gather evidence of violations of this  
2 chapter and of any regulation established hereunder by any service  
3 contractor, whether registered or not, and by any employee, partner,  
4 officer, or member of any service contractor. The director shall,  
5 on their own initiative, conduct spot check investigations of service  
6 contractors throughout the state on a continuous basis.

7 This section shall remain in effect only until January 1, 2024,  
8 and as of that date is repealed.

9 *SEC. 53. Section 9830.5 of the Business and Professions Code*  
10 *is amended to read:*

11 9830.5. (a) Each service contractor shall pay the fee required  
12 by this chapter for each place of business operated by ~~him or her~~  
13 *them* in this state and shall register with the bureau upon forms  
14 prescribed by the director. The forms shall contain sufficient  
15 information to identify the service contractor, including name,  
16 address, retail seller's permit number, if a permit is required under  
17 the Sales and Use Tax Law (Part 1 (commencing with Section  
18 6001) of Division 2 of the Revenue and Taxation Code), a copy  
19 of the certificate of qualification as filed with the Secretary of State  
20 if the service contractor is a foreign corporation, and other  
21 identifying data to be prescribed by the bureau. If the business is  
22 to be carried on under a fictitious name, that fictitious name shall  
23 be stated. If the service contractor is a partnership, identifying data  
24 shall be stated for each partner. If the service contractor is a private  
25 company that does not file an annual report on Form 10-K with  
26 the Securities and Exchange Commission, data shall be included  
27 for each of the officers and directors of the company as well as for  
28 the individual in charge of each place of the service contractor's  
29 business in the State of California, subject to any regulations the  
30 director may adopt. If the service contractor is a publicly held  
31 corporation or a private company that files an annual report on  
32 Form 10-K with the Securities and Exchange Commission, it shall  
33 be sufficient for purposes of providing data for each of the officers  
34 and directors of the corporation or company to file with the director  
35 the most recent annual report on Form 10-K that is filed with the  
36 Securities and Exchange Commission.

37 (b) A service contractor who does not operate a place of business  
38 in this state but who sells, issues, or administers service contracts  
39 in this state, shall hold a valid registration issued by the bureau

1 and shall pay the registration fee required by this chapter as if ~~he~~  
2 ~~or she~~ *they* had a place of business in this state.

3 (c) This section shall remain in effect only until January 1, ~~2023~~,  
4 *2024*, and as of that date is repealed.

5 ~~SEC. 24.~~

6 *SEC. 54.* Section 9832.5 of the Business and Professions Code  
7 is amended to read:

8 9832.5. (a) Registrations issued under this chapter shall expire  
9 no more than 12 months after the issue date. The expiration date  
10 of registrations shall be set by the director in a manner to best  
11 distribute renewal procedures throughout the year.

12 (b) To renew an unexpired registration, the service contractor  
13 shall, on or before the expiration date of the registration, apply for  
14 renewal on a form prescribed by the director, and pay the renewal  
15 fee prescribed by this chapter.

16 (c) To renew an expired registration, the service contractor shall  
17 apply for renewal on a form prescribed by the director, pay the  
18 renewal fee in effect on the last regular renewal date, and pay all  
19 accrued and unpaid delinquency and renewal fees.

20 (d) Renewal is effective on the date that the application is filed,  
21 the renewal fee is paid, and all delinquency fees are paid.

22 (e) For purposes of implementing the distribution of the renewal  
23 of registrations throughout the year, the director may extend, by  
24 not more than six months, the date fixed by law for renewal of a  
25 registration, except that, in that event, any renewal fee that may  
26 be involved shall be prorated in such a manner that no person shall  
27 be required to pay a greater or lesser fee than would have been  
28 required had the change in renewal dates not occurred.

29 (f) This section shall remain in effect only until January 1, *2024*,  
30 and as of that date is repealed.

31 ~~SEC. 25.~~

32 *SEC. 55.* Section 9847.5 of the Business and Professions Code  
33 is amended to read:

34 9847.5. (a) Each service contractor shall maintain those records  
35 as are required by the regulations adopted to carry out the  
36 provisions of this chapter for a period of at least three years. These  
37 records shall be open for reasonable inspection by the director or  
38 other law enforcement officials.

39 (b) This section shall remain in effect only until January 1, *2024*,  
40 and as of that date is repealed.

1       ~~SEC. 26.~~  
 2       SEC. 56. Section 9849 of the Business and Professions Code,  
 3 as amended by Section 12 of Chapter 578 of the Statutes of 2018,  
 4 is amended to read:

5       9849. (a) The expiration of a valid registration shall not deprive  
 6 the director of jurisdiction to proceed with any investigation or  
 7 hearing on a cease and desist order against a service dealer or  
 8 service contractor or to render a decision to suspend, revoke, or  
 9 place on probation a registration.

10       (b) This section shall remain in effect only until January 1, 2024,  
 11 and as of that date is repealed.

12       ~~SEC. 27.~~  
 13       SEC. 57. Section 9849 of the Business and Professions Code,  
 14 as amended by Section 13 of Chapter 578 of the Statutes of 2018,  
 15 is amended to read:

16       9849. (a) The expiration of a valid registration shall not deprive  
 17 the director of jurisdiction to proceed with any investigation or  
 18 hearing on a cease and desist order against a service dealer or to  
 19 render a decision to suspend, revoke, or place on probation a  
 20 registration.

21       (b) This section shall become operative on January 1, 2024.

22       ~~SEC. 28.~~  
 23       SEC. 58. Section 9851 of the Business and Professions Code,  
 24 as amended by Section 14 of Chapter 578 of the Statutes of 2018,  
 25 is amended to read:

26       9851. (a) The superior court in and for the county wherein any  
 27 person carries on, or attempts to carry on, business as a service  
 28 dealer or service contractor in violation of the provisions of this  
 29 chapter, or any regulation thereunder, shall, on application of the  
 30 director, issue an injunction or other appropriate order restraining  
 31 that conduct.

32       (b) The proceedings under this section shall be governed by  
 33 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
 34 the Code of Civil Procedure, except that the director shall not be  
 35 required to allege facts necessary to show or tending to show lack  
 36 of an adequate remedy at law or irreparable injury.

37       (c) This section shall remain in effect only until January 1, 2024,  
 38 and as of that date is repealed.

1 ~~SEC. 29.~~

2 *SEC. 59.* Section 9851 of the Business and Professions Code,  
3 as amended by Section 15 of Chapter 578 of the Statutes of 2018,  
4 is amended to read:

5 9851. (a) The superior court in and for the county wherein any  
6 person carries on, or attempts to carry on, business as a service  
7 dealer in violation of the provisions of this chapter, or any  
8 regulation thereunder, shall, on application of the director, issue  
9 an injunction or other appropriate order restraining that conduct.

10 (b) The proceedings under this section shall be governed by  
11 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
12 the Code of Civil Procedure, except that the director shall not be  
13 required to allege facts necessary to show or tending to show lack  
14 of an adequate remedy at law or irreparable injury.

15 (c) This section shall become operative on January 1, 2024.

16 ~~SEC. 30.~~

17 *SEC. 60.* Section 9853 of the Business and Professions Code,  
18 as amended by Section 16 of Chapter 578 of the Statutes of 2018,  
19 is amended to read:

20 9853. (a) A plea or verdict of guilty or a conviction following  
21 a plea of nolo contendere made to a charge substantially related  
22 to the qualifications, functions, and duties of a service dealer or  
23 service contractor is deemed to be a conviction within the meaning  
24 of this article. The director may suspend, revoke, or place on  
25 probation a registration, or may deny registration, when the time  
26 for appeal has elapsed, or the judgment of conviction has been  
27 affirmed on appeal or when an order granting probation is made  
28 suspending the imposition of sentence, irrespective of a subsequent  
29 order under Section 1203.4 of the Penal Code, allowing that person  
30 to withdraw *their* plea of guilty and to enter a plea of not guilty,  
31 or setting aside the verdict of guilty, or dismissing the accusation,  
32 information, or indictment.

33 (b) This section shall remain in effect only until January 1, 2024,  
34 and as of that date is repealed.

35 ~~SEC. 31.~~

36 *SEC. 61.* Section 9853 of the Business and Professions Code,  
37 as amended by Section 17 of Chapter 578 of the Statutes of 2018,  
38 is amended to read:

39 9853. (a) A plea or verdict of guilty or a conviction following  
40 a plea of nolo contendere made to a charge substantially related



1 to the qualifications, functions, and duties of a service dealer is  
2 deemed to be a conviction within the meaning of this article. The  
3 director may suspend, revoke, or place on probation a registration,  
4 or may deny registration, when the time for appeal has elapsed, or  
5 the judgment of conviction has been affirmed on appeal or when  
6 an order granting probation is made suspending the imposition of  
7 sentence, irrespective of a subsequent order under Section 1203.4  
8 of the Penal Code allowing that person to withdraw their plea of  
9 guilty and to enter a plea of not guilty, or setting aside the verdict  
10 of guilty, or dismissing the accusation, information, or indictment.

11 (b) This section shall become operative January 1, 2024.

12 ~~SEC. 32.~~

13 *SEC. 62.* Section 9855.9 of the Business and Professions Code  
14 is amended to read:

15 9855.9. This article shall remain in effect only until January  
16 1, 2024, and as of that date is repealed.

17 ~~SEC. 33.~~

18 *SEC. 63.* Section 9860 of the Business and Professions Code,  
19 as amended by Section 22 of Chapter 578 of the Statutes of 2018,  
20 is amended to read:

21 9860. (a) The director shall establish procedures for accepting  
22 complaints from the public against any service dealer or service  
23 contractor.

24 (b) This section shall remain in effect only until January 1, 2024,  
25 and as of that date is repealed.

26 ~~SEC. 34.~~

27 *SEC. 64.* Section 9860 of the Business and Professions Code,  
28 as amended by Section 23 of Chapter 578 of the Statutes of 2018,  
29 is amended to read:

30 9860. (a) The director shall establish procedures for accepting  
31 complaints from the public against any service dealer.

32 (b) This section shall become operative on January 1, 2024.

33 ~~SEC. 35.~~

34 *SEC. 65.* Section 9862.5 of the Business and Professions Code  
35 is amended to read:

36 9862.5. (a) If a complaint indicates a possible violation of this  
37 chapter or of the regulations adopted pursuant to this chapter, the  
38 director may advise the service contractor of the contents of the  
39 complaint and, if the service contractor is so advised, the director

1 shall make a summary investigation of the facts after the service  
2 contractor has had reasonable opportunity to reply thereto.

3 (b) This section shall remain in effect only until January 1, 2024,  
4 and as of that date is repealed.

5 ~~SEC. 36.~~

6 *SEC. 66.* Section 9863 of the Business and Professions Code,  
7 as amended by Section 25 of Chapter 578 of the Statutes of 2018,  
8 is amended to read:

9 9863. (a) If, upon summary investigation, it appears probable  
10 to the director that a violation of this chapter, or the regulations  
11 thereunder, has occurred, the director, in *their* discretion, may  
12 suggest measures that in the director's judgment would compensate  
13 the complainant for the damages *they* suffered as a result of the  
14 alleged violation. If the service dealer or service contractor accepts  
15 the director's suggestions and performs accordingly, the director  
16 shall give that fact due consideration in any subsequent disciplinary  
17 proceeding. If the service dealer or service contractor declines to  
18 abide by the suggestions of the director, the director may  
19 investigate further and may institute disciplinary proceedings in  
20 accordance with the provisions of this chapter.

21 (b) This section shall remain in effect only until January 1, 2024,  
22 and as of that date is repealed.

23 ~~SEC. 37.~~

24 *SEC. 67.* Section 9863 of the Business and Professions Code,  
25 as amended by Section 26 of Chapter 578 of the Statutes of 2018,  
26 is amended to read:

27 9863. (a) If, upon summary investigation, it appears probable  
28 to the director that a violation of this chapter, or the regulations  
29 thereunder, has occurred, the director, in *their* discretion, may  
30 suggest measures that in the director's judgment would compensate  
31 the complainant for the damages *they* suffered as a result of the  
32 alleged violation. If the service dealer accepts the director's  
33 suggestions and performs accordingly, the director shall give that  
34 fact due consideration in any subsequent disciplinary proceeding.  
35 If the service dealer declines to abide by the suggestions of the  
36 director, the director may investigate further and may institute  
37 disciplinary proceedings in accordance with the provisions of this  
38 chapter.

39 (b) This section shall become operative on January 1, 2024.

1        *SEC. 68. Section 9873 of the Business and Professions Code,*  
2        *as added by Section 3 of Chapter 29 of the Statutes of 2019, is*  
3        *amended to read:*

4        9873. The fees prescribed by this chapter shall be set by the  
5        director by regulation, according to the following schedule:

6        (a) (1) The initial registration fee for an electronic repair  
7        industry service dealer or for an appliance repair industry service  
8        dealer is not more than two hundred five dollars (\$205) for each  
9        place of business in this state. The initial registration fee for a  
10       service contractor is not more than ninety-five dollars (\$95) for  
11       each place of business in this state.

12       (2) The initial registration fee for a person who engages in  
13       business as both an electronic repair industry service dealer and  
14       an appliance repair industry service dealer is not more than four  
15       hundred five dollars (\$405) for each place of business in this state.  
16       The initial registration fee for a person who is a service contractor  
17       and engages in business as either an electronic repair industry  
18       service dealer or an appliance repair industry service dealer is not  
19       more than three hundred dollars (\$300) for each place of business  
20       in this state.

21       (3) The initial registration fee for a person who engages in both  
22       the electronic repair industry and the appliance repair industry as  
23       a service dealer and is a service contractor is not more than five  
24       hundred dollars (\$500) for each place of business in this state.

25       (4) A service dealer or service contractor who does not operate  
26       a place of business in this state, but engages in the electronic repair  
27       industry or the appliance repair industry, or sells, issues, or  
28       administers service contracts in this state, shall pay the registration  
29       fee specified herein as if that service dealer or service contractor  
30       had a place of business in this state.

31       (b) (1) The annual registration renewal fee for an electronic  
32       repair industry service dealer or for an appliance repair industry  
33       service dealer is not more than two hundred five dollars (\$205)  
34       for each place of business in this state, if renewed prior to its  
35       expiration date. The annual registration renewal fee for a service  
36       contractor is ninety-five dollars (\$95) for each place of business  
37       in this state, if renewed prior to its expiration date.

38       (2) The annual renewal fee for a service dealer who engages in  
39       the business as both an electronic repair industry service dealer

1 and an appliance repair industry service dealer is not more than  
2 four hundred dollars (\$400) for each place of business in this state.

3 (3) The annual renewal fee for a service dealer who engages in  
4 the electronic repair industry and the appliance repair industry and  
5 is a service contractor is not more than four hundred seventy-five  
6 dollars (\$475) for each place of business in this state.

7 (4) A service dealer or service contractor who does not operate  
8 a place of business in this state, but who engages in the electronic  
9 repair industry or the appliance repair industry, or sells or issues  
10 service contracts in this state, shall pay the renewal fee specified  
11 herein as if that service dealer or service contractor had a place of  
12 business in this state.

13 (c) The delinquency fee is an amount equal to 50 percent of the  
14 renewal fee for a license in effect on the date of renewal of the  
15 license, except as otherwise provided in Section 163.5.

16 (d) This section shall remain in effect only until January 1,  
17 ~~2023~~, 2024, and as of that date is repealed.

18 *SEC. 69. Section 9873 of the Business and Professions Code,*  
19 *as added by Section 4 of Chapter 29 of the Statutes of 2019, is*  
20 *amended to read:*

21 9873. The fees prescribed by this chapter shall be set by the  
22 director by regulation, according to the following schedule:

23 (a) The initial registration fee for an electronic repair industry  
24 service dealer or for an appliance repair industry service dealer is  
25 not more than two hundred five dollars (\$205) for each place of  
26 business in this state. The initial registration fee for a person who  
27 engages in business as both an electronic repair industry service  
28 dealer and an appliance repair industry service dealer is not more  
29 than four hundred five dollars (\$405).

30 (b) The annual registration renewal fee for an electronic repair  
31 industry service dealer or for an appliance repair industry service  
32 dealer is not more than two hundred five dollars (\$205) for each  
33 place of business in this state, if renewed prior to its expiration  
34 date. The annual renewal fee for a service dealer who engages in  
35 the business as both an electronic repair industry service dealer  
36 and an appliance repair industry service dealer is not more than  
37 four hundred dollars (\$400).

38 (c) The delinquency fee is an amount equal to 50 percent of the  
39 renewal fee for a license in effect on the date of renewal of the  
40 license, except as otherwise provided in Section 163.5.

1 (d) This section shall become operative on January 1, ~~2023~~.  
2 2024.

3 ~~SEC. 38.~~

4 *SEC. 70.* Section 18602 of the Business and Professions Code  
5 is amended to read:

6 18602. (a) Except as provided in this section, there is in the  
7 Department of Consumer Affairs the State Athletic Commission,  
8 which consists of seven members. Five members shall be appointed  
9 by the Governor, one member shall be appointed by the Senate  
10 Committee on Rules, and one member shall be appointed by the  
11 Speaker of the Assembly.

12 The members of the commission appointed by the Governor are  
13 subject to confirmation by the Senate pursuant to Section 1322 of  
14 the Government Code.

15 No person who is currently licensed, or who was licensed within  
16 the last two years, under this chapter may be appointed or  
17 reappointed to, or serve on, the commission.

18 (b) In appointing commissioners under this section, the  
19 Governor, the Senate Committee on Rules, and the Speaker of the  
20 Assembly shall make every effort to ensure that at least four of  
21 the members of the commission shall have experience and  
22 demonstrate expertise in one of the following areas:

23 (1) A licensed physician or surgeon having expertise or  
24 specializing in neurology, neurosurgery, head trauma, or sports  
25 medicine. Sports medicine includes, but is not limited to,  
26 physiology, kinesiology, or other aspects of sports medicine.

27 (2) Financial management.

28 (3) Public safety.

29 (4) Past experience in the activity regulated by this chapter,  
30 either as a contestant, a referee or official, a promoter, or a venue  
31 operator.

32 (c) Each member of the commission shall be appointed for a  
33 term of four years. All terms shall end on January 1. Vacancies  
34 occurring prior to the expiration of the term shall be filled by  
35 appointment for the unexpired term. No commission member may  
36 serve more than two consecutive terms.

37 (d) Notwithstanding any other provision of this chapter,  
38 members first appointed shall be subject to the following terms:

39 (1) The Governor shall appoint two members for two years, two  
40 members for three years, and one member for four years.

1 (2) The Senate Committee on Rules shall appoint one member  
2 for four years.

3 (3) The Speaker of the Assembly shall appoint one member for  
4 four years.

5 (e) (1) This section shall remain in effect only until January 1,  
6 2025, and as of that date is repealed.

7 (2) Notwithstanding any other law, the repeal of this section  
8 renders the board subject to review by the appropriate policy  
9 committees of the Legislature.

10 ~~SEC. 39.~~

11 *SEC. 71.* Section 18613 of the Business and Professions Code  
12 is amended to read:

13 18613. (a) (1) The commission shall appoint a person exempt  
14 from civil service who shall be designated as an executive officer  
15 and who shall exercise the powers and perform the duties delegated  
16 by the commission and vested in the executive officer by this  
17 chapter. The appointment of the executive officer is subject to the  
18 approval of the Director of Consumer Affairs.

19 (2) The commission may employ a chief athletic inspector. If  
20 the commission employs a chief athletic inspector, the chief athletic  
21 inspector shall exercise the powers and perform the duties delegated  
22 by the commission and authorized by the executive officer related  
23 to the regulation of events under this chapter.

24 (3) The commission may employ an assistant chief athletic  
25 inspector. If the commission employs an assistant chief athletic  
26 inspector, the assistant chief athletic inspector shall assist the chief  
27 athletic inspector in exercising the powers and performing the  
28 duties delegated by the commission and authorized by the executive  
29 officer related to the regulation of events under this chapter.

30 (4) The commission may employ in accordance with Section  
31 154 other personnel as may be necessary for the administration of  
32 this chapter.

33 (b) This section shall remain in effect only until January 1, 2025,  
34 and as of that date is repealed.

35 *SEC. 72. No reimbursement is required by this act pursuant*  
36 *to Section 6 of Article XIII B of the California Constitution because*  
37 *the only costs that may be incurred by a local agency or school*  
38 *district will be incurred because this act creates a new crime or*  
39 *infraction, eliminates a crime or infraction, or changes the penalty*  
40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*  
2 *the meaning of Section 6 of Article XIII B of the California*  
3 *Constitution.*

O



## Agenda Item 6g: Upholstered Furniture and Bedding Law Label Regulatory Proposal



## Article 1 General Provisions

### 1109. Registry Numbers.

- (a) The location of every manufacturer, custom upholsterer, sanitizer, supply dealer or importer who manufactures shall bear a separate registry number. The registry number uniquely identifies each location (branch) of a licensed manufacturer, custom upholsterer, sanitizer, supply dealer, or importer.
- (b) No registry number shall be issued or recognized without the required license fee.
- (c) The registry number must appear on the law label that is attached to all upholstered furniture, bedding or filling materials products made by such manufacturer.
- (d) Every registry number issued by the Bureau shall be exclusively for the person to whom it is issued and the number shall not hereafter be reissued to, or used by, any other person or placed on products that are not manufactured by the manufacturer.

Note: Authority cited: Sections 19034 and 19061.5, Business and Professions Code. Reference: Sections 19060, 19061 and 19061.5, Business and Professions Code.

### 1111. Names of Filling Materials.

The names of the kinds and types of filling materials shall be stated on the law label using the generic term of the filling material. Trade names, trademarks or registered terms shall not be used in describing filling material. Any kinds and types of filling materials that are not named or defined in these regulations will be assigned names for labeling purposes when samples are submitted to the Bureau.

Note: Authority cited: Sections 19034, and 19089, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

### 1112. Detracting Statements.

Law labels are prohibited from containing advertising matter or anything that may detract from the required statements made thereon which shall include, but is not limited to, bar codes, quick response codes, stock keeping unit codes, universal product codes, logos, or trademarks. For the purposes of this chapter, the term "advertising matter" shall include any written statement, illustration, graphic, website address, logo or similar depiction used in the attempt to promote a business or influence the sale of a consumer product.

Note: Authority cited: Sections 19034, 19085 and 19089, Business and Professions Code. Reference: Sections 19080, 19081, 19085 and 19089, Business and Professions Code.

### 1113. Deviations from Percentages Stated.

~~Any deviation from percentages stated of a blend of types or kinds of filling materials shall not exceed 10% of the smaller component, i.e., a product labeled as 50% polyester fiber/50% polyurethane must contain no less than 45% polyester fiber.~~

~~Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19081, 19088, 19089 and 19150, Business and Professions Code.~~

## Article 2

### Official Law Labels for Upholstered Furniture and Bedding and for Bulk Filling Material

#### 1124. Definition of Law Label

“Law label” or “Label” shall mean the tag bearing lawful information concerning the content of filling materials used in an article of upholstered furniture or bedding product or bulk materials and the manufacturing location as required by the Home Furnishings and Thermal Insulation Act.

#### 1125. Labeling Requirements.

The kinds, types, and forms percentage of each filling materials used in articles of upholstered furniture and bedding and in bulk form, concealed or not concealed, shall be stated on the law label. Percentages shall be computed on the basis of avoirdupois weight of the filling material present and shall be designated on the law label in order of predominance, the largest component first. The filling materials shall be listed in descending order based on the weight of each kind, type, and form of filling material. An example is shown in Illustration 1.

Illustration 1. The following is an example of a label for an upholstered furniture product containing 5% polyester fiber batting, 15% shredded polyurethane foam, and 80% polyurethane foam pad.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
<u>ALL NEW MATERIAL consisting of</u>  <u>POLYURETHANE FOAM PAD SHREDDED POLYURETHANE FOAM POLYESTER FIBER BATTING</u>
<u>REGISTRY NO.</u>
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

#### 1126. Official Law Label Requirements.

- ~~(a) Attachment of Law Labels. Labels shall be securely fastened onto completed articles and bulk materials in a manner approved by the Bureau in such an area as to be openly and easily visible to view. Labels are not to be concealed or obstructed from view in any manner.~~
- ~~(b) Label Material. Law labels shall be constructed of material approved by the Bureau and shall not be easily torn or defaced.~~
- ~~(c) Color of Label and Color of Ink:~~

- ~~(1) A white law label printed in black ink shall be used for new materials.~~
- ~~(2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).~~
- ~~(3) A green label printed in black ink shall be used for "Owner's Material."~~
- ~~(d) Statements and Headings to be Shown on Law Labels:~~
  - ~~(1) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label.~~
  - ~~(2) Headings shall read "All New Material" when the material is wholly new; "Secondhand (Used) Material" when the material is in whole or in part secondhand.~~
  - ~~(3) Description of filling material as provided in the applicable regulations.~~
  - ~~(4) For owner's own materials the heading shall state: "THIS ARTICLE NOT FOR SALE" —"OWNER'S MATERIAL."~~
  - ~~(5) The registry number assigned or approved by the Bureau.~~
  - ~~(6) "Certification is made by the manufacturer that the materials in this article are described in accordance with law."~~
  - ~~(7) For owner's own materials the certification portion of the label shall state: "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN ACCORDANCE WITH LAW AND CONSIST OF THE FOLLOWING."~~
  - ~~(8) For owner's own materials the name and address of the owner.~~
  - ~~(9) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows, and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.~~
  - ~~(10) The net weight of filling materials in articles of bedding such as sleeping bags, mattresses, box springs, pads and similar items, stated in pounds and ounces.~~
  - ~~(11) All bulk filling materials which meet the requirements of Bureau of Household Goods and Services Technical Bulletin No. 117-2013, dated January 2019 shall have imprinted on the law label immediately following the requirements as set forth in subsection (c) of this section the statement: "THIS PRODUCT MEETS THE REQUIREMENTS OF BUREAU OF HOUSEHOLD GOODS AND SERVICES TECHNICAL BULLETIN NO. 117-2013."~~
  - ~~(12) In addition to the requirements set forth in subsection (11) of this section all invoices for products meeting the requirements of Bureau of Household Goods and Services Technical Bulletin No. 117-2013, dated January 2019 shall have stated on such invoices the identification of the product meeting the requirement and the statement that such identified products meet the requirements of Bureau of Household Goods and Services Technical Bulletin No. 117-2013.~~
- ~~(e) Size of Law Labels and Type of Printing:~~
  - ~~(1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.~~
  - ~~(2) The minimum size of type shall be one-eighth inch in height, in capital letters.~~
  - ~~(3) All printing shall be in English.~~
- ~~(f) Forms of Law Labels.~~

Type No. 1

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.

(Space for stitching)

**UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.**

**ALL NEW MATERIAL**  
consisting of

---

(This space for revenue stamp when required)	Registry No.
Certification is made by the manufacturer that the materials in this article are described in accordance with law.	

Name and address of vendor or manufacturer

(WHITE LABEL)

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Name and address of vendor or manufacturer optional.

Type No. 2

For articles of furniture with loose cushions.

**UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.**

**ALL NEW MATERIAL**  
consisting of

**BODY:**

---

**BACK CUSHIONS:**

---

**SEAT CUSHIONS:**

---

(This space for revenue stamp when required)	Registry No.
Certification is made by the manufacturer that the materials in this article are described in accordance with law.	

Name and address of vendor or manufacturer

(WHITE LABEL)

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Name and address of vendor or manufacturer optional.

(Space for stitching)

Type No. 3

For owner's own materials.

(GREEN LABEL)

(Space for stitching at top or bottom)

**UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.**

**This Article Not For Sale**  
**OWNER'S MATERIAL**

Certification is made that this article contains the same material it did when received from the owner and that added materials are described in accordance with law, and consist of the following

**ALL NEW MATERIAL**

Renovated or repaired by: \_\_\_\_\_

Registry No. \_\_\_\_\_ Date \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

(Space for stitching at top or bottom)

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

This space optional.

Type No. 4

For bulk filling materials such as batting and pads.

Space for stitching or tying. (Method optional)

**UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.**

**ALL NEW MATERIAL**

Net Wt. \_\_\_\_\_

Certification is made by the manufacturer that the material in this article are described in accordance with law.

**REGISTRY NO.**

Name and address of vendor or manufacturer

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

This space is optional.

Type No. 5

For packaged filling materials ready for use by the ultimate customer.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

**ALL NEW MATERIAL**

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

REGISTRY NO. \_\_\_\_\_

Certification is made by the manufacturer that the materials in this article are described in accordance with law.

\_\_\_\_\_  
Name and address of vendor or manufacturer

This space optional.

Type No. 6

For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.

(Space for stitching)

(WHITE LABEL)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

**ALL NEW MATERIAL**  
consisting of \_\_\_\_\_

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Finished Size \_\_\_\_\_

Registry No. \_\_\_\_\_

Certification is made by the manufacturer that the materials in this article are described in accordance with law.

\_\_\_\_\_  
Name and address of vendor or manufacturer

This space optional.

Type No. 7

For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.

(Space for stitching)

(WHITE LABEL)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

**ALL NEW MATERIAL**  
consisting of

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Finished Size \_\_\_\_\_ Net Wt. of Filling Mat \_\_\_\_\_

Registry No. \_\_\_\_\_

Certification is made by the manufacturer that the materials in this article are described in accordance with law.

Name and address of vendor or manufacturer

This space optional.

Type No. 8

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture.

Space for stitching or tying. (Method optional)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

**ALL NEW MATERIAL**

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Net Wt. \_\_\_\_\_

Certification is made by the manufacturer that the materials in this article are described in accordance with law. This product meets the requirements of Bureau of Household Goods and Services Technical Bulletin Number 117-2013.

REGISTRY NO. \_\_\_\_\_

Name and address of vendor or manufacturer

This space optional.

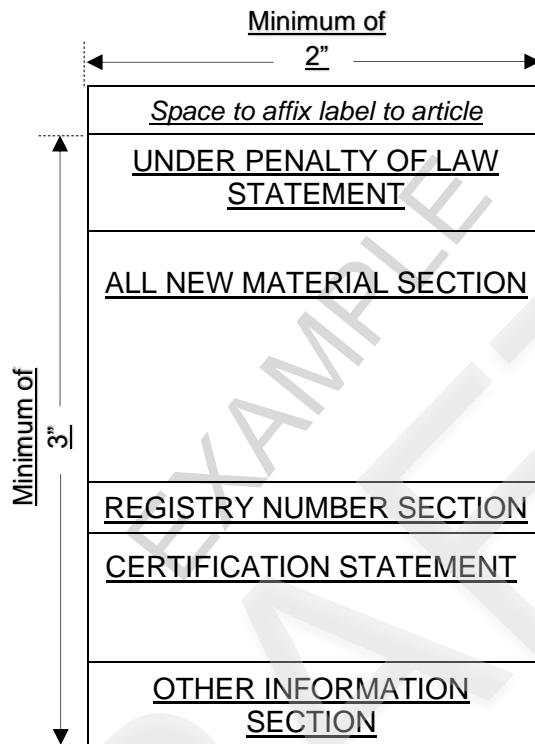
Type No. 9

For bedding articles that contain whole or in part any secondhand (used) filling materials.

- (a) Attachment of Law Labels: Labels shall be securely fastened onto completed articles and bulk materials in an area that is openly and easily visible to view. Labels shall not be concealed or obstructed from view in any manner. Labels must be securely fastened using methods that may include stitching, stapling, or using adhesive. Bulk materials may have the law label stamped or printed on the packaging or may use a hangtag to tie the label to the product in an area that is openly and easily visible.
- (b) Label Material: Law labels shall be constructed of material that shall be resistant to tearing, defacing, or fading when abraded.
- (c) Color of Label and Color of Ink:
  - (1) A white law label printed in black ink shall be used for completed articles and filling materials that are in its entirety new and never used.
  - (2) A red law label printed in black ink shall be used for articles of upholstered furniture or bedding products containing in whole or in part secondhand (used) material.
  - (3) A green law label printed in black ink shall be used for articles of upholstered furniture which have been renovated or repaired with the owner's own material.
- (d) Required Language: All print shall be in the English language only. A separate label shall be used to provide label information in other languages.
- (e) Minimum Label Size: The minimum size of the label shall be 2 inches x 3 inches. Labels shall be larger when the required size of type and statements make it necessary. An example is shown in Illustration 2.



Illustration 2. The following is an example of the label's minimum size.



- (f) Registry Number: One registry number shall be indicated on the law label as assigned or approved by the Bureau. The format in which the registry number must be stated on the law label is by indicating the abbreviated name of the state issuing the registration number followed by the assigned registration number and, if the factory is located in another state or country than the state issuing the registration number, then the abbreviated name of the state or country for which the factory is physically located – for example, the format of (xx) xxxxx, or (xx) xxxxx (xx) may be used as appropriate with or without parentheses.
- (g) Finished Size: The finished size of articles of bedding shall be stated on the law label by expressing the width and length of the product in the measurement of inches - for example, the format of xx.x inches or xx.x in. may be used. The finished size is not needed for padded headboards, bolsters, or decorator pillows.
- (1) The finished size indicated on the label shall not exceed plus or minus one-inch tolerance.
- (h) Net Weight of Filling Materials: The net weight of bulk filling materials and filling materials used in articles of bedding shall be indicated on the law label by expressing the net weight in the measurements of pounds and ounces - for example, the format of xx lbs. xx oz., or xx pounds xx ounces may be used.
- (1) The net weight of filling materials shall not exceed plus or minus five percent of the net weight.
- (i) Statements and Headings Used on the Law Labels:
- (1) All statements and headings indicated on each form of law label in subsection (l) shall not be altered or reworded. Only statements or headings mentioned in this article shall be described on the law label.
- (2) The sequence in which the statements and headings are made on the law label shall remain in the order as indicated in subsection (l) unless an alternate sequence is specified in this article.

- (3) Each section of the label shall be separated by a solid horizontal line in black ink as shown in Illustration 2. The horizontal lines shall be uniform and extend beyond the verbiage of the statements and headings by appearing as close as practicable to the edge of the label to ensure each section is clearly distinguishable.
- (j) Descriptions Added to the Label: The descriptions of the filling materials must be added to the All New Material section of the law label, in accordance with sections 1111 and 1125, and must be in capital letters with a minimum type size of one-eighth inch in height. Products sold as a set may capture each individual product within the set on one label. Each product must contain a separate label should they be offered for sale individually.
- (k) Other Terms Accepted by the Bureau and the Other Information Section: Information necessary to satisfy other state or federal agency requirements may be added to the Other Information section of the label. This information shall be printed at the bottom of the label, beneath all other required statements and headings. The information added to this section is not required to meet a minimum type size or letter case requirement. All information added to this section must be true and accurate statements and must be legible. This section may include the following information:
- (1) The finished size and the net weight may be described in the Other Information section as an alternative to the All New Material section.
  - (2) “Made For”, and the name and address of the importer or distributor.
  - (3) “Made In”, and the name of the country or origin the product was made.
  - (4) “Made By”, and the name and address of the manufacturer.
  - (5) “Date of delivery:”, and the date the product was delivered to its destination.
  - (6) Federal registered identification number described as “RN”
  - (7) “PERMIT NO.” or “PER. NO.”, and one permit number may be placed to the right of the registry number in the Registry Number section. As an alternative, the heading with the permit number may be described in the Other Information section.
  - (8) “CONTENTS STERILIZED” may be added to the All New Material section or the Other Information section.
  - (9) “INNERSPRING UNIT” may be described on mattress labels in the All New Material section or in the Other Information section.
- (l) Forms of Law Labels:

(1) Type No. A

Space to affix label to article.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
<u>ALL NEW MATERIAL</u> <u>consisting of</u>
<u>REGISTRY NO.</u>
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>

Other Information section.

- (A) The Type No. A label shall be used for packaged filling materials ready for use by the final consumer, articles of upholstered furniture with or without loose cushions, bolsters, decorator pillows, chair pads, chair cushions, padded headboards, hassocks, and similar items.
- (i) Where articles of upholstered furniture are offered for sale with bolsters or decorative pillows as a package with the article, "BOLSTERS:" or "PILLOWS:" may be added to the All New Material section and a description of the filling materials used in the bolsters or decorative pillows may be described on the same label as the upholstered furniture article as an alternative to each bolster or decorative pillow having affixed to the product a separate label.
- (ii) Where articles of upholstered furniture contain multiple detachable components, each detachable component may be indicated on one label as an alternative to each detachable component having affixed a separate label.
- (B) The Type No. A label shall be printed on a white label.
- (C) The following statements and headings shall be indicated on the Type No. A label and shall be in capital letters with a minimum type size of one-eighth inch in height:
- (i) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER"
- (ii) "ALL NEW MATERIAL" and the description of the filling materials.
- (iii) "REGISTRY NO." and the description of the assigned registry number; "REG. NO." may be used as an alternative.
- (iv) "BOLSTERS:" or "PILLOWS:" (when applicable) followed by the description of the filling materials used in the bolsters or pillows.
- (D) The following statements and headings shall be indicated on the Type No. A

label and may be in uppercase or lowercase letters:

- (i) “Certification is made by the manufacturer that the materials in this article are described in accordance with law.”

(2) Type No. B

Space to affix label to article.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>	
<u>Certification is made that this article contains the same material it did when received from the owner and that added materials are described in accordance with law and consist of the following.</u>	
<u>NEW MATERIAL ADDED</u>	
<u>REGISTRY NO.</u> _____	<u>DATE</u> _____
<u>Owner:</u>	
<u>Other Information section.</u>	

- (A) The Type No. B label shall be used for articles of upholstered furniture that are in whole or in part repaired or renovated with the owner’s own material.
- (B) The Type No. B label shall be printed on a green label.
- (C) The following statements and headings shall be indicated on the Type No. B label and shall be in capital letters with a minimum type size of one-eighth inch in height:
  - (i) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”
  - (ii) “NEW MATERIAL ADDED” and the description of the newly added filling materials.
  - (iii) “REGISTRY NO.” and the description of the assigned registry number; “REG. NO.” may be used as an alternative
  - (iv) “DATE” and the date the product was completed.
- (E) The following statements and headings shall be indicated on the Type No. B label and may be in uppercase or lowercase letters:
  - (i) “Certification is made that this article contains the same material it did when received from the owner and that added materials are described in accordance with law and consist of the following.”

- (ii) “Owner:” and the name of the owner of the product.
- (F) “The following statement may be added as an option and must be below all other required statements and headings:
  - (i) “Renovated or repaired by:” and the name and address of the renovator or repairer.

(3) Type No. C

<u>Space to affix label to article.</u>	<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
	<u>ALL NEW MATERIAL consisting of</u>
	<u>Net Wt. _____</u>
	<u>REGISTRY NO.</u>
	<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>
<u>Other Information section.</u>	

- (A) The Type No. C label shall be used for bulk filling materials such as battings, pads, and any filling material in loose or pre-fabricated form.
- (B) The Type No. C label shall be printed on a white label.
- (C) The following statements and headings shall be indicated on the Type No. C label and shall be in capital letters with a minimum type size of one-eighth inch in height:
  - (i) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”
  - (ii) “ALL NEW MATERIAL” and the description of the filling materials.
  - (iii) “REGISTRY NO.” and the description of the assigned registry number; “REG. NO.” may be used as an alternative.
- (D) The following statements and headings shall be indicated on the Type No. C label and may be in uppercase or lowercase letters:
  - (i) “Net Wt.” and the description of the net weight of the filling material.
  - (ii) “Certification is made by the manufacturer that the materials in this article are described in accordance with law.”

(4) Type No. D

Space to affix label to article.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
<u>ALL NEW MATERIAL</u> <u>consisting of</u>
Finished Size _____
<u>REGISTRY NO.</u>
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>

Other Information section.

- (A) The Type No. D label shall be used for articles of bedding, such as bed pillows, comforters, mattress pads, mattress toppers, quilted bedspreads, and similar items.
- (B) The Type No. D label shall be printed on a white label.
- (C) The following statements and headings shall be indicated on the Type No. D label and shall be in capital letters with a minimum type size of one-eighth inch in height:
- (i) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”
  - (ii) “ALL NEW MATERIAL” and the description of the filling materials.
  - (iii) “REGISTRY NO.” and a description of the assigned registry number; “REG. NO.” may be used as an alternative.
- (D) The following statements and headings shall be indicated on the Type No. D label and may be in uppercase or lowercase letters:
- (i) “Finished Size” and the description of the finished size of the bedding product.
  - (ii) “Certification is made by the manufacturer that the materials in this article are described in accordance with law.”

(5) Type No. E

Space to affix label to article.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>	
<u>ALL NEW MATERIAL consisting of</u>	
<u>Finished Size</u> _____	<u>Net Wt. of Filling Mat'l</u> _____
<u>REGISTRY NO.</u>	
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>	
<u>Other Information section.</u>	

- (A) The Type No. E label shall be used for sleeping bags, sleeping pads, futons, mattresses, including hybrid flotation sleep systems containing a quilted fabric cover over a traditional water filled bladder, box springs, and similar items.
- (B) The Type No. E label shall be printed on a white label.
- (C) The following statements and headings shall be indicated on the Type No. E label and shall be in capital letters with a minimum type size of one-eighth inch in height:
- (i) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”
  - (ii) “ALL NEW MATERIAL” and the description of the filling materials.
  - (iii) “REGISTRY NO.” and a description of the assigned registry number; “REG. NO.” may be used as an alternative.
- (D) The following statements and headings shall be indicated on the Type No. E label and may be in uppercase or lowercase letters:
- (i) “Finished Size” and a description of the finished size.
  - (ii) “Net Wt. of Filling Mat'l” and the description of the net weight of the filling material.
  - (iii) “Certification is made by the manufacturer that the materials in this article are described in accordance with law.

(6) Type No. F

Space to affix label to article.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>	
<u>THIS PRODUCT CONTAINS SECONDHAND (USED) FILLING MATERIALS</u>	
<u>NEW MATERIAL ADDED</u>	
<u>Finished Size</u> _____	<u>Net Wt. of New Filling Mat'l.</u> _____
<u>REGISTRY NO.</u>	
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>	
<u>Other Information section.</u>	

- (A) The Type No. F label shall be used for articles of bedding that contain whole or in part any secondhand (used) filling materials.
- (B) The Type No. F label shall be printed on a red label.
- (C) The following statements and headings shall be indicated on the Type No. F label and shall be in capital letters with a minimum type size of one-eighth inch in height:
- (i) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”
  - (ii) “THIS PRODUCT CONTAINS SECONDHAND (USED) FILLING MATERIALS”
  - (iii) “ALL NEW MATERIAL” and the description of the newly added filling materials.
  - (iv) “REGISTRY NO.” and a description of the assigned registry; “REG. NO.” may be used as an alternative.
- (D) The following statements and headings shall be indicated on the Type No. F label and may be in uppercase or lowercase letters:
- (i) “Finished Size” and the description of the finished size.
  - (ii) “Net Wt. of New Filling Mat'l” and the description of the net weight.
  - (iii) “Certification is made by the manufacturer that the materials in this article are described in accordance with law.



(7) Type No. G

Space to affix label to article.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>	
<u>Renovated or Repaired Article Containing SECONDHAND (USED) FILLING MATERIAL</u>	
<u>Certification is made that this article contains, in whole or in part, secondhand material. New materials added to this article are in accordance with law.</u>	
<u>NEW MATERIAL ADDED</u>	
<u>REGISTRY NO.</u> _____	<u>DATE</u> _____
<u>Renovated or repaired by:</u>	
<u>Other Information section.</u>	

- (A) The Type No. G label shall be used for articles of upholstered furniture that have been repaired or renovated and contains, in whole or in part, secondhand (used) material.
- (B) The Type No. G label shall be printed on a green label.
- (C) The following statements and headings shall be indicated on the Type No. G label and shall be in capital letters with a minimum type size of one-eighth inch in height:
- (i) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”
  - (ii) “SECONDHAND (USED) FILLING MATERIAL”
  - (iii) “NEW MATERIAL ADDED” and the description of the newly added filling materials.
  - (iv) “REGISTRY NO.” and the description of the assigned registry number; “REG. NO.” may be used as an alternative
  - (v) “DATE” and the date the product was completed.
- (G) The following statements and headings shall be indicated on the Type No. G label and may be in uppercase or lowercase letters:
- (i) “Renovated or Repaired Article Containing”
  - (ii) “Certification is made that this article contains, in whole or in part, secondhand material. New materials added to this article are in accordance with law.”
- (H) The following statement may be added as an option and must be below all other

required statements and headings:

- (i) “Renovated or repaired by:” and the name and address of the renovator or repairer.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19030, 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

### **Article 3 Universal Definitions and Labeling**

#### **1135. Terms of Definitions and Label Requirements.**

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations.

- (a) “Barrier” or “Barrier Material” shall mean a layer of material (film, fabric, batting, loose fill or pad) that lies under the cover fabric in order to reduce smoldering propensity of the seating furniture.
- ~~(a)~~(b) “Batting” shall mean fibers which have been carded or garnetted into layer form.
- (c) “Beads” shall mean a small, usually round material such as glass, polystyrene, wood, metal or any other similar material.
- ~~(b)~~(d) “Bleached” shall mean any product whose intrinsic color had been removed and whiteness improved by treating with a chemical compound.
- (e) “Blended” shall mean material consisting of two or more generic types of fiber.
- (f) “Blended Fiber” shall mean fiber consisting of two or more generic types of fiber. The blend must have more than 5% of a second fiber type to be considered blended.
- (g) “Bolster” shall mean a cushion or pillow with filling material used as a support for the back or body of a human being when in a sitting, resting, or reclining position.
- (h) “Bulk Material” shall mean large quantities of material ordered or sold by weight, volume or footage.
- (i) “Cherry Pit” shall mean a one seeded smooth stone of pulpy globular drupe or fleshy fruit.
- ~~(e)~~(j) “Colored” or “Dyed” shall mean any filling material which has been treated and impregnated with coloring material.
- (k) “Cushion” shall mean a pillow or pad filled with material used for sitting, resting, or reclining purposes.
- ~~(d)~~(l) “Damaged” shall mean any filling material or article, which has been adversely affected by machine processing or by exposure to fire, water or other elements or source.
- (m) “Deck” shall mean, in upholstered furniture, the upholstered support under the seat cushion in a loose seat construction.
- (n) “Decking” shall mean a part of the furniture piece which supports the detachable seat cushion. The decking consists of a decking fabric and filling material.
- (o) “Decking Fabric” shall mean the fabric material placed over the top of the decking area and in contact with the bottom of the detachable seat cushion.
- (p) “Dust Cover” shall mean a material covering the bottom of a furniture product to protect against dust and conceal interior upholstery elements.
- (q) “Embedded” shall mean to fix or become fixed firmly and deeply in a surrounding solid mass and become integral part of the surrounding.
- (r) “Fabric” shall mean any material woven, knitted, felted or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute.
- (s) “Felt” shall mean nonwoven fabric matted together by heat, moisture, and great pressure.

- (t) “Fiber” shall mean a unit of matter which is capable of being spun into yarn or made into a fabric by bonding or by interlocking in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing and which is the basic structural element of textile products.
- (e)(u) “Fibers of Unknown Kind” shall mean miscellaneous new textile materials of unknown origin, and for practical purposes, unknown fiber content.
- (v) “Garnetted” shall mean material that has been made into thread, yarn, or fabric and subsequently reduced to a fibrous state and processed through a garnetting machine.
- (f)(w) “Gel” is any filling material of a semi-solid form, typically encased in a leak proof fabric cover and consisting of a mixture of water or other liquid base, dissolved chemicals and/or a suspension of other chemicals, which provides special ergonomic and resiliency properties.
- (x) “Loose-Fill Material” shall mean a general term for loose material such as, but not limited to shredded foam, ungarmented fiber, plumage, and beads.
- (y) “Molded” shall mean having a certain shape of form produced while in a plastic or molten state by use of a mold.
- (z) “Natural Fiber” shall mean any fiber that exists as such in the natural state.
- (aa) “New Material” shall mean any material which has not been used in the manufacture of another article, or used for any other purpose, and includes by-products of machines at mills using only new raw material.
- (g)(bb) “Pad” shall mean any filling material which is interwoven, punched, pressed, shaped, or otherwise fabricated into pad form.
- (cc) “Pellet” shall mean a small ball or rounded mass.
- (dd) “Pillow” shall mean a cloth bag filled with resilient material such as feathers, down, sponge rubber, urethane, or fiber.
- (ee) “Post-Consumer Material” shall mean material generated by households or commercial, industrial and institutional facilities in their role as end-users of the product, which can no longer be used for its intended purpose.
- (ff) “Pre-Consumer Material” shall mean material that is made from manufacturer waste, trimmings, scraps, that end up on the factory floor and is repurposed into new material.
- (m)(gg) “Recycled Fibers” shall mean new fibers which are the by-product resulting from a textile processing method. Such recycled fibers shall not have a thread content in excess of 5.0%.
- (hh) “Resilient” shall mean the ability to bounce or spring back into shape or position after being stretched, bent or compressed.
- (h)(ii) “Resinated” or “Resin Treated” shall mean any filling material treated with a combination of synthetic resin or a combination of synthetic resin and latex.
- (i)(jj) “Rubberized” shall mean any filling material which had been treated with a latex compound.
- (j)(kk) “Shredded” shall mean any filling material which has been cut, shaved, ground, or torn into pieces.
- (k)(ll) “Trash” shall mean shell, shale, stick, stem, leaf, boll, seed and foreign matter.
- (mm) “Ungarmented” shall mean loose fiber, not garnetted.
- (nn) “Viscoelastic” shall mean the property of the material that exhibits both viscous and elastic characteristics. This is man-made substance that reacts to body temperature and weight, conforming to the shape of your body.
- (t)(oo) “Waste” shall mean filling material with any of the following characteristics:
- (1) Trash content in excess of 7.0%.
  - (2) Grease and oil content in excess of 2.0%.

- (3) Bits or scraps of cellulose wadding, paper, or other foreign matter.
- (4) Variable diameter fiber.
- (5) Pulp and undecorticated fiber in excess of 10.0%.
- (6) Bits or scraps of fabric.
- (7) Thread or yarn content in excess of 5.0%.

(pp) “Welt Cord” shall mean a continuous small-diameter cylindrical material that is wrapped in fabric and sewn as part of cover to make a welt edge on upholstered furniture.

(qq) “Yarn” shall mean a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

Note: Authority cited: Sections 19034, 19088 and 19150, Business and Professions Code.  
Reference: Sections 19080, 19081, 19088 and 19089, Business and Professions Code.

### **1136. Definitions of Types of Bedding.**

(a) Box Springs shall mean an article designated to support a mattress, consisting of coiled springs on a wood, metal, plastic, or any such combination thereof, frame upholstered on top with filling material and covered on top and sides with fabric.

~~(e)~~(b) Foundation shall mean any structure designed to support a mattress.

~~(b)~~(c) Matching Box Springs shall mean an article designated to support a mattress, consisting of coiled springs on a wood, metal, plastic, or any such combination thereof, frame, upholstered on top with filling material and covered on top and sides with the same fabric as the mattress.

(b) Mattress shall mean a ticking filled with a resilient material used alone or in combination with other products intended or promoted for sleeping upon. This definition includes, but is not limited to, adult mattresses, youth mattresses, crib mattresses including portable crib mattresses, bunk bed mattresses, futons, water beds and air mattresses which contain upholstery material between the ticking and the mattress core, and any detachable mattresses used in any item of upholstered furniture such as convertible sofa bed mattresses, corner group mattresses, day bed mattresses, roll-a-way bed mattresses, high risers, and trundle bed mattresses.

(c) Mattress pad and mattress topper shall mean a flat mat or cushion, and/or ticking filled with resilient material for use on top of a mattress. This definition includes, but is not limited to, absorbent mattress pads, flat decubitus pads, and convoluted foam pads which are totally enclosed in ticking. This definition excludes convoluted foam pads which are not totally encased in ticking.

(d) Rebuilt mattress shall mean an existing mattress that has been renovated or refurbished for the purpose of resale. Renovating or refurbishing a mattress includes any combination of replacing the ticking or batting, stripping a mattress to its springs, rebuilding a mattress, or replacing components with new recycled material.

### **1137. Definitions of Types of Foams.**

(a) “Foam” shall mean any polymer material of filling which is produced from raw chemicals using blowing agents to impart a cellular foam (open or closed-cell) structure.

(b) “Molded Foam” shall mean a cellular foam product having the shape of the mold cavity in which it was produced.

(c) “Polyurethane Foam” or “Urethane foam” shall mean a foam made from polymerized reaction product whose basic ingredient is a diisocyanate, and whose molecular structure contains, as a predominating structural unit, the urethane linkage. It shall include both polyether and polyester type foams.

(d) "Rebonded Polyurethane Foam" shall mean a foam formed by gluing irregularly sized scraps of shredded foam into solid mass, drying and cutting to specific sizes.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19007, Business and Professions Code.

#### **Article 4 Cotton Regulations**

##### **1182. Definitions of Types of Cotton.**

(a) "Blended Cotton" shall mean a filling material consisting of greater than 95% by weight cotton fibers and less than 7% cotton waste.

~~(e)~~(b) "Comber" shall mean the cotton waste resulting from running card sliver through a combing machine.

~~(a)~~(c) "Cotton" shall mean a vegetable seed fiber consisting of unicellular hairs attached to the seed of several species of the genus Gossypium of the family Malvaceae.

(d) "Cotton Waste" shall mean any cotton material containing more than 7% of trash, hull, leaf, stem, pulp, including cotton motes and cotton byproducts defined in subsections (d) through (f).

~~(e)~~(e) "Fly" shall mean the cotton waste resulting when cotton is introduced to the carding machine.

~~(e)~~(f) "Gin Flues" shall mean the cotton waste resulting from staple cotton in the ginning mill.

~~(h)~~(g) "Linters" shall mean the fibrous growth resulting from the first cut of the cottonseed (subsequent to the usual first process of ginning) in the cotton oil mill.

~~(f)~~(h) "Picker" shall mean the cotton waste remaining after cotton has been run through the picker in the cotton mill.

~~(i)~~(i) "Second Cut Linters" shall mean the fibrous growth resulting from the second cut of cottonseed in the cotton oil mill.

~~(b)~~(j) "Staple" shall mean the staple fibrous growth as removed from cottonseed in the usual process of ginning (first cut from seed).

~~(g)~~(k) "Strips" shall mean the cotton waste produced by or removed from the carding cloth following the carding process.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

#### **Article 5 Plumage Regulations**

##### **1192. Plumage Labeling Requirements.**

(a) Every plumage filled product must contain a law label in accordance with Article 2, Sections 1125 and 1126 of the California Code of Regulations.

(b) The percentage of plumage materials used in articles of upholstered furniture and bedding shall be stated on the law label to describe the plumage content in the completed article. Percentages shall be computed on the basis of avoirdupois weight of the filling material present. An example is provided in Illustration 3.

(c) The weight percentage of materials listed on the label shall not exceed the tolerance of plus or minus five percent.

Illustration 3. The following is an example of an upholstered furniture product which consists of 55% polyurethane foam pad, and 45% goose down.

<u>UNDER PENALTY OF LAW</u> <u>THIS TAG NOT TO BE</u> <u>REMOVED EXCEPT BY THE</u> <u>CONSUMER</u>
<u>ALL NEW MATERIAL</u> <u>consisting of</u>  <u>POLYURETHANE FOAM PAD</u> <u>GOOSE DOWN 45%</u> <u>(MINIMUM 75% GOOSE DOWN)</u>
<u>Finished Size</u> _____
<u>REGISTRY NO.</u>
<u>Certification is made by the</u> <u>manufacturer that the materials in</u> <u>this article are described in</u> <u>accordance with law.</u>

Note: Authority cited: Sections 19034 and 19089, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19150, Business and Professions Code.

**1193. Compositional Requirements.**

(a) Down Products. Any industry product labeled as “down,” “duck down,” or “goose down” shall contain a minimum of 75% down and plumules. The “DOWN” label is a qualified general label and shall include in parentheses the minimum percentage of down in the product. The minimum percentage stated on the label must be at least 75%. Examples are shown in Illustrations 4 and 5. The remainder normally consists of waterfowl feathers and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down Fiber	maximum	10%
Feather Fiber	maximum	10%
Chopped, Damaged & Crushed Feathers	maximum	2%
Landfowl Feathers	maximum	2%
Residue	maximum	2%
Quill Feathers are not permitted.		

Illustration 4. The following is an example of bedding product label where the product consists of a minimum of 75% down and plumules.

<p><u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u></p>
<p><u>ALL NEW MATERIAL</u>  <u>consisting of</u>  <u>DOWN</u>  <u>(MINIMUM 75% DOWN)</u></p>
<p>Finished Size _____</p>
<p><u>REGISTRY NO.</u></p>
<p><u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u></p>

Illustration 5. The following is an example of a bedding product label identifying the specie of the plumage and the contents are a minimum of 75% goose down and plumules.

<p><u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u></p>
<p><u>ALL NEW MATERIAL</u>  <u>consisting of</u>  <u>GOOSE DOWN</u>  <u>(MINIMUM 75% GOOSE DOWN)</u></p>
<p>Finished Size _____</p>
<p><u>REGISTRY NO.</u></p>
<p><u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u></p>

- (b) Down and Feather Blended Products. These products require qualified general labels that shall include in parentheses the actual percentage of components.
  - (1) The term “DOWN AND FEATHERS” may be used to designate any plumage product containing between 50% and 74% down and plumules. The actual percentages must

- be stated on the label. An example is shown in Illustration 6.
- (2) The term “FEATHERS AND DOWN” may be used to designate any plumage product containing between 5% and 49% down and plumules. The actual percentages must be stated on the label. An example is shown in Illustration 7.
- (3) The remainder of components in down and feather blended products normally consists of waterfowl feathers or down and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down Fiber	maximum	10%	
Feather Fiber	maximum	10%	
Chopped, Damaged & Crushed Feathers	maximum	2%	
Landfowl Feathers	maximum	2%	
Residue	maximum	2%	

Quill Feathers are not permitted.

Illustration 6. The following is an example of a label for a bedding product consisting of 60% down and plumules.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
<u>ALL NEW MATERIAL consisting of</u>
<u>DOWN AND FEATHERS (60% DOWN / 40% WATERFOWL FEATHERS)</u>
<u>Finished Size</u> _____
<u>REGISTRY NO.</u>
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>



Illustration 7. The following is an example of a label for a bedding product consisting of 20% down and plumules.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
<u>ALL NEW MATERIAL</u> consisting of  <u>FEATHERS AND DOWN</u> <u>(80% WATERFOWL FEATHERS</u> <u>/20% DOWN)</u>
<u>Finished Size</u> _____
<u>REGISTRY NO.</u>
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>

(c) Waterfowl Feather Products. Any industry product labeled as “waterfowl feathers”, “duck feathers”, “goose feathers” shall contain a minimum of 80% waterfowl feathers. The remainder normally consists of waterfowl feathers and small amounts of other components. An example is shown in Illustration 8. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down	maximum	20%
Down Fiber	maximum	10%
Chopped, Damaged & Crushed Feathers	maximum	7%
Feather Fiber	maximum	5%
Landfowl Feathers	maximum	5%
Residue	maximum	2%

Quill Feathers are not permitted.

Illustration 8. The following is an example of a label for an upholstered furniture product consisting of a minimum of 80% waterfowl feathers.

<u>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</u>
<u>ALL NEW MATERIAL consisting of WATERFOWL FEATHERS</u>
Finished Size _____
<u>REGISTRY NO.</u>
<u>Certification is made by the manufacturer that the materials in this article are described in accordance with law.</u>

- (d) Other Plumage Products. Plumage products which do not meet requirements for any of the above categories must be labeled accurately with each component listed separately.
- (e) Percentage Claims. A plumage product should not be designated as "100% Down," "All Down," "Pure Down" or by other similar terms unless, in fact, it contains 100% down.
- (f) Tolerances. No tolerance is allowed for the minimum percentage of down as stated in the above listed categories.
- (g) Species. The specie of waterfowl plumage need not be designated, but when designated, the product shall contain a minimum of 90% of such plumage.
- (h) Cleanliness. All plumage products must have an oxygen number not exceeding 20 grams of oxygen per 100,000 grams of sample.
- (i) Adulteration. The maximum content for certain components listed above are not to be construed to permit intentional adulteration of plumage products.
- ~~(j) Labels. Every plumage filled product must contain a law label in accordance with Article 2, Section 1125 & 1126 of the California Code of Regulations.~~

Note: Authority cited: Sections 19034 and 19089, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19150, Business and Professions Code.

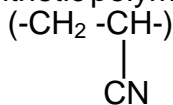
## Article 7 Man-Made Fiber Regulations

### 1238. Kinds of Man-Made Fibers.

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations for defining the chemical composition of manufactured fibers.

(a) "Acetate": a manufactured fiber in which the fiber-forming substance is cellulose acetate. Where not less than 92% of the hydroxyl groups are acetylated, the term triacetate may be used as a generic description of the fiber.

(b) "Acrylic": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of acrylonitrile units



(c) "Azlon": a manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring proteins.

(d) "Glass": a manufactured fiber in which the fiber-forming substance is glass.

(e) "Metallic": a manufactured fiber composed of metal, plastic-coated metal, metal coated plastic or a core completely covered by metal.

(f) "Modacrylic": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85% but at least 35% by weight of acrylonitrile units (-CH<sub>2</sub>-CH-)



(g) "Nylon": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polyamide having recurring amide groups (-C-NH-) as any integral part of the polymer chain.



(h) "Nitrile": a manufactured fiber containing at least 85% of a long chain polymer of vinylidene dinitrile (CH<sub>2</sub>-C(CN)<sub>2</sub>-) where the vinylidene dinitrile content is no less than every other unit in the polymer chain.

(i) "Olefin": a manufactured fiber in which the fiber-forming substance in any long chain synthetic polymer composed of at least 85% by weight of ethylene, propylene or other olefin units.

(j) "Polyester": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of any ester of a dihydric alcohol and terephthalic acid (p-HOOC-C<sub>6</sub>H<sub>4</sub>-COOH-).

(k) "Polystyrene": a manufactured fiber formed from the polymerization product of styrene monomers.

~~(k)~~(l) "Rayon": a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogen of the hydroxyl groups.

~~(p)~~(m) "Rubber": a manufactured fiber in which the fiber-forming substance is comprised of natural or synthetic rubber, including the following categories:

- (1) A manufactured fiber in which the fiber-forming substance is a hydrocarbon such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes and hydrocarbons, or amorphous (non-crystalline) polyolefins.
- (2) A manufactured fiber in which the fiber-forming substance is a copolymer of acrylonitrile and diene (such as butadiene) composed of not more than 50% but at least 10% by weight of acrylonitrile units (-CH<sub>2</sub>-CH-).



The term "laetrite" may be used as a generic description for fibers falling within this category.

(3) A manufactured fiber in which the fiber-forming substance is a polychloroprene or a copolymer of chloroprene in which at least 35% by weight of the fiber-forming substance is composed of chloroprene units  $(-\text{CH}_2-\underset{\text{Cl}}{\text{C}}-\text{CH}=\text{CH}-\text{CH}_2-)$   $(-\text{CH}_2-\underset{\text{Cl}}{\text{C}}=\text{CH}-\text{CH}_2-)$

~~(h)~~(n) "Saran": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer comprised of at least 80% by weight of vinylidene chloride units  $(-\text{CH}_2-\text{CCl}_2-)$ .

~~(m)~~(o) "Spandex": a manufactured fiber in which the fiber-forming substance is a long chain synthetic polymer composed of at least 85% of segmented polyurethane.

~~(n)~~(p) "Vinyl": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50% by weight of vinyl alcohol units  $(-\text{CH}_2-\text{CHOH}-)$ , and in which the total of the vinyl alcohol units and any one or more of the various acetal units is at least 85% by weight of the fiber.

~~(o)~~(q) "Vinyon": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of vinyl chloride units  $(-\text{CH}_2-\text{CHCl}-)$ .

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

## Article 9 Sanitization Regulations

### 1256. Official Sanitization Label Requirements.

- (a) Attachment of Labels: All articles of bedding or bulk filling materials which have undergone an approved method of sanitization shall have a sanitization label firmly attached to the item in such an area so as to be easily and readily discernable. Sanitization labels shall be affixed to the item sanitized with silicate of soda or any type of adhesive approved by the Bureau.
- (b) Label Material: Sanitization labels shall be constructed of erasure-proof paper and shall be of a grade that will not change color on application of adhesive.
- (c) Color of Label and Color of Ink: The color of label shall be yellow and the printing shall be in black ink.
- ~~(d) Statements and headings on a sanitization label shall be as follows:~~
- ~~(1) "Under penalty of law this tag shall not be removed except by the consumer."~~
  - ~~(2) "Certification is made that this secondhand article has been sanitized by a process approved pursuant to Division 8, Chapter 3, Article 6, of the Business and Professions Code" (The Home Furnishings and Thermal Insulation Act).~~
  - ~~(3) Lot number in which the article was sanitized.~~
  - ~~(4) Sanitization label number. (Every label shall be numbered, the numbers shall run consecutively, and no duplicate numbers shall be used).~~
  - ~~(5) Name of the article or filling material sanitized.~~
  - ~~(6) Method must be printed or stamped: dry heat or chemical disinfectant~~
  - ~~(7) Date sanitized.~~
  - ~~(8) Name and address of sanitizing plant.~~
  - ~~(9) Registry number assigned to the sanitizing plant by the Bureau.~~
- ~~(e) Size of sanitization label and type of printing.~~
- ~~(1) The minimum size of labels shall be 3 x 3 inches.~~
  - ~~(2) The words "Secondhand Article" and "Sanitized" shall be a minimum of 3/8" in height~~

in capital letters.

(3) All printing shall be in English.

(d) Minimum Label Size: The minimum size of the sanitization label shall be 3 inches x 3 inches.

(e) Label Numbering: Every label shall be numbered. The numbers shall run consecutively and no duplicate numbers shall be used.

(f) Required Language: All type printed on the label shall be in the English language only. A separate label shall be used to provide the label information in other languages.

(g) Statements and Headings Used on the Sanitization Label:

(1) All statements and headings shall remain as shown in each form of sanitization label indicated in subsection (h) and shall not be altered or reworded.

(2) The sequence in which the statements and headings are made on the sanitization label shall remain in the order as appearing in subsection (h) unless an alternate sequence is specified in this article.

(3) Each section of the label shall be separated by a solid horizontal line in black ink as shown in Illustration 2. The horizontal line shall extend beyond the verbiage of the statements and headings by appearing as close as practicable to the edge of the label to ensure each section is clearly distinguishable.

(h) Form of Label.

Space to affix label to article.

<p>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</p>
<p>Certification is made that this <u>SECONDHAND (USED) ARTICLE</u> HAS BEEN SANITIZED</p> <p>By a process approved pursuant to Division 8, Chapter 3, Article 6 of the Business and Professions Code. (The Home Furnishings and Thermal Insulation Act)</p>
<p>Lot No. _____ Label No. _____</p> <p>Article: _____</p> <p>Method: _____</p> <p>Date: _____</p> <p>Registry No. _____</p> <p>Sanitizing Plant: _____</p>

(1) The following statements and headings shall be indicated on the sanitization label and shall be in capital letters with a minimum type size of one-eighth inch in height:

(A) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER”

(2) The following statements and headings shall be indicated on the sanitization label and shall be in capital letters with a minimum type size of three-eighths inch in height:

- (A) "SECONDHAND (USED) ARTICLE HAS BEEN SANITIZED"
- (3) The following statements and headings shall be indicated on the sanitization label and may be in uppercase or lowercase letters:
- (A) "By a process approved pursuant to Division 8, Chapter 3, Article 6 of the Business and Professions Code. (The Home Furnishings and Thermal Insulation Act)"
- (B) "Lot No." followed by the description of the lot number used when sanitizing the bedding article.
- (C) "Label No." followed by the sanitization label number.
- (D) "Article:" and the name of the article of filling material sanitized.
- (E) "Method:" and the method used to sanitize the article or material must be printed or stamped: dry heat or chemical disinfectant.
- (F) "Date:" and the date of sanitization.
- (G) "Registry No." and the assigned registry number assigned to the sanitizing plant.
- (H) "Sanitizing Plant:" and the name and address of the sanitizing plant.

Note: Authority cited: Sections 19034 and 19127, Business and Professions Code. Reference: Sections 19124.5 and 19127, Business and Professions Code.

### **Article 13 Flammability Regulations**

#### **1374. Flammability; Upholstered and Reupholstered Furniture.**

- (a) On and after January 1, 2015, all filling materials and cover fabrics contained in any article of upholstered furniture and added to reupholstered furniture shall meet the fire retardant requirements as set forth in the State of California, Bureau of Household Goods and Services Technical Bulletin Number 117-2013, entitled "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture," dated January 2019 and be labeled in accordance with Section 1374.3. This section incorporates by reference Technical Bulletin 117-2013 and shall not apply to filling materials and cover fabric manufactured prior to January 1, 2015.
- ~~(b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of Household Goods and Services Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 2019.~~
- ~~(e)~~(b) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19030 and 19161, Business and Professions Code.

#### **1374.3. Flammability Labeling.**

- ~~(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:~~

NOTICE

~~THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOUSEHOLD GOODS AND SERVICES TECHNICAL BULLETINS 116 AND 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.~~

~~(b)(a) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b), and bulk filling material which may be used or which is intended to be used in articles of upholstered furniture shall have a flammability label permanently attached to the article, in plain view, stating the following as follows:~~

NOTICE

~~THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOUSEHOLD GOODS AND SERVICES TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES~~

NOTICE

THIS ARTICLE MEETS  
THE FLAMMABILITY  
REQUIREMENTS OF  
CALIFORNIA BUREAU OF  
HOUSEHOLD GOODS AND  
SERVICES TECHNICAL  
BULLETIN 117-2013. CARE  
SHOULD BE EXERCISED  
NEAR OPEN FLAME OR  
WITH BURNING  
CIGARETTES.

- (1) The flammability statement required by subsection (a) must be followed by the flame retardant chemical statement on the label for covered products, as required by Business and Professions Code section 19094. Illustrations 9 and 10 are suggested formats that may be used to comply with the requirements of this section.
- (2) The Consumer Product Safety Commission's (CPSC) required certification statement, "Complies with U.S. CPSC requirements for upholstered furniture flammability." as required by 16 CFR part 1640, may be indicated at the bottom of the combined of the flame retardant chemical statement.
  - (A) By operation of law, the Bureau shall make consistent any amendments made to 16 CFR part 1640, in regard to the certification statement, to this section.

Illustration 9. The following is the suggested form of label that complies with section 1374.3 (a)(1), shown in a vertical format, including the Consumer Product Safety Commission label pursuant to 16 CFR part 1640

<p style="text-align: center;"><u>NOTICE</u></p> <p style="text-align: center;"><u>THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOUSEHOLD GOODS AND SERVICES TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.</u></p> <p><u>THE UPHOLSTERY MATERIALS IN THIS PRODUCT:</u> <u>CONTAIN ADDED FLAME RETARDANT CHEMICALS</u> <u>CONTAIN NO ADDED FLAME RETARDANT CHEMICALS</u></p> <p style="text-align: center;"><u>THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.</u></p>
<p style="text-align: center;"><u>COMPLIES WITH U.S. CPSC REQUIREMENTS FOR UPHOLSTERED FURNITURE FLAMMABILITY.</u></p>



Illustration 10. The following is the suggested form of label that complies with section 1374.3 (a)(1), shown in a side-by-side format.

<p><u>NOTICE</u></p> <p><u>THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOUSEHOLD GOODS AND SERVICES TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.</u></p>	<p><u>THE UPHOLSTERY MATERIALS IN THIS PRODUCT:</u></p> <p><u>CONTAIN ADDED FLAME RETARDANT CHEMICALS</u></p> <p><u>CONTAIN NO ADDED FLAME RETARDANT CHEMICALS</u></p> <p><u>THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.</u></p>
<p><u>COMPLIES WITH U.S. CPSC REQUIREMENTS FOR UPHOLSTERED FURNITURE FLAMMABILITY.</u></p>	

- (c) Minimum Label Size: The Mminimum size of the flammability label for subsections (a) and (b) shall be 2 inches x 3 inches, and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.
- ~~(d) All flammability labels described in sections 1373.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).~~
- (d) Minimum Type Size: The type shall be a minimum size of one-eighth inch in height and shall be in capital letters. Business and Professions Code section 19094 provides that the flame retardant chemical statement does not need to be in capital letters. When the flame retardant chemical statement is provided in lowercase letters, the lowest letter (i.e. the letter "o") must meet the one-eighth inch requirement.
- (e) Attachment of Labels: Labels shall be securely fastened onto completed articles and bulk materials in an area that is openly and easily visible to view. Labels shall not be concealed or obstructed from view in any manner. Bulk materials may have the label stamped or printed on the packaging or may use a hangtag to tie the label to the product in an area that is openly and easily visible.
- (f) Label Material: Labels shall be constructed of material that shall be resistant to tearing, defacing, or fading when abraded.
- (g) Color of Label and Color of Ink: The flammability label shall be printed on a white label with black ink.
- (h) Statements Required on the Flammability Labels: The statements required by this section shall not be altered or reworded.

- (i) Required Language: All print made on the label shall be in the English language only. A separate label shall be used to provide label information in other languages.

Note: Authority cited: Sections 19034, 19094 and 19161, Business and Professions Code.  
Reference: Sections 19030, 19080, 19081, 19094 and 19161, Business and Professions Code.

#### **1374.4 Flammability Notice on Invoices**

All invoices for bulk filling material meeting the requirements of Bureau of Household Goods and Services Technical Bulletin 117-2013 shall have stated on such invoices the identification of the product meeting the requirement and a statement printed on the invoice stating the following:

"THIS PRODUCT MEETS THE REQUIREMENTS OF THE BUREAU OF HOUSEHOLD GOODS AND SERVICES TECHNICAL BULLETIN 117-2013."

Note: Authority cited: Sections 19034, 19080, and 19081, Business and Professions Code.  
Reference: Sections 19030, 19034, 19080, 19081, and 19161, Business and Professions Code.

#### **1374.5 Formats for Combining the Law Label and Flammability Label with the Flame-Retardant Chemical Statement**

- (a) The Bureau permits the labels required by sections 1126 and 1374.3 to be combined provided that each label described in the respective sections meet the specific formatting requirements for that particular label. Illustrations 11 and 12 are suggested formats that may be used to comply with the requirements of this section.
- (b) Labels printed in a vertical or side-by-side format must be separated by a solid line printed in black ink to clearly distinguish each label.
- (c) Labels printed in side-by-side format must be separated by a vertical line printed in black in that extends to the border of the label to clearly distinguish each label.

Illustration 11. – The following is an example of a combined law and flammability label with the flame retardant chemical statement shown in a vertical format and includes the CPSC required statement.

<i>Space to affix label to article</i>
<u>UNDER PENALTY OF LAW STATEMENT</u>
<u>ALL NEW MATERIAL SECTION</u>
<u>REGISTRY NUMBER SECTION</u>
<u>CERTIFICATION STATEMENT</u>
<u>OTHER INFORMATION SECTION</u>
<u>FLAMMABILITY LABEL WITH THE FLAME RETARDANT CHEMICAL STATEMENT</u>
<u>U.S. CPSC CERTIFICATION STATEMENT</u>

Illustration 12. The following is an example of a combined law and flammability label with the flame retardant chemical statement shown in a side-by-side format.

<u>UNDER PENALTY OF LAW STATEMENT</u>	<u>FLAMMABILITY NOTICE</u>	<u>FLAME RETARDANT CHEMICAL STATEMENT</u>
<u>ALL NEW MATERIAL SECTION</u>		
<u>REGISTRY NUMBER SECTION</u>		
<u>CERTIFICATION STATEMENT</u>		
<u>OTHER INFORMATION SECTION</u>		
<u>U.S. CPSC CERTIFICATION STATEMENT</u>		

**Article 15.5  
Citation Regulations**

**1383.2. Fines.**

(a) The chief shall assess fines in accordance with the following schedule: provided, however, in no case shall the total exceed \$2,500 for each inspection made with respect to the violation.

<u>Rule*</u>	<u>Description</u>	<u>Range of Fines</u>
<b>Article 1. General Provisions.</b>		
1108	Procedure Re License	\$150 to 1,500
1110	"Withhold from Sale" Tag	100 to 1,000
1111	Names of Filling Materials	100 to 1,000
<del>1113</del>	<del>Deviation from Percentages Stated</del>	<del>100 to 1,000</del>
1114	Water Repellent, Water Resistant	100 to 1,000
1116	Mildew Proof, Mildew Resistant	100 to 1,000
1118	Moth Proof, Moth Resistant	100 to 1,000
1119	Bacteria Resistant, Odor Resistant	100 to 1,000
1120	Stain Resistant, Stain Repellent	100 to 1,000
1121	Soil Resistant, Soil Repellent	100 to 1,000
<b>Article 2. Official Law Labels for Upholstered Furniture and Bedding and Bulk Filling Materials.</b>		
1125	Labeling Requirements	100 to 1,000
1126	Official Law Label Requirements	100 to 1,000
<b>Article 2.5. Universal Filling Material Requirements.</b>		
1130	Cleanliness	100 to 1,000
1131	Oil and Grease Limitations	100 to 1,000
1132	Trash Limitation – Vegetable Fibers	100 to 1,000
1133	Sludge Limitations	100 to 1,000
1134	Residue Limitations	100 to 1,000
<b>Article 3. Universal Definitions and Labeling.</b>		
1135	Terms of Definition and Label Requirements	100 to 1,000
1137	Care Instructions	100 to 1,000
<b>Article 5. Plumage Regulations.</b>		
<del>1192.1</del>	<del>Plumage Products - Comply with Federal Standards</del>	<del>1193 Compositional Requirements</del>
	100 to 1,000	
<b>Article 9. Sanitization Regulations.</b>		
1253	Chamber Identification	100 to 1,000
1254	Lot (sanitization)	100 to 1,000
1256	Official Sanitization Label Requirements	100 to 1,000
<b>Article 10. False or Misleading Advertising.</b>		
1301	Former Price	200 to 2,000
1302	Former Price of Same Article	200 to 2,000

1304.1	Bait and Switch Advertising	200 to 2,000
1305	Special Sale	200 to 2,000
1306	Purchase of Additional Merchandise	200 to 2,000
1307	Pre-Ticketing	200 to 2,000
1308	Imperfects, Irregulars, Second or Damaged	200 to 2,000
1309	Factory Outlet	200 to 2,000
1309.1	Factory Sales	200 to 2,000
1309.2	Factory Direct	200 to 2,000
1310	Custom Made	200 to 2,000
1311	Labor Free	200 to 2,000
1312	Liquidation	200 to 2,000
1313	Guarantee and Warranty	200 to 2,000
1314	Disclosure of Guarantee	200 to 2,000
1315	Pro-rata Guarantee	200 to 2,000
1316	Secondhand Merchandise	200 to 2,000

**Article 13. Flammability Regulations**

1371	Mattresses	250 to 2,500
1373.2	Flammability; Flexible Polyurethane Foam	250 to 2,500
1374	Flammability; Upholstered and Reupholstered Furniture	250 to 2,500
1374.3	<u>Flammability Labeling-</u>	100 to 1,000
1374.4	Flammability; Labeling on Invoice	100 to 1,000

**Article 14. Custom Upholsterers.**

1375	Oral Consent to Revision of Estimate and/or Work Order	150 to 1,500
1377	Estimate and Work Order Form Requirements	150 to 1,500

**Business and Professions Code Section**

**Article 3. Licensing.**

19060	Separate license for each branch house	150 to 1,500
19060.5	On his own account	150 to 1,500
19060.6	Contracts for repair of furniture and bedding	150 to 1,500
19061	One address, multiple names	150 to 1,500
19062	Posting of license	100 to 1,000

**Article 4. Application of Chapter.**

19071	Sanitization	100 to 1,000
19072	Compliance with chapter defined	150 to 1,500
19072.5	Responsibility for labeling	100 to 1,000
19072.6	Labeling of slip seats	100 to 1,000

**Article 5. Labeling.**

19080	Law label	100 to 1,000
19083	Attaching labels	100 to 1,000
19084	Printing on one side	100 to 1,000
19085	Advertising on label	100 to 1,000
19086	Covering label	100 to 1,000
19087	Removal of labels	250 to 2,500
19088	Misleading information on labels	200 to 2,000

19089.3	Waterbed labels	100 to 1,000
19089.5	Non fire retardant material label	250 to 2,500
19092	Secondhand material label	100 to 1,000
19093	Custom upholsterer label	100 to 1,000

**Article 6. Sanitization.**

19121	Resale of soiled bedding	100 to 1,000
19122	Testing of sanitization equipment	100 to 1,000
19123.4	Sanitization of secondhand filling	100 to 1,000
19123.5	Sanitization for resale	100 to 1,000
19123.6	Sanitization of secondhand bedding	100 to 1,000
19124	Sanitization in accordance with regulations	100 to 1,000
19124.5	Affixing sanitization label	100 to 1,000
19127.5	Illegal possession of sanitization label	100 to 1,000
19127.6	Sanitizer label records	100 to 1,000
19129	Sanitization of secondhand bedding	100 to 1,000
19131	Sanitization of bedding contagious disease	250 to 2,500
19132	Separation of sanitized items from unsanitized items	100 to 1,000

**Article 7. Regulations.**

19150	False advertising	200 to 2,000
19151	Misleading illustrations	200 to 2,000
19152	Unconditional warranties	200 to 2,000
19158	Custom upholsterer ID label	100 to 1,000
19160	Cleanliness of premises	100 to 1,000
19161	Fire retardant requirements	250 to 2,500
19161.3	Fire retardant polyurethane foam	250 to 2,500
19162	Custom upholsterer estimate	150 to 1,500
19163	Custom upholsterer work order	150 to 1,500
19165	Insulation product testing	250 to 2,500

**Article 9. Enforcement.**

19204	Removal of Withhold tag	250 to 2,500
19205	Failure to produce withheld products	250 to 2,500
19206	Interference with an inspector's duties	250 to 2,500

\*References for Rules are to sections of Title 4 of the California Code of Regulations.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code.  
Reference: Sections 125.9 and 148, Business and Professions Code.