



**BUREAU OF HOUSEHOLD GOODS AND SERVICES
 Advisory Council Meeting Materials Packet
 Thursday, October 13, 2022 | 10:00 a.m.**

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

**Thursday, October 13, 2022, 10:00 am
Until the Completion of Business**

Important Notices to the Public: The Bureau of Household Goods and Services (Bureau) will hold a public meeting via a WebEx Events. 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=mf14a4d650cad843653dc93d415e1a451>

Event number: 2498 088 4537
Event password: BHGS10132022

NOTE: Pursuant to Government Code section 11133, this meeting will be held by teleconference with no physical public locations.

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 Bureau Chief, 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: 249 808 84537
Passcode: 24471013

Advisory Council Members:

Pascal Benyamini, Industry
Burt Grimes, Industry
Tom Keepers, Industry
Donald Lucas, Public
Sara Oakley, Industry
Dan Rhodes, Industry
Toby Taylor, Industry
Steve Weitekamp, 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 via email at 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. Introduction of new Council Members

3. 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).)
4. Review June 15, 2022, Advisory Council Meeting Minutes
5. Presentation of the Bureau's Draft Outreach Plan and Update on Strategic Plan Objectives 3.1 - 3.7
6. Division Updates and Statistical Overviews
 - a. Fiscal
 - b. Administrative
 - i. Update on Strategic Plan Objectives 5.1 - 5.5
 - c. Licensing
 - i. Update on Strategic Plan Objectives 1.1 - 1.4
 - d. Laboratory
 - e. Enforcement
 - i. Update on Strategic Plan Objectives 2.1 - 2.5
 - ii. Report on Bureau Household Mover "Sting" Operations
7. Legislative and Policy Updates
 - a. AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: household movers
 - b. AB 2912 (Berman, 2022) – Consumer Warranties
 - c. AB 2956 (Committee on Transportation) – Transportation
 - d. SB 1443 (Roth) – The Department of Consumer Affairs
 - e. CPS Fee Study
 - f. Upholstered Furniture and Bedding Law Label Regulatory Proposal
 - g. Update on Bureau's Sunset Report
 - h. Update on Strategic Plan Objectives 4.1 - 4.5
8. Business Modernization Update
9. Presentation and Update on Bureau Regulation of Ignition Interlock Devices
10. Confirm Future Meeting Dates for 2023
11. Future Agenda Items
12. Adjournment

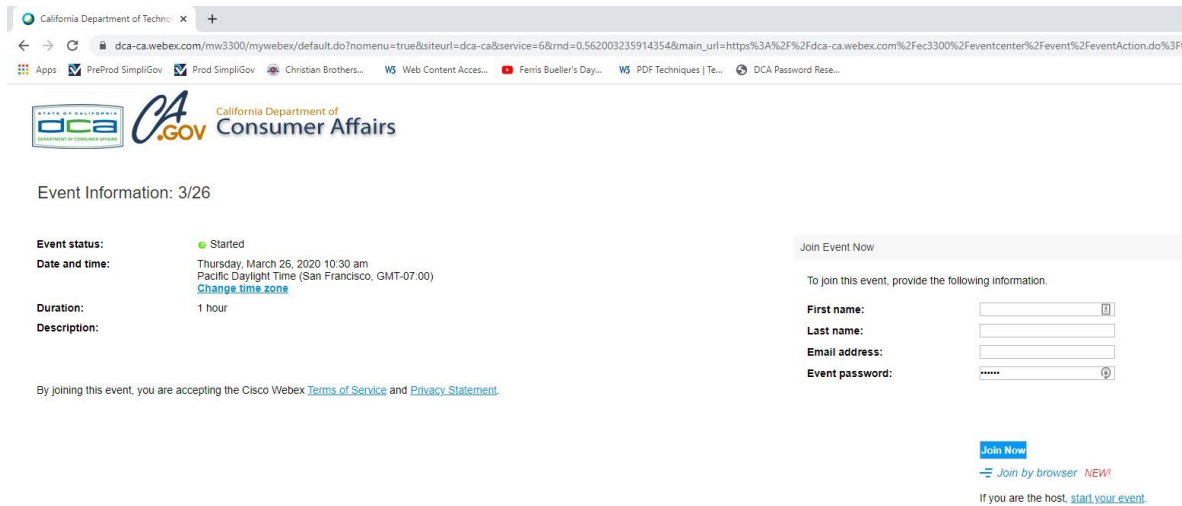
HOW TO – Join – DCA WebEx Event

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.

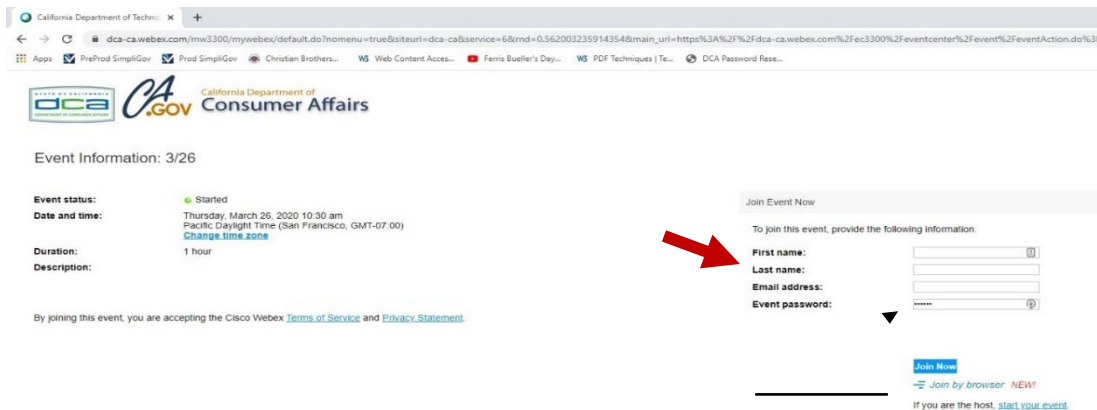
Example link:

<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:

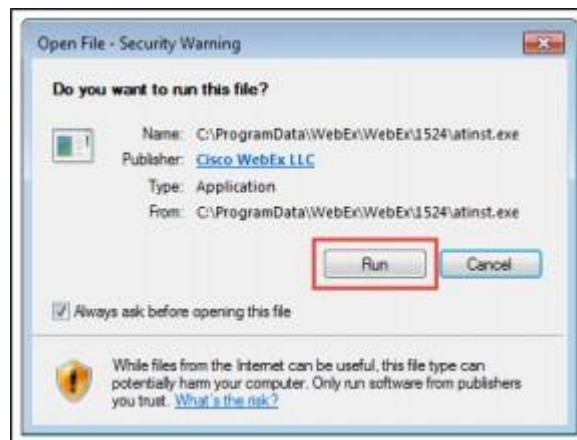
Event password:

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.

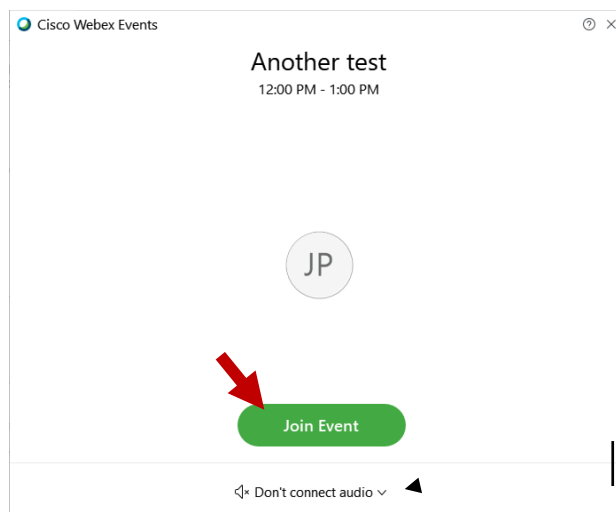
- A dialog box will appear at the bottom of the page, click 'Run'.



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

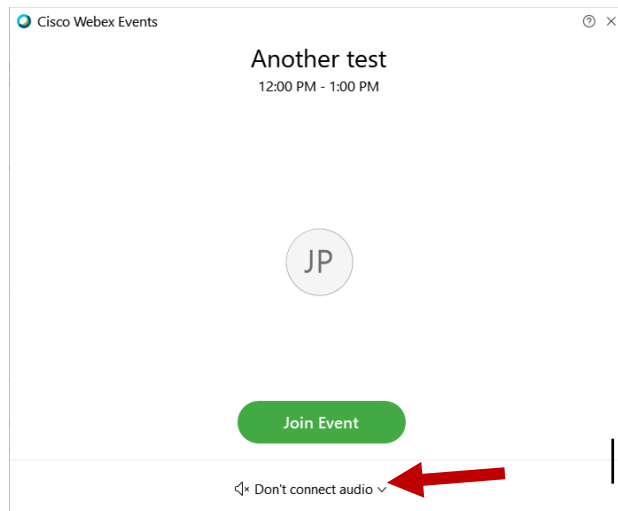
NOTE: The preferred audio connection to our event is via telephone conference or headset. Use of an open microphone and speakers through your computer could result in issue with audio clarity and potential feedback/echo.

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

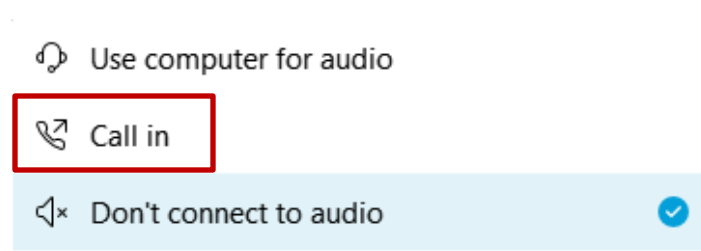


HOW TO – Join – DCA WebEx Event

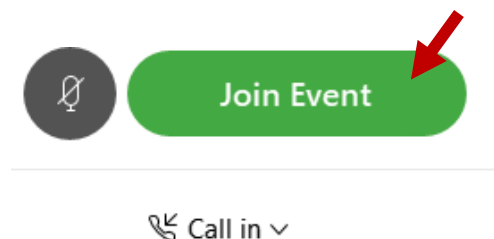
8. If using teleconference via your phone for audio, click the audio menu below the green 'Join Event' button.



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

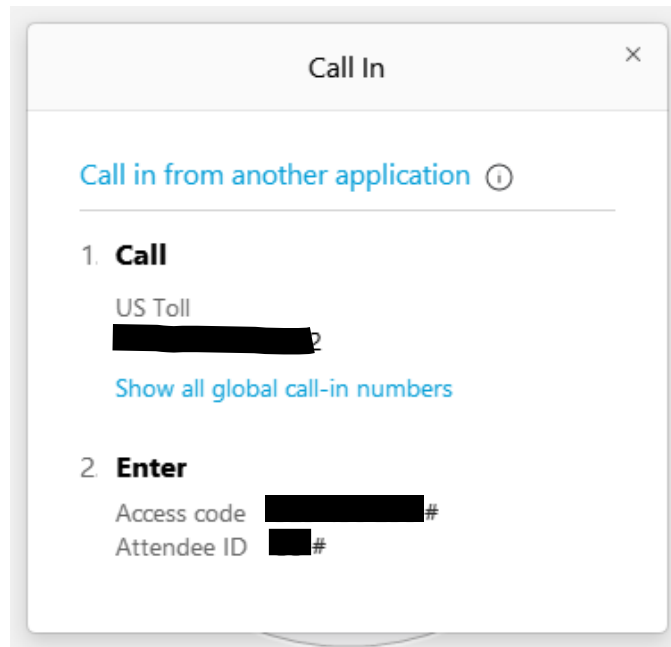


10. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



HOW TO – Join – DCA WebEx Event

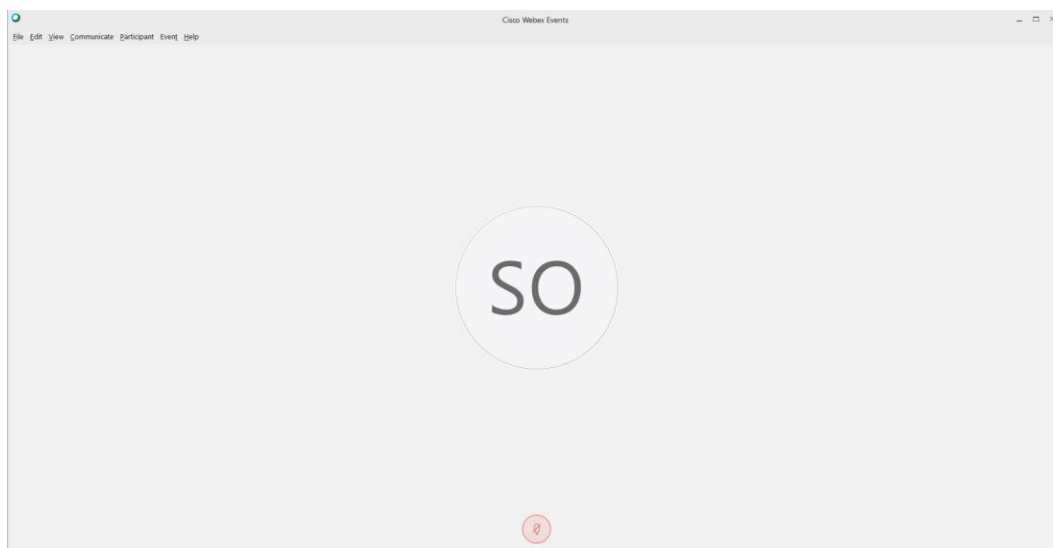
11. Call into the audio conference with the details provided.



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!

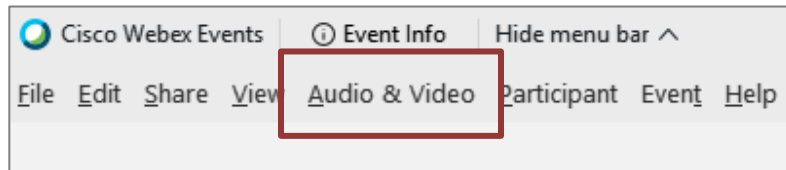


NOTE: Your audio line is muted and can only be unmuted by the event host.

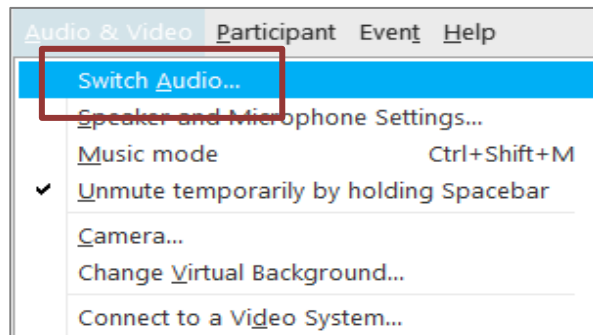
Selecting Audio Connection After Joining

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.

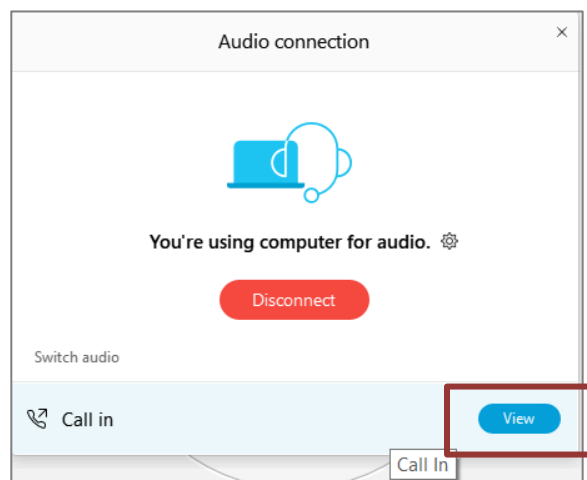
1. Select 'Audio & Video' from the menu bar at the top of your screen.



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.

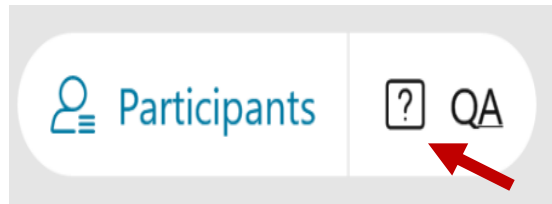
HOW TO – Join – DCA WebEx Event

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):

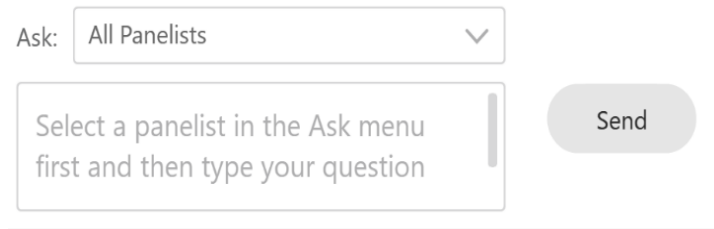
If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

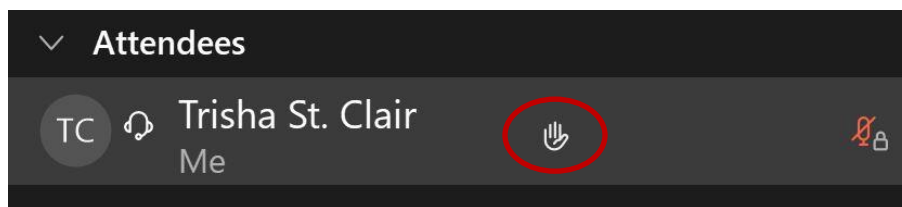
NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

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 2: Introduction of New Council Members

Tom Keepers (Industry – Service Contract Industry Council)

As Executive Director of the Service Contract Industry Council (SCIC), Mr. Keepers is accountable for the advocacy and insight services delivered to the membership at the federal and state levels. SCIC advances their members' agenda by assuring viable markets for the products that balance the interests of providers and consumers alike. Prior to this role, he successfully led the Consumer Credit Industry Association for almost seven years and spent more than two and a half decades in industry successfully leading almost every facet of the member product suite. Tom holds a BA in Mathematics and an MBA, and earned the PMP, CLU and Series 7 designations.

Sara Oakley (Industry – Household Movers)

Sara Oakley works directly with the Co-Presidents to implement strategic initiatives and risk mitigation programs for their family owned and operated moving and storage business. After graduating with a Bachelor of Arts in Political Science from University of California, Los Angeles, her career started outside of the family business with a political consulting firm in Los Angeles. Ms. Oakley then transitioned to a real investment company where she served as a Senior Associate for over a decade.

As the family business grew, an opportunity presented in 2015 for her to join the businesses, Atlas Transfer & Storage Co. (agent for Allied Van Lines) and Oakley Relocation LLC (agent for North American Van Lines). Recent work experience includes augmenting the safety and compliance program; human resources development and management; marketing, social media and SEO management; and business development. Industry affiliates include participating on the Allied Van Lines Safety Committee and the Executive Committee of the Vanliner Captive Insurance group. Ms. Oakley represents Oakley Relocation LLC with the Women's Business Enterprise National Council West (WBEC-West), and she also participated in the Goldman Sachs 10KSB Certificate of Entrepreneurship Program.



Agenda Item 4: Review June 15, 2022, Advisory Council Meeting Minutes

**Bureau of Household Goods and Services (Bureau or BHGS)
Advisory Council Meeting Minutes
In-Person and Teleconference Meeting
June 15, 2022**

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

Attendees:

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

Bureau Staff: Justin Paddock, Bureau Chief
Nichole Bowles, Supervising Special Investigator
Jacqueline Castro, Licensing Manager
Diana Godines, Policy Manager
Yeaphana La Marr, Policy Manager
Ashleigh Reitter, Administrative Support Analyst
Kelli Williams, Administrative Manager

Other Individuals Present: David Bouilly, DCA SOLID Planning Solutions
Ann Fisher, DCA SOLID Planning Solutions
Michael Kanotz, DCA Division of Legal Affairs
Karen Munoz, DCA Budget Office
Heather Robinson, DCA Budget Office
Mike Sanchez, DCA Office of Public Affairs

1. Bureau Chief Introduction, Call to Order, and Roll Call

Bureau Chief Justin Paddock started the meeting at 10:00 am with an introduction. Administrative Support Analyst Ashleigh Reitter conducted roll call of Advisory Council (Council) members. All members were in attendance except Toby Taylor. Council members Pascal Benyamini and Burt Grimes were absent in their official capacity but participating as a member of the public.

Chief Paddock opened the floor to Council members to make comments or ask questions. There were none. Discussion was opened to public attendees for comment or to 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. There were none.

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

3. Review January 20, 2022, Advisory Council Minutes

Chief Paddock opened discussion to Council members regarding questions or edits to the meeting minutes of the January 20, 2022, 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.

4. Review Strategic Plan

Chief Paddock directed Council members to pages 23-29 of the materials packet and opened discussion regarding questions or edits for the introduction of the strategic plan. The only change to this section was to show the membership of the Council was as of January 20, 2022, because the membership has since changed. There were no comments or edits from the Council. Discussion was opened to public attendees for comment or to ask questions. There were none.

Chief Paddock directed Council members to Goal 1 on page 30 of the materials packet. A minor revision to the wording of Goal 1.2 was discussed. Council member Pascal Benyamini agreed with the edit. Discussion was opened to public attendees for comment or to ask questions. There were none.

Chief Paddock directed Council members to Goal 2 on page 31 of the materials packet. Revisions to the wording of Goal 2 that were made to better capture the discussion of these goals were discussed. Council Member Lucas asked if the term “sting operation” is a well-established term. Chief Paddock responded that it is a widely used term in DCA, but discussed expanding the explanation more for accessibility for members of the public. Council Member Dan Rhodes asked for clarification on unpermitted interstate movers. Chief Paddock explained that the Bureau’s relationship with FMCSA relates to interstate movers as opposed to intrastate movers so the extra detail was needed. Discussion was opened to public attendees for comment or to ask questions. There were none.

Chief Paddock directed Council members to Goal 3 on page 32 of the materials packet. Revisions to the wording of Goal 3.3 to clarify the goal were discussed. Additionally, superfluous language was removed from Goal 3.5. Council member Steve Weitekamp commented that Goal 3.3 could be interpreted in many ways, such as informing the public of statistics or giving names of companies that are bad actors. Chief Paddock stated it would be both. Chief Paddock replied that the public would not be aware of a citation until the entire process, including appeals is finalized, then the citation would be publicized. Council member Weitekamp expressed support for that goal.

Discussion was opened to public attendees for comment or to ask questions. Council member Pascal Benyamini, attending as a member of the public, suggested that “when citations are final” be added the end of Goal 3.3. Chief Paddock agreed and will work with Bureau council to revise that goal. Another question from Council member Burt Grimes, attending as a member of the public, was about how the Bureau’s website will keep updated with industry violations. Chief Paddock explained there is a new procedure to update the website 30 days after each quarter. Council member Rhodes asked if there is a count of open cases against companies that was publicized. Chief Paddock explained that cases will only be made public after the entire investigation process was completed to allow for due process.

Chief Paddock directed Council members to Goal 4 on page 33 of the materials packet. There were no changes made to this Goal area. Council member Weitekamp wanted to make sure that the Household Movers Act continues to address brokers as needing the same level of permit as movers. Discussion was opened to public attendees for comment or to ask questions. There were none.

Chief Paddock directed Council members to Goal 5 on page 34 of the materials packet and further explained the edits made to this goal to polish the goal area to remove overlap among objectives and ideas that cannot be measured, e.g. level of comradery. Multiple Council members voiced that they agreed with the changes. Council member Rhodes suggested a quarterly or annual 360 survey to get a sense of morale level. Chief Paddock will look into that because he does see the value. Council member Lucas suggested doing a yearly staff survey like the one used for the strategic plan. Chief Paddock agreed that the environmental scan was an extremely valuable document coming in as a new Chief and will check with DCA to determine how often a scan can be conducted. Discussion was opened to public attendees for comment or to ask questions. There were none.

Chief Paddock directed Council members to page 35-36 for the conclusion of the Strategic Plan to report no changes were made. Discussion was opened to Council members regarding questions or edits. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

5. Division Updates and Statistical Overviews

a. Fiscal Update

Heather Robinson, DCA Budget Analyst, reviewed BHGS fund conditions on page 38. Ms. Robinson discussed the fund conditions, which are a five-year view of the Bureau's funds. The Electronic and Appliance Repair Fund is currently at 12.1 months in reserves. Council member Lucas asked about the reserves because there are only a couple months of reserves. Ms. Robinson explained that the projection assumes the full appropriation is spent, but the Bureau historically has not spent the full appropriation. Chief Paddock added that the fund will see a reversion because of that. Also, the Bureau is required to conduct a fee study, which will be reported in October.

The Home Furnishings and Thermal Insulation Fund is currently at 13.4 months of reserves. There were no questions or comments from the Council. Karen Munoz, DCA Budget Manager, stated when a small change to expenditures occurs or there is even a small reversion, the impact to smaller budget reserves is large.

The Household Movers (HHM) Fund is at 29.1 months. All three funds are healthy and there are currently no issues. Council member Weitekamp was appreciative of the conservative nature of spending with the HHM fund. Discussion was opened to public attendees for comment or to ask questions. There were none.

b. Administration

Administrative Manager Kelli Williams discussed lowering the vacancy rate. As of the January 20 meeting, the vacancy rate was 34 percent. It is currently 30 percent and if hiring rate remains on course, will be less than 10% by October.

Mrs. Williams discussed the open positions in each unit within the Bureau and approximate dates of when they will be filled. Council member Lucas praised the Administration Unit for lowering the vacancy rate. Discussion was opened to public attendees for comment or to ask questions. There were none.

c. Licensing

Licensing Manager Jacqueline Castro directed the Council members to the licensing statistics on page 41 of the meeting materials. Ms. Castro pointed out an increase in service contract seller licenses due to fluctuations in the number of businesses, which is common, and a decrease of furniture and bedding retailers, which is attributed to impacts of the pandemic. Ms. Castro opened the floor to Council members for questions or comments. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

d. Laboratory

Policy Manager Yeaphana La Marr discussed that in April 2022, the laboratory was granted continued accreditation for furniture and bedding. In 2023, the laboratory will undergo a three-day onsite assessment to continue that accreditation.

Ms. La Marr reported that after the onsite assessment, the Bureau's contract with NIST/NVLAP executed, granting the Bureau's thermal insulation program accreditation in April 2022. In house thermal insulation testing resumed.

Ms. La Marr informed the Council that the Thermal Insulation Directory was updated and posted to the Bureau's website.

Ms. La Marr opened the floor to Council members for questions or comments. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

Chief Paddock presented the statistics starting on page 44 of the meeting materials. Council member Lucas was curious as to what the failures were for under thermal insulation. Chief Paddock responded that the majority were E-84 violations. Discussion was opened to public attendees for comment or to ask questions. Council member Grimes commented that he would like to see more inspection of products from overseas manufactures because there seems to be a high percentage of the violations among them. Chief Paddock responded that this will be addressed in the upcoming sunset report.

e. Enforcement

Supervising Special Investigator Nichole Bowles announced Supervising Special Investigator II Rick Villucci will be retiring in 2023; he is currently in a training and consultant role until retirement. Ms. Bowles shared the current consumer outreach activities the Bureau has conducted, such as senior scam stopper events and participation in consumer protection round tables and local task force meetings.

Ms. Bowles shared the statistics starting on page 47. Ms. Bowles explained that there were 28 prematurely closed cases that skewed previously reported data. Staff are performing an audit and the information will be presented at the October Advisory Council meeting. Ms. Bowles shared that the Bureau is clarifying sting procedures and once finalized, household mover sting operations will be conducted.

Council member Weitekamp asked that the hold hostage numbers be repeated. Ms. Bowles repeated the information and commented that the Bureau can provide a hold hostage table at the October meeting. Council member Weitekamp expressed concerned that the only citations that would be publicized would be those of

permitted companies, when unpermitted are often causing the most issues. DCA Attorney Michael Kanotz stated that once a citation is issued it is a public document and that information can be posted on the Bureau's website. Council member Weitekamp confirmed that both permitted and unpermitted companies who are cited can be posted on the website and Mr. Kanotz confirmed. Discussion was opened to public attendees for comment or to ask questions. There were none.

6. Legislative and Policy Updates

Ms. La Marr discussed items not on the agenda, explaining that the budget will go to the Governor for signature by June 30, 2022, and the Bureau is optimistic it will include spending authority for four new positions dedicated to HHM proactive enforcement, one position in the Compliance Unit, and one-time costs for the Business Modernization Project. Ms. La Marr also gave an update on the status of the sunset report and informed the Council that the Bureau would participate as a speaker at in-service training for the Federal Motor Carrier Safety Administration.

Ms. La Marr opened the floor to Council members to make comments or ask questions. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

a. **AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: household movers**

Ms. La Marr directed Council members to page 50 of the meeting materials and explained this bill would exempt companies who do not pack or load trucks from having a permit with the Bureau. The sponsors expressed they are no longer pursuing this bill; however, the bill is still technically alive so the Bureau continues to watch it.

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

b. **AB 2956 (Committee on Transportation) – Transportation**

Ms. La Marr directed Council members to page 55 of the meeting materials and explained this bill would allow California Highway Patrol to recognize a having a Bureau-issued permit exempts household movers from obtaining a motor carrier of property registration from the Department of Motor Vehicles. This bill is scheduled to be heard by the Assembly Committee on Transportation on June 28.

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

c. SB 983 (Eggman) – Consumer warranty protection: express warranties

Ms. La Marr directed Council members to page 89 of the meeting materials and explained this bill would have required electronic and appliance manufacturers to provide manuals, functional parts, and tools to the owner of the product and service dealers. This bill died in the Senate Committee on Appropriations.

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

d. SB 1443 (Roth) – The Department of Consumer Affairs

Ms. La Marr directed Council members to page 95 of the meeting materials and explained this bill is a one-year extension to conform to the postponement of the Bureau's Sunset Review. This bill is scheduled to be heard by the Assembly Committee on Business and Professions on June 28.

Ms. La Marr opened the floor to Council members to make comments or ask questions. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

e. Business Modernization Project

Ms. La Marr explained that the Business Modernization project contract was made effective in April 2022. The Bureau will focus on household movers to allow them to migrate to a DCA supported system. Subject Matter Experts within the Bureau have been involved in meetings to identify the household mover permit application requirements. Ms. La Marr and Subject Matter Experts will begin testing the system over the summer with a tentative go live date of October for the household mover application and quarterly reporting before the end of the year. All other license types are scheduled to be complete by November 2023.

Ms. La Marr opened the floor to Council members to make comments or ask questions. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

f. CPS Fee Study

Policy Manger Diana Godines provided an update on the fee study being conducted by CPS HR Consulting (CPS). CPS has gathered data from the Bureau to recommend fee levels for licensing, renewal, delinquent, and penalty fees for the three programs. Ms. Godines explained that CPS will send a draft report followed by a final report and presentation. The findings will be presented at the October Advisory Council meeting.

Council member Weitekamp asked how this process will proceed regarding comment, modification, etc. Chief Paddock reiterated that this will all be discussed in the October meeting and the information provided by CPS will be taken into consideration when writing the Sunset Report.

Chief Paddock opened discussion to public attendees for comment or to ask questions. A representative from Moving Experience asked for whether AB 2956 has been passed or if the bill is still in process. Chief Paddock stated he expects it to pass. Ms. La Marr added it is scheduled to be heard on June 28 and it can be watched online.

g. Upholstered Furniture and Bedding Law Label Regulatory Proposal

Ms. Godines directed the Council members to the draft regulations update beginning on page 112 of the meeting materials. Ms. Godines explained that the Bureau is anticipating more changes to this document and is open to feedback from the Council. Ms. Godines explained that once the feedback is edited into the document, the Bureau will reach out to Consumer Products Safety and the International Association of Bedding and Furniture Labeling Officials for feedback. Ms. Godines encouraged Council members to forward the document to any group that may be interested, especially consumer groups.

Council member Lucas asked if the Bureau would also be reaching out to manufacturers. Chief Paddock responded that the Bureau has already reached out to some manufactures, as well as companies that manufacture labels for manufacturers and plumage companies. Council member Lucas asked if CPSC is on board with what is being proposed. Chief Paddock responded that the Bureau plans to submit the document to CPSC for feedback. Council member Lucas asked how the roll out date would affect the labels. Chief Paddock responded that the Bureau would try to prevent overlap with the CPSC label requirements. Discussion was opened to public attendees for comment or to ask questions. Doug Anderson asked where he can obtain a copy of the draft for review. Chief Paddock guided Mr. Anderson through locating the document on the Bureau website and. Council member Grimes thanked the Bureau for the work regarding law label. Council member Benyamini echoed Council member Grimes' statement.

7. Confirm Future Meeting Date of Thursday, October 13, 2022, at 10 a.m.

Chief Paddock confirmed October 13, 2022, as the next meeting date. He is requesting to set all meeting dates for 2023 at the October meeting.

Chief Paddock opened the floor to Council members to make comments or ask questions. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

8. Future Agenda Items

Chief Paddock listed items he would like to add to the future agenda: Strategic Plan Goal Updates, Ignition Interlock Device Update, Outreach Plan for 2023, Business Modernization Update, and an update on Stings.

Chief Paddock opened the floor to Council members to make comments or ask questions. There were none. Discussion was opened to public attendees for comment or to ask questions. There were none.

9. Adjournment

Chief Paddock thanked the Council members, DCA SOLID, and Bureau staff for their time and adjourned the meeting.



**Agenda Item 5: Presentation of the Bureau's Draft
Outreach Plan and Update on Strategic
Plan Objectives 3.1 – 3.7**

Bureau of Household Goods and Services 2023 Outreach Plan

PURPOSE

During the Bureau of Household Goods and Services' (Bureau) 2022 strategic planning process, numerous internal and external stakeholders identified the need for consumers and licensees to become more aware of the Bureau's functions and how to navigate the industries it regulates. As a result of the strategic planning process, the Bureau established the following strategic goals regarding communication and education:

- 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.

The following plan is designed to meet these strategic objectives.

The plan is presented in the following sections:

- Generalized Outreach
- Industry Focused Outreach
- Education Focused Outreach
- State Agency Outreach
- Licensing Outreach
- Enforcement Outreach
- Social Media Outreach

GENERALIZED OUTREACH

- Attend multiple county fair events.
Staff Responsible: Special Investigators and their supervisors. Special Investigator Chase will provide logistical support to the team for County Fair activities.
- Join the Contractors State License Board at Senior Scam Stopper Events throughout California.
Staff Responsible: Special Investigators and their supervisors.

2022 Staff Training: In preparation for these events, the Special Investigators will receive cross training from the Licensing Unit on common application questions and concerns in each program. They will also walk through preparing an application for each program area so they understand what information must be collected and gain a sense of the process from the applicant's perspective.

INDUSTRY FOCUSED OUTREACH

- Electronic repair, appliance repair, and service contracts
 - Contact and discuss meeting and outreach opportunities with the United Appliance Servicers Association.
Staff Responsible: Chief
- Home furnishings and thermal insulation
 - Attend and speak at the International Association of Bedding and Furniture Law Officials annual meeting (April 2023).
Staff Responsible: Laboratory Unit
 - Contact and discuss meeting and outreach opportunities with the Home Furnishings Association.
Staff Responsible: Chief
 - Contact and discuss meeting and outreach opportunities with American Home Furnishing Alliance.
Staff Responsible: Chief
 - Attend and speak at the quarterly Green Science Policy Institute TB-117-2013 Information Exchanges.
Staff responsible: Chief
- Household movers
 - Release a consumer-focused moving advice video (~ 8-minute video on selecting a company and what to do in certain situations) (April 2023)
Staff Responsible: Policy Unit in coordination with the Department's Public Affairs staff.
 - May 2023 National Moving Month Event (Early May)
Staff Responsible: Chief in coordination with the Department's Public Affairs staff.

- Attend and speak at the California Moving and Storage Association's 105th Annual Convention May 16-21, 2023.
Staff Responsible: Chief
- Contact and discuss meeting and outreach opportunities with Moving and Storage Conference of the American Trucking Association.
Staff Responsible: Chief

EDUCATION FOCUSED OUTREACH

- Visit and speak with faculty and discuss opportunities to speak with students and recent graduates from:
 - Los Medanos College – Department of Electrical & Instrumentation Technology
Staff Responsible: Chief
 - Palomar College – Case Furniture Construction/Manufacturing
Staff Responsible: Chief
- Attend the California Community College Association for Occupational Education Fall 2023 Conference
Staff Responsible: Chief

STATE AGENCY OUTREACH

- Meet with California Highway Patrol staff on:
 - Updates to the California Vehicle Code to minimize stops of movers with valid Bureau permits.
 - Exploring potential to examine movers at weigh stations to inspect for valid permits and/or cite for unlicensed activity.
Staff Responsible: Chief and Policy Unit
- Meet with Division of Apprenticeship Standards staff to explore funding opportunities for employers to bring on new hires.
Staff Responsible: Chief and Policy Unit
- Continue coordination with the Department of Motor Vehicles and the Bureau of Automotive Repair to assess implementation of an ignition interlock device program.
Staff Responsible: Chief and Policy Unit

LICENSING OUTREACH

- Create videos on application processes, for each practice act. This will coincide with business modernization releases of each web-based application.
Staff Responsible: Licensing Unit Manager in coordination with the Bureau's business modernization team and the Department's Public Affairs staff.

ENFORCEMENT FOCUSED OUTREACH

- Create videos on how to select a business and, if the worst happens, how and when to file a consumer complaint (one set for each practice act).
- Develop FAQ consumer documents for each practice act
Staff Responsible: Chief and Policy Unit
- Continue to attend San Diego County's quarterly consumer fraud task force meetings.
Staff Responsible: Special Investigators
- Explore additional local meetings statewide.
Staff Responsible: Enforcement Managers
- Attend and speak at the California District Attorneys Association Fraud Symposium February 2023
Staff Responsible: Chief and Supervising Special Investigators

SOCIAL MEDIA OUTREACH

- Create and routinely post on Bureau Facebook and Twitter accounts
 - Content will include:
 - Application processing times
 - Delinquency status of large retail chains
 - Enforcement actions, including quarterly citation data and other disciplinary actions.
 - Questions and answers for consumers, licensees and applicants through posting and private messages.
Staff Responsible: Licensing Unit

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.



Agenda Item 6a: Fiscal Update

**0325 - Bureau of Electronic Appliance Repair Fund Analysis of Fund Condition
(Dollars in Thousands)**

2022-23 Budget Act

	PY 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26
BEGINNING BALANCE	\$ 3,773	\$ 3,477	\$ 2,134	\$ 825	\$ -462
Prior Year Adjustment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 3,773	\$ 3,477	\$ 2,134	\$ 825	\$ -462
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 109	\$ 93	\$ 93	\$ 93	\$ 93
4127400 - Renewal fees	\$ 2,079	\$ 2,269	\$ 2,269	\$ 2,269	\$ 2,269
4129200 - Other regulatory fees	\$ 11	\$ 12	\$ 12	\$ 12	\$ 12
4129400 - Other regulatory licenses and permits	\$ 416	\$ 236	\$ 236	\$ 236	\$ 236
4163000 - Income from surplus money investments	\$ 15	\$ 0	\$ 12	\$ 0	\$ 0
4171400 - Escheat of unclaimed checks and warrants	\$ 4	\$ 4	\$ 4	\$ 4	\$ 4
Totals, Revenues	\$ 2,634	\$ 2,614	\$ 2,626	\$ 2,614	\$ 2,614
Totals, Transfers and Other Adjustments	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 2,634	\$ 2,614	\$ 2,626	\$ 2,614	\$ 2,614
TOTAL RESOURCES	\$ 6,407	\$ 6,091	\$ 4,760	\$ 3,439	\$ 2,152
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 2,564	\$ 3,722	\$ 3,302	\$ 3,401	\$ 3,503
Chapter 16, Statutes of 2020 (AB 84)	\$ 133	\$ 0	\$ 0	\$ 0	\$ 0
Anticipated BIZMOD Costs	\$ 0	\$ 0	\$ 398	\$ 265	\$ 265
9892 Supplemental Pension Payments (State Operations)	\$ 46	\$ 46	\$ 46	\$ 46	\$ 46
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 187	\$ 189	\$ 189	\$ 189	\$ 189
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 2,930	\$ 3,957	\$ 3,935	\$ 3,901	\$ 4,003
FUND BALANCE					
Reserve for economic uncertainties	\$ 3,477	\$ 2,134	\$ 825	\$ -462	\$ -1,852
Months in Reserve	10.5	6.5	2.5	-1.4	-5.6

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Assume anticipated BIZMOD maintenance costs in BY+1 ongoing

**0752 - Home Furnishings and Thermal Insulation Fund Analysis of Fund Condition
(Dollars in Thousands)**

2022-23 Budget Act

	PY 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26
BEGINNING BALANCE	\$ 6,058	\$ 6,647	\$ 5,463	\$ 4,253	\$ 2,894
Prior Year Adjustment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 6,058	\$ 6,647	\$ 5,463	\$ 4,253	\$ 2,894
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 239	\$ 140	\$ 140	\$ 140	\$ 140
4127400 - Renewal fees	\$ 4,337	\$ 3,905	\$ 3,905	\$ 3,905	\$ 3,905
4129200 - Other regulatory fees	\$ 115	\$ 99	\$ 99	\$ 99	\$ 99
4129400 - Other regulatory licenses and permits	\$ 937	\$ 971	\$ 971	\$ 971	\$ 971
4163000 - Income from surplus money investments	\$ 26	\$ 45	\$ 63	\$ 43	\$ 20
4171400 - Escheat of unclaimed checks and warrants	\$ 18	\$ 15	\$ 15	\$ 15	\$ 15
4172500 - Miscellaneous revenues	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1
4173000 - Penalty Assessments(4171500 - Escheat - Unclaimed Property)	\$ 0	\$ 7	\$ 7	\$ 7	\$ 7
Totals, Revenues	\$ 5,672	\$ 5,183	\$ 5,201	\$ 5,181	\$ 5,158
Totals, Transfers and Other Adjustments	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 5,672	\$ 5,183	\$ 5,201	\$ 5,181	\$ 5,158
TOTAL RESOURCES	\$ 11,730	\$ 11,830	\$ 10,664	\$ 9,434	\$ 8,052
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,395	\$ 5,895	\$ 5,806	\$ 5,980	\$ 6,160
Chapter 16, Statutes of 2020 (AB 84)	\$ 228	\$ 0	\$ 0	\$ 0	\$ 0
Anticipated BIZMOD Costs	\$ 0	\$ 0	\$ 133	\$ 88	\$ 88
9892 Supplemental Pension Payments (State Operations)	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 349	\$ 361	\$ 361	\$ 361	\$ 361
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 5,083	\$ 6,367	\$ 6,411	\$ 6,540	\$ 6,720
FUND BALANCE					
Reserve for economic uncertainties	\$ 6,647	\$ 5,463	\$ 4,253	\$ 2,894	\$ 1,332
Months in Reserve	12.5	10.2	7.8	5.2	2.4

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Assume anticipated BIZMOD maintenance costs in BY+1 ongoing

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

2022-23 Budget Act

	PY 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25	BY +2 2025-26
BEGINNING BALANCE	\$ 5,062	\$ 7,077	\$ 7,054	\$ 7,162	\$ 7,460
Prior Year Adjustment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 5,062	\$ 7,077	\$ 7,054	\$ 7,162	\$ 7,460
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 128	\$ 131	\$ 131	\$ 131	\$ 131
4127400 - Renewal fees	\$ 3,932	\$ 3,435	\$ 3,435	\$ 3,435	\$ 3,435
4129200 - Other regulatory fees	\$ 75	\$ 74	\$ 74	\$ 74	\$ 74
4129400 - Other regulatory licenses and permits	\$ 87	\$ 103	\$ 103	\$ 103	\$ 103
4163000 - Income from surplus money investments	\$ 0	\$ 116	\$ 106	\$ 110	\$ 113
4171400 - Escheat of unclaimed checks and warrants	\$ 2	\$ 0	\$ 0	\$ 0	\$ 0
4173000 - Penalty Assessments	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 4,224	\$ 3,860	\$ 3,850	\$ 3,854	\$ 3,857
Revenue Transfer from Household Mover's Fund (3315) to Motor Carriers Safety Improvement Fund (0293) per Public Utilities Code Section 5003.1	\$ -21	\$ -21	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -21	\$ -21	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 4,203	\$ 3,839	\$ 3,850	\$ 3,854	\$ 3,857
TOTAL RESOURCES	\$ 9,265	\$ 10,916	\$ 10,904	\$ 11,016	\$ 11,317
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,808	\$ 3,651	\$ 2,735	\$ 2,817	\$ 2,901
Chapter 16, Statutes of 2020 (AB 84)	\$ 100	\$ 0	\$ 0	\$ 0	\$ 0
Anticipated BIZMOD Costs	\$ 0	\$ 0	\$ 796	\$ 529	\$ 529
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 280	\$ 211	\$ 211	\$ 211	\$ 211
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 2,188	\$ 3,862	\$ 3,742	\$ 3,557	\$ 3,641
FUND BALANCE					
Reserve for economic uncertainties	\$ 7,077	\$ 7,054	\$ 7,162	\$ 7,460	\$ 7,675
Months in Reserve	22.0	22.6	24.2	24.6	25.3

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Assume anticipated BIZMOD maintenance costs in BY+1 ongoing.



Agenda Item 6b: Administrative Update and Update on Strategic Plan Objectives 5.1 – 5.5

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.



Agenda Item 6c: Licensing Statistical Overview and Update on Strategic Plan Objectives 1.1 – 1.4

LICENSING STATISTICS

Electronic and Appliance Repair Registrations					
Quarter Ending	9/30/21	12/31/21	3/31/22	6/30/22	Average
Appliance Service Dealers	2,551	2,548	2,552	2,539	2,548
Electronic Service Dealers	3,681	3,448	3,403	3,377	3,477
Combination Electronic/ Appliance Service Dealers	282	295	264	258	275
Service Contract Administrators	64	68	69	69	68
Service Contract Sellers	10,371	10,561	11,545	11,703	12,605
Total Active EAR Registrations	16,949	16,920	17,833	24,186	18,972

Home Furnishings and Thermal Insulations Licenses					
Quarter Ending	9/30/21	12/31/21	3/31/22	6/30/22	Average
Furniture Retailers	2,018	2,011	1,884	1,925	1,960
Bedding Retailers	2,140	2,160	1,795	1,846	1,985
Furniture and Bedding Retailers	10,829	10,965	10,262	10,334	10,598
Custom Upholsterers	442	453	459	454	452
Supply Dealers	87	91	92	92	91
Importers (includes overseas Manufacturers)	5,729	5,873	5,854	5,879	5,834
Manufacturers	1,325	1,340	1,332	1,333	1,333
Sanitizers	24	24	24	32	26
Wholesalers	166	160	159	155	160
Thermal Insulation Manufacturers	100	100	101	98	100
Total Active HFTI Licenses	22,860	23,177	21,962	22,148	22,537

Household Movers Permits					
Quarter Ending	9/30/21	12/31/21	3/31/22	6/30/22	Average
HMM Permits	1,084	1,090	1,099	1,097	1,093
New Permits Issued	40	37	35	45	39
Exams Administered	51	44	34	44	43
Exam Pass Rate	82%	93%	97%	89%	90%

Household Movers Quarterly Revenue Report					
Quarter Ending	9/30/21	12/31/21	3/31/22	6/30/22	Average
Number of Permits	1,135	1,115	982	1,116	1,087
Gross Revenue	\$1,201,501	\$970,100	\$786,103	\$868,678	\$956,595
Administrative Fees	\$11,350	\$11,150	\$9,820	\$11,160	\$10,870
CHP Fees	\$5,675	\$5,575	\$4,910	\$5,580	\$5,435
Net Revenue	\$1,184,476	\$953,375	\$771,373	\$851,938	\$969,741
Net Revenue Including Admin Fees	\$1,195,826	\$964,525	\$781,193	\$863,098	\$980,515

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.



Agenda Item 6d: Laboratory Statistical Overview



LABORATORY STATISTICS

Samples Collected / Tests Conducted					
Test Type	Quarter Ending				Quarterly Average
TB 117-2013	9/30/21	12/31/21	3/31/22	6/30/22	
Received	16	10	16	14	14
Pass	23	16	16	4	15
Fail	0	1	1	1	1
16 CFR 1633					
Received	8	4	3	5	5
Pass	4	5	1	4	4
Fail	2	0	1	1	1
Thermal Insulation					
Received	0	0	0	0	0
Pass	2	4	0	4	3
Fail	0	5	0	2	2
Bedding*					
Received	6	8	8	5	7
Pass	6	6	7	2	5
Fail	0	0	0	0	0
Test Totals					
Received	30	22	27	24	26
Pass	35	31	24	14	26
Fail	2	6	2	4	4

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

Label Reviews Conducted					
Review Type	Quarter Ending				Quarterly Average
Labeling**	9/30/21	12/31/21	3/31/22	6/30/22	
Pass	2	6	3	4	4
Minor	7	9	2	4	6
Moderate	22	12	20	4	14
Fail	4	1	1	0	2
Total Labels Reviewed	35	28	26	12	25

**Labeling results exclude thermal insulation products.

Flame Retardant Chemical Statement Analysis					
Standard	Quarter Ending				Quarterly Average
Label Checked As	9/30/21	12/31/21	3/31/22	6/30/22	
No Added FR Chemicals	16	10	16	13	14
Added FR Chemicals	0	0	0	0	0
No Box Checked	0	0	0	1	0



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

Manufacturing Locations of Test Failures					
Standard	Quarter Ending				Quarterly Average
	9/30/21	12/31/21	3/31/22	6/30/22	
TB 117-2013					
USA – CA	0	0	0	0	0
USA – Other States	0	0	0	0	0
Overseas	0	1	1	1	1
16 CFR 1633					
USA – CA	1	0	1	0	1
USA – Other States	1	0	0	1	1
Overseas	0	0	0	0	0
Thermal Insulation					
USA – CA	0	1	0	0	0
USA – Other States	0	4	0	2	2
Overseas	0	0	0	0	0
Bedding					
USA – CA	0	0	0	0	0
USA – Other States	0	0	0	0	0
Overseas	0	0	0	0	0
Label Review					
USA – CA	12	4	5	1	6
USA – Other States	1	1	2	3	2
Overseas	20	17	16	4	14
DTSC Flame Retardant Chemical Content Analysis					
USA – CA	0	0	0	0	0
USA – Other States	0	0	0	0	0
Overseas	0	0	1	0	0
Flame Retardant Document Review					
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 6e: Enforcement Statistical Overview and Update on Strategic Plan Objectives 2.1-2.5



ENFORCEMENT STATISTICAL OVERVIEW

Compliance Unit Update

Complaints Received					
Program	Quarter Ending				Quarterly Average
	9/30/21	12/31/21	3/31/22	6/30/22	
EAR					
Received	367	284	295	281	307
Closed w/out Investigation	227	186	196	172	195
Referred for Investigation	128	102	95	101	107
HFTI					
Received	219	131	156	146	163
Closed w/out Investigation	131	92	73	60	89
Referred for Investigation	85	38	83	81	72
HHM					
Received	140	153	137	216	162
Closed w/out Investigation	10	2	2	5	5
Referred for Investigation	130	151	135	211	157
Bureau Totals					
Received	726	568	588	643	631
Closed w/out Investigation	368	280	271	237	289
Referred for Investigation	343	291	313	393	335

Compliance Unit Investigations Conducted					
Program	Quarter Ending				Quarterly Average
	9/30/21	12/31/21	3/31/22	6/30/22	
EAR					
Received	81	76	56	88	75
Closed	87	52	29	61	57
HFTI					
Received	34	27	37	54	38
Closed	23	60	7	48	35
HHM					
Received	7	0	34	0	10
Closed	1	0	3	0	1
Compliance Unit Totals					
Received	122	103	127	142	124
Closed	111	112	39	109	93



Special Investigations Unit Update

Field Unit Investigations Conducted					
Program	Quarter Ending				Quarterly Average
	9/30/21	12/31/21	3/31/22	6/30/22	
EAR					
Received	49	41	50	23	41
Closed	54	28	38	25	36
HFTI					
Received	59	13	50	34	48
Closed	69	40	45	29	46
HHM					
Received	123	151	103	211	147
Closed	110	59	72	23	66
Field Unit Totals					
Received	231	205	203	268	227
Closed	233	127	155	77	148

Citations Assessed					
Program	Quarter Ending				Quarterly Average
	9/30/21	12/31/21	3/31/22	6/30/22	
EAR					
Citations Issued	37	85	56	39	54
Amount Issued	\$11,500	\$23,250	\$14,750	\$10,750	\$15,063
HFTI					
Citations Issued	126	32	71	71	75
Amount Issued	\$124,500	\$31,500	\$61,850	\$41,750	\$64,900
HHM					
Citations Issued	15	5	27	10	14
Amount Issued	\$24,500	\$9,000	\$41,000	\$24,000	\$24,625
Bureau Totals					
Citations Issued	178	122	154	120	144
Amount Issued	\$160,500	\$63,750	\$117,600	76,500	\$104,588

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.



Agenda Item 7a: AB 224 (Daly, 2021) – 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

Introduced by Assembly Member Daly

January 11, 2021

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

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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: 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 7b: AB 2912 (Berman, Chapter 464,
Statutes of 2022) – Consumer
Warranties

Assembly Bill No. 2912

CHAPTER 464

An act to amend Section 1793 of, and to add Section 1793.01 to, the Civil Code, relating to consumer warranties.

[Approved by Governor September 22, 2022. Filed with
Secretary of State September 22, 2022.]

legislative counsel's digest

AB 2912, Berman. Consumer warranties.

The Song-Beverly Consumer Warranty Act provides that every sale of consumer goods that are sold at retail in this state are accompanied by the manufacturer's and the seller's implied warranty that the goods are merchantable, unless disclaimed in a prescribed manner. Existing law does not limit the ability of a manufacturer, distributor, or retail seller to make an express warranty, except as specified.

This bill would require an express warranty made by a manufacturer, distributor, or retail seller to start no earlier than the date of delivery of the good.

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

SECTION 1. Section 1793 of the Civil Code is amended to read:

1793. Except as provided in Sections 1793.01 and 1793.02, nothing in this chapter shall affect the right of the manufacturer, distributor, or retailer to make express warranties with respect to consumer goods. However, a manufacturer, distributor, or retailer, in transacting a sale in which express warranties are given, may not limit, modify, or disclaim the implied warranties guaranteed by this chapter to the sale of consumer goods.

SEC. 2. Section 1793.01 is added to the Civil Code, to read:

1793.01. A manufacturer, distributor, or retail seller shall not make an express warranty with respect to a consumer good that commences earlier than the date of delivery of the good. This section does not limit an express warranty made before July 1, 2023.

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Agenda Item 7c: AB 2956 (Committee on Transportation,
Chapter 295, Statutes of 2022) –
Transportation

Assembly Bill No. 2956

CHAPTER 295

An act to amend Section 2381 of the Streets and Highways Code, and to amend Sections 2400, 2800, 2810.1, 2813, 3008, 3069.1, 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.

[Approved by Governor September 13, 2022. Filed with
Secretary of State September 13, 2022.]

legislative counsel's digest

AB 2956, 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 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) The bill would delete other obsolete provisions of the Vehicle Code and make other technical changes.

(11) This bill would incorporate additional changes to Section 27150.2 of the Vehicle Code proposed by AB 2496 to be operative only if this bill and AB 2496 are enacted and this bill is enacted last.

(12) 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.

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

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

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

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

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

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

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

(1) The multicounty designated transportation planning agency shall consult with the county transportation commissions created pursuant to Sections 130050, 130050.1, and 132800 of the Public Utilities Code, the commission, and the department in the development of competitive selection criteria to be adopted by the multicounty designated transportation planning agency, which should include consideration of geographic equity, consistent with program objectives.

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

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

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

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

2400. (a) The commissioner shall administer Chapter 4 (commencing with Section 10850) of Division 4, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000) except Chapter 11 (commencing with Section 22950), Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14 (commencing with Section 31600), Division 14.1 (commencing with Section 32000), Division 14.5 (commencing with Section 33000), Division 14.7 (commencing with Section 34000), Division 14.8 (commencing with Section 34500), Division 15 (commencing with Section 35000), Division 16 (commencing with Section 36000) except Chapter 2 (commencing with Section 36100) and Chapter 3 (commencing with Section 36300), and Division 16.5 (commencing with Section 38000) except Chapter 2 (commencing with Section 38010).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) It is unlawful for a driver of a commercial vehicle subject to inspection under this code to fail to comply with any vehicle inspection testing and

associated procedures as required by an authorized member of the California Highway Patrol.

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

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

(b) It is a public offense, for which an officer may issue a citation, for a driver to unlawfully transport household goods in violation of the Household Movers Act. That public offense is punishable as prescribed in Article 8 (commencing with Section 19277) of Chapter 3.1 of Division 3 of the Business and Professions Code. It is an infraction to refuse to submit to an inspection as authorized by subdivision (a).

(c) A copy of the citation for any offense described in subdivision (b) shall be sent by the department that employs the traffic officer to the Chief of the Bureau of Household Goods and Services. A copy of a citation shall be removed from any record of the bureau upon a showing that the person was not convicted of the offense or that bail was not forfeited for that offense. A person for whom a copy of a citation has been sent to the bureau and is on file with the bureau may request the bureau for an administrative hearing on that matter.

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

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

SEC. 6. Section 3008 of the Vehicle Code is amended to read:

3008. All meetings of the board shall be open and public, and all persons shall be permitted to attend any meeting of the board, except that the board may hold executive sessions to deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 7. Section 3069.1 of the Vehicle Code is amended to read:

3069.1. Sections 3060 to 3065.4, inclusive, do not apply to a franchise authorizing a dealership, as defined in subdivision (d) of Section 3072.

SEC. 8. Section 11102.5 of the Vehicle Code is amended to read:

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

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

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

(3) Be 21 years of age or older.

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

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

SEC. 9. Section 11617 of the Vehicle Code is amended to read:

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

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

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

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

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

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

(6) The suspension, revocation, or cancellation of the seller's permit of the licensee by the California Department of Tax and Fee Administration pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

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

SEC. 10. Section 11721 of the Vehicle Code is amended to read:

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

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

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

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

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

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

(f) The suspension, revocation, or cancellation of the seller's permit of the licensee by the California Department of Tax and Fee Administration pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

SEC. 11. Section 12505 of the Vehicle Code is amended to read:

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, residency shall be determined as a person's state of domicile. "State of domicile" means the state where a person has their true, fixed, and permanent home and principal residence and to which the person has manifested the intention of returning whenever they are absent.

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

- (A) Address where registered to vote.
 - (B) Payment of resident tuition at a public institution of higher education.
 - (C) Filing a homeowner's property tax exemption.
 - (D) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.
- (2) California residency is required of a person in order to be issued a commercial driver's license under this code.
- (b) The presumption of residency in this state may be rebutted by satisfactory evidence that the licensee's primary residence is in another state.
- (c) A person entitled to an exemption under Section 12502, 12503, or 12504 may operate a motor vehicle in this state for not to exceed 10 days from the date the person establishes residence in this state, except that a person shall not operate a motor vehicle for employment in this state after establishing residency without first obtaining a license from the department.
- (d) If the State of California is decertified by the federal government and prohibited from issuing an initial, renewal, or upgraded commercial driver's license pursuant to Section 384.405 of Title 49 of the Code of Federal Regulations, the following applies:
- (1) An existing commercial driver's license issued pursuant to this code prior to the date that the state is notified of its decertification shall remain valid until its expiration date.
 - (2) A person who is a resident of this state may obtain a nondomiciled commercial learner's permit or commercial driver's license from any state that elects to issue a nondomiciled commercial learner's permit or commercial driver's license and that complies with the testing and licensing standards contained in subparts F, G, and H of Part 383 of Title 49 of the Code of Federal Regulations.
 - (3) For the purposes of this subdivision, a nondomiciled commercial learner's permit or commercial driver's license is a commercial learner's permit or commercial driver's license issued by a state to an individual domiciled in a foreign country or in another state.
- (e) The department may issue a nondomiciled commercial learner's permit or nondomiciled commercial driver's license to a person who is domiciled in a state or jurisdiction that has been decertified by the federal government or not determined to be in compliance with the testing and licensing standards contained in subparts F, G, and H of Part 383 of Title 49 of the Code of Federal Regulations.
- (f) Subject to Section 12504, a person over the age of 16 years who is a resident of a foreign jurisdiction other than a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada, having a valid driver's license issued to the person by any other foreign jurisdiction may operate a motor vehicle in this state without obtaining a license from the department, unless the department determines that the foreign jurisdiction does not meet the licensing standards imposed by this code.

(g) A person who is 18 years of age or older and in possession of a valid commercial learner's permit or commercial driver's license issued by a foreign jurisdiction that meets the licensing standards contained in subparts F, G, and H of Part 383 of Title 49 of the Code of Federal Regulations shall be granted reciprocity to operate vehicles of the appropriate class on the highways of this state.

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

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

SEC. 12. Section 12509 of the Vehicle Code is amended to read:

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

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

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

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

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

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

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

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

(d) Except as provided in Section 12814.6, a person, while having in their immediate possession a valid permit issued pursuant to paragraphs (1)

to (3), inclusive, of, and paragraph (5) of, subdivision (a), may operate a motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when accompanied by, and under the immediate supervision of, a California-licensed driver with a valid license of the appropriate class who is 18 years of age or over and whose driving privilege is not subject to probation. An accompanying licensed driver at all times shall occupy a position within the driver's compartment that would enable the accompanying licensed driver to assist the person in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of the vehicle.

(e) A person, while having in their immediate possession a valid permit issued pursuant to paragraph (4) of subdivision (a), may only operate a government-owned motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when taking driver training instruction administered by the California National Guard.

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

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

SEC. 13. Section 16020 of the Vehicle Code is amended to read:

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

(b) "Evidence of financial responsibility" means any of the following:

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

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

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

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

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

(d) For purposes of this section, "evidence of financial responsibility" also includes any of the following:

(1) The name of the insurance company and the number of an insurance policy or surety bond that was in effect at the time of the accident or at the time that evidence of financial responsibility is required to be provided

pursuant to Section 16028, if that information is contained in the vehicle registration records of the department.

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

(3) The identifying number issued to the household mover by the Bureau of Household Goods and Services and displayed on the motor vehicle in the manner specified by the bureau or an identifying number issued to the passenger stage carrier or transportation charter party carrier by the Public Utilities Commission and displayed on the motor vehicle in the manner specified by the commission.

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

SEC. 14. Section 16028 of the Vehicle Code is amended to read:

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

(b) If a notice to appear is issued for any alleged violation of this code, except a violation specified in Chapter 9 (commencing with Section 22500) of Division 11 or any local ordinance adopted pursuant to that chapter, the cited driver shall furnish written evidence of financial responsibility or may provide electronic verification of evidence of financial responsibility using a mobile electronic device upon request of the peace officer issuing the citation. The peace officer shall request and verify the driver's evidence of financial responsibility, as specified in Section 16020. If the driver fails to provide evidence of financial responsibility at the time the notice to appear is issued, the peace officer may issue the driver a notice to appear for violation of subdivision (a). The notice to appear for violation of subdivision (a) shall be written on the same citation form as the original violation.

(c) If a peace officer, or a regularly employed and salaried employee of a city or county who has been trained as a traffic collision investigator, is summoned to the scene of an accident described in Section 16000, the driver of a motor vehicle that is in any manner involved in the accident shall furnish written evidence of financial responsibility or may provide electronic verification of evidence of financial responsibility using a mobile electronic device upon the request of the peace officer or traffic collision investigator. If the driver fails to provide evidence of financial responsibility when requested, the peace officer may issue the driver a notice to appear for violation of subdivision (a). A traffic collision investigator may cause a

notice to appear to be issued for a violation of subdivision (a), upon review of that citation by a peace officer.

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

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

(e) A person issued a notice to appear for a violation of subdivision (a) may personally appear before the clerk of the court, as designated in the notice to appear, and provide written evidence of financial responsibility in a form consistent with Section 16020, showing that the driver was in compliance with that section at the time the notice to appear for violating subdivision (a) was issued. In lieu of the personal appearance, the person may submit by mail to the court written evidence of having had financial responsibility at the time the notice to appear was issued. Upon receipt by the clerk of that written evidence of financial responsibility in a form consistent with Section 16020, further proceedings on the notice to appear for the violation of subdivision (a) shall be dismissed.

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

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

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

SEC. 15. Section 16560 of the Vehicle Code is amended to read:

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

(b) Any person or corporation who operates or causes to be operated on the highways of this state any motor vehicle in the interstate or foreign transportation of household goods for compensation without having first complied with the requirements of Chapter 3.1 (commencing with Section 19225) of Division 8 of the Business and Professions Code or passengers for compensation without having first complied with the requirements of

Chapter 1 (commencing with Section 3901) of Division 2 of the Public Utilities Code is guilty of a misdemeanor, and is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than three months, or both that fine and imprisonment.

SEC. 16. Section 26710 of the Vehicle Code is amended to read:

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

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

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

SEC. 17. Section 27150.2 of the Vehicle Code is amended to read:

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

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

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

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

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

SEC. 17.5. Section 27150.2 of the Vehicle Code is amended to read:

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

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

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

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

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

(f) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 18. Section 27151 of the Vehicle Code is amended to read:

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

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

SEC. 19. Section 27903 of the Vehicle Code is amended to read:

27903. (a) Subject to Section 114765 of the Health and Safety Code, a vehicle transporting an explosive, blasting agent, flammable liquid, flammable solid, oxidizing material, corrosive, compressed gas, poison,

radioactive material, or other hazardous materials, of the type and in quantities that require the display of placards or markings on the vehicle exterior by the United States Department of Transportation pursuant to Parts 172, 173, and 177 of Title 49 of the Code of Federal Regulations shall display those placards and markings in the manner and under conditions prescribed by those regulations.

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

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

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

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

SEC. 20. Section 34501 of the Vehicle Code is amended to read:

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

The rules and regulations shall exempt local law enforcement agencies, within a single county, engaged in the transportation of inmates or prisoners when those agencies maintain other motor vehicle operations records which furnish hours of service information on drivers which are in substantial compliance with the rules and regulations. This exemption does not apply to any local law enforcement agency engaged in the transportation of inmates or prisoners outside the county in which the agency is located, if that agency would otherwise be required, by existing law, to maintain driving logs.

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

(3) The commissioner shall appoint a committee of 15 members, consisting of representatives of industry subject to the regulations to be adopted pursuant to this section, to act in an advisory capacity to the department, and the department shall cooperate and confer with the advisory

committee so appointed. The commissioner shall appoint a separate committee to advise the department on rules and regulations concerning wheelchair lifts for installation and use on buses, consisting of persons who use the wheelchair lifts, representatives of transit districts, representatives of designers or manufacturers of wheelchairs and wheelchair lifts, and representatives of the Department of Transportation.

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

(b) (1) The department, using the definitions adopted pursuant to Section 2402.7, shall 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. The regulations may include provisions governing the filling, marking, packing, labeling, and assembly of, and containers that may be used for, hazardous materials shipments, and the manner by which the shipper attests that the shipments are correctly identified and in proper condition for transport.

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

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

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

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

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

(ii) Storage and security is in compliance with the applicable provisions of “ATV Federal Explosives Laws and Regulations,” published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

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

(c) (1) At least once every 13 months, the department shall inspect every maintenance facility or terminal of any person who at any time operates

any bus. If the bus operation includes more than 100 buses, the inspection shall be without prior notice.

(2) This subdivision does not preclude the department from conducting inspections of tour bus operations with fewer than 100 buses without prior notice. To the extent possible, the department shall conduct inspections without prior notice of any tour bus operation, including tour bus operations that have a history of noncompliance with safety laws or regulations, that have received unsatisfactory ratings, or that have had buses ordered out of service for safety violations.

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

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

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

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

SEC. 21. Section 34501.19 is added to the Vehicle Code, to read:

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

SEC. 22. Section 34505.6 of the Vehicle Code is amended to read:

34505.6. (a) Upon determining that a motor carrier of property, as defined in Section 34601, either is subject to paragraph (1) or (2), or has been issued an out-of-service order for either an imminent hazard or an unsatisfactory or unfit rating by the United States Secretary of Transportation, the department shall recommend that the Department of Motor Vehicles suspend or revoke the carrier's motor carrier permit, or, for interstate operators, the department shall recommend to the Federal Motor Carrier Safety Administration that appropriate administrative action be taken against the carrier.

(1) The motor carrier of property has failed to maintain any vehicle of a type described above in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, and, in the department's opinion, that failure presents an imminent danger to public safety or

constitutes a consistent failure so as to justify a recommendation to the Department of Motor Vehicles.

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

(b) Upon determining that a household mover, or a household mover transporting used office, store, or institution furniture and fixtures under its household mover permit issued under Section 19241 of the Business and Professions Code, either is subject to paragraph (1) or (2), or has been issued an out-of-service order for either an imminent hazard or an unsatisfactory or unfit rating by the United States Secretary of Transportation, the department shall recommend that the Department of Consumer Affairs deny, suspend, or revoke the carrier's household mover permit, or, for interstate operators, the department shall recommend to the Federal Motor Carrier Safety Administration that appropriate administrative action be taken against the household mover.

(1) The motor carrier of property has failed to maintain any vehicle of the carrier in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, and, in the department's opinion, that failure presents an imminent danger to public safety or constitutes a consistent failure so as to justify a recommendation to the Department of Consumer Affairs.

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

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

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

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

(2) That the determination may result in a suspension, revocation, or denial of the carrier's motor carrier permit by the Department of Motor Vehicles, suspension, revocation, or denial of the carrier's household mover permit suspended, revoked, or denied, by the Department of Consumer Affairs, or administrative action by the Federal Motor Carrier Safety Administration.

(3) That the carrier may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. If a review pursuant to this paragraph is requested by the carrier,

the department shall conduct and evaluate that review prior to transmitting any notification pursuant to subdivision (a) or (b).

(e) Upon receipt of a written recommendation from the department that a motor carrier permit or household mover permit be suspended, revoked, or denied, the Department of Motor Vehicles or Department of Consumer Affairs, as appropriate, shall, pending a hearing in the matter pursuant to Section 34623 or appropriate Department of Consumer Affairs authority, suspend the motor carrier permit or household mover permit. The written recommendation shall specifically indicate compliance with subdivision (d).

SEC. 23. Section 34507.5 of the Vehicle Code is amended to read:

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

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

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

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

(1) Each vehicle set forth in Section 34500.

(2) A motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating.

(3) Any other motortruck or motor vehicle used to transport property for compensation.

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

(1) The name or trademark of the lessor are displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles.

(2) Any of the following numbers issued to the lessor are displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles:

(A) The carrier identification number issued by the United States Department of Transportation.

(B) A valid operating authority number.

(C) A valid motor carrier of property number.

(3) (A) A copy of the rental agreement entered into by the lessor and the vehicle operator is in the vehicle or combination of vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

(2) A vehicle that is regulated by, and that displays a valid operating authority number issued by, the Bureau of Household Goods and Services, including a household mover as defined in Section 19225.5 of the Business and Professions Code.

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

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

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

SEC. 24. Section 34601 of the Vehicle Code is amended to read:

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

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

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

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

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

(B) Vehicles identified in subdivision (g) of Section 34500, if the hazardous material transportation does not require the display of placards under Section 27903, a license under Section 32000.5, or a hazardous waste

transporter registration under Section 25163 of the Health and Safety Code, and the vehicle is not operated in commercial use.

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

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

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

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

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

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

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

SEC. 25. Section 34603 of the Vehicle Code is amended to read:

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

SEC. 26. Section 34622 of the Vehicle Code is amended to read:

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

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

(b) A household mover transporting used office, store, and institution furniture and fixtures under its household mover permit pursuant to Section 19241 of the Business and Professions Code.

SEC. 27. Section 17.5 of this bill incorporates amendments to Section 27150.2 of the Vehicle Code proposed by both this bill and Assembly Bill 2496. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 27150.2 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 2496, in which case Section 17 of this bill shall not become operative.

SEC. 28. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction,

or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Agenda Item 7d: SB 1443 (Roth, Chapter 625, Statutes of 2022) – The Department of Consumer Affairs

Senate Bill No. 1443

CHAPTER 625

An act to amend Sections 1601.1, 1616.5, 2092, 2456.1, 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, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 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, and 18602 of, and to add Section 7729.11 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefore.

[Approved by Governor September 27, 2022. Filed with
Secretary of State September 27, 2022.]

legislative counsel's digest

SB 1443, Roth. Professions and vocations.

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 specifies that all osteopathic physician's and surgeon's certificates shall expire at midnight on the last day of the birth month of the licensee during the 2nd year of a 2-year term. Existing law requires the

Osteopathic Medical Board of California to establish by regulation procedures for the administration of a birth date renewal program.

This bill, instead, would specify that physician's and surgeon's certificates shall be issued for 2 years and shall expire at midnight on the last day of the month in which the license was issued. The bill would also remove the provisions requiring the board to establish procedures for the administration of a birth date renewal program.

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, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel. Existing law authorizes the bureau to set the amount, within specified parameters, of various fees and regulatory charges under the act, including fees and charges relating to a certificate of authority, a crematory license, a funeral director's license, a funeral establishment's license, an embalmer's license, a cemetery broker's license, a cemetery salesperson's license, a cremated remains disposer, a crematory manager license, a cemetery manager license, a cemetery authority operating a cemetery, and a hydrolysis facility license.

This bill would remove the bureau's authority to set the amount of those fees and, instead, specify the amount of each fee. The bill would establish a delinquent renewal fee for a funeral establishment license. The bill would make other conforming changes.

Existing law authorizes a cemetery authority that maintains a cemetery to place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Existing law prohibits commingling special care funds derived from trusts created by a revocable agreement for investment and requires those funds to be accounted for separately from all other funds. Existing law requires a cemetery authority to file with the bureau an annual audit report of the endowment care fund and special care fund, as specified.

This bill would establish fees for filing an annual report on the endowment care fund and special care fund, as specified.

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 extend the operation of those provisions authorizing 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.

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.

This bill would make other technical and nonsubstantive changes, including updating cross-references.

This bill would incorporate additional changes to Section 7520.3 of the Business and Professions Code proposed by SB 1495 to be operative only if this bill and SB 1495 are enacted and this bill is enacted last.

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.

Appropriation: yes.

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

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

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

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

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

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

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

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

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

SEC. 3. Section 2092 of the Business and Professions Code is amended to read:

SB 1443 pages 5 – 39 intentionally omitted. To access a copy of the full bill text, please visit:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1443

discretion to inform the public of information that would be or is a public record regarding shorthand reporting corporations operating in this state.

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

SEC. 76. Section 8710 of the Business and Professions Code is amended to read:

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

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

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

SEC. 77. Section 9812.5 of the Business and Professions Code is amended to read:

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

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

SEC. 78. Section 9830.5 of the Business and Professions Code is amended to read:

9830.5. (a) Each service contractor shall pay the fee required by this chapter for each place of business operated by them in this state and shall register with the bureau upon forms prescribed by the director. The forms shall contain sufficient information to identify the service contractor, including name, address, retail seller's permit number, if a permit is required under the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), a copy of the certificate of qualification as filed with the Secretary of State if the service contractor is a foreign corporation, and other identifying data to be prescribed by the bureau. If the business is to be carried on under a fictitious name, that fictitious name shall be stated. If the service contractor is a partnership, identifying data shall be stated for each partner. If the service contractor is a private company that does not file an annual report on Form 10-K with the Securities and Exchange Commission, data shall be included for each

of the officers and directors of the company as well as for the individual in charge of each place of the service contractor's business in the State of California, subject to any regulations the director may adopt. If the service contractor is a publicly held corporation or a private company that files an annual report on Form 10-K with the Securities and Exchange Commission, it shall be sufficient for purposes of providing data for each of the officers and directors of the corporation or company to file with the director the most recent annual report on Form 10-K that is filed with the Securities and Exchange Commission.

(b) A service contractor who does not operate a place of business in this state but who sells, issues, or administers service contracts in this state, shall hold a valid registration issued by the bureau and shall pay the registration fee required by this chapter as if they had a place of business in this state.

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

SEC. 79. Section 9832.5 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

SEC. 80. Section 9847.5 of the Business and Professions Code is amended to read:

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

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

SEC. 81. Section 9849 of the Business and Professions Code, as amended by Section 12 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 82. Section 9849 of the Business and Professions Code, as amended by Section 13 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 83. Section 9851 of the Business and Professions Code, as amended by Section 14 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

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

SEC. 84. Section 9851 of the Business and Professions Code, as amended by Section 15 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

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

SEC. 85. Section 9853 of the Business and Professions Code, as amended by Section 16 of Chapter 578 of the Statutes of 2018, is amended to read:

9853. (a) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a service dealer or service contractor is deemed to

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

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

SEC. 86. Section 9853 of the Business and Professions Code, as amended by Section 17 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 87. Section 9855.9 of the Business and Professions Code is amended to read:

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

SEC. 88. Section 9860 of the Business and Professions Code, as amended by Section 22 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 89. Section 9860 of the Business and Professions Code, as amended by Section 23 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 90. Section 9862.5 of the Business and Professions Code is amended to read:

9862.5. (a) If a complaint indicates a possible violation of this chapter or of the regulations adopted pursuant to this chapter, the director may advise the service contractor of the contents of the complaint and, if the service contractor is so advised, the director shall make a summary investigation of the facts after the service contractor has had reasonable opportunity to reply thereto.

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

SEC. 91. Section 9863 of the Business and Professions Code, as amended by Section 25 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 92. Section 9863 of the Business and Professions Code, as amended by Section 26 of Chapter 578 of the Statutes of 2018, is amended to read:

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

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

SEC. 93. Section 9873 of the Business and Professions Code, as added by Section 3 of Chapter 29 of the Statutes of 2019, is amended to read:

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

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

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

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

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

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

(2) The annual renewal fee for a service dealer who engages in the business as both an electronic repair industry service dealer and an appliance repair industry service dealer is not more than four hundred dollars (\$400) for each place of business in this state.

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

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

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

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

SEC. 94. Section 9873 of the Business and Professions Code, as added by Section 4 of Chapter 29 of the Statutes of 2019, is amended to read:

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

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

(b) The annual registration renewal fee for an electronic repair industry service dealer or for an appliance repair industry service dealer is not more than two hundred five dollars (\$205) for each place of business in this state, if renewed prior to its expiration date. The annual renewal fee for a service

dealer who engages in the business as both an electronic repair industry service dealer and an appliance repair industry service dealer is not more than four hundred dollars (\$400).

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

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

SEC. 95. Section 18602 of the Business and Professions Code is amended to read:

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

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

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

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

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

(2) Financial management.

(3) Public safety.

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

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

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

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

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

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

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

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

SEC. 96. Section 22.5 of this bill incorporates amendments to Section 7520.3 of the Business and Professions Code proposed by both this bill and Senate Bill 1495. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 7520.3 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1495, in which case Section 22 of this bill shall not become operative.

SEC. 97. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Agenda Item 7h: Legislative and Policy Update on Strategic Plan Objectives 4.1 – 4.5

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.



Agenda Item 10: Confirm Future Meeting Dates for 2023

2023

January

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
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February

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March

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April

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September

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November

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December

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