

CONCURRENCE IN SENATE AMENDMENTS

AB 830 (Flora)

As Amended September 3, 2021

Majority vote

SUMMARY

Original Committee of Reference: B. & P.

Makes various technical changes and noncontroversial reforms to laws governing professions regulated by boards and bureaus under the Department of Consumer Affairs (DCA).

Senate Amendments

Current Committee Recommendation: Concur in Senate Amendments

- 1) Authorize a business entity organized as a general corporation to include in its name any or all of the following, as specified: a fictitious name, the name of one or more licensed architects, or the term "architect, the term "architecture," or other variations of the term "architect" or "architecture."
- 2) Define "a bona fide employee of the applicant" for licensure before the Contractors State Licensing Board to mean an employee who is permanently employed by the applicant, and "actively engaged" to mean working 32 hours per week, or 80% of the total hours per week that the applicant's business is in operation, whichever is less.
- 3) Include the email address for registrants as a process server or professional photocopier among the specified contact information that the certificate of registration is required to contain.
- 4) Make the failure of licensees under the Bureau for Security and Investigative Services (BSIS) who is also licensed to do business as a corporation in California to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau result in the automatic suspension of the licensee by operation of law.
- 5) Prohibit applicants who are a certified by the BSIS as firearms training instructor from self-certifying their own completion of these requirements or from self-certifying the requalification requirements for a firearms qualification card.
- 6) Require that a cemetery authority, its board of trustees, or its corporate trustee demonstrates sufficient knowledge and expertise in investing and managing an endowment care fund.
- 7) Include provisions to resolve potential chaptering conflicts.

COMMENTS

DCA Director Reporting Requirements. Existing law authorizes executive officers and bureau chiefs to be appointed to oversee boards and bureaus under the DCA. Committees of the Legislature frequently engage with these employees when discussing proposed changes to their respective Acts. Often, these positions will become vacant without notice being provided to the Legislature. While the Senate will eventually be informed if the position is subject to Senate

confirmation, not all committees receive timely information about all vacancies. This bill would require the Director of Consumer Affairs to notify the committees in the event that a position becomes vacant.

Alarm Company Act. This bill makes various changes to the Alarm Company Act intended to modernize and update its statutes. The bill would clarify that "alarm agents" only refers to those people conducting work physically in the state of California, which will resolve persistent confusion within the industry regarding who must register with the BSIS. Additional technical changes clarify that alarm agents can work on "ancillary" devices connected to and controlled by the alarm system, such as wireless video cameras, connected locks, carbon monoxide detectors, and supplementary smoke detectors. Additional updates to the definition of "alarm system" reflect that not all hazards detected require police response, such as carbon monoxide detection, smoke detection, doors left open, and leak detection.

This bill also requires that alarm companies and their employees use the online BreZE system to submit applications. Online applications have a lower percentage of applications returned for errors, are quicker to process, and facilitate contactless licensure. Currently, applications can be submitted online, or using paper applications. This bill would require all applications to be online by July 1, 2022.

Current law requires alarm license applicants to submit a picture that has been taken within one year with their application. Once received, the BSIS typically discards it, since it has no need for the picture, and it is not used by the bureau. This bill would remove the applicant photograph requirement.

The BSIS licenses firearms training instructors for the alarm industry. These instructors are required to take a training course that is also approved by the BSIS, but there is nothing in the law that says that they can't administer this training course to themselves, or simply self-certify that they have completed this training satisfactorily. This bill would require these firearms training instructors to become certified by another training instructor.

Currently, a license number is required to sign a contract in California with a customer. Alarm company employees are often given provisional licenses while their license applications are still being reviewed by the BSIS. This bill would provide applicants with a temporary application number that can be included on contracts while their application is being reviewed. The bill also requires the alarm company employee to carry a photo identification and their temporary application and specifies that this can be digital.

Real Estate Solicitations. Current law requires that realtors disclose their name, among other information, on all solicitation materials to consumers and on real property purchase agreements. However, in many cases, a real estate licensee changes their name legally (often upon entering into a marriage or partnership) but wishes to continue to use their prior surname professionally. This bill would allow that, as long as the DRE is made aware of both names.

Bureau of Security and Investigative Services. The BSIS issues licenses, registrations, certificates, and permits. There are currently over 433,000 BSIS licenses held by about 350,000 business and individuals serving in the areas of alarm companies, locks, private investigations, private security, repossession, and firearm and baton training facilities.

The BSIS regulates the following Acts:

- 1) Alarm Company Act
- 2) Locksmith Act
- 3) Private Investigator Act
- 4) Private Security Services Act
- 5) Proprietary Security Services Act
- 6) Collateral Recovery Act

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According to the Author

"This bill is an omnibus vehicle, authored by the Vice Chair of the Assembly Committee on Business and Professions and intended to enact minor, technical, or noncontroversial proposals relating to licensed professions and businesses within the committee's jurisdiction."

Arguments in Support

The *California Alarm Association* (CAA), supports [this bill] stating that "this measure includes several non-controversial changes to the Alarm Act. CAA worked closely with state regulators in developing and drafting these changes."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES**ASM BUSINESS AND PROFESSIONS: 19-0-0**

YES: Low, Flora, Arambula, Berman, Bloom, Chen, Chiu, Cunningham, Megan Dahle, Fong, Gipson, Grayson, Holden, Irwin, McCarty, Medina, Mullin, Salas, Ting

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Holden, Akilah Weber, Berman

ASSEMBLY FLOOR: 79-0-0

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

SENATE FLOOR: 38-0-2

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Eggman, Stern

ASM BUSINESS AND PROFESSIONS: 18-0-1

YES: Low, Flora, Berman, Bloom, Chen, Chiu, Cunningham, Megan Dahle, Fong, Gipson, Grayson, Holden, Irwin, McCarty, Medina, Salas, Ting, Akilah Weber

ABS, ABST OR NV: Mullin

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