

BUREAU OF HOUSEHOLD GOODS AND SERVICES
Advisory Council Meeting Materials Packet
Thursday, March 25, 2021 | 9:30 a.m.

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

**March 25, 2021 | Thursday | 9:30 am
Until the Completion of Business**

NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither Advisory Council member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

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/onstage/g.php?MTID=eb24be4fcf52a534e1f43c2cf7722bafa>

Event number: 187 595 5612
Event password: BHGS03252021

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto 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 two minutes unless, in the discretion of the Committee, 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: 187 595 5612

Advisory Council Members:

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

James Garelli, Industry
Chris Higdon, Industry
Stephen McDaniel, Industry
Heidi Sanborn, Public
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 on its website at www.ptbc.ca.gov. 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 accommodation or modification to participate in the meeting may make a request by contacting Melissa Del Duca via email Melissa.Del-Duca@dca.ca.gov or for the hearing impaired: TDD (800) 326-2297; or by sending a written request to the address indicated above. Please provide at least five working days' notice before the meeting to help ensure accommodations.

AGENDA

1. Welcome, Introductions, and Roll Call
2. Public Comment on Items Not on the Agenda
Please note that the Advisory Council may not discuss any matter raised during this public comment section that is not included on this agenda. (Government Code sections 11125, 11125.7(a).)

3. Update from Carrie Holmes, Deputy Director of Board and Bureau Relations, Department of Consumer Affairs
4. Operations Update
 - a. Bureau Operations Response to COVID Restrictions
 - b. Budget Update
 - c. Personnel Update
5. Legislative Update
 - a. AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: household movers
 - b. AB 652 (Friedman) – Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances
 - c. AB 646 (Low) – Department of Consumer Affairs: boards: expunged convictions
 - d. AB 885 (Quirk) – Bagley-Keene Open Meeting Act: teleconferencing
 - e. AB 1026 (Smith) – Business licenses: veterans
 - f. AB 1221 (Flora) – Consumer warranties: service contracts: cancellation: disclosures
 - g. AB 1386 (Cunningham) – License fees: military partners and spouses
 - h. SB 586 (Bradford) – Criminal fees
 - i. SB 772 (Ochoa Bogh) – Professions and vocations: citations: minor violations
6. Statistical Overview
 - a. Laboratory Testing
 - b. Licensing
 - c. Consumer Complaints
 - d. Enforcement and Investigations
7. Technical Bulletin 117-2013 Adopted as the New National Flammability Standard for Upholstered Furniture under H.R. 133 – “COVID–19 Regulatory Relief and Work From Home Safety Act”
8. Division of Household Movers Memorandum of Agreement with the Federal Motor Carrier Safety Administration
9. Review and Discuss Future Meeting Dates
10. Adjournment

HOW TO – Join – DCA WebEx Event

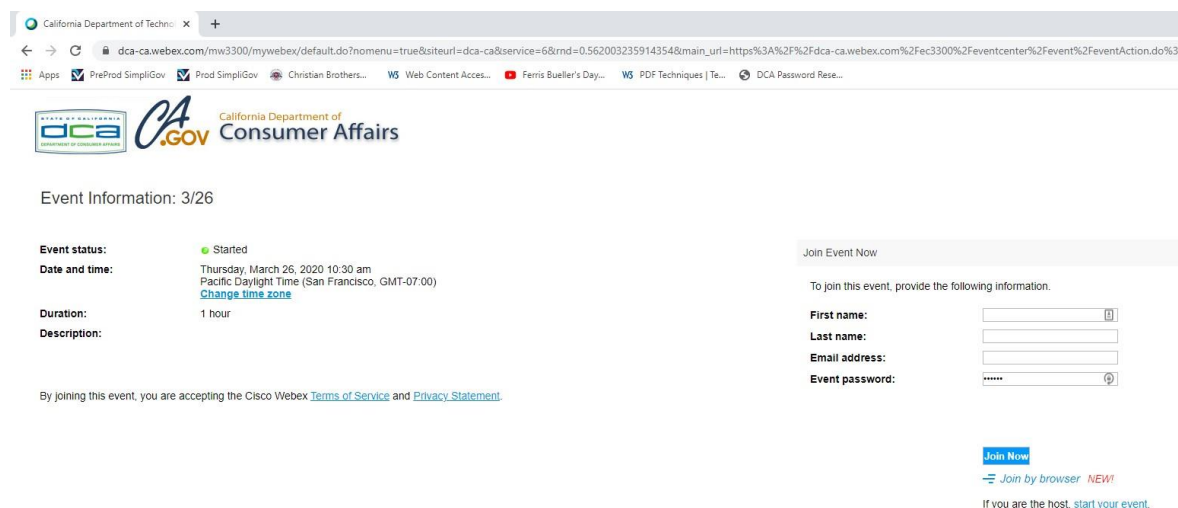
The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

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:

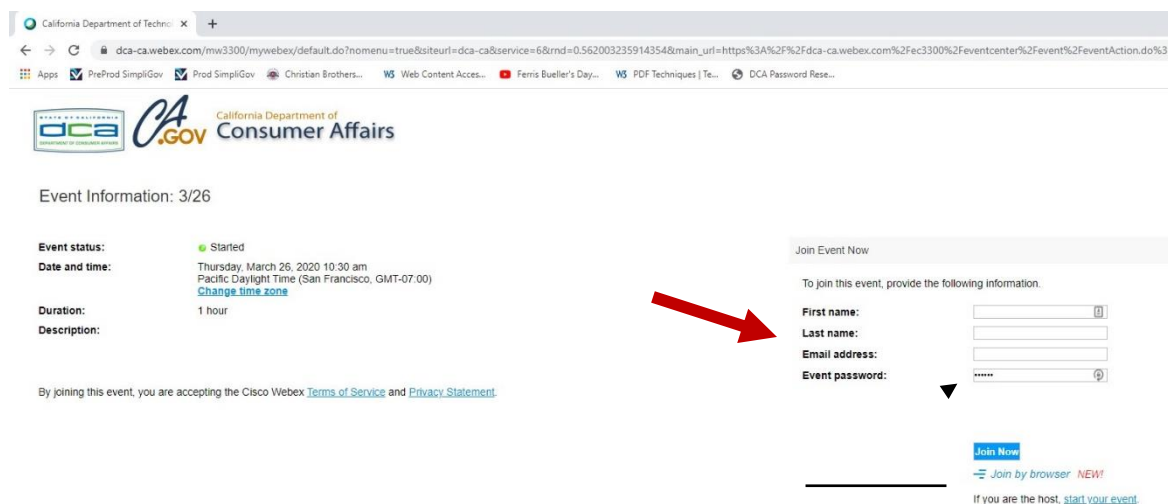
<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



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.

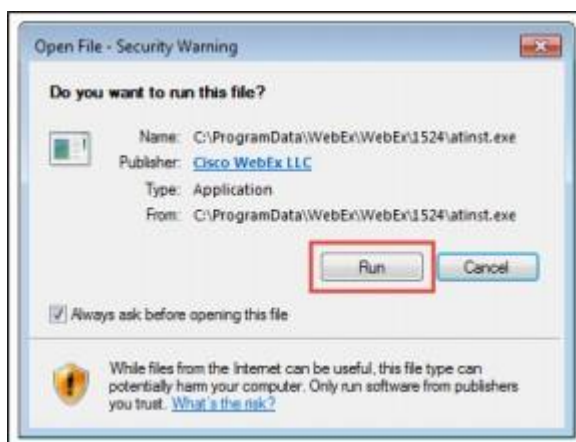
HOW TO – Join – DCA WebEx Event



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.

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.

Starting Webex...



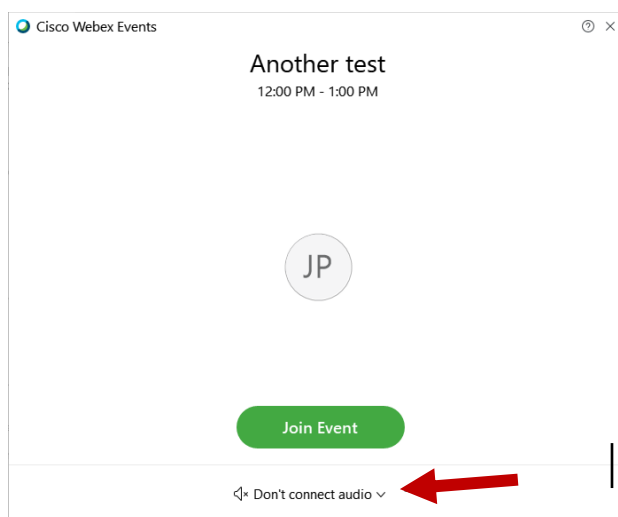
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



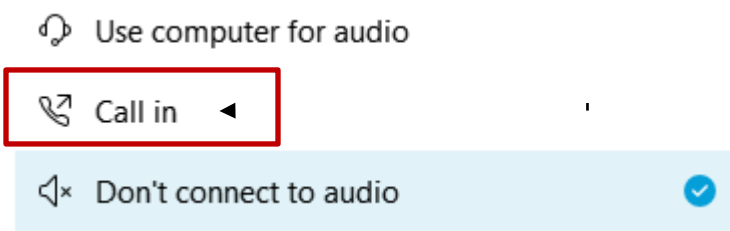
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

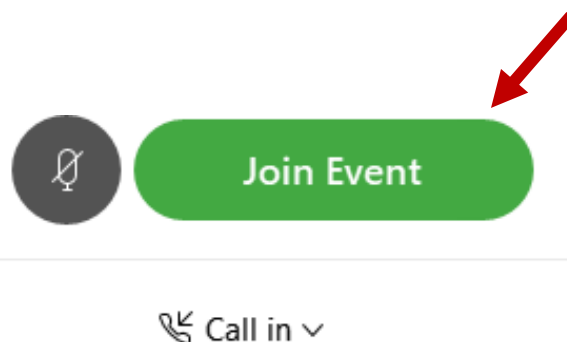


8. When the audio menu appears click 'Call in'.

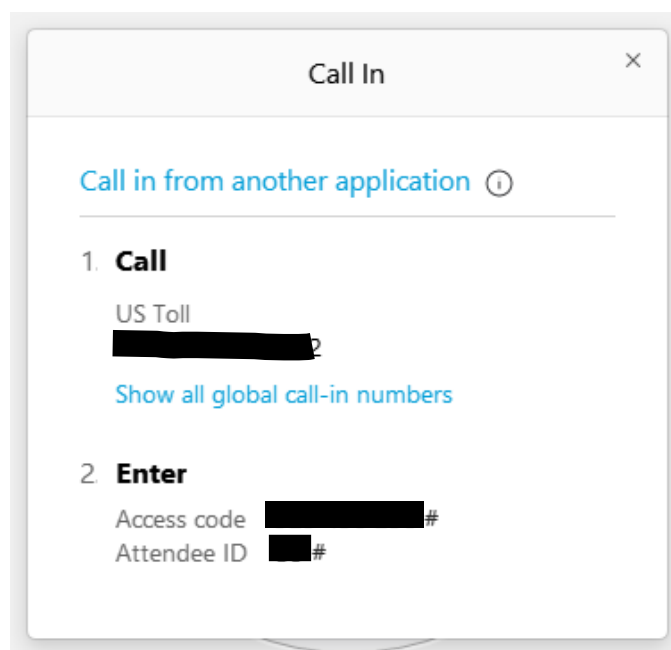
HOW TO – Join – DCA WebEx Event



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



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

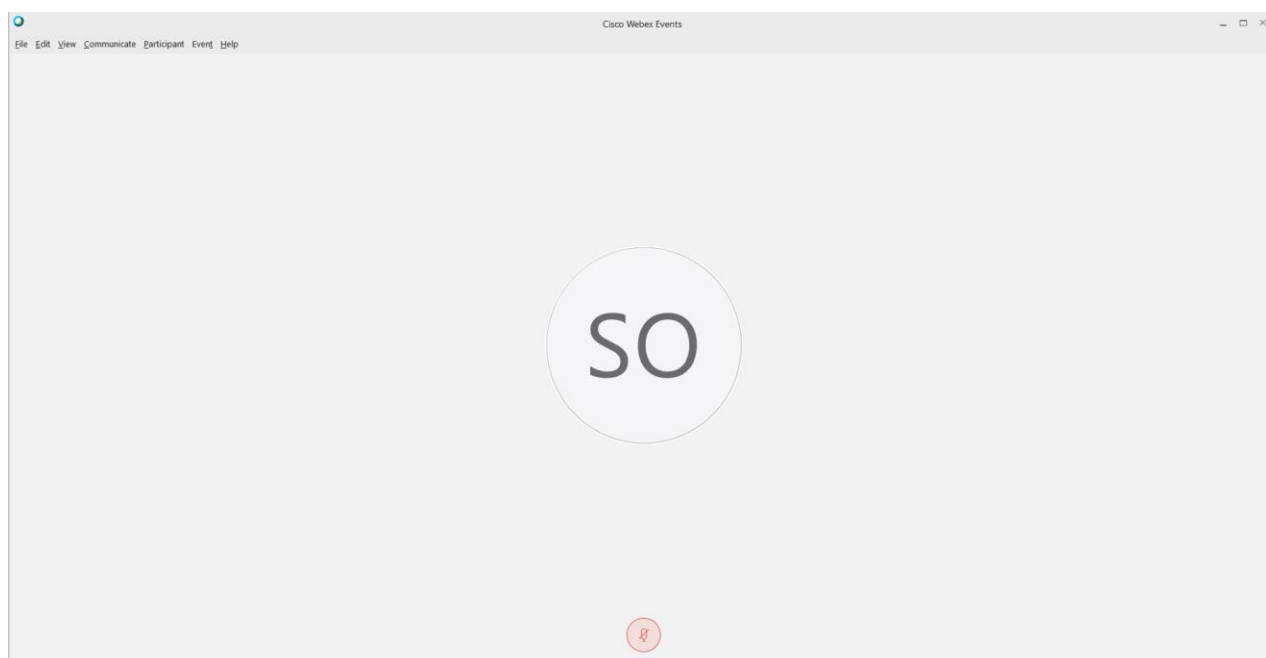


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

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.

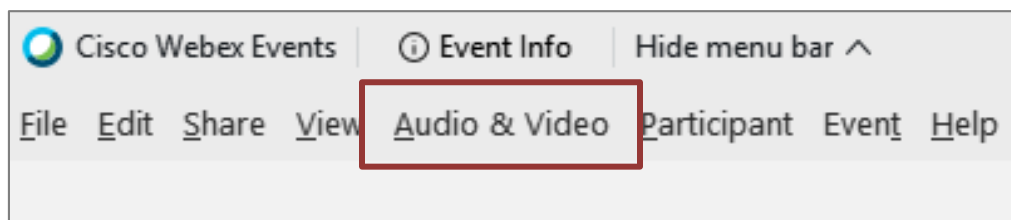
Congratulations!



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

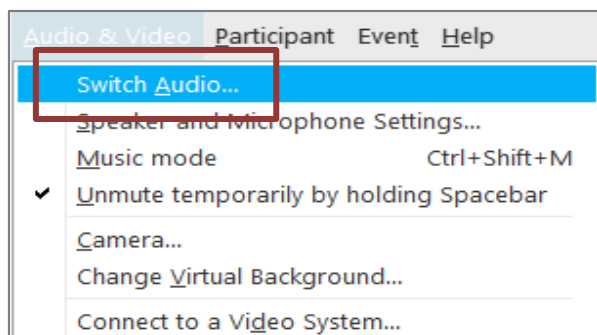
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

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

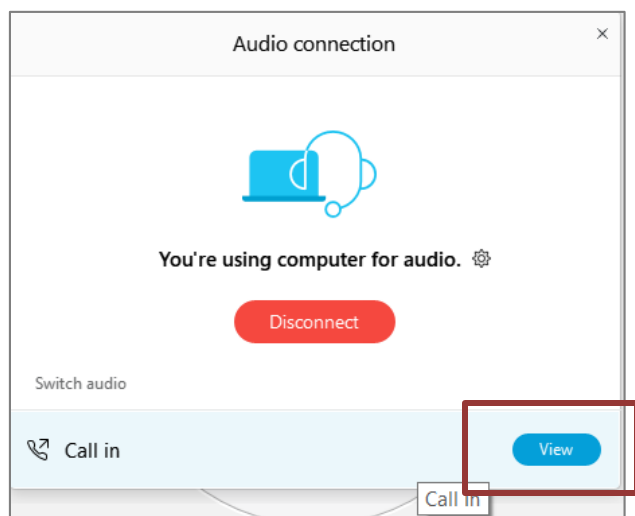


HOW TO – Join – DCA WebEx Event

2. Select “Switch Audio” from the drop-down menu.



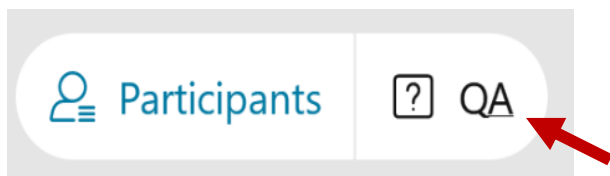
3. The 'Call In' information can be displayed by selecting 'View'



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

Participating During a Public Comment Period

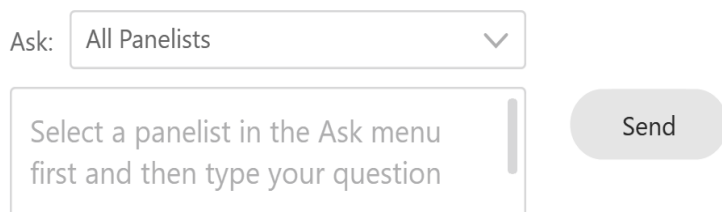
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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.

To request time to speak 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'.



Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present 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 4b: Budget Update

Electronic and Appliance Repair
(Dollars in Thousands) Fund Condition based on FM07

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 2,962	\$ 4,072	\$ 3,939	\$ 4,397	\$ 4,044
Prior Year Adjustment	\$ 783	\$ -26	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,745	\$ 4,046	\$ 3,939	\$ 4,397	\$ 4,044
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 24	\$ 8	\$ 4	\$ 21	\$ 21
4129400 - Other regulatory licenses and permits	\$ 258	\$ 191	\$ 250	\$ 226	\$ 226
4127400 - Renewal fees	\$ 2,585	\$ 2,384	\$ 3,011	\$ 2,506	\$ 2,506
4121200 - Delinquent fees	\$ 107	\$ 78	\$ 75	\$ 93	\$ 93
4163000 - Income from surplus money investments	\$ 85	\$ 80	\$ 23	\$ 82	\$ 41
4171400 - Escheat of unclaimed checks and warrants	\$ 17	\$ 5	\$ 16	\$ 5	\$ 5
4172500 - Miscellaneous revenues	\$ -	\$ 1	\$ 2	\$ -	\$ -
Totals, Revenues	\$ 3,076	\$ 2,747	\$ 3,381	\$ 2,933	\$ 2,892
General Fund Transfers and Other Adjustments	\$ -	\$ -	\$ -208	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,076	\$ 2,747	\$ 3,173	\$ 2,933	\$ 2,892
TOTAL RESOURCES	\$6,821	\$6,793	\$7,112	\$7,330	\$6,936

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 2,594	\$ 2,659	\$ 2,539	\$ 3,053	\$ 3,145
9892 Supplemental Pension Payments (State Operations)	\$ 21	\$ 46	\$ 46	\$ 46	\$ 46
9900 Statewide Pro Rata	\$ 135	\$ 149	\$ 130	\$ 187	\$ 179
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 2,750	\$ 2,854	\$ 2,715	\$ 3,286	\$ 3,370
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,071	\$ 3,939	\$ 4,397	\$ 4,044	\$ 3,566
Months in Reserve	17.1	17.4	16.1	14.4	12.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenue and expenditures are projections.

Home Furnishings and Thermal Insulation
(Dollars in Thousands) Fund Condition based on FM07

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 2,837	\$ 4,331	\$ 5,213	\$ 6,459	\$ 5,464
Prior Year Adjustment	\$ 884	\$ 93	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,721	\$ 4,424	\$ 5,213	\$ 6,459	\$ 5,464
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 122	\$ 110	\$ 135	\$ 113	\$ 112
4129400 - Other regulatory licenses and permits	\$ 1,028	\$ 884	\$ 1,783	\$ 919	\$ 995
4127400 - Renewal fees	\$ 3,836	\$ 3,973	\$ 3,640	\$ 3,939	\$ 3,988
4121200 - Delinquent fees	\$ 124	\$ 121	\$ 147	\$ 121	\$ 111
4171100 - Cost Recoveries - Other	\$ -	\$ 23	\$ -	\$ -	\$ -
4163000 - Income from surplus money investments	\$ 98	\$ 89	\$ 33	\$ 84	\$ 14
4171500 - Escheat - Unclaimed Property	\$ -	\$ -	\$ -	\$ 7	\$ 7
4171400 - Escheat of unclaimed checks and warrants	\$ 16	\$ 17	\$ 15	\$ 17	\$ 10
4172500 - Miscellaneous revenues	\$ -	\$ -	\$ 2	\$ 1	\$ 1
Totals, Revenues	\$ 5,224	\$ 5,217	\$ 5,755	\$ 5,201	\$ 5,238
General Fund Transfers and Other Adjustments	\$ -	\$ -	\$ -321	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 5,224	\$ 5,217	\$ 5,434	\$ 5,201	\$ 5,238

EXPENDITURES AND EXPENDITURE ADJUSTMENTS	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 4,363	\$ 4,027	\$ 3,818	\$ 5,736	\$ 5,908
8880 Financial Information System for California (State Operations)	\$ 1	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 50	\$ 111	\$ 111	\$ 111	\$ 111
9900 Statewide Pro Rata	\$ 201	\$ 291	\$ 259	\$ 349	\$ 349
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 4,615	\$ 4,428	\$ 4,188	\$ 6,196	\$ 6,368
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,330	\$ 5,213	\$ 6,459	\$ 5,464	\$ 4,334
Months in Reserve	11.7	14.9	12.5	10.3	8.2

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenue and expenditures are projections.

Household Movers Fund
(Dollars in Thousands) Fund Condition based on FM07

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ -	\$ 2,414	\$ 3,316	\$ 4,562	\$ 5,423
Prior Year Adjustment	\$ -	\$ -79	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ -	\$ 2,335	\$ 3,316	\$ 4,562	\$ 5,423
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 54	\$ 65	\$ 70	\$ 67	\$ 53
4129400 - Other regulatory licenses and permits	\$ 70	\$ 108	\$ 91	\$ 111	\$ 90
4127400 - Renewal fees	\$ 2,080	\$ 2,719	\$ 3,170	\$ 2,774	\$ 2,052
4121200 - Delinquent fees	\$ 40	\$ 90	\$ 110	\$ 91	\$ 41
4171400 - Canceled Warrants Revenue	\$ -	\$ -	\$ 2	\$ -	\$ -
4142500 - Miscellaneous services to the public	\$ 1	\$ -	\$ 1	\$ -	\$ -
4163000 - Income from surplus money investments	\$ -	\$ -	\$ -	\$ 40	\$ 26
4173000 - Penalty Assessments - Other	\$ -	\$ -	\$ -	\$ 2	\$ 2
4173500 - Settlements and Judgments - Other	\$ -	\$ -	\$ 1	\$ -	\$ -
Totals, Revenues	\$ 2,245	\$ 2,982	\$ 3,445	\$ 3,085	\$ 2,264
General Fund Transfers and Other Adjustments	\$ 1,308	\$ -30	\$ -150	\$ -21	\$ -21
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,553	\$ 2,952	\$ 3,295	\$ 3,064	\$ 2,243
TOTAL RESOURCES	\$ 3,553	\$ 5,287	\$ 6,611	\$ 7,626	\$ 7,666

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 1,139	\$ 1,971	\$ 1,767	\$ 1,923	\$ 1,981
9900 Statewide Pro Rata	\$ -	\$ -	\$ 282	\$ 280	\$ 280
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 1,139	\$ 1,971	\$ 2,049	\$ 2,203	\$ 2,261
FUND BALANCE					
Reserve for economic uncertainties	\$ 2,414	\$ 3,316	\$ 4,562	\$ 5,423	\$ 5,405
Months in Reserve	14.7	19.4	24.8	28.8	28.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.

Agenda Item 5a: AB 224 (Daly) – Department of Consumer Affairs: Bureau of Household Goods and Services: household movers

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.

LEGISLATIVE COUNSEL'S DIGEST

AB 224, as introduced, 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 provides transportation of household goods in containers or trailers where the household goods are entirely loaded and unloaded by an individual other than an employee or agent of the motor carrier and a broker that 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.

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

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

- 1 SECTION 1. Section 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
 25 be considered a household mover. The Legislature intends
 26 “household mover” to have the same meaning as “household goods
 27 carrier” in former Section 5109 of the Public Utilities Code, as
 28 that section read on June 30, 2018.
 29 *(2) “Household mover” does not include either of the following:*
 30 *(A) A motor carrier, as that term is defined in Section 13102 of*
 31 *Title 49 of the United States Code, that provides transportation of*
 32 *household goods in containers or trailers where the household*
 33 *goods are entirely loaded and unloaded by an individual other*
 34 *than an employee or agent of the motor carrier.*

1 *(B) A broker that utilizes the services of a motor carrier*
2 *described in subparagraph (A) and does not otherwise advertise,*
3 *solicit, offer, or arrange for the full service moving of used*
4 *household goods by motor carrier for compensation.*

5 (i) "Inspector" refers to an inspector either employed by, or
6 under contract to, the bureau.

7 (j) "Motor vehicle" means every motor truck, tractor, or other
8 self-propelled vehicle used for transportation of property over the
9 public highways, other than upon fixed rails or tracks, and any
10 trailer, semitrailer, dolly, or other vehicle drawn thereby.

11 (k) "Owner," with respect to a motor vehicle used in the
12 transportation of property for compensation by a household mover,
13 means the corporation or person who is registered with the
14 Department of Motor Vehicles as the owner of the vehicle, or who
15 has a legal right to possession of the vehicle pursuant to a lease or
16 rental agreement.

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

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

Agenda Item 5b: AB 652 (Friedman) – Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances

ASSEMBLY BILL

No. 652

Introduced by Assembly Member Friedman

February 12, 2021

An act to add Chapter 12.5 (commencing with Section 108945) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 652, as introduced, Friedman. Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.

Existing law prohibits a person from manufacturing, selling, or distributing in commerce any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children three years of age or younger. Existing law prohibits a person or entity from manufacturing, selling, or distributing in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate, dibutyl phthalate, or benzyl butyl phthalate, in concentrations exceeding 0.1%. Existing law prohibits a person from manufacturing, selling, or exchanging, having in their possession with intent to sell or exchange, or exposing or offering for sale or exchange to any retailer, any toy that is contaminated with a specified toxic substance.

This bill would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS) at a detectable level above an unspecified amount. The bill would establish

requirements for manufacturers when replacing PFAS in juvenile products.

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

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

1 SECTION 1. Chapter 12.5 (commencing with Section 108945)
2 is added to Part 3 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 12.5. JUVENILE PRODUCTS
6

7 108945. For purposes of this chapter the following terms shall
8 apply:

9 (a) "Juvenile product" means a product designed for use by
10 infants and children under 12 years of age, including, but not
11 limited to, a booster seat, changing pad, child restraint systems for
12 use in motor vehicles and aircraft, floor playmat, highchair,
13 highchair pad, infant bouncer, infant carrier, infant seat, infant
14 swing, infant walker, nursing pad, nursing pillow, portable hook-on
15 chair, stroller, and sleeping products, as defined in subdivision (c).

16 (b) "PFAS chemicals" means perfluoroalkyl and polyfluoroalkyl
17 substances.

18 (c) "Sleeping products" means assembled products designed or
19 intended primarily for children 12 years of age to nap or sleep on,
20 including, but not limited to, polyurethane foam mats, pads, or
21 pillows, that may be covered or upholstered, including, but not
22 limited to, any of the following items:

- 23 (1) Portable foam nap mats.
- 24 (2) Soft-sided portable cribs, which are framed enclosures with
25 mesh or fabric side panels, floor, and foam padding.
- 26 (3) Playpens, which are framed enclosures, hard or soft sides,
27 flooring, and foam padding.
- 28 (4) Play yards, which are portable framed enclosures with a
29 foam pad bottom that may also have an attached bassinet.
- 30 (5) Infant travel beds, which are lightweight portable sleeping
31 accommodations with a foam pad.

1 (6) Portable infant sleepers, which are portable accommodations
2 with a foam pad that may be easily assembled and disassembled
3 by folding or collapsing the structure.

4 (7) Bassinets, which are small beds or baskets with a foam pad
5 and raised edges designed primarily for infants.

6 (8) Nap cots, which are narrow, elevated bed stands with a foam
7 pad on top of the cot.

8 (9) Infant sleep positioners, which are mats with side bolsters
9 or wedges used to elevate an infant's head or keep an infant in a
10 desired position while sleeping. The mats, side bolsters, or wedges
11 may contain foam pads.

12 (10) Bedside sleepers, which are framed enclosures with a foam
13 pad that can attach to an adult-sized bed and are designed primarily
14 for babies.

15 (11) Co-Sleepers, which are small foam structures placed in an
16 adult-sized bed, designed to keep a baby from shifting in the bed
17 and to allow a baby and adults to nap or sleep together in the same
18 bed.

19 (12) Baby or toddler foam pillows, which are foam pillows
20 designed primarily for babies or toddlers.

21 108946. On and after July 1, 2023, a person, including, but not
22 limited to, a manufacturer, shall not sell or distribute in commerce
23 in this state any new, not previously owned, juvenile product that
24 contains PFAS chemicals at a detectable level above _____ parts
25 per billion.

26 108947. (a) Manufacturers shall use the least toxic alternative
27 when replacing PFAS chemicals in products in accordance with
28 this chapter.

29 (b) Manufacturers shall not replace PFAS chemicals, pursuant
30 to this chapter, with chemicals classified by the United States
31 Environmental Protection Agency as carcinogenic to humans,
32 likely to be carcinogenic to humans, or for which there is
33 suggestive evidence of carcinogenic potential, or identified by the
34 state to cause cancer as listed in the Safe Drinking Water and Toxic
35 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section
36 25249.5) of Division 20) list of chemicals known to cause cancer
37 or reproductive toxicity.

38 (c) Manufacturers shall not replace PFAS chemicals, pursuant
39 to this chapter, with reproductive toxicants that cause birth defects,
40 reproductive harm, or developmental harm as identified by the

- 1 United States Environmental Protection Agency or listed in the
- 2 Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter
- 3 6.6 (commencing with Section 25249.5) of Division 20) list of
- 4 chemicals known to cause cancer or reproductive toxicity.

Agenda Item 5c: AB 646 (Low) – Department of Consumer Affairs: boards: expunged convictions

ASSEMBLY BILL

No. 646

Introduced by Assembly Member Low
(Coauthor: Senator Roth)

February 12, 2021

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as introduced, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of

the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

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

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

1 SECTION 1. Section 493.5 is added to the Business and
2 Professions Code, to read:
3 493.5. (a) A board within the department that has posted on
4 its internet website that a person's license was revoked because
5 the person was convicted of a crime, upon receiving from the
6 person a certified copy of an expungement order granted pursuant
7 to Section 1203.4 of the Penal Code for the underlying offense,
8 shall, within 90 days of receiving the expungement order, unless
9 it is otherwise prohibited by law, or by other terms or conditions,
10 do either of the following:
11 (1) If the person reapplies for licensure or has been relicensed,
12 post notification of the expungement order and the date thereof on
13 its internet website.
14 (2) If the person is not currently licensed and does not reapply
15 for licensure, remove the initial posting on its internet website that
16 the person's license was revoked and information previously posted
17 regarding arrests, charges, and convictions.
18 (b) A person described in subdivision (a) shall pay to the board
19 a fee in the amount of fifty dollars (\$50), unless another amount
20 is determined by the board to be necessary to cover the
21 administrative cost, ensuring that the amount does not exceed the
22 reasonable cost of administering this section. The fee shall be
23 deposited by the board into the appropriate fund and shall be
24 available only upon appropriation by the Legislature.
25 (c) For purposes of this section, "board" means an entity listed
26 in Section 101.

- 1 (d) If any provision in this section conflicts with Section 2027,
- 2 Section 2027 shall prevail.

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Agenda Item 5d: AB 885 (Quirk) – Bagley-Keene Open Meeting
Act: teleconferencing

ASSEMBLY BILL

No. 885

Introduced by Assembly Member Quirk

February 17, 2021

An act to amend Sections 11123 and 11123.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, as introduced, Quirk. Bagley-Keene Open Meeting Act: teleconferencing.

The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. That law authorizes any meeting of a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to hold an open meeting by teleconference if the meeting complies with the requirements of the act, except as provided. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to

communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.

This bill would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting. The bill would also make nonsubstantive changes to those provisions.

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

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

1 SECTION 1. Section 11123 of the Government Code is
2 amended to read:

3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state body except as otherwise provided in this article.

6 (b) (1) This article does not prohibit a state body from holding
7 an open or closed meeting by teleconference for the benefit of the
8 public and state body. The meeting or proceeding held by
9 teleconference shall otherwise comply with all applicable
10 requirements or laws relating to a specific type of meeting or
11 proceeding, including the following:

12 (A) The teleconferencing meeting shall comply with all
13 requirements of this article applicable to other meetings.

14 (B) The portion of the teleconferenced meeting that is required
15 to be open to the public shall be ~~audible~~ *both audibly and visually*
16 *observable* to the public at the location specified in the notice of
17 the meeting.

18 (C) If the state body elects to conduct a meeting or proceeding
19 by teleconference, it shall post agendas at all teleconference
20 locations and conduct teleconference meetings in a manner that

1 protects the rights of any party or member of the public appearing
2 before the state body. Each teleconference location shall be
3 identified in the notice and agenda of the meeting or proceeding,
4 and each teleconference location shall be accessible to the public.
5 The agenda shall provide an opportunity for members of the public
6 to address the state body directly pursuant to Section 11125.7 at
7 each teleconference location.

8 (D) All votes taken during a teleconferenced meeting shall be
9 by rollcall.

10 (E) The portion of the teleconferenced meeting that is closed
11 to the public may not include the consideration of any agenda item
12 being heard pursuant to Section 11125.5.

13 (F) At least one member of the state body shall be physically
14 present at the location specified in the notice of the meeting.

15 (2) For the purposes of this subdivision, “teleconference” means
16 a meeting of a state body, the members of which are at different
17 locations, connected by electronic means, through ~~either audio or~~
18 both audio and video. This section does not prohibit a state body
19 from providing members of the public with additional locations
20 in which the public may observe or address the state body by
21 electronic means, through either audio or both audio and video.

22 (c) The state body shall publicly report any action taken and the
23 vote or abstention on that action of each member present for the
24 action.

25 SEC. 2. Section 11123.5 of the Government Code is amended
26 to read:

27 11123.5. (a) In addition to the authorization to hold a meeting
28 by teleconference pursuant to subdivision (b) of Section 11123,
29 any state body that is ~~an advisory~~ a board, ~~advisory~~ commission,
30 ~~advisory~~ committee, ~~advisory~~ subcommittee, or similar
31 multimember ~~advisory~~ body may hold an open meeting by
32 teleconference as described in this section, provided the meeting
33 complies with all of the section’s requirements and, except as set
34 forth in this section, it also complies with all other applicable
35 requirements of this article.

36 (b) A member of a state body as described in subdivision (a)
37 who participates in a teleconference meeting from a remote location
38 subject to this section’s requirements shall be listed in the minutes
39 of the meeting.

1 (c) The state body shall provide notice to the public at least 24
2 hours before the meeting that identifies any member who will
3 participate remotely by posting the notice on its ~~Internet Web site~~
4 *internet website* and by emailing notice to any person who has
5 requested notice of meetings of the state body under this article.
6 The location of a member of a state body who will participate
7 remotely is not required to be disclosed in the public notice or
8 email and need not be accessible to the public. The notice of the
9 meeting shall also identify the primary physical meeting location
10 designated pursuant to subdivision (e).

11 (d) This section does not affect the requirement prescribed by
12 this article that the state body post an agenda of a meeting at least
13 10 days in advance of the meeting. The agenda shall include
14 information regarding the physical meeting location designated
15 pursuant to subdivision (e), but is not required to disclose
16 information regarding any remote location.

17 (e) A state body described in subdivision (a) shall designate the
18 primary physical meeting location in the notice of the meeting
19 where members of the public may physically attend the meeting
20 and participate. A quorum of the members of the state body shall
21 be in attendance at the primary physical meeting location, and
22 members of the state body participating remotely shall not count
23 towards establishing a quorum. All decisions taken during a
24 meeting by teleconference shall be by rollcall vote. The state body
25 shall post the agenda at the primary physical meeting location, but
26 need not post the agenda at a remote location.

27 (f) When a member of a state body described in subdivision (a)
28 participates remotely in a meeting subject to this section's
29 requirements, the state body shall provide a means by which the
30 public may remotely ~~hear audio of the meeting or remotely observe~~
31 ~~the meeting, including, if available, equal access equivalent to~~
32 *observe the meeting's proceedings, both audibly and visually,*
33 *including the* members of the state body participating remotely.
34 The applicable teleconference phone number or ~~Internet Web site,~~
35 *internet website*, or other information indicating how the public
36 can access the meeting remotely, shall be in the 24-hour notice
37 described in subdivision (a) that is available to the public.

38 (g) Upon discovering that a means of remote access required
39 by subdivision (f) has failed during a meeting, the state body
40 described in subdivision (a) shall end or adjourn the meeting in

1 accordance with Section 11128.5. In addition to any other
2 requirements that may apply, the state body shall provide notice
3 of the meeting's end or adjournment on its ~~Internet Web site~~
4 *internet website* and by email to any person who has requested
5 notice of meetings of the state body under this article. If the
6 meeting will be adjourned and reconvened on the same day, further
7 notice shall be provided by an automated message on a telephone
8 line posted on the state body's agenda, or by a similar means, that
9 will communicate when the state body intends to reconvene the
10 meeting and how a member of the public may ~~hear audio of the~~
11 ~~meeting or~~ observe the ~~meeting.~~ *meeting, both audibly and visually.*
12 (h) For purposes of this section:
13 (1) "Participate remotely" means participation in a meeting at
14 a location other than the physical location designated in the agenda
15 of the meeting.
16 (2) "Remote location" means a location other than the primary
17 physical location designated in the agenda of a meeting.
18 (3) "Teleconference" has the same meaning as in Section 11123.
19 (i) This section does not limit or affect the ability of a state body
20 to hold a teleconference meeting under another provision of this
21 article.

Agenda Item 5e: AB 1026 (Smith) – Business licenses: veterans

ASSEMBLY BILL

No. 1026

Introduced by Assembly Member Smith

February 18, 2021

An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1026, as introduced, Smith. Business licenses: veterans.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires an applicant seeking a license from a board to meet specified requirements and to pay certain licensing fees. Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would require the department and any board within the department to grant a 50% fee reduction for an initial license to an applicant who provides satisfactory evidence, as defined, the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged. This bill would authorize a board to adopt regulations necessary to administer these provisions.

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

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

1 SECTION 1. Section 115.4 of the Business and Professions
2 Code is amended to read:

3 115.4. (a) Notwithstanding any other law, on and after July 1,
4 2016, a board within the department shall expedite, and may assist,
5 the initial licensure process for an applicant who supplies
6 satisfactory evidence to the board that the applicant has served as
7 an active duty member of the Armed Forces of the United States
8 and was honorably discharged.

9 *(b) The department and any board within the department shall*
10 *grant a 50-percent fee reduction for an initial license to an*
11 *applicant who provides satisfactory evidence the applicant has*
12 *served as an active duty member of the United States Armed Forces*
13 *or the California National Guard and was honorably discharged.*

14 *(c) Satisfactory evidence, as referenced in this section, shall be*
15 *a copy of a current and valid driver's license or identification card*
16 *with the word "Veteran" printed on its face.*

17 ~~(b)~~
18 *(d) A board may adopt regulations necessary to administer this*
19 *section.*

Agenda Item 5f: AB 1221 (Flora) – Consumer warranties: service contracts: cancellation: disclosures

ASSEMBLY BILL

No. 1221

Introduced by Assembly Member Flora

February 19, 2021

An act to amend Sections 1791 and 1794.4 of the Civil Code, relating to consumer warranties.

LEGISLATIVE COUNSEL’S DIGEST

AB 1221, as introduced, Flora. Consumer warranties: service contracts: cancellation: disclosures.

The Song-Beverly Consumer Warranty Act provides consumer warranty protection to buyers of consumer goods, including motor vehicles, home appliances, and home electronic products. The act requires a service contract, as defined, to include certain elements, including a clear description and identification of the covered product.

This bill would require a service contract that continues until canceled by the buyer or obligor to, among other things, disclose to the buyer in a clear and conspicuous manner that the service contract shall continue until canceled by the buyer or obligor and provide the toll-free number, email address, or postal address to be used by the buyer to cancel the service contract. The bill would also define the terms “clear and conspicuous” and “clearly and conspicuously” for purposes of the act.

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

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

1 SECTION 1. Section 1791 of the Civil Code is amended to
2 read:

1 1791. As used in this chapter:

2 (a) "Consumer goods" means any new product or part thereof
3 that is used, bought, or leased for use primarily for personal, family,
4 or household purposes, except for clothing and consumables.
5 "Consumer goods" shall include new and used assistive devices
6 sold at retail.

7 (b) "Buyer" or "retail buyer" means any individual who buys
8 consumer goods from a person engaged in the business of
9 manufacturing, distributing, or selling consumer goods at retail.
10 As used in this subdivision, "person" means any individual,
11 partnership, corporation, limited liability company, association,
12 or other legal entity that engages in any of these businesses.

13 (c) "Clothing" means any wearing apparel, worn for any
14 purpose, including under and outer garments, shoes, and
15 accessories composed primarily of woven material, natural or
16 synthetic yarn, fiber, or leather or similar fabric.

17 (d) "Consumables" means any product that is intended for
18 consumption by individuals, or use by individuals for purposes of
19 personal care or in the performance of services ordinarily rendered
20 within the household, and that usually is consumed or expended
21 in the course of consumption or use.

22 (e) "Distributor" means any individual, partnership, corporation,
23 association, or other legal relationship that stands between the
24 manufacturer and the retail seller in purchases, consignments, or
25 contracts for sale of consumer goods.

26 (f) "Independent repair or service facility" or "independent
27 service dealer" means any individual, partnership, corporation,
28 association, or other legal entity, not an employee or subsidiary
29 of a manufacturer or distributor, that engages in the business of
30 servicing and repairing consumer goods.

31 (g) "Lease" means any contract for the lease or bailment for the
32 use of consumer goods by an individual, for a term exceeding four
33 months, primarily for personal, family, or household purposes,
34 whether or not it is agreed that the lessee bears the risk of the
35 consumer goods' depreciation.

36 (h) "Lessee" means an individual who leases consumer goods
37 under a lease.

38 (i) "Lessor" means a person who regularly leases consumer
39 goods under a lease.

1 (j) “Manufacturer” means any individual, partnership,
2 corporation, association, or other legal relationship that
3 manufactures, assembles, or produces consumer goods.

4 (k) “Place of business” means, for the purposes of any retail
5 seller that sells consumer goods by catalog or mail order, the
6 distribution point for consumer goods.

7 (l) “Retail seller,” “seller,” or “retailer” means any individual,
8 partnership, corporation, association, or other legal relationship
9 that engages in the business of selling or leasing consumer goods
10 to retail buyers.

11 (m) “Return to the retail seller” means, for the purposes of any
12 retail seller that sells consumer goods by catalog or mail order, the
13 retail seller’s place of business, as defined in subdivision (k).

14 (n) “Sale” means either of the following:

15 (1) The passing of title from the seller to the buyer for a price.

16 (2) A consignment for sale.

17 (o) “Service contract” means a contract in writing to perform,
18 over a fixed period of time or for a specified duration, services
19 relating to the maintenance or repair of a consumer product, except
20 that this term does not include a policy of automobile insurance,
21 as defined in Section 116 of the Insurance Code.

22 (p) “Assistive device” means any instrument, apparatus, or
23 contrivance, including any component or part thereof or accessory
24 thereto, that is used or intended to be used, to assist an individual
25 with a disability in the mitigation or treatment of an injury or
26 disease or to assist or affect or replace the structure or any function
27 of the body of an individual with a disability, except that this term
28 does not include prescriptive lenses and other ophthalmic goods
29 unless they are sold or dispensed to a blind person, as defined in
30 Section 19153 of the Welfare and Institutions Code and unless
31 they are intended to assist the limited vision of the person so
32 disabled.

33 (q) “Catalog or similar sale” means a sale in which neither the
34 seller nor any employee or agent of the seller nor any person related
35 to the seller nor any person with a financial interest in the sale
36 participates in the diagnosis of the buyer’s condition or in the
37 selection or fitting of the device.

38 (r) “Home appliance” means any refrigerator, freezer, range,
39 microwave oven, washer, dryer, dishwasher, garbage disposal,

1 trash compactor, or room air-conditioner normally used or sold
2 for personal, family, or household purposes.

3 (s) "Home electronic product" means any television, radio,
4 antenna rotator, audio or video recorder or playback equipment,
5 video camera, video game, video monitor, computer equipment,
6 telephone, telecommunications equipment, electronic alarm system,
7 electronic appliance control system, or other kind of electronic
8 product, if it is normally used or sold for personal, family, or
9 household purposes. The term includes any electronic accessory
10 that is normally used or sold with a home electronic product for
11 one of those purposes. The term excludes any single product with
12 a wholesale price to the retail seller of less than fifty dollars (\$50).

13 (t) "Member of the Armed Forces" means a person on full-time
14 active duty in the Army, Navy, Marine Corps, Air Force, National
15 Guard, or Coast Guard. Full-time active duty shall also include
16 active military service at a military service school designated by
17 law or the Adjutant General of the Military Department concerned.

18 ~~This section shall become operative on January 1, 2008.~~

19 (u) *"Clear and conspicuous" means a larger type than the*
20 *surrounding text, or in a contrasting type, font, or color to the*
21 *surrounding text of the same size, or set off from the surrounding*
22 *text of the same size by symbols or other marks, in a manner that*
23 *clearly calls attention to the language. For an audio disclosure,*
24 *"clear and conspicuous" and "clearly and conspicuously" means*
25 *in a volume and cadence sufficient to be readily audible and*
26 *understandable.*

27 SEC. 2. Section 1794.4 of the Civil Code is amended to read:

28 1794.4. (a) Nothing in this chapter shall be construed to
29 prevent the sale of a service contract to the buyer in addition to or
30 in lieu of an express warranty if that contract fully and
31 conspicuously discloses in simple and readily understood language
32 the terms, conditions, and exclusions of that contract, provided
33 that nothing in this section shall apply to a home protection contract
34 issued by a home protection company that is subject to Part 7
35 (commencing with Section 12740) of Division 2 of the Insurance
36 Code.

37 (b) Except as otherwise expressly provided in the service
38 contract, every service contract shall obligate the service contractor
39 to provide to the buyer of the product all of the services and
40 functional parts that may be necessary to maintain proper operation

1 of the entire product under normal operation and service for the
2 duration of the service contract and without additional charge.

3 (c) The service contract shall contain all of the following items
4 of information:

5 (1) ~~A~~ *If the service contract covers a single product, a clear*
6 *description and identification of the covered product. If the service*
7 *contract covers a class of products, a description of the class of*
8 *products covered by the service contract that is sufficiently clear*
9 *so the buyer is able to discern the products covered.*

10 (2) The point in time or event when the term of the service
11 contract commences, and its duration measured by elapsed time
12 or an objective measure of use. *A service contract may be offered*
13 *on a month-to-month or other periodic basis and continue until*
14 *canceled by the buyer or the obligor in accordance with Section*
15 *1794.41 and, for electronic and appliance repair dealers, Section*
16 *9855.6 of the Business and Professions Code. If the service contract*
17 *continues until cancelled by the buyer or obligor, the service*
18 *contract shall do all of the following:*

19 (A) *Disclose to the buyer in a clear and conspicuous manner*
20 *that the service contract shall continue until canceled by the buyer*
21 *or obligor. The buyer's purchase of the service contract after*
22 *receiving this disclosure shall be deemed affirmative consent to*
23 *this provision.*

24 (B) *Provide the toll-free number, email address, or postal*
25 *address to be used by the buyer to cancel the service contract.*

26 (C) *Provide for a refund to the buyer of any unearned amounts*
27 *in accordance with Section 1794.41 and, for electronic and*
28 *appliance repair dealers, Section 9855.6 of the Business and*
29 *Professions Code.*

30 (3) If the enforceability of the service contract is limited to the
31 original buyer or is limited to persons other than every consumer
32 owner of the covered product during the term of the service
33 contract, a description of the limits on transfer or assignment of
34 the service contract.

35 (4) A statement of the general obligation of the service
36 contractor in the same language set forth in subdivision (b), with
37 equally clear and conspicuous statements of the following:

38 (A) Any services, parts, characteristics, components, properties,
39 defects, malfunctions, causes, conditions, repairs, or remedies that
40 are excluded from the scope of the service contract.

1 (B) Any other limits on the application of the language in
2 subdivision (b) such as a limit on the total number of service calls.

3 (C) Any additional services that the service contractor will
4 provide.

5 (D) Whether the obligation of the service contractor includes
6 preventive maintenance and, if so, the nature and frequency of the
7 preventive maintenance that the service contractor will provide.

8 (E) Whether the buyer has an obligation to provide preventive
9 maintenance or perform any other obligations and, if so, the nature
10 and frequency of the preventive maintenance and of any other
11 obligations, and the consequences of any noncompliance.

12 (5) A step-by-step explanation of the procedure that the buyer
13 should follow in order to obtain performance of any obligation
14 under the service contract including the following:

15 (A) The full legal and business name of the service contractor.

16 (B) The mailing address of the service contractor.

17 (C) The persons or class of persons that are authorized to
18 perform service.

19 (D) The name or title and address of any agent, employee, or
20 department of the service contractor that is responsible for the
21 performance of any obligations.

22 (E) The method of giving notice to the service contractor of the
23 need for service.

24 (F) Whether in-home service is provided or, if not, whether the
25 costs of transporting the product, for service or repairs will be paid
26 by the service contractor.

27 (G) If the product must be transported to the service contractor,
28 either the place where the product may be delivered for service or
29 repairs or a toll-free telephone number that the buyer may call to
30 obtain that information.

31 (H) All other steps that the buyer must take to obtain service.

32 (I) All fees, charges, and other costs that the buyer must pay to
33 obtain service.

34 (6) An explanation of the steps that the service contractor will
35 take to carry out its obligations under the service contract.

36 (7) A description of any right to cancel the contract if the buyer
37 returns the product or the product is sold, lost, stolen, or destroyed,
38 or, if there is no right to cancel or the right to cancel is limited, a
39 statement of the fact.

1 (8) Information respecting the availability of any informal
2 dispute settlement process.

3 (d) Subdivisions (b) and (c) are applicable to service contracts
4 on new or used home appliances and home electronic products
5 entered into on or after July 1, 1989. They are applicable to service
6 contracts on all other new or used products entered into on and
7 after July 1, 1991.

8 ~~(e) This section shall become operative on January 1, 2008.~~

Agenda Item 5g: AB 1386 (Cunningham) – License fees: military partners and spouses

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Cunningham

February 19, 2021

An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as introduced, Cunningham. License fees: military partners and spouses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires a board to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and provides evidence that they are married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

This bill would prohibit a board from charging an initial or original license fee to an applicant who meets these expedited licensing requirements.

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

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

- 1 SECTION 1. Section 115.5 of the Business and Professions
- 2 Code is amended to read:

1 115.5. (a) A board within the department shall expedite the
2 licensure process for an applicant who meets both of the following
3 requirements:

4 (1) Supplies evidence satisfactory to the board that the applicant
5 is married to, or in a domestic partnership or other legal union
6 with, an active duty member of the Armed Forces of the United
7 States who is assigned to a duty station in this state under official
8 active duty military orders.

9 (2) Holds a current license in another state, district, or territory
10 of the United States in the profession or vocation for which the
11 applicant seeks a license from the board.

12 *(b) A board shall not charge an applicant who meets the*
13 *requirements in subdivision (a) an initial or original license fee.*

14 ~~(b)~~

15 (c) A board may adopt regulations necessary to administer this
16 section.

Agenda Item 5h: SB 586 (Bradford) – Criminal fees

**Introduced by Senator Bradford
(Coauthors: Senators Hertzberg and Skinner)**

February 18, 2021

An act to amend Sections 9807, 9848, and 9882.14 of the Business and Professions Code, to amend Sections 6111, 6157, 27756, 27757, 50050, 68085, 68085.1, 68085.5, 68085.7, 68085.8, 71380, 71386, 76223, 77009, 77203, and 77205 of, and to repeal and add Section 68635 of, the Government Code, to amend Section 11374.5 of, to add Section 11470.5 to, and to repeal Section 11470.2 of, the Health and Safety Code, to amend Sections 273a, 273d, 273.1, 273.6, 290.06, 597.3, 670, 1001.90, 1202.4, 1202.42, 1203.066, 1203.067, 1203.097, 1203.1, 1203.1a, 1203.1ab, 1203.1i, 1203.4, 1203.4a, 1203.41, 1203.42, 1203.45, 1203.9, 1205, 1210.1, 1211, 1462.5, 1463, 1463.007, 1463.010, 1463.011, 1463.012, 1463.14, 1464.8, 1465.9, 2085.5, 2085.6, 2085.7, 3000.07, 4011.1, and 4018.6 of, and to repeal Sections 1001.15, 1001.16, 1203.1bb, 1203.1c, 1203.1h, 1203.1m, 1209, 1214.1, 1214.5, and 1463.07 of, the Penal Code, to amend Sections 11205.2, 11208, 13386, 21212, 23573, 23575.3, 40509, 40510.5, 40512, 42003, 42007, 42007.1, 42007.3, 42007.4, 42008.5, 42008.7, and 42008.8 of, to add Section 44237 to, and to repeal Sections 40508.5, 40508.6, and 40611 of, the Vehicle Code, and to amend Sections 903.45 and 904 of the Welfare and Institutions Code, relating to criminal fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 586, as introduced, Bradford. Criminal fees.

(1) Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including lab fees, programs for persons

convicted of sex offenses, drug testing, incarceration and house arrest, and record expungement, among others.

This bill would repeal the authority to collect most of these fees, among others. The bill would make the unpaid balance of most court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated. The bill would relieve a person who is sentenced to state prison or confined in a county jail from being required to pay any trial court filing fees or costs related to the person's underlying criminal conviction.

(2) Existing law, as added by the Substance Abuse and Crime Prevention Act of 2000, adopted by voters as Proposition 36 at the November 7, 2000, statewide general election, requires that persons convicted of certain nonviolent drug possession offenses be granted probation and be placed in an appropriate drug treatment program. The act allows the trial judge to require a person convicted of a nonviolent drug possession offense to contribute to the cost of their placement in a drug treatment program. The act allows its amendment by a statute passed by $\frac{2}{3}$ of both houses of the Legislature and requires that all amendments further the act and be consistent with its purposes.

This bill would amend the act by deleting the authority of the court to require a person convicted of a nonviolent drug possession offense to contribute to the cost of their placement in a drug treatment program.

(3) Existing law, the Sexual Predator Punishment and Control Act: Jessica's Law, adopted by voters as Proposition 83 at the November 7, 2006, statewide general election, requires every person paroled after being committed to prison for a registerable sex offense to be monitored by a global positioning system for the term of their parole. The act requires the inmate to pay for the costs associated with the monitoring by a global positioning system unless the Department of Corrections and Rehabilitation finds the inmate has an inability to pay. The act allows its amendment by a statute passed by $\frac{2}{3}$ of both houses of the Legislature.

This bill would amend the act by deleting the requirement that a parolee pay for the costs associated with being monitored by a global positioning system.

(4) Existing law allows the court to impose a civil assessment of up to \$300 against a defendant who fails, after notice and without good cause, to appear in court or who fails to pay all or any portion of a fine ordered by the court.

This bill would repeal the authority of the court to impose that assessment.

(5) Existing law requires a defendant granted probation for a crime of domestic violence to pay a minimum payment of \$500, unless the court finds that the defendant does not have the ability to pay, and requires the defendant to participate in a batterer's program utilizing a sliding fee scale that recognizes the defendant's ability to pay.

This bill would require the court to make an affirmative finding that the defendant has the ability to pay. The bill would also make authority to collect the fees inoperative if permanent funding sufficient to replace the fee revenue is appropriated in the Budget Act.

(6) Existing law requires a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage or drug to install an ignition interlock device on the vehicle that person operates. Existing law requires a manufacturer certified to provide ignition interlock devices to adopt a fee schedule for the payment of costs of the device in an amount commensurate with a defendant's ability to pay. Existing law requires that a person subject to this requirement pay a percentage of the cost of the ignition interlock device program, up to the full cost, based on the person's income. If a person has an income at 100% of the federal poverty level or below, existing law requires the person to pay 10% of the cost of the manufacturer's standard ignition interlock device program costs. Existing law generally makes it a crime to violate the Vehicle Code and to violate the provisions regulating ignition interlock installers.

This bill would make a person with income at 100% of the federal poverty level responsible for 5% of the costs. The bill would require the interlock ignition device installer to inform a person required to have an interlock ignition device installed of the fee schedule, and that the law provides for the payment of the costs of the device and its installation, maintenance, and servicing commensurate with the person's income. The bill would create a private cause of action and a civil penalty not to exceed \$1,000 against any installer who fails to inform a person of these requirements. Because a failure of an ignition interlock installer to meet these requirements would be punishable as a crime, this bill would impose a state-mandated local program.

The bill would require every ignition interlock provider to annually report to the Department of Consumer Affairs, Bureau of Automotive Repair, the provider's fee schedule, the total number of people for whom income verification was conducted, the number of people for whom a

reduction of charges was made, and the amount of the reductions, among other information. Because a failure to meet this requirement would be punishable as a crime, this bill would impose a state-mandated local program.

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

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

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

State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Approximately 80 percent of Californians in jail are indigent
4 and too many enter the criminal legal system due to the
5 criminalization of their poverty.

6 (b) Incarcerated people are disproportionately Black or Latinx
7 because these populations are overpoliced, have higher rates of
8 convictions following an arrest, and have the highest rates of
9 poverty. In fact, while Black Californians represent only 7 percent
10 of the state population, they make up 23 percent of the Californians
11 on probation and are also grossly overrepresented in felony and
12 misdemeanor arrests.

13 (c) People exiting jail or prison face higher rates of
14 unemployment and homelessness, due in part to racial
15 discrimination and the impact of their criminal conviction.

16 (d) The inability to meet basic needs has been found to
17 contribute to higher rates of recidivism and is a barrier to family
18 reunification.

19 (e) According to a report by the Ella Baker Center for Human
20 Rights, the average debt incurred for court-ordered fines and fees
21 was roughly equal to the annual income for respondents in the
22 survey.

23 (f) A national survey of formerly incarcerated people found that
24 families often bear the burden of fees, and that 83 percent of the
25 people responsible for paying these costs are women.

1 (g) Because these fees are often assigned to people who simply
2 cannot afford to pay them, they make poor people, their families,
3 and their communities poorer.

4 (h) Criminal administrative fees have no formal punitive or
5 public safety function. Instead, they undermine public safety
6 because the debt they cause can limit access to employment,
7 housing, education, and public benefits, which creates additional
8 barriers to successful reentry. Research also shows that criminal
9 administrative fees can push individuals into underground
10 economies and can result in individuals turning to criminal activity
11 or predatory lending to pay their debts.

12 (i) Research shows that criminal administrative fees are difficult
13 to collect and typically cost counties almost as much or more than
14 they end up collecting in revenue.

15 (j) The use of criminal administrative fees has been argued by
16 some to be unconstitutional. On February 20, 2019, the United
17 States Supreme Court ruled unanimously in *Timbs v. Indiana* that
18 the Eighth Amendment's Excessive Fines Clause is an incorporated
19 protection applicable to the states and "protects people against
20 abuses of government's punitive or criminal-law-enforcement
21 authority." Justice Ginsburg wrote in her decision that the
22 constitutional protection against excessive fines is "fundamental
23 to our scheme of ordered liberty with deep roots in our history and
24 tradition."

25 (k) The COVID-19 global pandemic and resulting explosion in
26 unemployment and economic downturn has further exposed the
27 racialized economic and health structures of our country. The same
28 Black and Latinx communities that face overpolicing and higher
29 rates of fees have been disproportionately impacted by the virus
30 and by the subsequent economic impacts. Incarcerated people,
31 mostly Black and Latinx, caged in unsafe conditions, face explosive
32 rates of viral infection. As communities face increased health costs
33 and dramatic unemployment caused by COVID-19, the pain of
34 these fees is higher than ever before.

35 (l) Recognizing the racial and economic harms of criminal
36 administrative fees, in September 2020, the Legislature passed AB
37 1869 through the budget, which eliminated 23 of California's most
38 harmful criminal administrative fees.

39 SEC. 2. It is the intent of the Legislature to eliminate the range
40 of administrative fees that agencies and courts are authorized to

1 impose to fund elements of the criminal legal system and to
2 eliminate all outstanding debt incurred as a result of the imposition
3 of administrative fees.

4 SEC. 3. Section 9807 of the Business and Professions Code is
5 amended to read:

6 9807. (a) Notwithstanding any other law, a service dealer
7 licensed under this chapter and authorized to engage in the
8 electronic repair industry, as defined in subdivision (p) of Section
9 9801, may install, calibrate, service, maintain, and monitor certified
10 ignition interlock devices.

11 (b) (1) The director may issue a citation to, or suspend, revoke,
12 or place on probation the registration of, a service dealer who
13 installs, calibrates, services, maintains, or monitors ignition
14 interlock devices if the service dealer is not in compliance with
15 subdivision (k) of Section 23575.3 of the Vehicle Code.

16 (2) A service dealer shall provide to an individual receiving
17 ignition interlock device services the information provided in
18 subdivision (k) of Section 23575.3 of the Vehicle Code along with
19 the contact telephone number of the bureau.

20 *(3) An individual subject to Chapter 2 (commencing with Section*
21 *23530) of Division 11.5 of the Vehicle Code may institute a civil*
22 *action to recover damages, injunctive or declaratory relief, and a*
23 *civil penalty not to exceed one thousand dollars (\$1,000) per*
24 *violation from a service dealer who fails to comply with either*
25 *paragraph (2) of this subdivision or subdivision (k) of Section*
26 *23575.3 of the Vehicle Code. A prevailing plaintiff in any action*
27 *commenced under this paragraph shall be entitled to recover their*
28 *reasonable attorney's fees and costs.*

29 (c) The bureau shall adopt regulations to implement this section
30 consistent with the standards adopted by the Bureau of Automotive
31 Repair and the Office of Traffic Safety under Section 9882.14.

32 SEC. 4. Section 9848 of the Business and Professions Code is
33 amended to read:

34 9848. All proceedings ~~to contest a citation for a violation of~~
35 ~~subdivision (k) of Section 23575.3 of the Vehicle Code or~~ to deny
36 registration or suspend, revoke, or place on probation a registration
37 shall be conducted pursuant to Chapter 5 (commencing with
38 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
39 Code.

1 SEC. 5. Section 9882.14 of the Business and Professions Code
2 is amended to read:

3 9882.14. (a) The bureau shall cooperate with the Office of
4 Traffic Safety and adopt standards for the installation, maintenance,
5 and servicing of certified ignition interlock devices by automotive
6 repair dealers.

7 (b) The manufacturers of certified ignition interlock devices
8 shall comply with standards established by the bureau for the
9 installation of those ignition interlock devices.

10 (c) The bureau may charge manufacturers of certified interlock
11 ignition devices a fee to recover the cost of monitoring installation
12 standards.

13 (d) (1) The director may issue a citation to, or suspend or revoke
14 the registration of, an automotive repair dealer who installs,
15 maintains, and services ignition interlock devices if the automotive
16 repair dealer is not in compliance with subdivision (k) of Section
17 23575.3 of the Vehicle Code.

18 (2) An automotive repair dealer shall provide to an individual
19 receiving ignition interlock device services the information
20 provided in subdivision (k) of Section 23575.3 of the Vehicle Code
21 along with the contact telephone number of the bureau.

22 *(3) An individual subject to Chapter 2 (commencing with Section*
23 *23530) of Division 11.5 of the Vehicle Code may institute a civil*
24 *action to recover damages, injunctive or declaratory relief, and a*
25 *civil penalty not to exceed one thousand dollars (\$1,000) per*
26 *violation from a service dealer who fails to comply with either*
27 *paragraph (2) of this subdivision or subdivision (k) of Section*
28 *23575.3 of the Vehicle Code. A prevailing plaintiff in any action*
29 *commenced under this paragraph shall be entitled to recover their*
30 *reasonable attorney's fees and costs.*

31 *(e) Every ignition interlock provider shall report to the*
32 *Department of Consumer Affairs, Bureau of Automotive Repair,*
33 *on an annual basis, all of the following information pertaining to*
34 *participation in the program specified in subdivision (k) of Section*
35 *23575.3 of the Vehicle Code:*

36 *(1) The total number of people for whom an income verification*
37 *was conducted.*

38 *(2) The total number of people for whom a reduction of charges*
39 *based on income was approved or denied, and the reason for denial*
40 *or approval of the reduction.*

1 (3) *The total dollar amount of reductions based on income.*

2 (4) *The total dollar amount collected for charges related to the*
3 *charges of installed devices.*

4 (5) *The total dollar amount that remains unpaid for charges*
5 *related to the costs of installed devices.*

6 (6) *The provider's standard ignition interlock device program*
7 *charges upon which the fee schedule in subdivision (k) of Section*
8 *23575.3 is based.*

9 SEC. 6. Section 6111 of the Government Code is amended to
10 read:

11 6111. (a) On and after July 1, 2021, the unpaid balance of any
12 court-imposed costs pursuant to Section 27712, subdivision (c) or
13 (f) of Section 29550, and Sections 29550.1, 29550.2, and 29550.3,
14 as those sections read on June 30, 2021, is unenforceable and
15 uncollectible and any portion of a judgment imposing those costs
16 shall be vacated.

17 ~~(b) This section shall become operative on July 1, 2021.~~

18 (b) *On and after January 1, 2022, the unpaid balance of any*
19 *court-imposed costs pursuant to Section 6157, 68635, and 71386,*
20 *as those sections read on December 31, 2021, is unenforceable*
21 *and uncollectible and any portion of a judgment imposing those*
22 *costs shall be vacated.*

23 SEC. 7. Section 6157 of the Government Code is amended to
24 read:

25 6157. (a) The state, and each city, whether general law or
26 chartered, county, and district, each subdivision, department, board,
27 commission, body, or agency of the foregoing, shall accept personal
28 checks, in addition to any other authorized form of payment, drawn
29 in its favor or in favor of a designated official thereof, in payment
30 for any license, permit, or fee, or in payment of any obligation
31 owing to the public agency or trust deposit, if the person issuing
32 the check furnishes to the person authorized to receive payment
33 satisfactory proof of residence in this state and if the personal
34 check is drawn on a banking institution located in this state.

35 (b) If any personal check, corporate check, cashier's check,
36 money order, or other draft method offered in payment pursuant
37 to this section is returned without payment, for any reason, a
38 reasonable charge for the returned check, *order, or draft*, not to
39 exceed the actual costs incurred by the public agency, may be
40 imposed to recover the public agency's processing and collection

SB 586 pages 9 – 86 intentionally omitted. To access a copy of the full bill text, please visit:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB586

1 years, and upon those terms and conditions as it shall determine.
2 All other provisions of subdivision (a) shall apply.

3 SEC. 43. Section 1203.1a of the Penal Code is amended to
4 read:

5 1203.1a. The probation officer of the county may authorize
6 the temporary removal under custody or temporary release without
7 custody of any inmate of the county jail, honor farm, or other
8 detention facility, who is confined or committed as a condition of
9 probation, after suspension of imposition of sentence or suspension
10 of execution of sentence, for purposes preparatory to ~~his the~~
11 *inmate's* return to the community, within 30 days prior to ~~his the~~
12 *inmate's* release date, if ~~he the~~ *probation officer* concludes that
13 ~~such an the~~ inmate is a fit subject therefor. ~~Any such temporary~~
14 ~~removal shall not be for a period of more than three days. When~~
15 ~~an inmate is released for purposes preparatory to his return to the~~
16 ~~community, the probation officer may require the inmate to~~
17 ~~reimburse the county, in whole or in part, for expenses incurred~~
18 ~~by the county in connection therewith.~~

19 SEC. 44. Section 1203.1ab of the Penal Code is amended to
20 read:

21 1203.1ab. Upon conviction of any offense involving the
22 unlawful possession, use, sale, or other furnishing of any controlled
23 substance, as defined in Chapter 2 (commencing with Section
24 11053) of Division 10 of the Health and Safety Code, in addition
25 to any or all of the terms of imprisonment, fine, and other
26 reasonable conditions specified in or permitted by Section 1203.1,
27 unless it makes a finding that this condition would not serve the
28 interests of justice, the court, when recommended by the probation
29 officer, shall require as a condition of probation that the defendant
30 shall not use or be under the influence of any controlled substance
31 and shall submit to drug and substance abuse testing as directed
32 by the probation officer. ~~If the defendant is an adult over 21 years~~
33 ~~of age and under the jurisdiction of the criminal court, is required~~
34 ~~to submit to testing, and has the financial ability to pay all or part~~
35 ~~of the costs associated with that testing, the court shall order the~~
36 ~~defendant to pay a reasonable fee, which shall not exceed the actual~~
37 ~~cost of the testing.~~

38 SEC. 45. Section 1203.1bb of the Penal Code, as added by
39 Section 49 of Chapter 92 of the Statutes of 2020, is repealed.

1 _____
2 to install an ignition interlock device, the defendant shall be
3 required to pay the cost of purchasing and installing an ignition
4 interlock device pursuant to Section 13386 of the Vehicle Code.
5 The cost shall be determined pursuant to subdivision (k) of Section
6 23575.3 of the Vehicle Code. Any defendant subject to this section
7 shall pay the manufacturer of the ignition interlock device directly
8 for the cost of its purchase and installation, in accordance with the
9 payment schedule ordered by the court. If practicable, the court
10 shall order payment to be made to the manufacturer of the ignition
11 interlock device within a six-month period.

12 ~~(b) This section does not require any county to pay the costs of~~
13 ~~purchasing and installing any ignition interlock devices ordered~~
14 ~~pursuant to Section 13386 of the Vehicle Code. The Office of~~
15 ~~Traffic Safety shall consult with the presiding judge or the~~
16 ~~presiding judge's designee in each county to determine an~~
17 ~~appropriate means, if any, to provide for installation of ignition~~
18 ~~interlock devices in cases in which the defendant has no ability to~~
19 ~~pay.~~

20 ~~(c) This section shall become operative on July 1, 2021.~~

21 SEC. 46. Section 1203.1c of the Penal Code is repealed.

22 1203.1e. (a) In any case in which a defendant is convicted of
23 an offense and is ordered to serve a period of confinement in a
24 county jail, city jail, or other local detention facility as a term of
25 probation or a conditional sentence, the court may, after a hearing,
26 make a determination of the ability of the defendant to pay all or
27 a portion of the reasonable costs of such incarceration, including
28 incarceration pending disposition of the case. The reasonable cost
29 of such incarceration shall not exceed the amount determined by
30 the board of supervisors, with respect to the county jail, and by
31 the city council, with respect to the city jail, to be the actual average
32 cost thereof on a per-day basis. The court may, in its discretion,
33 hold additional hearings during the probationary period. The court
34 may, in its discretion before such hearing, order the defendant to
35 file a statement setting forth his or her assets, liability and income,
36 under penalty of perjury, and may order the defendant to appear
37 before a county officer designated by the board of supervisors to
38 make an inquiry into the ability of the defendant to pay all or a
39 portion of such costs. At the hearing, the defendant shall be entitled
40 to have the opportunity to be heard in person or to be represented

SB 586 pages 89 – 146 intentionally omitted. To access a copy of the full bill text, please visit:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB586

1 (b) The fees authorized under subdivision (a) shall be sufficient
2 to defray the ~~actual~~ *reasonable* cost to the department to administer
3 the traffic violator school program, except for routine monitoring
4 of instruction.

5 ~~(c) A single administrative fee shall be assessed against, and
6 collected by the court pursuant to Section 42007.1 from, each
7 driver who is allowed or ordered to attend traffic violator school.
8 Included in this fee shall be an amount determined by the
9 department to be sufficient to defray the cost of routine monitoring
10 of traffic violator school instruction.~~

11 ~~(d) This section shall become operative on September 1, 2011.~~

12 SEC. 80. Section 13386 of the Vehicle Code, as added by
13 Section 22 of Chapter 783 of the Statutes of 2016, is amended to
14 read:

15 13386. (a) (1) The department shall certify or cause to be
16 certified ignition interlock devices required by Article 5
17 (commencing with Section 23575) of Chapter 2 of Division 11.5
18 and publish a list of approved devices.

19 (2) (A) The department shall ensure that ignition interlock
20 devices that have been certified according to the requirements of
21 this section continue to meet certification requirements. The
22 department may periodically require manufacturers to indicate in
23 writing whether the devices continue to meet certification
24 requirements.

25 (B) The department may use denial of certification, suspension
26 or revocation of certification, or decertification of an ignition
27 interlock device in another state as an indication that the
28 certification requirements are not met, if either of the following
29 apply:

30 (i) The denial of certification, suspension or revocation of
31 certification, or decertification in another state constitutes a
32 violation by the manufacturer of Article 2.55 (commencing with
33 Section 125.00) of Chapter 1 of Division 1 of Title 13 of the
34 California Code of Regulations.

35 (ii) The denial of certification for an ignition interlock device
36 in another state was due to a failure of an ignition interlock device
37 to meet the standards adopted by the regulation set forth in clause
38 (i), specifically Sections 1 and 2 of the model specification for
39 breath alcohol ignition interlock devices, as published by notice
40 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,

1 on pages 11774 to 11787, inclusive, or the Model Specifications
2 for Breath Alcohol Ignition Interlock Devices, as published by
3 notice in the Federal Register, Vol. 78, No. 89, Wednesday, May
4 8, 2013, on pages 25489 to 26867, inclusive.

5 (C) Failure to continue to meet certification requirements shall
6 result in suspension or revocation of certification of ignition
7 interlock devices.

8 (b) (1) A manufacturer shall not furnish an installer, service
9 center, technician, or consumer with technology or information
10 that allows a device to be used in a manner that is contrary to the
11 purpose for which it is certified.

12 (2) Upon a violation of paragraph (1), the department shall
13 suspend or revoke the certification of the ignition interlock device
14 that is the subject of that violation.

15 (c) An installer, service center, or technician shall not tamper
16 with, change, or alter the functionality of the device from its
17 certified criteria.

18 (d) The department shall utilize information from an
19 independent, accredited (ISO/IEC 17025) laboratory to certify
20 ignition interlock devices of the manufacturer or manufacturer's
21 agent, in accordance with the guidelines. The cost of certification
22 shall be borne by the manufacturers of ignition interlock devices.
23 If the certification of a device is suspended or revoked, the
24 manufacturer of the device shall be responsible for, and shall bear
25 the cost of, the removal of the device and the replacement of a
26 certified device of the manufacturer or another manufacturer.

27 (e) A model of ignition interlock device shall not be certified
28 unless it meets the accuracy requirements and specifications
29 provided in the guidelines adopted by the National Highway Traffic
30 Safety Administration.

31 (f) All manufacturers of ignition interlock devices that meet the
32 requirements of subdivision (e) and are certified in a manner
33 approved by the department, who intend to sell the devices in this
34 state, first shall apply to the department on forms provided by that
35 department. The application shall be accompanied by a fee in an
36 amount not to exceed the amount necessary to cover the costs
37 incurred by the department in carrying out this section.

38 (g) The department shall ensure that standard forms and
39 procedures are developed for documenting decisions and

1 compliance and communicating results to relevant agencies. These
2 forms shall include all of the following:

3 (1) An “Option to Install,” to be sent by the department to repeat
4 offenders along with the mandatory order of suspension or
5 revocation. This shall include the alternatives available for early
6 license reinstatement with the installation of an ignition interlock
7 device and shall be accompanied by a toll-free telephone number
8 for each manufacturer of a certified ignition interlock device.
9 Information regarding approved installation locations shall be
10 provided to drivers by manufacturers with ignition interlock devices
11 that have been certified in accordance with this section.

12 (2) A “Verification of Installation” to be returned to the
13 department by the reinstating offender upon application for
14 reinstatement. Copies shall be provided for the manufacturer or
15 the manufacturer’s agent.

16 (3) A “Notice of Noncompliance” and procedures to ensure
17 continued use of the ignition interlock device during the restriction
18 period and to ensure compliance with maintenance requirements.
19 The maintenance period shall be standardized at 60 days to
20 maximize monitoring checks for equipment tampering.

21 (h) Every manufacturer and manufacturer’s agent certified by
22 the department to provide ignition interlock devices shall adopt
23 fee schedules that provide for the payment of the costs of the device
24 by applicants in amounts commensurate with the applicant’s ~~ability~~
25 ~~to pay.~~ *income pursuant to subdivision (k) of Section 23575.3.*
26 *Notice of fee schedules shall be provided to applicants at the time*
27 *of installation.*

28 (i) A person who manufactures, installs, services, or repairs, or
29 otherwise deals in ignition interlock devices shall not disclose,
30 sell, or transfer to a third party any individually identifiable
31 information pertaining to individuals who are required by law to
32 install an ignition interlock device on a vehicle that ~~he or she~~ *the*
33 *individual* owns or operates, except to the extent necessary to
34 confirm or deny that an individual has complied with ignition
35 interlock device installation and maintenance requirements.

36 (j) This section shall become operative January 1, 2026.

37 SEC. 81. Section 21212 of the Vehicle Code is amended to
38 read:

39 21212. (a) A person under 18 years of age shall not operate a
40 bicycle, a nonmotorized scooter, or a skateboard, nor wear in-line

1 or roller skates, nor ride upon a bicycle, a nonmotorized scooter,
2 or a skateboard as a passenger, upon a street, bikeway, as defined
3 in Section 890.4 of the Streets and Highways Code, or any other
4 public bicycle path or trail unless that person is wearing a properly
5 fitted and fastened bicycle helmet that meets the standards of either
6 the American Society for Testing and Materials (ASTM) or the
7 United States Consumer Product Safety Commission (CPSC), or
8 standards subsequently established by those entities. This
9 requirement also applies to a person who rides upon a bicycle
10 while in a restraining seat that is attached to the bicycle or in a
11 trailer towed by the bicycle.

12 (b) A helmet sold or offered for sale for use by operators and
13 passengers of bicycles, nonmotorized scooters, skateboards, or
14 in-line or roller skates shall be conspicuously labeled in accordance
15 with the standard described in subdivision (a), which shall
16 constitute the manufacturer's certification that the helmet conforms
17 to the applicable safety standards.

18 (c) A person shall not sell, or offer for sale, for use by an
19 operator or passenger of a bicycle, nonmotorized scooter,
20 skateboard, or in-line or roller skates any safety helmet that is not
21 of a type meeting requirements established by this section.

22 (d) A charge under this section shall be dismissed when the
23 person charged alleges in court, under oath, that the charge against
24 the person is the first charge against that person under this section,
25 unless it is otherwise established in court that the charge is not the
26 first charge against the person.

27 (e) (1) Except as provided in subdivision (d), a violation of this
28 section is an infraction punishable by a fine of not more than
29 twenty-five dollars (\$25).

30 (2) The parent or legal guardian having control or custody of
31 an unemancipated minor whose conduct violates this section shall
32 be jointly and severally liable with the minor for the amount of
33 the fine imposed pursuant to this subdivision.

34 (f) A record of the action shall not be transmitted to the court
35 ~~and a fee shall not be imposed pursuant to Section 40611~~ upon a
36 citation for not wearing a properly fitted and fastened bicycle
37 helmet pursuant to subdivision (a) if the parent or legal guardian
38 of the person described in subdivision (a) delivers proof to the
39 issuing agency within 120 days after the citation was issued that
40 the person has a helmet meeting the requirements specified in

1 subdivision (a) and the person has completed a local bicycle safety
2 course or a related safety course, if one is available, as prescribed
3 by authorities in the local jurisdiction.

4 (g) Notwithstanding Section 1463 of the Penal Code or any
5 other law, the fines collected for a violation of this section shall
6 be allocated as follows:

7 (1) Seventy-two and one-half percent of the amount collected
8 shall be deposited in a special account of the county health
9 department, to be used for bicycle, nonmotorized scooter,
10 skateboard, and in-line and roller skate safety education and for
11 assisting low-income families in obtaining approved bicycle
12 helmets for persons under 18 years of age, either on a loan or
13 purchase basis. The county may contract for the implementation
14 of this program, which, to the extent practicable, shall be operated
15 in conjunction with the child passenger restraint program pursuant
16 to Section 27360.

17 (2) Two and one-half percent of the amount collected shall be
18 deposited in the county treasury to be used by the county to
19 administer the program described in paragraph (1).

20 (3) If the violation occurred within a city, 25 percent of the
21 amount collected shall be transferred to, and deposited in, the
22 treasury of that city. If the violation occurred in an unincorporated
23 area, this 25 percent shall be deposited and used pursuant to
24 paragraph (1).

25 SEC. 82. Section 23573 of the Vehicle Code, as amended by
26 Section 23 of Chapter 485 of the Statutes of 2017, is amended to
27 read:

28 23573. (a) The Department of Motor Vehicles, upon receipt
29 of the court's abstract of conviction for a violation listed in
30 subdivision (j), shall inform the convicted person of the
31 requirements of this section and the term for which the person is
32 required to have a functioning, certified ignition interlock device
33 installed. *At the time of installation, the installer shall inform the*
34 *convicted person of the requirements of subdivision (k) of Section*
35 *23573.5 and advise the person that the law provides for payment*
36 *of the costs of the ignition interlock device and its installation,*
37 *maintenance, and servicing commensurate with the person's*
38 *income.* The records of the department shall reflect the mandatory
39 use of the device for the term required and the time when the device
40 is required to be installed pursuant to this code.

1 (b) The department shall advise the person that installation of
2 a functioning, certified ignition interlock device on a vehicle does
3 not allow the person to drive without a valid driver's license.

4 (c) A person who is notified by the department pursuant to
5 subdivision (a) shall, within 30 days of notification, complete all
6 of the following:

7 (1) Arrange for each vehicle operated by the person to be fitted
8 with a functioning, certified ignition interlock device by a certified
9 ignition interlock device provider under Section 13386.

10 (2) Notify the department and provide to the department proof
11 of installation by submitting the "Verification of Installation" form
12 described in paragraph (2) of subdivision (g) of Section 13386.

13 (3) Pay to the department a fee sufficient to cover the costs of
14 administration of this section, including startup costs, ~~as determined~~
15 ~~by the department.~~ *based on the person's income as defined in*
16 *subdivision (k) of Section 25375.3.*

17 (d) The department shall place a restriction on the driver's
18 license record of the convicted person that states the driver is
19 restricted to driving only vehicles equipped with a functioning,
20 certified ignition interlock device.

21 (e) (1) A person who is notified by the department pursuant to
22 subdivision (a) shall arrange for each vehicle with an ignition
23 interlock device to be serviced by the installer at least once every
24 60 days in order for the installer to recalibrate and monitor the
25 operation of the device.

26 (2) The installer shall notify the department if the device is
27 removed or indicates that the person has attempted to remove,
28 bypass, or tamper with the device, or if the person fails three or
29 more times to comply with any requirement for the maintenance
30 or calibration of the ignition interlock device.

31 (f) The department shall monitor the installation and
32 maintenance of the functioning, certified ignition interlock device
33 installed pursuant to subdivision (a).

34 (g) (1) A person who is notified by the department, pursuant
35 to subdivision (a), is exempt from the requirements of subdivision
36 (c) if all of the following circumstances occur:

37 (A) Within 30 days of the notification, the person certifies to
38 the department all of the following:

39 (i) The person does not own a vehicle.

1 (ii) The person does not have access to a vehicle at ~~his or her~~
2 *their* residence.

3 (iii) The person no longer has access to the vehicle being driven
4 by the person when ~~he or she was~~ *they were* arrested for a violation
5 that subsequently resulted in a conviction for a violation listed in
6 subdivision (j).

7 (iv) The person acknowledges that ~~he or she is~~ *they are* only
8 allowed to drive a vehicle that is fitted with a functioning, certified
9 ignition interlock device and that ~~he or she is~~ *they are* required to
10 have a valid driver's license before ~~he or she~~ *they* can drive.

11 (v) The person is subject to the requirements of this section
12 when ~~he or she purchases or has~~ *they purchase or have* access to
13 a vehicle.

14 (B) The person's driver's license record has been restricted
15 pursuant to subdivision (d).

16 (C) The person complies with this section immediately upon
17 commencing operation of a vehicle subject to the required
18 installation of a functioning, certified ignition interlock device.

19 (2) A person who has been granted an exemption pursuant to
20 this subdivision and who subsequently drives a vehicle in violation
21 of the exemption is subject to the penalties of subdivision (i) in
22 addition to any other applicable penalties in law.

23 (h) This section does not permit a person to drive without a
24 valid driver's license.

25 (i) A person who is required under subdivision (c) to install a
26 functioning, certified ignition interlock device who willfully fails
27 to install the ignition interlock device within the time period
28 required under subdivision (c) is guilty of a misdemeanor and shall
29 be punished by imprisonment in a county jail for not more than
30 six months or by a fine of not more than five thousand dollars
31 (\$5,000), or by both that fine and imprisonment.

32 (j) In addition to all other requirements of this code, a person
33 convicted of any of the following violations shall be punished as
34 follows:

35 (1) Upon a conviction of a violation of Section 14601.2,
36 14601.4, or 14601.5 subsequent to one prior conviction of a
37 violation of Section 23103.5, 23152, or 23153, within a 10-year
38 period, the person shall immediately install a functioning, certified
39 ignition interlock device, pursuant to this section, in all vehicles
40 operated by that person for a term of one year.

1 (2) Upon a conviction of a violation of Section 14601.2,
2 14601.4, or 14601.5 subsequent to two prior convictions of a
3 violation of Section 23103.5, 23152, or 23153, within a 10-year
4 period, or one prior conviction of Section 14601.2, 14601.4, or
5 14601.5, within a 10-year period, the person shall immediately
6 install a functioning, certified ignition interlock device, pursuant
7 to this section, in all vehicles operated by that person for a term
8 of two years.

9 (3) Upon a conviction of a violation of Section 14601.2,
10 14601.4, or 14601.5 subsequent to three or more prior convictions
11 of a violation of Section 23103.5, 23152, or 23153, within a
12 10-year period, or two or more prior convictions of Section
13 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
14 shall immediately install a functioning, certified ignition interlock
15 device, pursuant to this section, in all vehicles operated by that
16 person for a term of three years.

17 (k) The department shall notify the court if a person subject to
18 this section has failed to show proof of installation within 30 days
19 of the department informing the person ~~he or she is~~ *they are*
20 required to install a functioning, certified ignition interlock device.

21 (l) Subdivisions (g), (h), (j), (k), and (l) of Section 23575 apply
22 to this section.

23 (m) The requirements of this section are in addition to any other
24 requirements of law.

25 (n) This section shall become operative on January 1, 2019.

26 (o) This section shall remain in effect only until January 1, 2026,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2026, deletes or extends that date.

29 SEC. 83. Section 23573 of the Vehicle Code, as amended by
30 Section 24 of Chapter 485 of the Statutes of 2017, is amended to
31 read:

32 23573. (a) The Department of Motor Vehicles, upon receipt
33 of the court's abstract of conviction for a violation listed in
34 subdivision (j), shall inform the convicted person of the
35 requirements of this section and the term for which the person is
36 required to have a functioning, certified ignition interlock device
37 installed. *At the time of installation, the installer shall inform the*
38 *convicted person of the requirements of subdivision (k) of Section*
39 *23575.3 and advise the person that the law provides for payment*
40 *of the costs of the ignition interlock device and its installation,*

1 *maintenance, and servicing commensurate with the person's*
2 *income.* The records of the department shall reflect the mandatory
3 use of the device for the term required and the time when the device
4 is required to be installed pursuant to this code.

5 (b) The department shall advise the person that installation of
6 a functioning, certified ignition interlock device on a vehicle does
7 not allow the person to drive without a valid driver's license.

8 (c) A person who is notified by the department pursuant to
9 subdivision (a) shall, within 30 days of notification, complete all
10 of the following:

11 (1) Arrange for each vehicle operated by the person to be fitted
12 with a functioning, certified ignition interlock device by a certified
13 ignition interlock device provider under Section 13386.

14 (2) Notify the department and provide to the department proof
15 of installation by submitting the "Verification of Installation" form
16 described in paragraph (2) of subdivision (g) of Section 13386.

17 (3) Pay to the department a fee sufficient to cover the costs of
18 administration of this section, including startup costs, ~~as determined~~
19 ~~by the department~~ *based on the person's income as defined in*
20 *subdivision (k) of Section 25375.3*

21 (d) The department shall place a restriction on the driver's
22 license record of the convicted person that states the driver is
23 restricted to driving only vehicles equipped with a functioning,
24 certified ignition interlock device.

25 (e) (1) A person who is notified by the department pursuant to
26 subdivision (a) shall arrange for each vehicle with an ignition
27 interlock device to be serviced by the installer at least once every
28 60 days in order for the installer to recalibrate and monitor the
29 operation of the device.

30 (2) The installer shall notify the department if the device is
31 removed or indicates that the person has attempted to remove,
32 bypass, or tamper with the device, or if the person fails three or
33 more times to comply with any requirement for the maintenance
34 or calibration of the ignition interlock device.

35 (f) The department shall monitor the installation and
36 maintenance of the ignition interlock device installed pursuant to
37 subdivision (a).

38 (g) (1) A person who is notified by the department, pursuant
39 to subdivision (a), is exempt from the requirements of subdivision
40 (c) if all of the following circumstances occur:

1 (A) Within 30 days of the notification, the person certifies to
2 the department all of the following:

3 (i) The person does not own a vehicle.

4 (ii) The person does not have access to a vehicle at ~~his or her~~
5 *their* residence.

6 (iii) The person no longer has access to the vehicle being driven
7 by the person when ~~he or she was~~ *they were* arrested for a violation
8 that subsequently resulted in a conviction for a violation listed in
9 subdivision (j).

10 (iv) The person acknowledges that ~~he or she is~~ *they are* only
11 allowed to drive a vehicle that is fitted with a functioning, certified
12 ignition interlock device and that ~~he or she is~~ *they are* required to
13 have a valid driver's license before ~~he or she~~ *they* can drive.

14 (v) The person is subject to the requirements of this section
15 when ~~he or she purchases or has~~ *they purchase or have* access to
16 a vehicle.

17 (B) The person's driver's license record has been restricted
18 pursuant to subdivision (d).

19 (C) The person complies with this section immediately upon
20 commencing operation of a vehicle subject to the required
21 installation of a functioning, certified ignition interlock device.

22 (2) A person who has been granted an exemption pursuant to
23 this subdivision and who subsequently drives a vehicle in violation
24 of the exemption is subject to the penalties of subdivision (i) in
25 addition to any other applicable penalties in law.

26 (h) This section does not permit a person to drive without a
27 valid driver's license.

28 (i) A person who is required under subdivision (c) to install a
29 functioning, certified ignition interlock device who willfully fails
30 to install the ignition interlock device within the time period
31 required under subdivision (c) is guilty of a misdemeanor and shall
32 be punished by imprisonment in a county jail for not more than
33 six months or by a fine of not more than five thousand dollars
34 (\$5,000), or by both that fine and imprisonment.

35 (j) In addition to all other requirements of this code, a person
36 convicted of any of the following violations shall be punished as
37 follows:

38 (1) Upon a conviction of a violation of Section 14601.2,
39 14601.4, or 14601.5 subsequent to one prior conviction of a
40 violation of Section 23103.5, 23152, or 23153, within a 10-year

1 period, the person shall immediately install a functioning, certified
2 ignition interlock device, pursuant to this section, in all vehicles
3 operated by that person for a term of one year.

4 (2) Upon a conviction of a violation of Section 14601.2,
5 14601.4, or 14601.5 subsequent to two prior convictions of a
6 violation of Section 23103.5, 23152, or 23153, within a 10-year
7 period, or one prior conviction of Section 14601.2, 14601.4, or
8 14601.5, within a 10-year period, the person shall immediately
9 install a functioning, certified ignition interlock device, pursuant
10 to this section, in all vehicles operated by that person for a term
11 of two years.

12 (3) Upon a conviction of a violation of Section 14601.2,
13 14601.4, or 14601.5 subsequent to three or more prior convictions
14 of a violation of Section 23103.5, 23152, or 23153, within a
15 10-year period, or two or more prior convictions of Section
16 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
17 shall immediately install a functioning, certified ignition interlock
18 device, pursuant to this section, in all vehicles operated by that
19 person for a term of three years.

20 (k) The department shall notify the court if a person subject to
21 this section has failed to show proof of installation within 30 days
22 of the department informing the person ~~he or she is~~ *they are*
23 required to install a functioning, certified ignition interlock device.

24 (l) Subdivisions (j), (k), (m), (n), and (o) of Section 23575 apply
25 to this section.

26 (m) The requirements of this section are in addition to any other
27 requirements of law.

28 (n) This section shall become operative January 1, 2026.

29 SEC. 84. Section 23575.3 of the Vehicle Code is amended to
30 read:

31 23575.3. (a) In addition to any other requirement imposed by
32 law, a court shall notify a person convicted of a violation listed in
33 subdivision (h) that ~~he or she is~~ *they are* required to install a
34 functioning, certified ignition interlock device on any vehicle that
35 the person operates and that ~~he or she is~~ *they are* prohibited from
36 operating a motor vehicle unless that vehicle is equipped with a
37 functioning, certified ignition interlock device in accordance with
38 this section. *Upon ordering a person to install an ignition interlock*
39 *device, the court shall inform the convicted person of the*
40 *requirements of subdivision (k) of Section 23575.3 and advise the*

1 *person that the law provides for payment of the costs of the ignition*
2 *interlock device and its installation, maintenance, and servicing*
3 *commensurate with the person's income.*

4 (b) The Department of Motor Vehicles, upon receipt of the
5 court's abstract of conviction for a violation listed in subdivision
6 (h), shall inform the convicted person of the requirements of this
7 section, including the term for which the person is required to have
8 a certified ignition interlock device installed. *At the time of*
9 *installation, the installer shall inform the convicted person of the*
10 *requirements of subdivision (k) and advise the person that the law*
11 *provides for payment of the costs of the ignition interlock device*
12 *and its installation, maintenance, and servicing commensurate*
13 *with the person's income.* The records of the department shall
14 reflect the mandatory use of the device for the term required and
15 the time when the device is required to be installed by this code.

16 (c) The department shall advise the person that installation of
17 a functioning, certified ignition interlock device on a vehicle does
18 not allow the person to drive without a valid driver's license.

19 (d) (1) A person who is notified by the department pursuant to
20 subdivision (b) shall do all of the following:

21 (A) Arrange for each vehicle operated by the person to be
22 equipped with a functioning, certified ignition interlock device by
23 a certified ignition interlock device provider under Section 13386.

24 (B) Provide to the department proof of installation by submitting
25 the "Verification of Installation" form described in paragraph (2)
26 of subdivision (g) of Section 13386.

27 (C) Pay a fee, determined by the department, that is sufficient
28 to cover the costs of administration of this ~~section.~~ *section, based*
29 *on the person's income as specified in subdivision (k).*

30 (2) A person who is notified by the department pursuant to
31 subdivision (b), is exempt from the requirements of this subdivision
32 until the time ~~he or she~~ *that person* purchases or has access to a
33 vehicle if, within 30 days of the notification, the person certifies
34 to the department all of the following:

35 (A) The person does not own a vehicle.

36 (B) The person does not have access to a vehicle at ~~his or her~~
37 *their* residence.

38 (C) The person no longer has access to the vehicle ~~he or she~~
39 ~~was they were~~ *driving at the time he or she was they were* arrested

1 for a violation that subsequently resulted in a conviction for a
2 violation listed in subdivision (h).

3 (D) The person acknowledges that ~~he or she is~~ *they are* only
4 allowed to drive a vehicle that is equipped with a functioning,
5 certified ignition interlock device.

6 (E) The person acknowledges that ~~he or she is~~ *they are* required
7 to have a valid driver's license before ~~he or she~~ *they* can drive.

8 (F) The person acknowledges that ~~he or she is~~ *they are* subject
9 to the requirements of this section when ~~he or she purchases or~~
10 ~~has~~ *they purchase or have* access to a vehicle.

11 (e) In addition to any other restrictions the department places
12 on the driver's license record of the convicted person when the
13 person is issued a restricted driver's license pursuant to Section
14 13352 or 13352.4, the department shall place a restriction on the
15 driver's license record of the person that states the driver is
16 restricted to driving only vehicles equipped with a functioning,
17 certified ignition interlock device for the applicable term.

18 (f) (1) A person who is notified by the department pursuant to
19 subdivision (b) shall arrange for each vehicle with a functioning,
20 certified ignition interlock device to be serviced by the installer at
21 least once every 60 days in order for the installer to recalibrate and
22 monitor the operation of the device.

23 (2) The installer shall notify the department if the device is
24 removed or indicates that the person has attempted to remove,
25 bypass, or tamper with the device, or if the person fails three or
26 more times to comply with any requirement for the maintenance
27 or calibration of the ignition interlock device.

28 (g) The department shall monitor the installation and
29 maintenance of the ignition interlock device installed pursuant to
30 subdivision (d).

31 (h) A person is required to install a functioning, certified ignition
32 interlock device pursuant to this section for the applicable term,
33 as follows:

34 (1) A person convicted of a violation of subdivision (a), (b),
35 (d), (e), or (g) of Section 23152 shall be required to do the
36 following, as applicable:

37 (A) Upon a conviction with no priors, punishable under Section
38 23536, only one of the following may occur:

39 (i) The court may order installation of a functioning, certified
40 ignition interlock device on any vehicle that the person operates

1 and prohibit that person from operating a motor vehicle unless that
2 vehicle is equipped with a functioning, certified ignition interlock
3 device. If the court orders the ignition interlock device restriction,
4 the term shall be determined by the court for a period not to exceed
5 six months from the date of conviction. The court shall notify the
6 department of the conviction as specified in subdivision (a) of
7 Section 1803 or Section 1816, and shall specify the terms of the
8 ignition interlock device restriction in accordance with subdivision
9 (a) of Section 1804. The department shall place the restriction on
10 the driver's license record of the person that states the driver is
11 restricted to driving only vehicles equipped with a functioning,
12 certified ignition interlock device for the applicable term.

13 (ii) The person may apply to the department for a restriction of
14 the driving privilege under Section 13352.4.

15 (iii) The person may apply to the department for a restriction
16 of the driving privilege under paragraph (1) of subdivision (a) of
17 Section 13352 or subdivision (c) of Section 13352.1.

18 (B) Upon a conviction with one prior, punishable under Section
19 23540, the person shall install a functioning, certified ignition
20 interlock device in the vehicle, as ordered by the court, that is
21 operated by that person for a mandatory term of 12 months.

22 (C) Upon a conviction with two priors, punishable under Section
23 23546, the person shall install a functioning, certified ignition
24 interlock device in the vehicle, as ordered by the court, that is
25 operated by that person for a mandatory term of 24 months.

26 (D) Upon a conviction with three or more priors punishable
27 under Section 23550, or a conviction punishable under Section
28 23550.5, the person shall install a functioning, certified ignition
29 interlock device in the vehicle, as ordered by the court, that is
30 operated by that person for a mandatory term of 36 months.

31 (2) A person convicted of a violation of subdivision (a), (b),
32 (d), (e), or (g) of Section 23153 shall install a functioning, certified
33 ignition interlock device, as follows:

34 (A) Upon a conviction with no priors, punishable under Section
35 23554, the person shall install a functioning, certified ignition
36 interlock device in the vehicle, as ordered by the court, that is
37 operated by that person for a mandatory term of 12 months.

38 (B) Upon a conviction with one prior, punishable under Section
39 23560, the person shall install a functioning, certified ignition

1 interlock device in the vehicle, as ordered by the court, that is
2 operated by that person for a mandatory term of 24 months.

3 (C) Upon a conviction with two priors, punishable under Section
4 23550 or 23566, the person shall install a functioning, certified
5 ignition interlock device in the vehicle, as ordered by the court,
6 that is operated by that person for a mandatory term of 36 months.

7 (D) Upon a conviction with one prior punishable under Section
8 23550.5, the person shall install a functioning, certified ignition
9 interlock device in the vehicle, as ordered by the court, that is
10 operated by that person for a mandatory term of 48 months.

11 (3) For the purposes of paragraphs (1) and (2), “prior” means
12 a conviction for a separate violation of Section 23103, as specified
13 in Section 23103.5, or Section 23152 or 23153, subdivision (a) or
14 (b) of Section 191.5 of, or subdivision (a) of Section 192.5 of, the
15 Penal Code, or subdivision (b), (c), (d), (e), or (f) of Section 655
16 of the Harbors and Navigation Code, that occurred within 10 years
17 of the current violation.

18 (4) The terms prescribed in this subdivision shall begin once a
19 person has complied with subparagraph (B) of paragraph (1) of
20 subdivision (d) and either upon the reinstatement of the privilege
21 to drive pursuant to Section 13352 or the issuance of a restricted
22 driver’s license pursuant to Section 13352. A person shall receive
23 credit for any period in which ~~he or she~~ *they* had a restricted
24 driver’s license issued pursuant to Section 13353.6 or 13353.75.

25 (i) Subdivisions (g), (h), (j), and (k) of Section 23575 apply to
26 this section.

27 (j) If a person fails to comply with any of the requirements
28 regarding ignition interlock devices, the period in which the person
29 was not in compliance shall not be credited towards the mandatory
30 term for which the ignition interlock device is required to be
31 installed.

32 (k) (1) Every manufacturer and manufacturer’s agent certified
33 by the department to provide ignition interlock devices, under
34 Section 13386, shall adopt the following fee schedule that provides
35 for the payment of the costs of the certified ignition interlock
36 ~~device by offenders subject to this chapter~~ *device, the*
37 *administration of the program, installation, maintenance, and any*
38 *other costs associated with the device by persons subject to this*
39 *chapter* in amounts commensurate with that person’s income

1 relative to the federal poverty level, as defined in Section 127400
2 of the Health and Safety Code:

3 (A) A person with an income at 100 percent of the federal
4 poverty level or below and who provides income verification
5 pursuant to paragraph (2) is responsible for ~~10~~ 5 percent of the
6 cost of the manufacturer's standard ignition interlock device
7 program costs, and any additional costs accrued by the person for
8 noncompliance with program requirements.

9 (B) A person with an income at 101 to 200 percent of the federal
10 poverty level and who provides income verification pursuant to
11 paragraph (2) is responsible for 25 percent of the cost of the
12 manufacturer's standard ignition interlock device program costs,
13 and any additional costs accrued by the person for noncompliance
14 with program requirements.

15 (C) A person with an income at 201 to 300 percent of the federal
16 poverty level and who provides income verification pursuant to
17 paragraph (2) is responsible for 50 percent of the cost of the
18 manufacturer's standard ignition interlock device program costs,
19 and any additional costs accrued by the person for noncompliance
20 with program requirements.

21 (D) A person who is receiving CalFresh benefits and who
22 provides proof of those benefits to the manufacturer or
23 manufacturer's agent or authorized installer is responsible for 50
24 percent of the cost of the manufacturer's standard ignition interlock
25 device program costs, and any additional costs accrued by the
26 person for noncompliance with program requirements.

27 (E) A person with an income at 301 to 400 percent of the federal
28 poverty level and who provides income verification pursuant to
29 paragraph (2) is responsible for 90 percent of the cost of the
30 manufacturer's standard ignition interlock device program costs,
31 and any additional costs accrued by the person for noncompliance
32 with program requirements.

33 (F) All other ~~offenders~~ *persons* are responsible for 100 percent
34 of the cost of the ignition interlock device.

35 (G) The manufacturer is responsible for the percentage of costs
36 that the ~~offender~~ *person ordered to install an ignition-interlock*
37 *device* is not responsible for pursuant to subparagraphs (A) to (E),
38 inclusive.

39 (2) The ignition interlock device provider shall verify the
40 ~~offender's~~ income *of the person ordered to install an*

1 *ignition-interlock device* to determine the cost of the ignition
 2 interlock device pursuant to this subdivision by verifying ~~one of~~
 3 ~~the following~~ *any of the following* documents from the ~~offender:~~
 4 *person:*

5 (A) The previous year's *state or* federal income tax return.

6 (B) The previous three months of weekly or monthly income
 7 statements.

8 (C) ~~Employment~~ *A pending application for, or receipt of,*
 9 *Employment* Department verification of
 10 unemployment benefits.

11 (D) *Receipt of state-funded needs-tested public benefits such*
 12 *as CalFresh, CalWORKS, Social Security Income, Medi-Cal, and*
 13 *general assistance.*

14 (E) *Third-party verification of homelessness from an agency or*
 15 *nonprofit organization providing services to homeless people or*
 16 *presence on a county coordinated entry system list.*

17 (3) *At any point during which a device is installed and in use,*
 18 *an individual shall be permitted to apply for reduced costs by*
 19 *providing proof of a change of income.*

20 (4) *The ignition interlock device provider shall post*
 21 *conspicuously on its internet website and contracts the information*
 22 *set forth in this subdivision. Installation service and repair*
 23 *providers shall post conspicuously in their place of business and*
 24 *inform a person of the information set forth in this subdivision*
 25 *prior to installation and servicing of the device.*

26 (l) The Department of Consumer Affairs may impose a civil
 27 assessment not to exceed one thousand dollars (\$1,000) upon a
 28 manufacturer or manufacturer's agent certified to provide ignition
 29 interlock devices who fails to inform ~~an offender~~ *a person ordered*
 30 *to install an ignition interlock device* subject to this chapter of the
 31 provisions of subdivision (k), or who fails to comply with the
 32 provisions of subdivision (k).

33 (m) *A person subject to this chapter may institute a civil action*
 34 *to recover damages, injunctive or declaratory relief, and a civil*
 35 *penalty not to exceed one thousand dollars (\$1,000) per violation*
 36 *from a manufacturer or manufacturer's agent who fails to inform*
 37 *the individual of the provisions of subdivision (k), or who fails to*
 38 *comply with the provisions of subdivision (k) or subdivision (h) of*
 39 *Section 13386. A prevailing plaintiff in any action commenced*

1 *pursuant to this subdivision shall be entitled to recover their*
 2 *reasonable attorney's fees and costs.*

3 ~~(m)~~

4 (n) This section does not permit a person to drive without a
 5 valid driver's license.

6 ~~(n)~~

7 (o) The requirements of this section are in addition to any other
 8 requirements of law.

9 ~~(o)~~

10 (p) For the purposes of this section, the following definitions
 11 apply:

12 (1) "Bypass" means either of the following:

13 (A) Failure to take any random retest.

14 (B) Failure to pass a random retest with a breath alcohol
 15 concentration not exceeding 0.03 percent, by weight of alcohol,
 16 in the person's blood.

17 (2) "Operates" includes operating a vehicle that is not owned
 18 by the person subject to this section.

19 (3) "Owned" means solely owned or owned in conjunction with
 20 another person or legal entity.

21 (4) "Random retest" means a breath test performed by the driver
 22 upon a certified ignition interlock device at random intervals after
 23 the initial engine startup breath test and while the vehicle's motor
 24 is running.

25 (5) "Vehicle" does not include a motorcycle until the state
 26 certifies an ignition interlock device that can be installed on a
 27 motorcycle. A person subject to an ignition interlock device
 28 restriction shall not operate a motorcycle for the duration of the
 29 ignition interlock device restriction period.

30 ~~(p)~~

31 (q) The requirements of this section shall apply only to a person
 32 who is convicted for a violation of Section 23152 or 23153 that
 33 occurred on or after January 1, 2019.

34 ~~(q)~~

35 (r) This section shall become operative on January 1, 2019.

36 ~~(r)~~

37 (s) This section shall remain in effect only until January 1, 2026,
 38 and as of that date is repealed, unless a later enacted statute, that
 39 is enacted before January 1, 2026, deletes or extends that date.

40 SEC. 85. Section 40508.5 of the Vehicle Code is repealed.

SB 586 pages 165 – 190 intentionally omitted. To access a copy of the full bill text, please visit:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB586

Agenda Item 5i: SB 772 (Ochoa Bogh) – Professions and vocations: citations: minor violations

**Introduced by Senator Ochoa Bogh
(Coauthor: Senator Borgeas)**

February 19, 2021

An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 772, as introduced, Ochoa Bogh. Professions and vocations: citations: minor violations.

Existing law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

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

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

- 1 SECTION 1. Section 125.9 of the Business and Professions
- 2 Code is amended to read:
- 3 125.9. (a) Except with respect to persons regulated under
- 4 Chapter 11 (commencing with Section 7500), any board, bureau,
- 5 or commission within the department, the State Board of

1 Chiropractic Examiners, and the Osteopathic Medical Board of
2 California, may establish, by regulation, a system for the issuance
3 to a licensee of a citation which may contain an order of abatement
4 or an order to pay an administrative fine assessed by the board,
5 bureau, or commission where the licensee is in violation of the
6 applicable licensing act or any regulation adopted pursuant thereto.

7 (b) The system shall contain the following provisions:

8 (1) Citations shall be in writing and shall describe with
9 particularity the nature of the violation, including specific reference
10 to the provision of law determined to have been violated.

11 (2) Whenever appropriate, the citation shall contain an order of
12 abatement fixing a reasonable time for abatement of the violation.

13 (3) In no event shall the administrative fine assessed by the
14 board, bureau, or commission exceed five thousand dollars (\$5,000)
15 for each inspection or each investigation made with respect to the
16 violation, or five thousand dollars (\$5,000) for each violation or
17 count if the violation involves fraudulent billing submitted to an
18 insurance company, the Medi-Cal program, or Medicare. In
19 assessing a fine, the board, bureau, or commission shall give due
20 consideration to the appropriateness of the amount of the fine with
21 respect to factors such as the gravity of the violation, the good
22 faith of the licensee, and the history of previous violations.

23 (4) A citation or fine assessment issued pursuant to a citation
24 shall inform the licensee that if the licensee desires a hearing to
25 contest the finding of a violation, that hearing shall be requested
26 by written notice to the board, bureau, or commission within 30
27 days of the date of issuance of the citation or assessment. If a
28 hearing is not requested pursuant to this section, payment of any
29 fine shall not constitute an admission of the violation charged.
30 Hearings shall be held pursuant to Chapter 5 (commencing with
31 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
32 Code.

33 (5) Failure of a licensee to pay a fine or comply with an order
34 of abatement, or both, within 30 days of the date of assessment or
35 order, unless the citation is being appealed, may result in
36 disciplinary action being taken by the board, bureau, or
37 commission. Where a citation is not contested and a fine is not
38 paid, the full amount of the assessed fine shall be added to the fee
39 for renewal of the license. A license shall not be renewed without
40 payment of the renewal fee and fine.

- 1 (c) The system may contain the following provisions:
2 (1) A citation may be issued without the assessment of an
3 administrative fine.
4 (2) Assessment of administrative fines may be limited to only
5 particular violations of the applicable licensing act.
6 (d) Notwithstanding any other provision of law, if a fine is paid
7 to satisfy an assessment based on the finding of a violation,
8 payment of the fine and compliance with the order of abatement,
9 if applicable, shall be represented as satisfactory resolution of the
10 matter for purposes of public disclosure.
11 (e) Administrative fines collected pursuant to this section shall
12 be deposited in the special fund of the particular board, bureau, or
13 commission.
14 *(f) A licensee shall not be assessed an administrative fine for a*
15 *violation of the applicable licensing act or any regulation adopted*
16 *pursuant to the act if the violation is a minor violation. A violation*
17 *shall be considered minor if all of the following conditions are*
18 *satisfied:*
19 *(1) The violation did not pose a serious health or safety threat.*
20 *(2) There is no evidence that the violation was willful.*
21 *(3) The licensee was not on probation at the time of the*
22 *violation.*
23 *(4) The licensee does not have a history of committing the*
24 *violation.*
25 *(5) The licensee corrects the violation within 30 days from the*
26 *date notice of the violation is sent to the licensee.*

Agenda Item 6a: Laboratory Testing Statistical Overview

LABORATORY STATISTICS
July 1, 2020 – December 31, 2020

Test Type	Received		Completed Samples			
	7/1/2020 - 9/30/2020	10/1/2020 - 12/31/2020	7/1/2020 - 9/30/2020		10/1/2020 - 12/31/2020	
			Pass	Fail	Pass	Fail
TB 117-2013	14	20	23 (96%)	1 (4%)	26 (100%)	0 (0%)
16 CFR 1633	5	6	8 (89%)	1 (11%)	2 (40%)	3 (60%)
Thermal Insulation	0	5	2 (50%)	2 (50%)	11 (69%)	5 (31%)
*Bedding	0	6	10 (100%)	0 (0%)	4 (100%)	0 (0%)
**Labeling	N/A	N/A	Pass 6 (12%), Minor Violation 18 (36%), Moderate Violation 22 (44%), Failure 4 (8%)		Pass 7 (15%), Minor Violation 18 (39%), Moderate Violation 19 (42%), Failure 2 (4%)	
Total	19	37	---	---	---	---

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

**Labeling results exclude Thermal Insulation products.

Test Type	Completed		Manufacturing Locations					
	7/1/2020 - 9/30/2020	10/1/2020 - 12/31/2020	7/1/2020 - 9/30/2020			10/1/2020 - 12/31/2020		
			USA-CA	USA-other states	Overseas	USA-CA	USA-other states	Overseas
TB 117-2013	24	28	6 (25%)	1 (4%)	17 (71%)	5 (18%)	0 (0%)	23 (82%)
16 CFR 1633	9	6	3 (33%)	4 (45%)	2 (22%)	5 (83%)	0 (0%)	1 (17%)

Flame Retardant Chemical Statement Analysis									
7/1/2020 - 9/30/2020					10/1/2020 - 12/31/2020				
No Added FR Chemicals Checked	Added FR Chemicals Checked	No Box Checked	FR Document Request Sent	DTSC Analysis Requested	No Added FR Chemicals Checked	Added FR Chemicals Checked	No Box Checked	FR Document Request Sent	DTSC Analysis Requested
12 (86%)	2 (14%)	0 (0%)	0	0	18 (90%)	0 (0%)	2 (10%)	0	1

Samples Analyzed with the "NO" Flame Retardant Chemical Statement				
Test Type	7/1/2020 - 9/30/2020		10/1/2020-12/31/2020	
	Pass	Fail	Pass	Fail
DTSC Analysis	1 (50%)	1 (50%)	7 (100%)	0 (0%)
FR Doc Review	1 (50%)	1 (50%)	2 (67%)	1 (33%)

Agenda Item 6b: Licensing Statistical Overview

LICENSING STATISTICS
July 1, 2020 – December 31, 2020

Electronic and Appliance Repair Registrations				
	2017-18	2018-19	2019-20	2020-21
Appliance Service Dealers	2,632	2,634	2,538	2,541
Electronic Service Dealers	4,914	4,849	4,089	3,891
Combination Electronic/Appliance Service Dealers	583	557	406	428
Service Contract Administrators	47	50	57	61
Service Contract Sellers	12,633	12,026	11,847	12,021
Total Active EAR Registrations	20,809	20,116	18,937	18,942

Home Furnishings and Thermal Insulation Licenses				
	2017-18	2018-19	2019-20	2020-21
Furniture Retailers	2,057	2,121	2,079	1,999
Bedding Retailers	2,033	2,172	2,245	2,177
Furniture and Bedding Retailers	11,872	11,554	11,260	10,885
Custom Upholsterers	497	483	476	440
Supply Dealers	110	100	96	87
Importers (includes overseas Manufacturers)	5,096	5,339	5,559	5,615
Manufacturers	1,530	1,522	1,467	1,359
Sanitizers	12	14	24	25
Wholesalers	196	188	183	170
Thermal Insulation Manufacturers	109	107	114	109
Total Active HFTI Licenses	23,512	23,600	23,503	22,866

Household Movers Permits				
	2017-18	2018-19	2019-20	2020-21
Permits Issued		36	140	76
Exams Administered		36	139	118
Exam Pass Rate		64%	90%	89%
Total Active HHM Permits		936	1,051	1,037

Household Movers Total Quarter Revenue						
Quarterly Report	No. of Permits	Gross Revenue	Admin Fees	CHP Fees	Net Revenue	Net Including Admin Fees
January – March 2020	1,030	\$658,674.00	\$10,300.00	\$5,150.00	\$643,224.00	\$653,524.00
April – June 2020	488	\$267,079.97	\$4,880.00	\$2,440.00	\$259,759.97	\$264,639.97
July – September 2020	996	\$916,780.62	\$9,960.00	\$4,980.00	\$901,840.62	\$911,800.62
October – December 2020	106	\$56,138.91	\$1,060.00	\$530.00	\$54,548.91	\$55,608.91
					Subtotal:	\$1,885,573.50

Agenda Item 6c: Consumer Complaints Statistical Overview

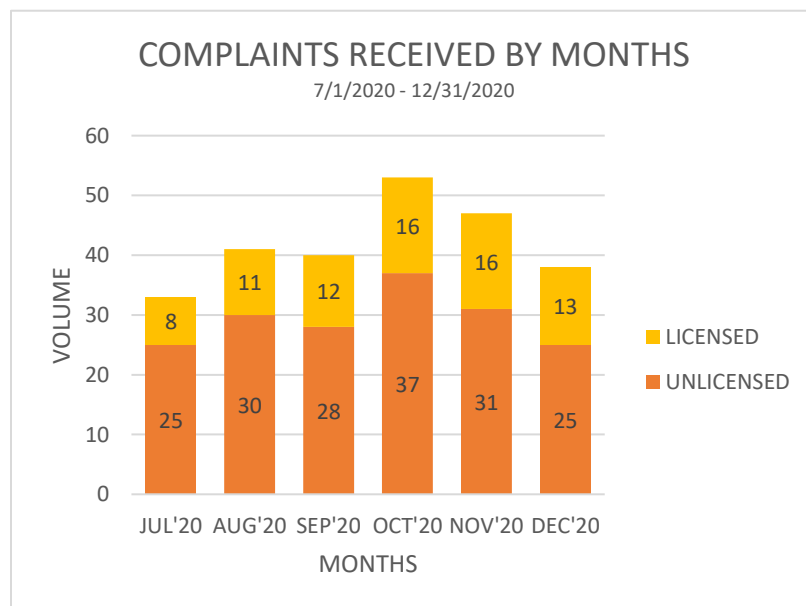
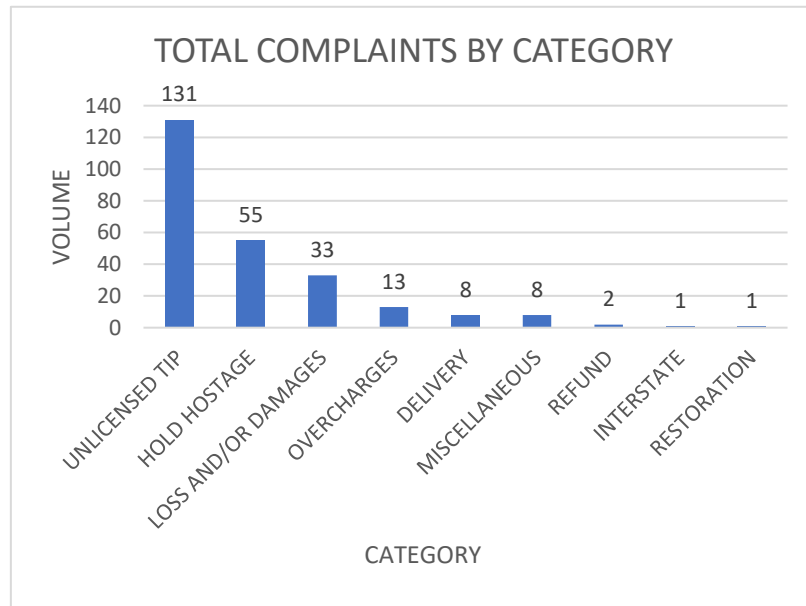
CONSUMER COMPLAINT STATISTICS
July 1, 2020 – December 31, 2020*

Electronic and Appliance Repair Consumer Complaints			
Year	OPENED		CLOSED
2017-18	1019		1014
2018-19	528		500
2019-20	531		419
2020-21*	567		485

Home Furnishings and Thermal Insulation Consumer Complaints			
Year	OPENED		CLOSED
2017-18	288		281
2018-19	158		157
2019-20	319		267
2020-21*	249		191

HOUSEHOLD MOVERS CONSUMER COMPLAINT STATISTICS July 1, 2020 – December 31, 2020*

Household Movers Consumer Complaints		
Year	OPENED	CLOSED
2018-19	203	181
2019-20	199	169
2020-21*	252	237



ENFORCEMENT STATISTICS
July 1, 2020 – December 31, 2020*

Telephone Disconnects Ordered			
Year	EAR	HFTI	Total
2017-18	48	17	65
2018-19	15	9	24
2019-20	7	0	7
2020-21*	0	0	0

Household Mover Applicant Investigations and Subsequent Arrests	
Year	Total
2018-19	8
2019-20	70
2020-21*	43

EAR and HFTI Internal Cases (Investigations)						
OPENED				CLOSED		
Year	EAR	HFTI	Total	EAR	HFTI	Total
2017-18	624	355	979	705	388	1,093
2018-19	400	215	615	434	216	650
2019-20	257	136	393	235	118	353
2020-21*	105	165	270	83	163	246

EAR and HFTI Citations Issued			
Year	EAR	HFTI	Total
2017-18	550	305	855
2018-19	384	230	614
2019-20	227	116	343
2020-21*	74	153	227

Agenda Item 6d: Enforcement and Investigations Statistical Overview

ENFORCEMENT ACTIVITY
July 1, 2020 – December 31, 2020

HHM	Unlicensed Contact	Unlicensed Citation	Investigative Visits	Cases Assigned	Hold Hostage Assigned	Hold Hostage Resolved/ Goods Returned	C&D Ltrs Sent Out	Monthly Enforcement Activity
July	44	1	23	21	9	6	7	111
August	34	0	17	6	3	0	8	68
September	83	0	20	14	18	8	10	153
October	70	19	21	34	30	15	12	201
November	58	0	23	8	16	13	12	130
December	79	0	29	21	3	4	22	158
TOTAL	368	20	133	104	79	46	71	821

EAR	Unlicensed Contact	Unlicensed Citation	Investigative Visits	Licensed First Visit	Cases Assigned	C&D Ltrs Sent Out	Monthly Enforcement Activity
July	33	27	19	1	48	4	132
August	44	10	33	7	9	8	111
September	54	8	36	2	7	28	135
October	76	19	42	2	9	4	161
November	23	2	15	3	0	9	52
December	10	5	11	8	0	1	35
TOTAL	240	71	156	23	73	54	628

HFTI	Unlicensed Contact	Unlicensed Citation	Investigative Visits	Licensed First Visit	Cases Assigned	Lab Samples Obtained	C&D Ltrs Sent Out	Monthly Enforcement Activity
July	47	31	14	2	29	11	5	139
August	48	18	26	1	8	0	6	107
September	61	41	20	1	8	0	9	140
October	58	38	22	2	6	5	3	134
November	39	13	39	1	2	15	2	111
December	41	15	25	2	3	7	7	100
TOTAL	294	156	146	9	56	38	32	731

Agenda Item 7: H.R. 133 – “COVID–19 Regulatory Relief and Work From Home Safety Act”

3122

1 **TITLE XXI—COVID-19 REGU-**
2 **LATORY RELIEF AND WORK**
3 **FROM HOME SAFETY ACT**

4 **SEC. 2101. COVID-19 REGULATORY RELIEF AND WORK**
5 **FROM HOME SAFETY ACT.**

6 (a) **SHORT TITLE.**—This title may be cited as the
7 “COVID-19 Regulatory Relief and Work From Home
8 Safety Act”.

9 (b) **DEFINITIONS.**—In this Act—

10 (1) the term “bedding product” means—

11 (A) an item that is used for sleeping or
12 sleep-related purposes; or

13 (B) any component or accessory with re-
14 spect to an item described in subparagraph (A),
15 without regard to whether the component or ac-
16 cessory, as applicable, is used—

17 (i) alone; or

18 (ii) along with, or contained within,
19 that item;

20 (2) the term “California standard” means the
21 standard set forth by the Bureau of Electronic and
22 Appliance Repair, Home Furnishings and Thermal
23 Insulation of the Department of Consumer Affairs of
24 the State of California in Technical Bulletin 117–
25 2013, entitled “Requirements, Test Procedure and

3123

1 Apparatus for Testing the Smolder Resistance of
2 Materials Used in Upholstered Furniture”, originally
3 published June 2013, as in effect on the date of en-
4 actment of this Act;

5 (3) the terms “foundation” and “mattress”
6 have the meanings given those terms in section
7 1633.2 of title 16, Code of Federal Regulations, as
8 in effect on the date of enactment of this Act; and

9 (4) the term “upholstered furniture”—

10 (A) means an article of seating furniture
11 that—

12 (i) is intended for indoor use;

13 (ii) is movable or stationary;

14 (iii) is constructed with an uphol-
15 stered seat, back, or arm;

16 (iv) is—

17 (I) made or sold with a cushion
18 or pillow, without regard to whether
19 that cushion or pillow, as applicable,
20 is attached or detached with respect
21 to the article of furniture; or

22 (II) stuffed or filled, or able to be
23 stuffed or filled, in whole or in part,
24 with any material, including a sub-
25 stance or material that is hidden or

3124

1 concealed by fabric or another cov-
2 ering, including a cushion or pillow
3 belonging to, or forming a part of, the
4 article of furniture; and

5 (v) together with the structural units
6 of the article of furniture, any filling mate-
7 rial, and the container and covering with
8 respect to those structural units and that
9 filling material, can be used as a support
10 for the body of an individual, or the limbs
11 and feet of an individual, when the indi-
12 vidual sits in an upright or reclining posi-
13 tion;

14 (B) includes an article of furniture that is
15 intended for use by a child; and

16 (C) does not include—

17 (i) a mattress;

18 (ii) a foundation;

19 (iii) any bedding product; or

20 (iv) furniture that is used exclusively
21 for the purpose of physical fitness and ex-
22 ercise.

23 (c) ADOPTION OF STANDARD.—

24 (1) IN GENERAL.—Beginning on the date that
25 is 180 days after the date of enactment of this Act,

3125

1 and except as provided in paragraph (2), the Cali-
2 fornia standard shall be considered to be a flamma-
3 bility standard promulgated by the Consumer Prod-
4 uct Safety Commission under section 4 of the Flam-
5 mable Fabrics Act (15 U.S.C. 1193).

6 (2) TESTING AND CERTIFICATION.—A fabric,
7 related material, or product to which the California
8 standard applies as a result of paragraph (1) shall
9 not be subject to section 14(a) of the Consumer
10 Product Safety Act (15 U.S.C. 2063(a)) with re-
11 spect to that standard.

12 (3) CERTIFICATION LABEL.—Each manufac-
13 turer of a product that is subject to the California
14 standard as a result of paragraph (1) shall include
15 the statement “Complies with U.S. CPSC require-
16 ments for upholstered furniture flammability” on a
17 permanent label located on the product, which shall
18 be considered to be a certification that the product
19 complies with that standard.

20 (d) PREEMPTION.—

21 (1) IN GENERAL.—Notwithstanding section 16
22 of the Flammable Fabrics Act (15 U.S.C. 1203) and
23 section 231 of the Consumer Product Safety Im-
24 provement Act of 2008 (15 U.S.C. 2051 note), and
25 except as provided in subparagraphs (B) and (C) of

3126

1 paragraph (2), no State or any political subdivision
2 of a State may establish or continue in effect any
3 provision of a flammability law, regulation, code,
4 standard, or requirement that is designed to protect
5 against the risk of occurrence of fire, or to slow or
6 prevent the spread of fire, with respect to uphol-
7 stered furniture.

8 (2) PRESERVATION OF CERTAIN STATE LAW.—
9 Nothing in this Act or the Flammable Fabrics Act
10 (15 U.S.C. 1191 et seq.) may be construed to pre-
11 empt or otherwise affect—

12 (A) any State or local law, regulation,
13 code, standard, or requirement that—

14 (i) concerns health risks associated
15 with upholstered furniture; and

16 (ii) is not designed to protect against
17 the risk of occurrence of fire, or to slow or
18 prevent the spread of fire, with respect to
19 upholstered furniture;

20 (B) sections 1374 through 1374.3 of title
21 4, California Code of Regulations (except for
22 subsections (b) and (c) of section 1374 of that
23 title), as in effect on the date of enactment of
24 this Act; or

25 (C) the California standard.