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<td>b. Licensing</td>
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<tr>
<td>c. Consumer Complaints</td>
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</tr>
<tr>
<td>d. Enforcement and Investigations</td>
<td>96</td>
</tr>
</tbody>
</table>
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


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=eb0a73a25f0201d9d5e3aa9e978bb5

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.
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.
5. To bypass step 4, click ‘Run a temporary application’.

6. A dialog box will appear at the bottom of the page, click ‘Run’.

   ![Image of dialog box](image)

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

7. Click the audio menu below the green ‘Join Event’ button.

   ![Image of audio menu](image)

8. When the audio menu appears click ‘Call in’.
9. Click ‘Join Event’. The audio conference call-in information will be available after you join the Event.

![Join Event button]

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

```
Call In

1. Call
   - US Toll
   - Show all global call-in numbers

2. Enter
   - Access code
   - Attendee ID
```

**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

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

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>Actual 2018-19</th>
<th>Actual 2019-20</th>
<th>CY 2020-21</th>
<th>BY 2021-22</th>
<th>BY+1 2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>1111 Program Expenditures (State Operations)</td>
<td>$2,594</td>
<td>$2,659</td>
<td>$2,539</td>
<td>$3,053</td>
<td>$3,145</td>
</tr>
<tr>
<td>9892 Supplemental Pension Payments (State Operations)</td>
<td>$21</td>
<td>$46</td>
<td>$46</td>
<td>$46</td>
<td>$46</td>
</tr>
<tr>
<td>9900 Statewide Pro Rata</td>
<td>$135</td>
<td>$149</td>
<td>$130</td>
<td>$187</td>
<td>$179</td>
</tr>
<tr>
<td><strong>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</strong></td>
<td><strong>$2,750</strong></td>
<td><strong>$2,854</strong></td>
<td><strong>$2,715</strong></td>
<td><strong>$3,286</strong></td>
<td><strong>$3,370</strong></td>
</tr>
</tbody>
</table>

### 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

### BEGINNING BALANCE

<table>
<thead>
<tr>
<th></th>
<th>CY 2018-19</th>
<th>Actual 2019-20</th>
<th>Actual 2020-21</th>
<th>BY 2021-22</th>
<th>BY+1 2022-23</th>
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<tr>
<td>BEGINNING BALANCE</td>
<td>$2,837</td>
<td>$4,331</td>
<td>$5,213</td>
<td>$6,459</td>
<td>$5,464</td>
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<tr>
<td>Prior Year Adjustment</td>
<td>$884</td>
<td>$93</td>
<td>-</td>
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<tr>
<td>Adjusted Beginning Balance</td>
<td>$3,721</td>
<td>$4,424</td>
<td>$5,213</td>
<td>$6,459</td>
<td>$5,464</td>
</tr>
</tbody>
</table>

### 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
  - $-23
  - $-23
  - $-23
  - $-23

- **4163000 - Income from surplus money investments**
  - $98
  - $89
  - $33
  - $84
  - $14

- **4171500 - Escheat - Unclaimed Property**
  - $-7
  - $-7
  - $-7
  - $-7
  - $-7

- **4171400 - Escheat of unclaimed checks and warrants**
  - $16
  - $17
  - $15
  - $17
  - $10

- **4172500 - Miscellaneous revenues**
  - $-2
  - $-2
  - $-2
  - $-2
  - $-2

**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

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>Actual 2018-19</th>
<th>Actual 2019-20</th>
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<th>BY+1 2022-23</th>
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<tbody>
<tr>
<td>1111 Program Expenditures (State Operations)</td>
<td>$4,363</td>
<td>$4,027</td>
<td>$3,818</td>
<td>$5,736</td>
<td>$5,908</td>
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<td>8880 Financial Information System for California (State Operations)</td>
<td>$1</td>
<td>$-1</td>
<td>$-</td>
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<td>$-</td>
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<tr>
<td>9892 Supplemental Pension Payments (State Operations)</td>
<td>$50</td>
<td>$111</td>
<td>$111</td>
<td>$111</td>
<td>$111</td>
</tr>
<tr>
<td>9900 Statewide Pro Rata</td>
<td>$201</td>
<td>$291</td>
<td>$259</td>
<td>$349</td>
<td>$349</td>
</tr>
</tbody>
</table>

**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

### Fund Condition based on FM07

<table>
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<tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Year Adjustment</td>
<td>$ -</td>
<td>$ -</td>
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<td></td>
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<tr>
<td>Adjusted Beginning Balance</td>
<td>$ -</td>
<td>$ 2,335</td>
<td>$ 3,316</td>
<td>$ 4,562</td>
<td>$ 5,423</td>
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<tr>
<td><strong>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</strong></td>
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<td></td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4129200 - Other regulatory fees</td>
<td>$ 54</td>
<td>$ 65</td>
<td>$ 70</td>
<td>$ 67</td>
<td>$ 53</td>
</tr>
<tr>
<td>4129400 - Other regulatory licenses and permits</td>
<td>$ 70</td>
<td>$ 108</td>
<td>$ 91</td>
<td>$ 111</td>
<td>$ 90</td>
</tr>
<tr>
<td>4127400 - Renewal fees</td>
<td>$ 2,080</td>
<td>$ 2,719</td>
<td>$ 3,170</td>
<td>$ 2,774</td>
<td>$ 2,052</td>
</tr>
<tr>
<td>4121200 - Delinquent fees</td>
<td>$ 40</td>
<td>$ 90</td>
<td>$ 110</td>
<td>$ 91</td>
<td>$ 41</td>
</tr>
<tr>
<td>4171400 - Canceled Warrants Revenue</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 2</td>
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<td>$ -</td>
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<tr>
<td>4142500 - Miscellaneous services to the public</td>
<td>$ 1</td>
<td>$ -</td>
<td>$ 1</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>4163000 - Income from surplus money investments</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 40</td>
<td>$ 26</td>
</tr>
<tr>
<td>4173000 - Penalty Assessments - Other</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<td>4173500 - Settlements and Judgments - Other</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 1</td>
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<td>$ -</td>
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<td><strong>Totals, Revenues</strong></td>
<td>$ 2,245</td>
<td>$ 2,982</td>
<td>$ 3,445</td>
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<td>$ 2,264</td>
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<td>$ -21</td>
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<tr>
<td><strong>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</strong></td>
<td>$ 3,553</td>
<td>$ 2,952</td>
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<td>$ 2,243</td>
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<tr>
<td><strong>TOTAL RESOURCES</strong></td>
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<td>$ 5,287</td>
<td>$ 6,611</td>
<td>$ 7,626</td>
<td>$ 7,666</td>
</tr>
</tbody>
</table>
EXPENDITURES AND EXPENDITURE ADJUSTMENTS

<table>
<thead>
<tr>
<th></th>
<th>Actual 2018-19</th>
<th>Actual 2019-20</th>
<th>CY 2020-21</th>
<th>BY 2021-22</th>
<th>BY+1 2022-23</th>
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<tr>
<td>1111 Program Expenditures (State Operations)</td>
<td>$1,139</td>
<td>$1,971</td>
<td>$1,767</td>
<td>$1,923</td>
<td>$1,981</td>
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<td>9900 Statewide Pro Rata</td>
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<td>$280</td>
<td>$280</td>
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<td><strong>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</strong></td>
<td><strong>$1,139</strong></td>
<td><strong>$1,971</strong></td>
<td><strong>$2,049</strong></td>
<td><strong>$2,203</strong></td>
<td><strong>$2,261</strong></td>
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FUND BALANCE

<p>| |</p>
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<td>Reserve for economic uncertainties</td>
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<td>Reserve for economic uncertainties</td>
<td>$2,414</td>
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<td>Months in Reserve</td>
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<td>24.8</td>
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<td>28.7</td>
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**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
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.
The people of the State of California do enact as follows:

SECTION 1. Section 19225.5 of the Business and Professions Code is amended to read:

19225.5. For purposes of this chapter, unless the context otherwise requires, the following provisions shall apply:

(a) “Broker” means a person engaged by others in the act of arranging, for compensation, the intrastate transportation of used household goods by a motor vehicle over the highways of this state for, or on behalf of, a shipper, a consignor, or a consignee.

(b) “Bureau” refers to the Bureau of Household Goods and Services, as established in Section 9810.

(c) “Chief” refers to the chief of the bureau.

(d) “Corporation” includes a corporation, a company, an association, and a joint stock association.

(e) “Department” refers to the Department of Consumer Affairs.

(f) “Director” refers to the Director of Consumer Affairs.

(g) “Fund” means the Household Movers Fund established pursuant to Section 19229.

(h) (1) “Household mover” includes every corporation or person, their lessees, trustee, receivers, or trustees appointed by any court whatsoever, 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. A broker, as defined in subdivision (a), shall be considered a household mover. The Legislature intends “household mover” to have the same meaning as “household goods carrier” in former Section 5109 of the Public Utilities Code, as that section read on June 30, 2018.

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

(A) A motor carrier, as that term is defined in Section 13102 of Title 49 of the United States Code, 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.
(B) A broker that utilizes the services of a motor carrier described in subparagraph (A) and does not otherwise advertise, solicit, offer, or arrange for the full service moving of used household goods by motor carrier for compensation.

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

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

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

(l) “Person” includes an individual, a firm, or a copartnership.

(m) “Public highway” includes every public street, road, or highway in this state.
Agenda Item 5b: AB 652 (Friedman) – Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances
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.


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

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

Chapter 12.5. Juvenile Products

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

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

(b) “PFAS chemicals” means perfluoroalkyl and polyfluoroalkyl substances.

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

(1) Portable foam nap mats.

(2) Soft-sided portable cribs, which are framed enclosures with mesh or fabric side panels, floor, and foam padding.

(3) Playpens, which are framed enclosures, hard or soft sides, flooring, and foam padding.

(4) Play yards, which are portable framed enclosures with a foam pad bottom that may also have an attached bassinet.

(5) Infant travel beds, which are lightweight portable sleeping accommodations with a foam pad.
Portable infant sleepers, which are portable accommodations with a foam pad that may be easily assembled and disassembled by folding or collapsing the structure.

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

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

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

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

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

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

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

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

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

(c) Manufacturers shall not replace PFAS chemicals, pursuant to this chapter, with reproductive toxicants that cause birth defects, 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
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.


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

SECTION 1. Section 493.5 is added to the Business and Professions Code, to read:

493.5. (a) 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, upon receiving from the person a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code for the underlying offense, shall, within 90 days of receiving the expungement order, unless it is otherwise prohibited by law, or by other terms or conditions, do either of the following:

(1) If the person reapplyes for licensure or has been relicensed, post notification of the expungement order and the date thereof on its internet website.

(2) If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its internet website that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions.

(b) A person described in subdivision (a) shall pay to the board a fee in the amount of fifty dollars ($50), unless another amount is determined by the board to be necessary to cover the administrative cost, ensuring that the amount does not exceed the reasonable cost of administering this section. The fee shall be deposited by the board into the appropriate fund and shall be available only upon appropriation by the Legislature.

(c) For purposes of this section, “board” means an entity listed in Section 101.
(d) If any provision in this section conflicts with Section 2027, Section 2027 shall prevail.
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.


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

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

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

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

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

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

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that...
protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

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

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

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

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

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

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

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

(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section’s requirements shall be listed in the minutes of the meeting.
(c) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its Internet Web site and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (e).

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

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

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

(g) Upon discovering that a means of remote access required by subdivision (f) has failed during a meeting, the state body described in subdivision (a) shall end or adjourn the meeting in
accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting’s end or adjournment on its Internet Web site and by email to any person who has requested notice of meetings of the state body under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body’s agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the hearing audio of the meeting or observe the meeting, both audibly and visually.

(h) For purposes of this section:

(1) “Participate remotely” means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.

(2) “Remote location” means a location other than the primary physical location designated in the agenda of a meeting.

(3) “Teleconference” has the same meaning as in Section 11123.

(i) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article.
Agenda Item 5e: AB 1026 (Smith) – Business licenses: veterans
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.
The people of the State of California do enact as follows:

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

115.4. (a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, 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.

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

(c) Satisfactory evidence, as referenced in this section, shall be a copy of a current and valid driver’s license or identification card with the word “Veteran” printed on its face.

(d) A board may adopt regulations necessary to administer this section.
Agenda Item 5f: AB 1221 (Flora) – Consumer warranties: service contracts: cancellation: disclosures
An act to amend Sections 1791 and 1794.4 of the Civil Code, relating to consumer warranties.

LEGISLATIVE COUNSEL’S DIGEST


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.


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

SECTION 1. Section 1791 of the Civil Code is amended to read:
1791. As used in this chapter:

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

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

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

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

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

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

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

(h) “Lessee” means an individual who leases consumer goods under a lease.

(i) “Lessor” means a person who regularly leases consumer goods under a lease.
(j) “Manufacturer” means any individual, partnership, corporation, association, or other legal relationship that manufactures, assembles, or produces consumer goods.

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

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

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

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

1. The passing of title from the seller to the buyer for a price.
2. A consignment for sale.

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

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

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

(r) “Home appliance” means any refrigerator, freezer, range, microwave oven, washer, dryer, dishwasher, garbage disposal,
trash compactor, or room air-conditioner normally used or sold
for personal, family, or household purposes.

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

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

This section shall become operative on January 1, 2008.

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

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

(b) Except as otherwise expressly provided in the service
contract, every service contract shall obligate the service contractor
to provide to the buyer of the product all of the services and
functional parts that may be necessary to maintain proper operation
of the entire product under normal operation and service for the
duration of the service contract and without additional charge.
(c) The service contract shall contain all of the following items
of information:
   (1) If the service contract covers a single product, a clear
description and identification of the covered product. If the service
contract covers a class of products, a description of the class of
products covered by the service contract that is sufficiently clear
so the buyer is able to discern the products covered.
   (2) The point in time or event when the term of the service
contract commences, and its duration measured by elapsed time
or an objective measure of use. A service contract may be offered
on a month-to-month or other periodic basis and continue until
canceled by the buyer or the obligor in accordance with Section
1794.41 and, for electronic and appliance repair dealers, Section
9855.6 of the Business and Professions Code. If the service contract
continues until cancelled by the buyer or obligor, the service
contract shall do all of the following:
      (A) Disclose to the buyer in a clear and conspicuous manner
that the service contract shall continue until canceled by the buyer
or obligor. The buyer’s purchase of the service contract after
receiving this disclosure shall be deemed affirmative consent to
this provision.
      (B) Provide the toll-free number, email address, or postal
address to be used by the buyer to cancel the service contract.
      (C) Provide for a refund to the buyer of any unearned amounts
in accordance with Section 1794.41 and, for electronic and
appliance repair dealers, Section 9855.6 of the Business and
Professions Code.
   (3) If the enforceability of the service contract is limited to the
original buyer or is limited to persons other than every consumer
owner of the covered product during the term of the service
contract, a description of the limits on transfer or assignment of
the service contract.
   (4) A statement of the general obligation of the service
contractor in the same language set forth in subdivision (b), with
equally clear and conspicuous statements of the following:
      (A) Any services, parts, characteristics, components, properties,
defects, malfunctions, causes, conditions, repairs, or remedies that
are excluded from the scope of the service contract.
(B) Any other limits on the application of the language in subdivision (b) such as a limit on the total number of service calls.

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

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

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

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

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

(B) The mailing address of the service contractor.

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

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

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

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

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

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

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

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

(7) A description of any right to cancel the contract if the buyer returns the product or the product is sold, lost, stolen, or destroyed, or, if there is no right to cancel or the right to cancel is limited, a statement of the fact.
(8) Information respecting the availability of any informal dispute settlement process.

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

(e) This section shall become operative on January 1, 2008.
Agenda Item 5g: AB 1386 (Cunningham) – License fees: military partners and spouses
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.


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

1. SECTION 1. Section 115.5 of the Business and Professions Code is amended to read:
115.5. (a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is 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.

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

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

(c) A board may adopt regulations necessary to administer this section.
Agenda Item 5h: SB 586 (Bradford) – Criminal fees
SENATE BILL  No. 586

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 defendants 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
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.


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

SECTION 1. The Legislature finds and declares all of the following:
(a) Approximately 80 percent of Californians in jail are indigent and too many enter the criminal legal system due to the criminalization of their poverty.
(b) Incarcerated people are disproportionately Black or Latinx because these populations are overpoliced, have higher rates of convictions following an arrest, and have the highest rates of poverty. In fact, while Black Californians represent only 7 percent of the state population, they make up 23 percent of the Californians on probation and are also grossly overrepresented in felony and misdemeanor arrests.
(c) People exiting jail or prison face higher rates of unemployment and homelessness, due in part to racial discrimination and the impact of their criminal conviction.
(d) The inability to meet basic needs has been found to contribute to higher rates of recidivism and is a barrier to family reunification.
(e) According to a report by the Ella Baker Center for Human Rights, the average debt incurred for court-ordered fines and fees was roughly equal to the annual income for respondents in the survey.
(f) A national survey of formerly incarcerated people found that families often bear the burden of fees, and that 83 percent of the people responsible for paying these costs are women.
(g) Because these fees are often assigned to people who simply cannot afford to pay them, they make poor people, their families, and their communities poorer.

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

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

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

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

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

SEC. 2. It is the intent of the Legislature to eliminate the range of administrative fees that agencies and courts are authorized to
impose to fund elements of the criminal legal system and to eliminate all outstanding debt incurred as a result of the imposition of administrative fees.

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

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

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

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

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

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

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

9848. All proceedings to contest a citation for a violation of subdivision (k) of Section 23575.3 of the Vehicle Code or to deny registration or suspend, revoke, or place on probation a registration shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
SEC. 5. Section 9882.14 of the Business and Professions Code
is amended to read:

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

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

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

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

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

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

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

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

(2) The total number of people for whom a reduction of charges
based on income was approved or denied, and the reason for denial
or approval of the reduction.
(3) The total dollar amount of reductions based on income.

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

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

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

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

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

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

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

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

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

(b) If any personal check, corporate check, cashier’s check, money order, or other draft method offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, order, or draft, not to exceed the actual costs incurred by the public agency, may be 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
years, and upon those terms and conditions as it shall determine.
All other provisions of subdivision (a) shall apply.

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

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

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

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

SEC. 45. Section 1203.1bb of the Penal Code, as added by
Section 49 of Chapter 92 of the Statutes of 2020, is repealed.
to install an ignition interlock device, the defendant shall be required to pay the cost of purchasing and installing an ignition interlock device pursuant to Section 13386 of the Vehicle Code. The cost shall be determined pursuant to subdivision (k) of Section 23575.3 of the Vehicle Code. Any defendant subject to this section shall pay the manufacturer of the ignition interlock device directly for the cost of its purchase and installation, in accordance with the payment schedule ordered by the court. If practicable, the court shall order payment to be made to the manufacturer of the ignition interlock device within a six-month period.

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

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

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

1203.1c. (a) In any case in which a defendant is convicted of an offense and is ordered to serve a period of confinement in a county jail, city jail, or other local detention facility as a term of probation or a conditional sentence, the court may, after a hearing, make a determination of the ability of the defendant to pay all or a portion of the reasonable costs of such incarceration, including incarceration pending disposition of the case. The reasonable cost of such incarceration shall not exceed the amount determined by the board of supervisors, with respect to the county jail, and by the city council, with respect to the city jail, to be the actual average cost thereof on a per-day basis. The court may, in its discretion, hold additional hearings during the probationary period. The court may, in its discretion before such hearing, order the defendant to file a statement setting forth his or her assets, liability and income, under penalty of perjury, and may order the defendant to appear before a county officer designated by the board of supervisors to make an inquiry into the ability of the defendant to pay all or a portion of such costs. At the hearing, the defendant shall be entitled 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
(b) The fees authorized under subdivision (a) shall be sufficient to defray the actual reasonable cost to the department to administer the traffic violator school program, except for routine monitoring of instruction.

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

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

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

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

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

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

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

(ii) The denial of certification for an ignition interlock device in another state was due to a failure of an ignition interlock device to meet the standards adopted by the regulation set forth in clause (i), specifically Sections 1 and 2 of the model specification for breath alcohol ignition interlock devices, as published by notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
on pages 11774 to 11787, inclusive, or the Model Specifications
for Breath Alcohol Ignition Interlock Devices, as published by
notice in the Federal Register, Vol. 78, No. 89, Wednesday, May
8, 2013, on pages 25489 to 26867, inclusive.
(C) Failure to continue to meet certification requirements shall
result in suspension or revocation of certification of ignition
interlock devices.
(b) (1) A manufacturer shall not furnish an installer, service
center, technician, or consumer with technology or information
that allows a device to be used in a manner that is contrary to the
purpose for which it is certified.
(2) Upon a violation of paragraph (1), the department shall
suspend or revoke the certification of the ignition interlock device
that is the subject of that violation.
(c) An installer, service center, or technician shall not tamper
with, change, or alter the functionality of the device from its
certified criteria.
(d) The department shall utilize information from an
independent, accredited (ISO/IEC 17025) laboratory to certify
ignition interlock devices of the manufacturer or manufacturer’s
agent, in accordance with the guidelines. The cost of certification
shall be borne by the manufacturers of ignition interlock devices.
If the certification of a device is suspended or revoked, the
manufacturer of the device shall be responsible for, and shall bear
the cost of, the removal of the device and the replacement of a
certified device of the manufacturer or another manufacturer.
(e) A model of ignition interlock device shall not be certified
unless it meets the accuracy requirements and specifications
provided in the guidelines adopted by the National Highway Traffic
Safety Administration.
(f) All manufacturers of ignition interlock devices that meet the
requirements of subdivision (e) and are certified in a manner
approved by the department, who intend to sell the devices in this
state, first shall apply to the department on forms provided by that
department. The application shall be accompanied by a fee in an
amount not to exceed the amount necessary to cover the costs
incurred by the department in carrying out this section.
(g) The department shall ensure that standard forms and
procedures are developed for documenting decisions and
compliance and communicating results to relevant agencies. These
forms shall include all of the following:

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

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

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

(h) Every manufacturer and manufacturer’s agent certified by
the department to provide ignition interlock devices shall adopt
fee schedules that provide for the payment of the costs of the device
by applicants in amounts commensurate with the applicant’s ability
to pay. Notice of fee schedules shall be provided to applicants at the time
of installation.

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

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

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

21212. (a) A person under 18 years of age shall not operate a
bicycle, a nonmotorized scooter, or a skateboard, nor wear in-line
or roller skates, nor ride upon a bicycle, a nonmotorized scooter, 
or a skateboard as a passenger, upon a street, bikeway, as defined 
in Section 890.4 of the Streets and Highways Code, or any other 
public bicycle path or trail unless that person is wearing a properly 
fitting and fastened bicycle helmet that meets the standards of either 
the American Society for Testing and Materials (ASTM) or the 
United States Consumer Product Safety Commission (CPSC), or 
standards subsequently established by those entities. This 
requirement also applies to a person who rides upon a bicycle 
while in a restraining seat that is attached to the bicycle or in a 
trailer towed by the bicycle.

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

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

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

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

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

(f) A record of the action shall not be transmitted to the court 
and a fee shall not be imposed pursuant to Section 40611 upon a 
citation for not wearing a properly fitted and fastened bicycle 
helmet pursuant to subdivision (a) if the parent or legal guardian 
of the person described in subdivision (a) delivers proof to the 
issuing agency within 120 days after the citation was issued that 
the person has a helmet meeting the requirements specified in
subdivision (a) and the person has completed a local bicycle safety
course or a related safety course, if one is available, as prescribed
by authorities in the local jurisdiction.

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

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

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

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

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

23573. (a) The Department of Motor Vehicles, upon receipt
of the court’s abstract of conviction for a violation listed in
subdivision (j), shall inform the convicted person of the
requirements of this section and the term for which the person is
required to have a functioning, certified ignition interlock device
installed. At the time of installation, the installer shall inform the
convicted person of the requirements of subdivision (k) of Section
23573.5 and advise the person that the law provides for payment
of the costs of the ignition interlock device and its installation,
maintenance, and servicing commensurate with the person’s
income. The records of the department shall reflect the mandatory
use of the device for the term required and the time when the device
is required to be installed pursuant to this code.
(b) The department shall advise the person that installation of a functioning, certified ignition interlock device on a vehicle does not allow the person to drive without a valid driver’s license.

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

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

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

(3) Pay to the department a fee sufficient to cover the costs of administration of this section, including startup costs, as determined based on the person’s income as defined in subdivision (k) of Section 25375.3.

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

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

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

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

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

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

(i) The person does not own a vehicle.
(ii) The person does not have access to a vehicle at his or her residence.

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

(iv) The person acknowledges that he or she is only allowed to drive a vehicle that is fitted with a functioning, certified ignition interlock device and that he or she is required to have a valid driver’s license before he or she can drive.

(v) The person is subject to the requirements of this section when he or she purchases or has access to a vehicle.

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

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

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

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

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

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

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

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

(k) The department shall notify the court if a person subject to this section has failed to show proof of installation within 30 days of the department informing the person they are required to install a functioning, certified ignition interlock device.

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

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

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

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

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

23573. (a) The Department of Motor Vehicles, upon receipt of the court’s abstract of conviction for a violation listed in subdivision (j), shall inform the convicted person of the requirements of this section and the term for which the person is required to have a functioning, certified ignition interlock device installed. At the time of installation, the installer shall inform the convicted person of the requirements of subdivision (k) of Section 23575.3 and advise the person that the law provides for payment of the costs of the ignition interlock device and its installation,
maintenance, and servicing commensurate with the person’s income. The records of the department shall reflect the mandatory use of the device for the term required and the time when the device is required to be installed pursuant to this code.

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

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

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

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

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

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

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

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

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

(g) (1) A person who is notified by the department, pursuant to subdivision (a), is exempt from the requirements of subdivision (c) if all of the following circumstances occur:
(A) Within 30 days of the notification, the person certifies to the department all of the following:

(i) The person does not own a vehicle.

(ii) The person does not have access to a vehicle at their residence.

(iii) The person no longer has access to the vehicle being driven by the person when they were arrested for a violation that subsequently resulted in a conviction for a violation listed in subdivision (j).

(iv) The person acknowledges that they are only allowed to drive a vehicle that is fitted with a functioning, certified ignition interlock device and that they are required to have a valid driver’s license before they can drive.

(v) The person is subject to the requirements of this section when they purchase or have access to a vehicle.

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

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

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

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

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

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

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

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

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

(k) The department shall notify the court if a person subject to this section has failed to show proof of installation within 30 days of the department informing the person they are required to install a functioning, certified ignition interlock device.

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

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

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

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

23575.3. (a) In addition to any other requirement imposed by law, a court shall notify a person convicted of a violation listed in subdivision (h) that he or she is required to install a functioning, certified ignition interlock device on any vehicle that the person operates and that he or she is prohibited from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device in accordance with this section. Upon ordering a person to install an ignition interlock device, the court shall inform the convicted person of the requirements of subdivision (k) of Section 23575.3 and advise the
person that the law provides for payment of the costs of the ignition interlock device and its installation, maintenance, and servicing commensurate with the person’s income.

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

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

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

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

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

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

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

(A) The person does not own a vehicle.

(B) The person does not have access to a vehicle at his or her residence.

(C) The person no longer has access to the vehicle he or she was driving at the time he or she was arrested.
for a violation that subsequently resulted in a conviction for a violation listed in subdivision (h).

(D) The person acknowledges that he or she is only allowed to drive a vehicle that is equipped with a functioning, certified ignition interlock device.

(E) The person acknowledges that he or she is required to have a valid driver’s license before he or she can drive.

(F) The person acknowledges that he or she is subject to the requirements of this section when he or she purchases or has access to a vehicle.

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

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

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

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

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

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

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

(i) The court may order installation of a functioning, certified ignition interlock device on any vehicle that the person operates...
and prohibit that person from operating a motor vehicle unless that
vehicle is equipped with a functioning, certified ignition interlock
device. If the court orders the ignition interlock device restriction,
the term shall be determined by the court for a period not to exceed
six months from the date of conviction. The court shall notify the
department of the conviction as specified in subdivision (a) of
Section 1803 or Section 1816, and shall specify the terms of the
ignition interlock device restriction in accordance with subdivision
(a) of Section 1804. The department shall place the restriction on
the driver's license record of the person that states the driver is
restricted to driving only vehicles equipped with a functioning,
certified ignition interlock device for the applicable term.

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

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

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

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

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

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

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

(B) Upon a conviction with one prior, punishable under Section
23560, the person shall install a functioning, certified ignition
interlock device in the vehicle, as ordered by the court, that is
operated by that person for a mandatory term of 24 months.

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

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

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

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

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

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

(k) (1) Every manufacturer and manufacturer’s agent certified
by the department to provide ignition interlock devices, under
Section 13386, shall adopt the following fee schedule that provides
for the payment of the costs of the certified ignition interlock
device, the administration of the program, installation, maintenance, and any
other costs associated with the device by persons subject to this
chapter in amounts commensurate with that person’s income
relative to the federal poverty level, as defined in Section 127400
of the Health and Safety Code:
(A) A person with an income at 100 percent of the federal
poverty level or below and who provides income verification
pursuant to paragraph (2) is responsible for $5\%$ of the
cost of the manufacturer’s standard ignition interlock device
program costs, and any additional costs accrued by the person for
noncompliance with program requirements.
(B) A person with an income at 101 to 200 percent of the federal
poverty level and who provides income verification pursuant to
paragraph (2) is responsible for 25 percent of the cost of the
manufacturer’s standard ignition interlock device program costs,
and any additional costs accrued by the person for noncompliance
with program requirements.
(C) A person with an income at 201 to 300 percent of the federal
poverty level and who provides income verification pursuant to
paragraph (2) is responsible for 50 percent of the cost of the
manufacturer’s standard ignition interlock device program costs,
and any additional costs accrued by the person for noncompliance
with program requirements.
(D) A person who is receiving CalFresh benefits and who
provides proof of those benefits to the manufacturer or
manufacturer’s agent or authorized installer is responsible for 50
percent of the cost of the manufacturer’s standard ignition interlock
device program costs, and any additional costs accrued by the
person for noncompliance with program requirements.
(E) A person with an income at 301 to 400 percent of the federal
poverty level and who provides income verification pursuant to
paragraph (2) is responsible for 90 percent of the cost of the
manufacturer’s standard ignition interlock device program costs,
and any additional costs accrued by the person for noncompliance
with program requirements.
(F) All other offenders are responsible for 100 percent
of the cost of the ignition interlock device.
(G) The manufacturer is responsible for the percentage of costs
that the offender ordered to install an ignition-interlock
device is not responsible for pursuant to subparagraphs (A) to (E),
inclusive.
(2) The ignition interlock device provider shall verify the
offender’s income of the person ordered to install an
ignition-interlock device to determine the cost of the ignition interlock device pursuant to this subdivision by verifying any of the following documents from the offender:

(A) The previous year’s state or federal income tax return.
(B) The previous three months of weekly or monthly income statements.
(C) Employment—A pending application for, or receipt of, Employment Development Department verification of unemployment benefits.
(D) Receipt of state-funded needs-tested public benefits such as CalFresh, CalWORKS, Social Security Income, Medi-Cal, and general assistance.
(E) Third-party verification of homelessness from an agency or nonprofit organization providing services to homeless people or presence on a county coordinated entry system list.
(3) At any point during which a device is installed and in use, an individual shall be permitted to apply for reduced costs by providing proof of a change of income.
(4) The ignition interlock device provider shall post conspicuously on its internet website and contracts the information set forth in this subdivision. Installation service and repair providers shall post conspicuously in their place of business and inform a person of the information set forth in this subdivision prior to installation and servicing of the device.

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

(m) A person subject to this chapter may institute a civil action to recover damages, injunctive or declaratory relief, and a civil penalty not to exceed one thousand dollars ($1,000) per violation from a manufacturer or manufacturer’s agent who fails to inform the individual of the provisions of subdivision (k), or who fails to comply with the provisions of subdivision (k) or subdivision (h) of Section 13386. A prevailing plaintiff in any action commenced
pursuant to this subdivision shall be entitled to recover their reasonable attorney’s fees and costs.

(m) This section does not permit a person to drive without a valid driver’s license.

(n) The requirements of this section are in addition to any other requirements of law.

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

1. “Bypass” means either of the following:
   A. Failure to take any random retest.
   B. Failure to pass a random retest with a breath alcohol concentration not exceeding 0.03 percent, by weight of alcohol, in the person’s blood.

2. “Operates” includes operating a vehicle that is not owned by the person subject to this section.

3. “Owned” means solely owned or owned in conjunction with another person or legal entity.

4. “Random retest” means a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle’s motor is running.

5. “Vehicle” does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. A person subject to an ignition interlock device restriction shall not operate a motorcycle for the duration of the ignition interlock device restriction period.

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

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

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

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

SECTION 1. Section 125.9 of the Business and Professions Code is amended to read:

125.9. (a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of...
Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

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

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

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

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

(5) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.
(c) The system may contain the following provisions:

1. A citation may be issued without the assessment of an administrative fine.

2. Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine and compliance with the order of abatement, if applicable, shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

(f) A licensee shall not be assessed an administrative fine for a violation of the applicable licensing act or any regulation adopted pursuant to the act if the violation is a minor violation. A violation shall be considered minor if all of the following conditions are satisfied:

1. The violation did not pose a serious health or safety threat.

2. There is no evidence that the violation was willful.

3. The licensee was not on probation at the time of the violation.

4. The licensee does not have a history of committing the violation.

5. The licensee corrects the violation within 30 days from the 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

<table>
<thead>
<tr>
<th>Test Type</th>
<th>Received</th>
<th>Completed Samples</th>
<th>Manufacturing Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7/1/2020 - 9/30/2020</td>
<td>7/1/2020 - 9/30/2020</td>
<td>10/1/2020 - 12/31/2020</td>
</tr>
<tr>
<td></td>
<td>10/1/2020 - 12/31/2020</td>
<td>10/1/2020 - 12/31/2020</td>
<td>USA-CA</td>
</tr>
<tr>
<td>TB 117-2013</td>
<td>14</td>
<td>20</td>
<td>23 (96%)</td>
</tr>
<tr>
<td>16 CFR 1633</td>
<td>5</td>
<td>6</td>
<td>8 (89%)</td>
</tr>
<tr>
<td>Thermal Insulation</td>
<td>0</td>
<td>5</td>
<td>2 (50%)</td>
</tr>
<tr>
<td>*Bedding</td>
<td>0</td>
<td>6</td>
<td>10 (100%)</td>
</tr>
<tr>
<td>**Labeling</td>
<td>N/A</td>
<td>N/A</td>
<td>Pass 6 (12%), Minor Violation 18 (36%), Moderate Violation 22 (44%), Failure 4 (8%)</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>37</td>
<td>---</td>
</tr>
</tbody>
</table>

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

**Labeling results exclude Thermal Insulation products.**

<table>
<thead>
<tr>
<th>Test Type</th>
<th>Completed</th>
<th>Manufacturing Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7/1/2020 - 9/30/2020</td>
<td>7/1/2020 - 9/30/2020</td>
</tr>
<tr>
<td></td>
<td>10/1/2020 - 12/31/2020</td>
<td>10/1/2020 - 12/31/2020</td>
</tr>
<tr>
<td>TB 117-2013</td>
<td>24</td>
<td>28</td>
</tr>
<tr>
<td>16 CFR 1633</td>
<td>9</td>
<td>6</td>
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### Flame Retardant Chemical Statement Analysis

<table>
<thead>
<tr>
<th>No Added FR Chemicals Checked</th>
<th>Added FR Chemicals Checked</th>
<th>No Box Checked</th>
<th>FR Document Request Sent</th>
<th>DTSC Analysis Requested</th>
<th>No Added FR Chemicals Checked</th>
<th>Added FR Chemicals Checked</th>
<th>No Box Checked</th>
<th>FR Document Request Sent</th>
<th>DTSC Analysis Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 (86%)</td>
<td>2 (14%)</td>
<td>0 (0%)</td>
<td>0</td>
<td>0</td>
<td>18 (90%)</td>
<td>0 (0%)</td>
<td>2 (10%)</td>
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<td>1</td>
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</table>

### Samples Analyzed with the “NO” Flame Retardant Chemical Statement

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<tr>
<th>Test Type</th>
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<th>10/1/2020-12/31/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pass</td>
<td>Fail</td>
</tr>
<tr>
<td>DTSC Analysis</td>
<td>1 (50%)</td>
<td>1 (50%)</td>
</tr>
<tr>
<td>FR Doc Review</td>
<td>1 (50%)</td>
<td>1 (50%)</td>
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</table>
Agenda Item 6b: Licensing Statistical Overview
## Electronic and Appliance Repair Registrations

<table>
<thead>
<tr>
<th></th>
<th>2017-18</th>
<th>2018-19</th>
<th>2019-20</th>
<th>2020-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appliance Service Dealers</td>
<td>2,632</td>
<td>2,634</td>
<td>2,538</td>
<td>2,541</td>
</tr>
<tr>
<td>Electronic Service Dealers</td>
<td>4,914</td>
<td>4,849</td>
<td>4,089</td>
<td>3,891</td>
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<tr>
<td>Combination Electronic/Appliance Service Dealers</td>
<td>583</td>
<td>557</td>
<td>406</td>
<td>428</td>
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<tr>
<td>Service Contract Administrators</td>
<td>47</td>
<td>50</td>
<td>57</td>
<td>61</td>
</tr>
<tr>
<td>Service Contract Sellers</td>
<td>12,633</td>
<td>12,026</td>
<td>11,847</td>
<td>12,021</td>
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<tr>
<td><strong>Total Active EAR Registrations</strong></td>
<td>20,809</td>
<td>20,116</td>
<td>18,937</td>
<td>18,942</td>
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## Home Furnishings and Thermal Insulation Licenses

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

## Household Movers Permits

<table>
<thead>
<tr>
<th></th>
<th>2017-18</th>
<th>2018-19</th>
<th>2019-20</th>
<th>2020-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits Issued</td>
<td>36</td>
<td>140</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td>Exams Administered</td>
<td>36</td>
<td>139</td>
<td>118</td>
<td></td>
</tr>
<tr>
<td>Exam Pass Rate</td>
<td>64%</td>
<td>90%</td>
<td>89%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Active HHM Permits</strong></td>
<td>936</td>
<td>1,051</td>
<td>1,037</td>
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</table>

## Household Movers Total Quarter Revenue

<table>
<thead>
<tr>
<th>Quarterly Report</th>
<th>No. of Permits</th>
<th>Gross Revenue</th>
<th>Admin Fees</th>
<th>CHP Fees</th>
<th>Net Revenue</th>
<th>Net Including Admin Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>January – March 2020</td>
<td>1,030</td>
<td>$658,674.00</td>
<td>$10,300.00</td>
<td>$5,150.00</td>
<td>$643,224.00</td>
<td>$653,524.00</td>
</tr>
<tr>
<td>April – June 2020</td>
<td>488</td>
<td>$267,079.97</td>
<td>$4,880.00</td>
<td>$2,440.00</td>
<td>$259,759.97</td>
<td>$264,639.97</td>
</tr>
<tr>
<td>July – September 2020</td>
<td>996</td>
<td>$916,780.62</td>
<td>$9,960.00</td>
<td>$4,980.00</td>
<td>$901,840.62</td>
<td>$911,800.62</td>
</tr>
<tr>
<td>October – December 2020</td>
<td>106</td>
<td>$56,138.91</td>
<td>$1,060.00</td>
<td>$530.00</td>
<td>$54,548.91</td>
<td>$55,608.91</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td></td>
<td><strong>$1,885,573.50</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Agenda Item 6c: Consumer Complaints Statistical Overview
CONSUMER COMPLAINT STATISTICS  
July 1, 2020 – December 31, 2020*

<table>
<thead>
<tr>
<th>Year</th>
<th>OPENED</th>
<th>CLOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
<td>1019</td>
<td>1014</td>
</tr>
<tr>
<td>2018-19</td>
<td>528</td>
<td>500</td>
</tr>
<tr>
<td>2019-20</td>
<td>531</td>
<td>419</td>
</tr>
<tr>
<td>2020-21*</td>
<td>567</td>
<td>485</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>OPENED</th>
<th>CLOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
<td>288</td>
<td>281</td>
</tr>
<tr>
<td>2018-19</td>
<td>158</td>
<td>157</td>
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<tr>
<td>2019-20</td>
<td>319</td>
<td>267</td>
</tr>
<tr>
<td>2020-21*</td>
<td>249</td>
<td>191</td>
</tr>
</tbody>
</table>
# Household Movers Consumer Complaint Statistics

**July 1, 2020 – December 31, 2020***

<table>
<thead>
<tr>
<th>Year</th>
<th>OPENED</th>
<th>CLOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-19</td>
<td>203</td>
<td>181</td>
</tr>
<tr>
<td>2019-20</td>
<td>199</td>
<td>169</td>
</tr>
<tr>
<td>2020-21*</td>
<td>252</td>
<td>237</td>
</tr>
</tbody>
</table>

## Total Complaints by Category

<table>
<thead>
<tr>
<th>Category</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlicensed</td>
<td>131</td>
</tr>
<tr>
<td>Hold Hostage</td>
<td>55</td>
</tr>
<tr>
<td>Loss and/or Damages</td>
<td>33</td>
</tr>
<tr>
<td>Overcharges</td>
<td>13</td>
</tr>
<tr>
<td>Delivery</td>
<td>8</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>8</td>
</tr>
<tr>
<td>Refund</td>
<td>2</td>
</tr>
<tr>
<td>Interstate</td>
<td>1</td>
</tr>
<tr>
<td>Restoration</td>
<td>1</td>
</tr>
</tbody>
</table>

## Complaints Received by Months

<table>
<thead>
<tr>
<th>Month</th>
<th>Licensed</th>
<th>Unlicensed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul'20</td>
<td>8</td>
<td>25</td>
</tr>
<tr>
<td>Aug'20</td>
<td>11</td>
<td>30</td>
</tr>
<tr>
<td>Sep'20</td>
<td>12</td>
<td>28</td>
</tr>
<tr>
<td>Oct'20</td>
<td>16</td>
<td>37</td>
</tr>
<tr>
<td>Nov'20</td>
<td>16</td>
<td>31</td>
</tr>
<tr>
<td>Dec'20</td>
<td>13</td>
<td>25</td>
</tr>
</tbody>
</table>
## ENFORCEMENT STATISTICS
July 1, 2020 – December 31, 2020*

### Telephone Disconnects Ordered

<table>
<thead>
<tr>
<th>Year</th>
<th>EAR</th>
<th>HFTI</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
<td>48</td>
<td>17</td>
<td>65</td>
</tr>
<tr>
<td>2018-19</td>
<td>15</td>
<td>9</td>
<td>24</td>
</tr>
<tr>
<td>2019-20</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>2020-21*</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Household Mover Applicant Investigations and Subsequent Arrests

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-19</td>
<td>8</td>
</tr>
<tr>
<td>2019-20</td>
<td>70</td>
</tr>
<tr>
<td>2020-21*</td>
<td>43</td>
</tr>
</tbody>
</table>

### EAR and HFTI Internal Cases (Investigations)

#### OPENED

<table>
<thead>
<tr>
<th>Year</th>
<th>EAR</th>
<th>HFTI</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
<td>624</td>
<td>355</td>
<td>979</td>
</tr>
<tr>
<td>2018-19</td>
<td>400</td>
<td>215</td>
<td>615</td>
</tr>
<tr>
<td>2019-20</td>
<td>257</td>
<td>136</td>
<td>393</td>
</tr>
<tr>
<td>2020-21*</td>
<td>105</td>
<td>165</td>
<td>270</td>
</tr>
</tbody>
</table>

#### CLOSED

<table>
<thead>
<tr>
<th>Year</th>
<th>EAR</th>
<th>HFTI</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
<td>705</td>
<td>388</td>
<td>1,093</td>
</tr>
<tr>
<td>2018-19</td>
<td>434</td>
<td>216</td>
<td>650</td>
</tr>
<tr>
<td>2019-20</td>
<td>235</td>
<td>118</td>
<td>353</td>
</tr>
<tr>
<td>2020-21*</td>
<td>83</td>
<td>163</td>
<td>246</td>
</tr>
</tbody>
</table>

### EAR and HFTI Citations Issued

<table>
<thead>
<tr>
<th>Year</th>
<th>EAR</th>
<th>HFTI</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
<td>550</td>
<td>305</td>
<td>855</td>
</tr>
<tr>
<td>2018-19</td>
<td>384</td>
<td>230</td>
<td>614</td>
</tr>
<tr>
<td>2019-20</td>
<td>227</td>
<td>116</td>
<td>343</td>
</tr>
<tr>
<td>2020-21*</td>
<td>74</td>
<td>153</td>
<td>227</td>
</tr>
</tbody>
</table>
Agenda Item 6d: Enforcement and Investigations Statistical Overview
**ENFORCEMENT ACTIVITY**  
*July 1, 2020 – December 31, 2020*

<table>
<thead>
<tr>
<th></th>
<th>HHM</th>
<th>Unlicensed Contact</th>
<th>Unlicensed Citation</th>
<th>Investigative Visits</th>
<th>Cases Assigned</th>
<th>Hold Hostage Assigned</th>
<th>Hold Hostage Resolved/ Goods Returned</th>
<th>C&amp;D Ltrs Sent Out</th>
<th>Monthly Enforcement Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>July</strong></td>
<td></td>
<td>44</td>
<td>1</td>
<td>23</td>
<td>21</td>
<td>9</td>
<td>6</td>
<td>7</td>
<td>111</td>
</tr>
<tr>
<td><strong>August</strong></td>
<td></td>
<td>34</td>
<td>0</td>
<td>17</td>
<td>6</td>
<td>3</td>
<td>0</td>
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<tr>
<td><strong>September</strong></td>
<td></td>
<td>83</td>
<td>0</td>
<td>20</td>
<td>14</td>
<td>18</td>
<td>8</td>
<td>10</td>
<td>153</td>
</tr>
<tr>
<td><strong>October</strong></td>
<td></td>
<td>70</td>
<td>19</td>
<td>21</td>
<td>34</td>
<td>30</td>
<td>15</td>
<td>12</td>
<td>201</td>
</tr>
<tr>
<td><strong>November</strong></td>
<td></td>
<td>58</td>
<td>0</td>
<td>23</td>
<td>8</td>
<td>16</td>
<td>13</td>
<td>12</td>
<td>130</td>
</tr>
<tr>
<td><strong>December</strong></td>
<td></td>
<td>79</td>
<td>0</td>
<td>29</td>
<td>21</td>
<td>3</td>
<td>4</td>
<td>22</td>
<td>158</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
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Agenda Item 7: H.R. 133 – “COVID–19 Regulatory Relief and Work From Home Safety Act”
TITLE XXI—COVID-19 REGULATORY RELIEF AND WORK FROM HOME SAFETY ACT

SEC. 2101. COVID–19 REGULATORY RELIEF AND WORK FROM HOME SAFETY ACT.

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

(b) DEFINITIONS.—In this Act—

(1) the term “bedding product” means—

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

(B) any component or accessory with respect to an item described in subparagraph (A), without regard to whether the component or accessory, as applicable, is used—

(i) alone; or

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

(2) the term “California standard” means the standard set forth by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation of the Department of Consumer Affairs of the State of California in Technical Bulletin 117–2013, entitled “Requirements, Test Procedure and
Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture’, originally published June 2013, as in effect on the date of enactment of this Act;

(3) the terms ‘‘foundation’’ and ‘‘mattress’’ have the meanings given those terms in section 1633.2 of title 16, Code of Federal Regulations, as in effect on the date of enactment of this Act; and

(4) the term ‘‘upholstered furniture’’—

(A) means an article of seating furniture that—

(i) is intended for indoor use;

(ii) is movable or stationary;

(iii) is constructed with an upholstered seat, back, or arm;

(iv) is—

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

(II) stuffed or filled, or able to be stuffed or filled, in whole or in part, with any material, including a substance or material that is hidden or
concealed by fabric or another covering, including a cushion or pillow belonging to, or forming a part of, the article of furniture; and

(v) together with the structural units of the article of furniture, any filling material, and the container and covering with respect to those structural units and that filling material, can be used as a support for the body of an individual, or the limbs and feet of an individual, when the individual sits in an upright or reclining position;

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

(C) does not include—

(i) a mattress;

(ii) a foundation;

(iii) any bedding product; or

(iv) furniture that is used exclusively for the purpose of physical fitness and exercise.

(e) ADOPTION OF STANDARD.—

(1) IN GENERAL.—Beginning on the date that is 180 days after the date of enactment of this Act,
and except as provided in paragraph (2), the California standard shall be considered to be a flammability standard promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193).

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

(3) CERTIFICATION LABEL.—Each manufacturer of a product that is subject to the California standard as a result of paragraph (1) shall include the statement “Complies with U.S. CPSC requirements for upholstered furniture flammability” on a permanent label located on the product, which shall be considered to be a certification that the product complies with that standard.

(d) PREEMPTION.—

(1) IN GENERAL.—Notwithstanding section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) and section 231 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 2051 note), and except as provided in subparagraphs (B) and (C) of
paragraph (2), no State or any political subdivision
of a State may establish or continue in effect any
provision of a flammability law, regulation, code,
standard, or requirement that is designed to protect
against the risk of occurrence of fire, or to slow or
prevent the spread of fire, with respect to uphol-
stered furniture.

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

(A) any State or local law, regulation,
    code, standard, or requirement that—
    (i) concerns health risks associated
        with upholstered furniture; and
    (ii) is not designed to protect against
        the risk of occurrence of fire, or to slow or
        prevent the spread of fire, with respect to
        upholstered furniture;

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

(C) the California standard.