
CONSENT

Bill No: AB 2210
Author: Aguiar-Curry (D)
Amended: 3/16/20 in Assembly
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 8/8/20
AYES: Glazer, Chang, Archuleta, Dodd, Galgiani, Hill, Leyva, Pan, Wilk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 76-0, 6/8/20 (Consent) - See last page for vote

SUBJECT: Contractors: violations: disciplinary actions

SOURCE: Contractors State License Board

DIGEST: This bill expands the Contractors State License Board's (CSLB) authority to take enforcement action against a tree-service contractor.

ANALYSIS:

Existing law:

- 1) Establishes the CSLB within the Department of Consumer Affairs (DCA) to license and regulate contractors and home improvement salespersons. (Business and Professions Code (BPC) § 7000 *et seq.*)
- 2) Requires the CSLB registrar to initiate disciplinary action against a licensee within 180 days of the receipt of the Labor Commissioner's (Commissioner) finding of a willful or deliberate finding of a violation of the Labor Code (LC). (BPC § 7110.5)
- 3) States that a violation of a safety provision, as specified in the LC resulting in death or serious injury to an employee constitutes a cause for disciplinary

action. (BPC §7109.5)

- 4) Requires the Department of Industrial Relations' Division of Occupational Safety and Health (DOSH), after consultation with the CSLB, to transmit to the CSLB copies of any citations or other actions taken by the DOSH against a contractor. (LC § 6313.5)

This bill:

- 1) Adds additional violations that constitute a cause for disciplinary action without regard to whether death or serious injury to an employee resulted from the violation.
- 2) Extends from 180 days to 18 months the time that CSLB has to bring disciplinary action against a contractor, for a contractor's willful or deliberate violation of the LC assessed by the Labor Commissioner.
- 3) Adds a requirement for the registrar to initiate disciplinary action against a contractor upon transmission to the CSLB of copies of any citations or other actions for willful or deliberate violations of specified tree trimming regulations.

Background

Contractors State License Board. The CSLB is responsible for the implementation and enforcement of the Contractors' State License Law (the laws and regulations related to the licensure, practice and discipline of the construction industry in California). All businesses and individuals who construct or alter, or offer to construct or alter, any building, highway, road, parking facility, railroad, excavation, or other structure in California must be licensed by the CSLB if the total cost, including both labor and materials, of one or more contracts on the project is \$500 or more. The CSLB licenses and regulates licensees in 44 licensing classifications and 2 certifications, and registers approximately 18,000 Home Improvement Salespersons. Each licensing classification specifies the type of contracting work permitted in that classification. Specific to this bill, the "C"—Specialty Contractor—A specialty contractor's operations involve the performance of construction work requiring special skill and involving the use of specialized building trades or crafts.

Tree service providers are regulated by both the CSLB and DOSH within the Department of Industrial Relations. DOSH tree safety regulations require tree-service employers provide employees with a safe work environment, including proper safety training and equipment. CSLB licensees, who are primary employers in the tree service industry, must abide by these regulations. Under current law, the LC is required to notify the CSLB of violations of certain provisions of the LC, including violations of tree worker safety requirements. However, the CSLB may only take enforcement actions if “death or serious injury to an employee” occurs. This bill will expand that authority and authorize the CSLB to take enforcement actions for additional violations of tree worker safety requirements in the LC.

At the CSLB’s April 2018, meeting, CSLB staff were directed to meet with representatives from the DOSH to identify possible solutions to the concerns raised regarding safety. BPC §7109.5 requires that, before CSLB can discipline a license, a contractor’s violation of a safety provision must result in the death of or serious injury to an employee. This bill seeks to expand BPC §7109.5 to provide CSLB with greater authority to initiate disciplinary action against a licensee for any violations specified in CCR regardless if death or serious injury occurred.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/17/20)

Contractors State License Board (source)
Center for Contract Compliance
West Coast Arborists

OPPOSITION: (Verified 8/17/20)

None received

ARGUMENTS IN SUPPORT: The Contractors State License Board writes in support, “Assembly Bill (AB) 2210 provides authority for the Board to discipline a licensed contractor who violates any of the provisions of California’s regulatory “Tree Safety Orders” administered by the Division of Occupational Safety and Health, regardless of whether death or injury occurs first. Existing law conditions discipline of a contractor for safety violations on the occurrence of death or serious injury.”

Center for Contract Compliance writes in support, “Current law requires the Contractors State License Board (CSLB) to enforce safety regulations only if the

violation causes a serious injury or death. This enforcement mechanism does too little to promote safe practices before an accident occurs. AB 2210 will help solve this problem by providing the CSLB the authority to enforce any other violations, like failing to provide proper training and equipment, which will help prevent accidents before they occur.”

West Coast Arborists writes in support, “The passing of this proposal will help ensure the safety and well-being of workers who put their lives on the line day in and day out.”

ASSEMBLY FLOOR: 76-0, 6/8/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Low, Muratsuchi, Quirk

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104
8/19/20 10:49:41

**** END ****