

ASSEMBLY THIRD READING

AB 2106 (Patel)

As Amended April 29, 2026

Majority vote

SUMMARY

Requires design professionals that are consulted for a certificate of merit to be licensed in California.

Major Provisions

- 1) Adds "landscape architect" to the list of licensed professionals that require consultation and a certificate of merit to be filed by a plaintiff or cross-complainant in a professional negligence action.
- 2) Requires architects, landscape architects, professional engineers, and land surveyors who are consulted for a certificate of merit in a professional negligence action, to be licensed in the state of California.

COMMENTS

In order to prevent frivolous lawsuits and save courts time and money, lawsuits filed against design professionals—specifically architects, engineers, and land surveyors—must be filed with a certificate of merit. This certificate requires the attorney bringing the action to consult with another design professional, not a party to the action, to confirm there is a potential negligence claim, and the case is warranted. However, existing law does not require that design professional to be licensed in California. Therefore, the consulted professional may not understand the requirements and intricacies that are unique to this state.

The Certificate of Merit. A party alleging professional malpractice—an action arising out of the negligence of a design professional—must also file with the court and serve the alleged violator with a "certificate of merit." The certificate of merit is a document that states that the plaintiff (or cross-complainant) has consulted with one or more licensed professionals with relevant and appropriate experience or expertise, and who have reviewed the facts of the case and support the finding that the defendant was negligent. (Code of Civil Procedure Section 411.35.) Existing law requires this certificate of merit when an action involves an architect, professional engineer, or land surveyor. The certificate of merit is designed to limit frivolous lawsuits against these professionals. However, the law currently allows for the consulted professional to be licensed in *any* state, not just in California. Therefore, the consulting professional may not know the specifics or nuances of California's design laws, regulations, and procedures. Similarly, should the consulted professional themselves engage in malfeasance, they would be outside the reach of California regulators.

The bill adds landscape architects to the group of design professionals that require a certificate of merit to be filed. The bill's sponsor note that landscape architects are now increasingly involved in this type of litigation, and often, their duties now overlap with those of architects and engineers. This bill also requires any consulted design professional, including landscape architects, to be licensed in California, and not just any state in the United States, as is currently the requirement.

According to the Author

Current law allows out of state licensees to serve a Certificate of Merit. AB 2106 ensures that California licensees - professionals that understand California's laws and regulations - are the ones determining if there has been a breach in standard of care.

Arguments in Support

This bill is sponsored by the American Council of Engineering Companies (ACEC) of California and supported by industry advocacy organizations. In a joint statement, ACEC, the American Institute of Architects (AIA) California, the California Building Industry Association (CBIA), and the California & Nevada Civil Engineers and Land Surveyors Association write in support:

AB 2106 provides a reasonable and targeted solution by requiring that the subject matter expert be licensed in California . . . The bill also addresses an oversight in which the current statute's protections do not extend to other design professionals, namely landscape architects . These reforms promote accountability, ensure that claims are evaluated by individuals who understand California-specific standards, and restore confidence in the integrity of the Certificate of Merit process.

The bill does not limit the ability of any party to seek claims, nor does it reduce accountability for design professionals. Rather, it ensures that claims are grounded in California's professional standards, protects the consumers of design professional services and all parties to a potential lawsuit from the high costs, uncertainty, and duration associated with pursuing a case that lacks proper review.

Civil Justice Association of California (CJAC) writes in support:

AB 2106 provides a reasonable and targeted solution by requiring that the consulting professional be licensed in California . . . The bill also extends the protections to landscape architects . . . These reforms promote accountability, ensure that claims are evaluated by individuals who understand California-specific standards, and restore confidence in the integrity of the Certificate of Merit process.

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES**ASM JUDICIARY: 12-0-0**

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Johnson, Pacheco, Papan, Sanchez, Lee, Zbur

UPDATED

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CONSULTANT: Griff Ryan-Roberts / JUD. / (916) 319-2334

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