

# CITATIONS WILL CONTINUE TO HAUNT A LICENSEE

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The Contractors' State License Board ("CSLB") licenses and regulates contractors in California. The Contractors' License Law sets forth the parameters by which it does so. On August 19, 2016, the Governor signed into law Senate Bill 1209, authored by Senator Morrell and sponsored by the CSLB. SB 1209 provides that citations issued against a licensed contractor will follow the contractor if he or she is issued another license. It authorizes the disclosure of these citations within existing disclosure timeframes. The law takes effect on January 1, 2017.

The *current* law requires an applicant for licensure to qualify in regard to his or her experience depending on whether the applicant is an individual or a business entity. All licenses must have a qualifying individual listed on the CSLB records. The same person may serve as the qualifier for more than one classification. It requires the registrar to make available to the public the date, nature, and disposition of all legal actions against a licensee, except as specified, and limits the disclosure of citations to a specified time period. Current law limits disclosure of a citation only to the license subject to a complaint substantiating that citation. Once disclosed, it does not extend that disclosure to licenses obtained or joined by persons thereafter.

The *new* law will now require that disclosure of citations also appear on the license record of any other license identified as a qualifier who is listed in the members of the personnel of record of the license that was issued the citation. "Members of the personnel of record" is defined as every person listed in the records of the registrar as then associated with a licensee. The disclosure shall be for the period of disclosure of the citation. In other words, the disclosures will follow the person to whom the citation was noticed so that they also appear on the license record of any other license he or she files.

The purpose of the bill is to enhance the disclosure to the public regarding contractors who have been disciplined by the CSLB. According to the author,

"[This bill] is a common sense consumer protection bill that closes a loophole in current law. Presently, the [CSLB] requires contractors to publicly disclose any citation they have received within the past five years. However, if a contractor obtains a new license, the citation does not follow them, allowing bad actors to hide from consumers any citations they may have received. This bill closes that loophole, providing for greater consumer confidence."

The CSLB licenses over 300,000 contractors, in 44 classifications and two certifications. Supporters of the bill, and now the newly enacted law, proclaim that it furthers the public protection goal of the existing law.



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