



MEMORANDUM

DATE	August 7, 2014
TO	Psychology Board Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	SB 1159 (Lara) License Applicants: Federal Tax Identification

Background:

SB 1159 requires the professional and vocational licensing boards within the Department of Consumer Affairs to require an applicant other than a partnership to provide either a federal tax identification number or social security number, if one has been issued to an applicant. The bill requires the bodies to report to the Franchise Tax Board, and subject a licensee to a penalty, for failure to provide that information.

Action Requested:

The staff recommendation is to continue to watch SB 1159.

Attachment A shows the current language proposed in SB 1159.

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1159

Introduced by Senator Lara

February 20, 2014

An act to amend Section 30 of the Business and Professions Code, to amend Section 17520 of the Family Code, and to amend Section 19528 of the Revenue and Taxation Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Lara. Professions and vocations: license applicants: individual tax identification number.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other licensing bodies. Existing law requires those licensing bodies to require a licensee, at the time of issuance of the license, to provide its federal employer identification number if the licensee is a partnership, or his or her social security number for all other licensees. Existing law requires those licensing bodies to report to the Franchise Tax Board any licensee who fails to provide the federal employer identification number or social security number, and subjects the licensee to a penalty for failing to provide the information after notification, as specified.

This bill would require those licensing bodies to require an applicant other than a partnership to provide either an individual tax identification

number or social security ~~number, if one has been issued to the applicant,~~
~~number~~ and would require the licensing bodies to report to the Franchise
 Tax Board, and subject a licensee to a penalty, for failure to provide
 that information, as described above. The bill would make other
 conforming changes.

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

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

1 SECTION 1. Section 30 of the Business and Professions Code
 2 is amended to read:

3 30. (a) Notwithstanding any other law, any board, as defined
 4 in Section 22, and the State Bar and the Bureau of Real Estate shall
 5 at the time of issuance of the license require that the applicant
 6 provide its federal employer identification number, if the applicant
 7 is a partnership, or the applicant's individual taxpayer identification
 8 number or social security ~~number, if one has been issued,~~ *number*
 9 for all other applicants.

10 (b) A licensee failing to provide the federal employer
 11 identification number, or the individual taxpayer identification
 12 number or social security ~~number, if one has been issued to the~~
 13 ~~individual,~~ *number* shall be reported by the licensing board to the
 14 Franchise Tax Board. If the licensee fails to provide that
 15 information after notification pursuant to paragraph (1) of
 16 subdivision (b) of Section 19528 of the Revenue and Taxation
 17 Code, the licensee shall be subject to the penalty provided in
 18 paragraph (2) of subdivision (b) of Section 19528 of the Revenue
 19 and Taxation Code.

20 (c) In addition to the penalty specified in subdivision (b), a
 21 licensing board may not process an application for an initial license
 22 unless the applicant provides its federal employer identification
 23 number, or individual taxpayer identification number or social
 24 security ~~number, if one has been issued to the individual,~~ *number*
 25 where requested on the application.

26 (d) A licensing board shall, upon request of the Franchise Tax
 27 Board, furnish to the Franchise Tax Board the following
 28 information with respect to every licensee:

- 29 (1) Name.
 30 (2) Address or addresses of record.

- 1 (3) Federal employer identification number if the licensee is a
2 partnership, or the licensee's individual taxpayer identification
3 number or social security number, ~~if one has been issued to the~~
4 ~~individual,~~ *number* for all other licensees.
- 5 (4) Type of license.
- 6 (5) Effective date of license or a renewal.
- 7 (6) Expiration date of license.
- 8 (7) Whether license is active or inactive, if known.
- 9 (8) Whether license is new or a renewal.
- 10 (e) For the purposes of this section:
- 11 (1) "Licensee" means a person or entity, other than a
12 corporation, authorized by a license, certificate, registration, or
13 other means to engage in a business or profession regulated by
14 this code or referred to in Section 1000 or 3600.
- 15 (2) "License" includes a certificate, registration, or any other
16 authorization needed to engage in a business or profession
17 regulated by this code or referred to in Section 1000 or 3600.
- 18 (3) "Licensing board" means any board, as defined in Section
19 22, the State Bar, and the Bureau of Real Estate.
- 20 (f) The reports required under this section shall be filed on
21 magnetic media or in other machine-readable form, according to
22 standards furnished by the Franchise Tax Board.
- 23 (g) Licensing boards shall provide to the Franchise Tax Board
24 the information required by this section at a time that the Franchise
25 Tax Board may require.
- 26 (h) Notwithstanding Chapter 3.5 (commencing with Section
27 6250) of Division 7 of Title 1 of the Government Code, a federal
28 employer identification number, individual taxpayer identification
29 number, or social security number furnished pursuant to this section
30 shall not be deemed to be a public record and shall not be open to
31 the public for inspection.
- 32 (i) ~~Any~~ ~~A~~ deputy, agent, clerk, officer, or employee of ~~any~~ *a*
33 licensing board described in subdivision (a), or any former officer
34 or employee or other individual who, in the course of his or her
35 employment or duty, has or has had access to the information
36 required to be furnished under this section, may not disclose or
37 make known in any manner that information, except as provided
38 in this section to the Franchise Tax Board or as provided in
39 subdivision (k).

1 (j) It is the intent of the Legislature in enacting this section to
2 utilize the federal employer identification number, individual
3 taxpayer identification number, or social security number for the
4 purpose of establishing the identification of persons affected by
5 state tax laws and for purposes of compliance with Section 17520
6 of the Family Code and, to that end, the information furnished
7 pursuant to this section shall be used exclusively for those
8 purposes.

9 (k) If the board utilizes a national examination to issue a license,
10 and if a reciprocity agreement or comity exists between the State
11 of California and the state requesting release of the individual
12 taxpayer identification number or social security number, any
13 deputy, agent, clerk, officer, or employee of any licensing board
14 described in subdivision (a) may release an individual taxpayer
15 identification number or social security number to an examination
16 or licensing entity, only for the purpose of verification of licensure
17 or examination status.

18 (l) For the purposes of enforcement of Section 17520 of the
19 Family Code, and notwithstanding any other law, ~~any a~~ board, as
20 defined in Section 22, and the State Bar and the Bureau of Real
21 Estate shall at the time of issuance of the license require that each
22 licensee provide the individual taxpayer identification number or
23 social security ~~number, if any has been issued to the licensee,~~
24 *number* of each individual listed on the license and any person
25 who qualifies the license. For the purposes of this subdivision,
26 “licensee” means ~~any an~~ entity that is issued a license by any board,
27 as defined in Section 22, the State Bar, the Bureau of Real Estate,
28 and the Department of Motor Vehicles.

29 SEC. 2. Section 17520 of the Family Code is amended to read:
30 17520. (a) As used in this section:

31 (1) “Applicant” means ~~any a~~ person applying for issuance or
32 renewal of a license.

33 (2) “Board” means ~~any an~~ entity specified in Section 101 of the
34 Business and Professions Code, the entities referred to in Sections
35 1000 and 3600 of the Business and Professions Code, the State
36 Bar, the Bureau of Real Estate, the Department of Motor Vehicles,
37 the Secretary of State, the Department of Fish and Game, and any
38 other state commission, department, committee, examiner, or
39 agency that issues a license, certificate, credential, permit,
40 registration, or any other authorization to engage in a business,

1 occupation, or profession, or to the extent required by federal law
2 or regulations, for recreational purposes. This term includes all
3 boards, commissions, departments, committees, examiners, entities,
4 and agencies that issue a license, certificate, credential, permit,
5 registration, or any other authorization to engage in a business,
6 occupation, or profession. The failure to specifically name a
7 particular board, commission, department, committee, examiner,
8 entity, or agency that issues a license, certificate, credential, permit,
9 registration, or any other authorization to engage in a business,
10 occupation, or profession does not exclude that board, commission,
11 department, committee, examiner, entity, or agency from this term.

12 (3) “Certified list” means a list provided by the local child
13 support agency to the Department of Child Support Services in
14 which the local child support agency verifies, under penalty of
15 perjury, that the names contained therein are support obligors found
16 to be out of compliance with a judgment or order for support in a
17 case being enforced under Title IV-D of the Social Security Act.

18 (4) “Compliance with a judgment or order for support” means
19 that, as set forth in a judgment or order for child or family support,
20 the obligor is no more than 30 calendar days in arrears in making
21 payments in full for current support, in making periodic payments
22 in full, whether court ordered or by agreement with the local child
23 support agency, on a support arrearage, or in making periodic
24 payments in full, whether court ordered or by agreement with the
25 local child support agency, on a judgment for reimbursement for
26 public assistance, or has obtained a judicial finding that equitable
27 estoppel as provided in statute or case law precludes enforcement
28 of the order. The local child support agency is authorized to use
29 this section to enforce orders for spousal support only when the
30 local child support agency is also enforcing a related child support
31 obligation owed to the obligee parent by the same obligor, pursuant
32 to Sections 17400 and 17604.

33 (5) “License” includes membership in the State Bar, and a
34 certificate, credential, permit, registration, or any other
35 authorization issued by a board that allows a person to engage in
36 a business, occupation, or profession, or to operate a commercial
37 motor vehicle, including appointment and commission by the
38 Secretary of State as a notary public. “License” also includes any
39 driver’s license issued by the Department of Motor Vehicles, any
40 commercial fishing license issued by the Department of Fish and

1 Game, and to the extent required by federal law or regulations,
2 any license used for recreational purposes. This term includes all
3 licenses, certificates, credentials, permits, registrations, or any
4 other authorization issued by a board that allows a person to engage
5 in a business, occupation, or profession. The failure to specifically
6 name a particular type of license, certificate, credential, permit,
7 registration, or other authorization issued by a board that allows
8 a person to engage in a business, occupation, or profession, does
9 not exclude that license, certificate, credential, permit, registration,
10 or other authorization from this term.

11 (6) “Licensee” means ~~any~~ a person holding a license, certificate,
12 credential, permit, registration, or other authorization issued by a
13 board, to engage in a business, occupation, or profession, or a
14 commercial driver’s license as defined in Section 15210 of the
15 Vehicle Code, including an appointment and commission by the
16 Secretary of State as a notary public. “Licensee” also means ~~any~~
17 a person holding a driver’s license issued by the Department of
18 Motor Vehicles, ~~any~~ a person holding a commercial fishing license
19 issued by the Department of Fish and Game, and to the extent
20 required by federal law or regulations, ~~any~~ a person holding a
21 license used for recreational purposes. This term includes all
22 persons holding a license, certificate, credential, permit,
23 registration, or any other authorization to engage in a business,
24 occupation, or profession, and the failure to specifically name a
25 particular type of license, certificate, credential, permit, registration,
26 or other authorization issued by a board does not exclude that
27 person from this term. For licenses issued to an entity that is not
28 an individual person, “licensee” includes ~~any~~ an individual who
29 is either listed on the license or who qualifies for the license.

30 (b) The local child support agency shall maintain a list of those
31 persons included in a case being enforced under Title IV-D of the
32 Social Security Act against whom a support order or judgment has
33 been rendered by, or registered in, a court of this state, and who
34 are not in compliance with that order or judgment. The local child
35 support agency shall submit a certified list with the names, social
36 security numbers, and last known addresses of these persons and
37 the name, address, and telephone number of the local child support
38 agency who certified the list to the department. The local child
39 support agency shall verify, under penalty of perjury, that the
40 persons listed are subject to an order or judgment for the payment

1 of support and that these persons are not in compliance with the
2 order or judgment. The local child support agency shall submit to
3 the department an updated certified list on a monthly basis.

4 (c) The department shall consolidate the certified lists received
5 from the local child support agencies and, within 30 calendar days
6 of receipt, shall provide a copy of the consolidated list to each
7 board that is responsible for the regulation of licenses, as specified
8 in this section.

9 (d) On or before November 1, 1992, or as soon thereafter as
10 economically feasible, as determined by the department, all boards
11 subject to this section shall implement procedures to accept and
12 process the list provided by the department, in accordance with
13 this section. Notwithstanding any other law, all boards shall collect
14 social security numbers or individual taxpayer identification
15 ~~numbers, if they have been issued,~~ *numbers* from all applicants
16 for the purposes of matching the names of the certified list provided
17 by the department to applicants and licensees and of responding
18 to requests for this information made by child support agencies.

19 (e) (1) Promptly after receiving the certified consolidated list
20 from the department, and prior to the issuance or renewal of a
21 license, each board shall determine whether the applicant is on the
22 most recent certified consolidated list provided by the department.
23 The board shall have the authority to withhold issuance or renewal
24 of the license of ~~any~~ *an* applicant on the list.

25 (2) If an applicant is on the list, the board shall immediately
26 serve notice as specified in subdivision (f) on the applicant of the
27 board's intent to withhold issuance or renewal of the license. The
28 notice shall be made personally or by mail to the applicant's last
29 known mailing address on file with the board. Service by mail
30 shall be complete in accordance with Section 1013 of the Code of
31 Civil Procedure.

32 (A) The board shall issue a temporary license valid for a period
33 of 150 days to any applicant whose name is on the certified list if
34 the applicant is otherwise eligible for a license.

35 (B) Except as provided in subparagraph (D), the 150-day time
36 period for a temporary license shall not be extended. Except as
37 provided in subparagraph (D), only one temporary license shall
38 be issued during a regular license term and it shall coincide with
39 the first 150 days of that license term. As this paragraph applies
40 to commercial driver's licenses, "license term" shall be deemed

1 to be 12 months from the date the application fee is received by
2 the Department of Motor Vehicles. A license for the full or
3 remainder of the license term shall be issued or renewed only upon
4 compliance with this section.

5 (C) In the event that a license or application for a license or the
6 renewal of a license is denied pursuant to this section, any funds
7 paid by the applicant or licensee shall not be refunded by the board.

8 (D) This paragraph shall apply only in the case of a driver's
9 license, other than a commercial driver's license. Upon the request
10 of the local child support agency or by order of the court upon a
11 showing of good cause, the board shall extend a 150-day temporary
12 license for a period not to exceed 150 extra days.

13 (3) (A) The department may, when it is economically feasible
14 for the department and the boards to do so as determined by the
15 department, in cases where the department is aware that certain
16 child support obligors listed on the certified lists have been out of
17 compliance with a judgment or order for support for more than
18 four months, provide a supplemental list of these obligors to each
19 board with which the department has an interagency agreement to
20 implement this paragraph. Upon request by the department, the
21 licenses of these obligors shall be subject to suspension, provided
22 that the licenses would not otherwise be eligible for renewal within
23 six months from the date of the request by the department. The
24 board shall have the authority to suspend the license of any licensee
25 on this supplemental list.

26 (B) If a licensee is on a supplemental list, the board shall
27 immediately serve notice as specified in subdivision (f) on the
28 licensee that his or her license will be automatically suspended
29 150 days after notice is served, unless compliance with this section
30 is achieved. The notice shall be made personally or by mail to the
31 licensee's last known mailing address on file with the board.
32 Service by mail shall be complete in accordance with Section 1013
33 of the Code of Civil Procedure.

34 (C) The 150-day notice period shall not be extended.

35 (D) In the event that any license is suspended pursuant to this
36 section, any funds paid by the licensee shall not be refunded by
37 the board.

38 (E) This paragraph shall not apply to licenses subject to annual
39 renewal or annual fee.

1 (f) Notices shall be developed by each board in accordance with
2 guidelines provided by the department and subject to approval by
3 the department. The notice shall include the address and telephone
4 number of the local child support agency that submitted the name
5 on the certified list, and shall emphasize the necessity of obtaining
6 a release from that local child support agency as a condition for
7 the issuance, renewal, or continued valid status of a license or
8 licenses.

9 (1) In the case of applicants not subject to paragraph (3) of
10 subdivision (e), the notice shall inform the applicant that the board
11 shall issue a temporary license, as provided in subparagraph (A)
12 of paragraph (2) of subdivision (e), for 150 calendar days if the
13 applicant is otherwise eligible and that upon expiration of that time
14 period the license will be denied unless the board has received a
15 release from the local child support agency that submitted the name
16 on the certified list.

17 (2) In the case of licensees named on a supplemental list, the
18 notice shall inform the licensee that his or her license will continue
19 in its existing status for no more than 150 calendar days from the
20 date of mailing or service of the notice and thereafter will be
21 suspended indefinitely unless, during the 150-day notice period,
22 the board has received a release from the local child support agency
23 that submitted the name on the certified list. Additionally, the
24 notice shall inform the licensee that any license suspended under
25 this section will remain so until the expiration of the remaining
26 license term, unless the board receives a release along with
27 applications and fees, if applicable, to reinstate the license during
28 the license term.

29 (3) The notice shall also inform the applicant or licensee that if
30 an application is denied or a license is suspended pursuant to this
31 section, any funds paid by the applicant or licensee shall not be
32 refunded by the board. The Department of Child Support Services
33 shall also develop a form that the applicant shall use to request a
34 review by the local child support agency. A copy of this form shall
35 be included with every notice sent pursuant to this subdivision.

36 (g) (1) Each local child support agency shall maintain review
37 procedures consistent with this section to allow an applicant to
38 have the underlying arrearage and any relevant defenses
39 investigated, to provide an applicant information on the process
40 of obtaining a modification of a support order, or to provide an

1 applicant assistance in the establishment of a payment schedule
2 on arrearages if the circumstances so warrant.

3 (2) It is the intent of the Legislature that a court or local child
4 support agency, when determining an appropriate payment schedule
5 for arrearages, base its decision on the facts of the particular case
6 and the priority of payment of child support over other debts. The
7 payment schedule shall also recognize that certain expenses may
8 be essential to enable an obligor to be employed. Therefore, in
9 reaching its decision, the court or the local child support agency
10 shall consider both of these goals in setting a payment schedule
11 for arrearages.

12 (h) If the applicant wishes to challenge the submission of his
13 or her name on the certified list, the applicant shall make a timely
14 written request for review to the local child support agency who
15 certified the applicant's name. A request for review pursuant to
16 this section shall be resolved in the same manner and timeframe
17 provided for resolution of a complaint pursuant to Section 17800.
18 The local child support agency shall immediately send a release
19 to the appropriate board and the applicant, if any of the following
20 conditions are met:

21 (1) The applicant is found to be in compliance or negotiates an
22 agreement with the local child support agency for a payment
23 schedule on arrearages or reimbursement.

24 (2) The applicant has submitted a request for review, but the
25 local child support agency will be unable to complete the review
26 and send notice of its findings to the applicant within the time
27 specified in Section 17800.

28 (3) The applicant has filed and served a request for judicial
29 review pursuant to this section, but a resolution of that review will
30 not be made within 150 days of the date of service of notice
31 pursuant to subdivision (f). This paragraph applies only if the delay
32 in completing the judicial review process is not the result of the
33 applicant's failure to act in a reasonable, timely, and diligent
34 manner upon receiving the local child support agency's notice of
35 findings.

36 (4) The applicant has obtained a judicial finding of compliance
37 as defined in this section.

38 (i) An applicant is required to act with diligence in responding
39 to notices from the board and the local child support agency with
40 the recognition that the temporary license will lapse or the license

1 suspension will go into effect after 150 days and that the local
2 child support agency and, where appropriate, the court must have
3 time to act within that period. An applicant's delay in acting,
4 without good cause, which directly results in the inability of the
5 local child support agency to complete a review of the applicant's
6 request or the court to hear the request for judicial review within
7 the 150-day period shall not constitute the diligence required under
8 this section which would justify the issuance of a release.

9 (j) Except as otherwise provided in this section, the local child
10 support agency shall not issue a release if the applicant is not in
11 compliance with the judgment or order for support. The local child
12 support agency shall notify the applicant in writing that the
13 applicant may, by filing an order to show cause or notice of motion,
14 request any or all of the following:

15 (1) Judicial review of the local child support agency's decision
16 not to issue a release.

17 (2) A judicial determination of compliance.

18 (3) A modification of the support judgment or order.

19 The notice shall also contain the name and address of the court
20 in which the applicant shall file the order to show cause or notice
21 of motion and inform the applicant that his or her name shall
22 remain on the certified list if the applicant does not timely request
23 judicial review. The applicant shall comply with all statutes and
24 rules of court regarding orders to show cause and notices of motion.

25 This section shall not be deemed to limit an applicant from filing
26 an order to show cause or notice of motion to modify a support
27 judgment or order or to fix a payment schedule on arrearages
28 accruing under a support judgment or order or to obtain a court
29 finding of compliance with a judgment or order for support.

30 (k) The request for judicial review of the local child support
31 agency's decision shall state the grounds for which review is
32 requested and judicial review shall be limited to those stated
33 grounds. The court shall hold an evidentiary hearing within 20
34 calendar days of the filing of the request for review. Judicial review
35 of the local child support agency's decision shall be limited to a
36 determination of each of the following issues:

37 (1) Whether there is a support judgment, order, or payment
38 schedule on arrearages or reimbursement.

39 (2) Whether the petitioner is the obligor covered by the support
40 judgment or order.

1 (3) Whether the support obligor is or is not in compliance with
2 the judgment or order of support.

3 (4) (A) The extent to which the needs of the obligor, taking
4 into account the obligor’s payment history and the current
5 circumstances of both the obligor and the obligee, warrant a
6 conditional release as described in this subdivision.

7 (B) The request for judicial review shall be served by the
8 applicant upon the local child support agency that submitted the
9 applicant’s name on the certified list within seven calendar days
10 of the filing of the petition. The court has the authority to uphold
11 the action, unconditionally release the license, or conditionally
12 release the license.

13 (C) If the judicial review results in a finding by the court that
14 the obligor is in compliance with the judgment or order for support,
15 the local child support agency shall immediately send a release in
16 accordance with subdivision (l) to the appropriate board and the
17 applicant. If the judicial review results in a finding by the court
18 that the needs of the obligor warrant a conditional release, the court
19 shall make findings of fact stating the basis for the release and the
20 payment necessary to satisfy the unrestricted issuance or renewal
21 of the license without prejudice to a later judicial determination
22 of the amount of support arrearages, including interest, and shall
23 specify payment terms, compliance with which are necessary to
24 allow the release to remain in effect.

25 (l) The department shall prescribe release forms for use by local
26 child support agencies. When the obligor is in compliance, the
27 local child support agency shall mail to the applicant and the
28 appropriate board a release stating that the applicant is in
29 compliance. The receipt of a release shall serve to notify the
30 applicant and the board that, for the purposes of this section, the
31 applicant is in compliance with the judgment or order for support.
32 Any board that has received a release from the local child support
33 agency pursuant to this subdivision shall process the release within
34 five business days of its receipt.

35 If the local child support agency determines subsequent to the
36 issuance of a release that the applicant is once again not in
37 compliance with a judgment or order for support, or with the terms
38 of repayment as described in this subdivision, the local child
39 support agency may notify the board, the obligor, and the

1 department in a format prescribed by the department that the
2 obligor is not in compliance.

3 The department may, when it is economically feasible for the
4 department and the boards to develop an automated process for
5 complying with this subdivision, notify the boards in a manner
6 prescribed by the department, that the obligor is once again not in
7 compliance. Upon receipt of this notice, the board shall
8 immediately notify the obligor on a form prescribed by the
9 department that the obligor's license will be suspended on a
10 specific date, and this date shall be no longer than 30 days from
11 the date the form is mailed. The obligor shall be further notified
12 that the license will remain suspended until a new release is issued
13 in accordance with subdivision (h). Nothing in this section shall
14 be deemed to limit the obligor from seeking judicial review of
15 suspension pursuant to the procedures described in subdivision
16 (k).

17 (m) The department may enter into interagency agreements with
18 the state agencies that have responsibility for the administration
19 of boards necessary to implement this section, to the extent that it
20 is cost effective to implement this section. These agreements shall
21 provide for the receipt by the other state agencies and boards of
22 federal funds to cover that portion of costs allowable in federal
23 law and regulation and incurred by the state agencies and boards
24 in implementing this section. Notwithstanding any other provision
25 of law, revenue generated by a board or state agency shall be used
26 to fund the nonfederal share of costs incurred pursuant to this
27 section. These agreements shall provide that boards shall reimburse
28 the department for the nonfederal share of costs incurred by the
29 department in implementing this section. The boards shall
30 reimburse the department for the nonfederal share of costs incurred
31 pursuant to this section from moneys collected from applicants
32 and licensees.

33 (n) Notwithstanding any other law, in order for the boards
34 subject to this section to be reimbursed for the costs incurred in
35 administering its provisions, the boards may, with the approval of
36 the appropriate department director, levy on all licensees and
37 applicants a surcharge on any fee or fees collected pursuant to law,
38 or, alternatively, with the approval of the appropriate department
39 director, levy on the applicants or licensees named on a certified
40 list or supplemental list, a special fee.

1 (o) The process described in subdivision (h) shall constitute the
2 sole administrative remedy for contesting the issuance of a
3 temporary license or the denial or suspension of a license under
4 this section. The procedures specified in the administrative
5 adjudication provisions of the Administrative Procedure Act
6 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
7 (commencing with Section 11500) of Part 1 of Division 3 of Title
8 2 of the Government Code) shall not apply to the denial,
9 suspension, or failure to issue or renew a license or the issuance
10 of a temporary license pursuant to this section.

11 (p) In furtherance of the public policy of increasing child support
12 enforcement and collections, on or before November 1, 1995, the
13 State Department of Social Services shall make a report to the
14 Legislature and the Governor based on data collected by the boards
15 and the district attorneys in a format prescribed by the State
16 Department of Social Services. The report shall contain all of the
17 following:

18 (1) The number of delinquent obligors certified by district
19 attorneys under this section.

20 (2) The number of support obligors who also were applicants
21 or licensees subject to this section.

22 (3) The number of new licenses and renewals that were delayed,
23 temporary licenses issued, and licenses suspended subject to this
24 section and the number of new licenses and renewals granted and
25 licenses reinstated following board receipt of releases as provided
26 by subdivision (h) by May 1, 1995.

27 (4) The costs incurred in the implementation and enforcement
28 of this section.

29 (q) Any board receiving an inquiry as to the licensed status of
30 an applicant or licensee who has had a license denied or suspended
31 under this section or has been granted a temporary license under
32 this section shall respond only that the license was denied or
33 suspended or the temporary license was issued pursuant to this
34 section. Information collected pursuant to this section by any state
35 agency, board, or department shall be subject to the Information
36 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
37 of Title 1.8 of Part 4 of Division 3 of the Civil Code).

38 (r) Any rules and regulations issued pursuant to this section by
39 any state agency, board, or department may be adopted as
40 emergency regulations in accordance with the rulemaking

1 provisions of the Administrative Procedure Act (Chapter 3.5
2 (commencing with Section 11340) of Part 1 of Division 3 of Title
3 2 of the Government Code). The adoption of these regulations
4 shall be deemed an emergency and necessary for the immediate
5 preservation of the public peace, health, and safety, or general
6 welfare. The regulations shall become effective immediately upon
7 filing with the Secretary of State.

8 (s) The department and boards, as appropriate, shall adopt
9 regulations necessary to implement this section.

10 (t) The Judicial Council shall develop the forms necessary to
11 implement this section, except as provided in subdivisions (f) and
12 (l).

13 (u) The release or other use of information received by a board
14 pursuant to this section, except as authorized by this section, is
15 punishable as a misdemeanor.

16 (v) The State Board of Equalization shall enter into interagency
17 agreements with the department and the Franchise Tax Board that
18 will require the department and the Franchise Tax Board to
19 maximize the use of information collected by the State Board of
20 Equalization, for child support enforcement purposes, to the extent
21 it is cost effective and permitted by the Revenue and Taxation
22 Code.

23 (w) (1) The suspension or revocation of any driver's license,
24 including a commercial driver's license, under this section shall
25 not subject the licensee to vehicle impoundment pursuant to Section
26 14602.6 of the Vehicle Code.

27 (2) Notwithstanding any other law, the suspension or revocation
28 of any driver's license, including a commercial driver's license,
29 under this section shall not subject the licensee to increased costs
30 for vehicle liability insurance.

31 (x) If any provision of this section or the application thereof to
32 any person or circumstance is held invalid, that invalidity shall not
33 affect other provisions or applications of this section which can
34 be given effect without the invalid provision or application, and
35 to this end the provisions of this section are severable.

36 (y) All rights to administrative and judicial review afforded by
37 this section to an applicant shall also be afforded to a licensee.

38 SEC. 3. Section 19528 of the Revenue and Taxation Code is
39 amended to read:

1 19528. (a) Notwithstanding any other law, the Franchise Tax
2 Board may require any board, as defined in Section 22 of the
3 Business and Professions Code, and the State Bar, the Bureau of
4 Real Estate, and the Insurance Commissioner (hereinafter referred
5 to as licensing board) to provide to the Franchise Tax Board the
6 following information with respect to every licensee:

- 7 (1) Name.
- 8 (2) Address or addresses of record.
- 9 (3) Federal employer identification number, if the licensee is a
10 partnership, or the licensee's individual taxpayer identification
11 number or social security ~~number, if any has been issued,~~ *number*
12 of all other licensees.
- 13 (4) Type of license.
- 14 (5) Effective date of license or renewal.
- 15 (6) Expiration date of license.
- 16 (7) Whether license is active or inactive, if known.
- 17 (8) Whether license is new or renewal.

18 (b) The Franchise Tax Board may do the following:

19 (1) Send a notice to any licensee failing to provide the federal
20 employer identification number, individual taxpayer identification
21 number, or social security number as required by subdivision (a)
22 of Section 30 of the Business and Professions Code and subdivision
23 (a) of Section 1666.5 of the Insurance Code, describing the
24 information that was missing, the penalty associated with not
25 providing it, and that failure to provide the information within 30
26 days will result in the assessment of the penalty.

27 (2) After 30 days following the issuance of the notice described
28 in paragraph (1), assess a one-hundred-dollar (\$100) penalty, due
29 and payable upon notice and demand, for any licensee failing to
30 provide either its federal employer identification number (if the
31 licensee is a partnership) or his or her individual taxpayer
32 identification number or social security number (for all others) as
33 required in Section 30 of the Business and Professions Code and
34 Section 1666.5 of the Insurance Code.

35 (c) Notwithstanding Chapter 3.5 (commencing with Section
36 6250) of Division 7 of Title 1 of the Government Code, the
37 information furnished to the Franchise Tax Board pursuant to
38 Section 30 of the Business and Professions Code or Section 1666.5

1 of the Insurance Code shall not be deemed to be a public record
2 and shall not be open to the public for inspection.

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