

CONTRACTORS STATE LICENSE BOARD

Title 16, California Code of Regulations, Section 872.1

Section 100 CHANGE WITHOUT REGULATORY EFFECT

WRITTEN STATEMENT OF EXPLANATION REGARDING CHANGES WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(a), of the California Code of Regulations (CCR), the Department of Consumer Affairs, the Contractors State License Board (Board or CSLB) submits this written statement explaining why the proposed amendments to section 872.1 of Article 7, Division 8, of Title 16, CCR do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Business and Professions Code (BPC) section 7008 authorizes the Board to adopt rules and regulations, in accordance with the Administrative Procedure Act, that are reasonably necessary to carry out the provisions of the chapter of the BPC. Senate Bill (SB) 2029 (Figueroa, Chapter 1005, Statutes of 2000) enacted BPC section 7159.3. Effective January 1, 2001, section 7159.3(a) required a home improvement contract and an estimate for home improvement work to be accompanied by “[a] checklist prepared by the board through regulation setting forth the items that an owner contracting for home improvement should consider when reviewing a proposed home improvement contract.” (Bus. & Prof. Code, § 7159.3, subd. (a)(3).) Pursuant to section 7159.3(a)(3), the Board promulgated CCR section 872.1, which sets forth the required checklist. This regulation became operative on February 26, 2002.

Effective July 1, 2005, SB 30 (Figueroa, Chapter 566, Statutes of 2004) repealed BPC section 7159.3 and replaced it with an amended section 7159.3 that no longer authorizes the Board to promulgate the homeowner checklist regulation referenced in subdivision (a)(3). Instead, it requires a contractor to provide specific notices to a homeowner or tenant. Sections 7159.3 was repealed in its entirety by Assembly Bill (AB) 316 (Nakanishi, Chapter 385, Statutes of 2005) effective January 1, 2006.

As CSLB’s authority to promulgate CCR section 872.1 was based on BPC sections 7008 and 7159.3 and section 7159.3 was repealed by SB 30, CCR section 872.1 should be amended with the deletion of authority references to BPC section 7159.3.

Subject to the approval of the Office of Administrative Law, the Board would add to, revise, or delete text in section 872.1 as follows:

Amend Section 872.1 as follows:

§872.1. Checklist for Homeowners.

Subdivision (b)

Amend first sentence

This proposal would amend the first sentence in subdivision (b) by deleting the comma after “following statement” because it separates the noun from the verb in this sentence and is not correct punctuation. This is a change without regulatory effect because it revises structure, syntax, cross-reference, grammar, or punctuation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(4).)

Amend second paragraph

This proposal would amend the second paragraph in subdivision (b) by deleting the authority reference to BPC section 7159.3 because that statute was repealed. This is a change without regulatory effect because it changes an “authority” citation for the regulation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(5).)

This proposal would also capitalize “home” as the new first word in the sentence. This is a change without regulatory effect because it revises structure, syntax, cross-reference, grammar, or punctuation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(4).)

Subdivision (c)

Amend first sentence

This proposal would amend the first sentence in subdivision (c) by deleting the comma after “following statement” because it separates the noun from the verb in this sentence and is not correct punctuation. This is a change without regulatory effect because it revises structure, syntax, cross-reference, grammar, or punctuation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(4).)

Amend third paragraph

This proposal would amend the third paragraph in subdivision (c) by deleting the authority reference to BPC section 7159.3 because that statute was repealed. This is a change without regulatory effect because it changes an “authority” citation for the regulation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(5).)

This proposal would also capitalize “home” as the new first word in the sentence. This is a change without regulatory effect because it revises structure, syntax, cross-reference, grammar, or punctuation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(4).)

Authority Citation

This proposal would amend the “authority” citation by deleting “and 7159.3” because that statute was repealed. This is a change without regulatory effect because it changes an “authority” citation for the regulation. (Cal. Code Regs., tit. 1, § 100, subd. (a)(5).)