

AMENDED IN SENATE JULY 17, 2017

AMENDED IN ASSEMBLY MAY 30, 2017

AMENDED IN ASSEMBLY MAY 2, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1705

Introduced by ~~Committee on Business and Professions (Assembly Members Assembly Member Low (Chair), Brough (Vice Chair), Arambula, Baker, Bloom, Chiu, Dahle, Gipson, Grayson, Holden, Mullin, Steinorth, and Ting)~~

March 2, 2017

An act to amend Sections 7200, 7203, 7215.6, and 7215.7 of, and to add and repeal Section 7218 of, *repeal and add Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, as amended, ~~Committee on Business and Professions Low~~. State Board of Guide Dogs for the ~~Blind~~. *Blind: guide dog instructors.*

Existing law, until January 1, 2018, establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. *Existing law authorizes the board to issue licenses for the instruction of persons who are blind or visually impaired in the use of guide dogs and for the training of guide dogs for use by persons who are blind or visually impaired. Under existing law, the board also has exclusive authority in this state to issue licenses to operate schools for the training of guide dogs and the instruction of persons who are blind or visually impaired in the use of guide dogs. Existing law makes it unlawful for any person*

to sell, offer for sale, give, hire, or furnish under any other arrangement, any guide dog or to engage in the business or occupation of training a guide dog unless he or she holds a valid and unimpaired license issued pursuant to the provisions governing guide dogs. A violation of those provisions is a crime.

This bill would repeal those provisions. The bill would make it a misdemeanor for any person to use in any sign, business card, or letterhead, or in any advertisement, the words “guide dog instructor,” “certified guide dog instructor,” or any other terms or letters indicating or implying that he or she is an instructor trained in the utilization or training of guide dogs for the blind, or to represent or hold himself or herself out as a guide dog instructor without being employed by a guide dog school certified by the International Guide Dog Federation or a successor entity. Because this bill would create a new crime, the bill would impose a state-mandated local program. The bill would also require a guide dog school to submit to the Department of Consumer Affairs, on or before September 1 of each year, a list of all trainers or guide dog instructors employed or contracted by the school.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would extend the term of the board to January 1, 2019. The bill would establish, until May 1, 2019, an advisory task force under the jurisdiction of the board. Not later than May 1, 2018, the bill would require the Director of Consumer Affairs to appoint the task force members. The bill would require the task force to prepare a specified written report with recommendations regarding, among other things, the role of the board. Not later than May 1, 2019, the bill would require the written report to be delivered to the Governor and certain legislative leaders and committees.~~

~~Existing law requires the board to organize and elect from its membership a president, vice president, and secretary who shall hold office for one year or until the election and qualification of a successor.~~

~~This bill would eliminate the secretary position.~~

~~Existing law, until January 1, 2018, establishes a pilot project to provide an arbitration procedure for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified.~~

~~This bill would extend the operation of that pilot project to January 1, 2019.~~

~~Existing law, until January 1, 2018, requires the board to prepare a factsheet regarding various functions of the board, to post that factsheet on its Internet Web site, and to provide copies to each of the licensed guide dog schools. Existing law, until January 1, 2018, also requires a licensed guide dog school to provide copies of the factsheet to every student receiving training from that school.~~

~~This bill would extend the operation of these factsheet provisions indefinitely.~~

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

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

1 SECTION 1. Chapter 9.5 (commencing with Section 7200) of
2 Division 3 of the Business and Professions Code is repealed.

3 SEC. 2. Chapter 9.5 (commencing with Section 7200) is added
4 to Division 3 of the Business and Professions Code, to read:

5

6 CHAPTER 9.5. GUIDE DOGS FOR THE BLIND

7

8 7200. Any person who uses in any sign, business card, or
9 letterhead, or in any advertisement, the words “guide dog
10 instructor,” “certified guide dog instructor,” or any other terms
11 or letters indicating or implying that he or she is an instructor
12 trained in the utilization or training of guide dogs for the blind,
13 or who represents or holds himself or herself out as a guide dog
14 instructor, without being employed by a guide dog school certified
15 by the International Guide Dog Federation, or a successor entity,
16 is guilty of a misdemeanor.

17 7201. For purposes of this chapter:

18 (a) “Guide dog instructor” means a person who instructs or
19 trains persons who are blind or visually impaired in the use of
20 guide dogs or who engages in the business of training, selling,
21 hiring, or supplying guide dogs for persons who are blind or
22 visually impaired.

23 (b) “Guide dog” means a dog that has been trained or is being
24 trained to assist blind or visually impaired individuals. For

1 purposes of this chapter, “guide dog” is used to describe a “service
2 dog.”

3 7202. A guide dog school shall submit to the Department of
4 Consumer Affairs on or before September 1 of each year a list of
5 all trainers or guide dog instructors employed or contracted by
6 the school. The department shall not charge a fee for the collection
7 of this data.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 SECTION 1. ~~Section 7200 of the Business and Professions
18 Code is amended to read:~~

19 ~~7200. (a) There is in the Department of Consumer Affairs a
20 State Board of Guide Dogs for the Blind in whom enforcement of
21 this chapter is vested. The board shall consist of seven members
22 appointed by the Governor. One member shall be the Director of
23 Rehabilitation or his or her designated representative. The
24 remaining members shall be persons who have shown a particular
25 interest in dealing with the problems of persons who are blind or
26 visually impaired and at least three of them shall be persons who
27 are blind or visually impaired who use guide dogs.~~

28 ~~(b) This section shall remain in effect only until January 1, 2019,
29 and as of that date is repealed. Notwithstanding any other law, the
30 repeal of this section renders the board subject to review by the
31 appropriate policy committees of the Legislature.~~

32 SEC. 2. ~~Section 7203 of the Business and Professions Code is
33 amended to read:~~

34 ~~7203. The board shall organize and elect from its membership
35 a president and vice president who shall hold office for one year
36 or until the election and qualification of a successor.~~

37 SEC. 3. ~~Section 7215.6 of the Business and Professions Code
38 is amended to read:~~

39 ~~7215.6. (a) In order to provide a procedure for the resolution
40 of disputes between guide dog users and guide dog schools relating~~

1 to the continued physical custody and use of a guide dog, in all
2 cases except those in which the dog user is the unconditional legal
3 owner of the dog, the following arbitration procedure shall be
4 established as a pilot project.

5 (b) This procedure establishes an arbitration panel for the
6 settlement of disputes between a guide dog user and a licensed
7 guide dog school regarding the continued use of a guide dog by
8 the user in all cases except those in which the dog user is the
9 unconditional legal owner of the dog. The disputes that may be
10 subject to this procedure concern differences between the user and
11 school over whether or not a guide dog should continue to be used,
12 differences between the user and school regarding the treatment
13 of a dog by the user, and differences over whether or not a user
14 should continue to have custody of a dog pending investigation of
15 charges of abuse. It specifically does not address issues such as
16 admissions to schools, training practices, or other issues relating
17 to school standards. The board and its representative are not parties
18 to any dispute described in this section.

19 (c) The licensed guide dog schools in California and the board
20 shall provide to guide dog users graduating from guide dog
21 programs in these schools a new avenue for the resolution of
22 disputes that involve continued use of a guide dog, or the actual
23 physical custody of a guide dog. Guide dog users who are
24 dissatisfied with decisions of schools regarding continued use of
25 guide dogs may appeal to the board to convene an arbitration panel
26 composed of all of the following:

- 27 (1) One person designated by the guide dog user.
- 28 (2) One person designated by the licensed guide dog school.
- 29 (3) A representative of the board who shall coordinate the
30 activities of the panel and serve as chair.

31 (d) If the guide dog user or guide dog school wishes to utilize
32 the arbitration panel, this must be stated in writing to the board.
33 The findings and decision of the arbitration panel shall be final
34 and binding. By voluntarily agreeing to having a dispute resolved
35 by the arbitration panel and subject to its procedures, each party
36 to the dispute shall waive any right for subsequent judicial review.

37 (e) (1) A licensed guide dog school that fails to comply with
38 any provision of this section shall automatically be subject to a
39 penalty of two hundred fifty dollars (\$250) per day for each day
40 in which a violation occurs. The penalty shall be paid to the board.

1 The license of a guide dog school shall not be renewed until all
2 penalties have been paid.

3 (2) The penalty shall be assessed without advance hearing, but
4 the licensee may apply to the board for a hearing on the issue of
5 whether the penalty should be modified or set aside. This
6 application shall be in writing and shall be received by the board
7 within 30 days after service of notice of the penalty. Upon receipt
8 of this written request, the board shall set the matter for hearing
9 within 60 days.

10 (f) As a general rule, custody of the guide dog shall remain with
11 the guide dog user pending a resolution by the arbitration panel.
12 In circumstances where the immediate health and safety of the
13 guide dog user or guide dog is threatened, the licensed school may
14 take custody of the dog at once. However, if the dog is removed
15 from the user's custody without the user's concurrence, the school
16 shall provide to the board the evidence that caused this action to
17 be taken at once and without fail; and within five calendar days a
18 special committee of two members of the board shall make a
19 determination regarding custody of the dog pending hearing by
20 the arbitration panel.

21 (g) (1) The arbitration panel shall decide the best means to
22 determine final resolution in each case. This shall include, but is
23 not limited to, a hearing of the matter before the arbitration panel
24 at the request of either party to the dispute, an opportunity for each
25 party in the dispute to make presentations before the arbitration
26 panel, examination of the written record, or any other inquiry as
27 will best reveal the facts of the disputes. In any case, the panel
28 shall make its findings and complete its examination within 45
29 calendar days of the date of filing the request for arbitration, and
30 a decision shall be rendered within 10 calendar days of the
31 examination.

32 (2) All arbitration hearings shall be held at sites convenient to
33 the parties and with a view to minimizing costs. Each party to the
34 arbitration shall bear its own costs, except that the arbitration panel,
35 by unanimous agreement, may modify this arrangement.

36 (h) The board may study the effectiveness of the arbitration
37 panel pilot project in expediting resolution and reducing conflict
38 in disputes between guide dog users and guide dog schools and
39 may share its findings with the Legislature upon request.

1 ~~(i) This section shall remain in effect only until January 1, 2019,~~
2 ~~and as of that date is repealed.~~

3 ~~SEC. 4. Section 7215.7 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~7215.7. (a) The board shall prepare a factsheet that shall~~
6 ~~contain all of the following:~~

7 ~~(1) A description of the purposes served by the board.~~

8 ~~(2) A description of the board's role in assisting guide dog users~~
9 ~~who are victims of alleged guide dog discrimination.~~

10 ~~(3) A description of the board's arbitration procedure under~~
11 ~~Section 7215.6.~~

12 ~~(b) The board shall post the factsheet on its Internet Web site~~
13 ~~and provide copies to each guide dog school licensed pursuant to~~
14 ~~this chapter. A school licensed under this chapter shall provide a~~
15 ~~copy of the factsheet to every student receiving training from that~~
16 ~~school.~~

17 ~~SEC. 5. Section 7218 is added to the Business and Professions~~
18 ~~Code, to read:~~

19 ~~7218. (a) An advisory task force is hereby established under~~
20 ~~the jurisdiction of the board. Not later than May 1, 2018, the~~
21 ~~Director of Consumer Affairs shall appoint the members of the~~
22 ~~task force.~~

23 ~~(b) The task force shall prepare a written report with~~
24 ~~recommendations on the role and the mission of the board and if~~
25 ~~there is a continued need for the regulation of guide dog schools,~~
26 ~~guide dog trainers, and fundraising programs.~~

27 ~~(c) (1) Not later than May 1, 2019, the written report shall be~~
28 ~~delivered to the Governor, the Senate Committee on Rules, the~~
29 ~~Speaker of the Assembly, the Assembly Committee on Business~~
30 ~~and Professions, and the Senate Committee on Business,~~
31 ~~Professions and Economic Development.~~

32 ~~(2) The report shall be submitted in compliance with Section~~
33 ~~9795 of the Government Code.~~

34 ~~(d) This section shall remain in effect only until May 1, 2019,~~
35 ~~and as of that date is repealed.~~

36 -