



**NECA - ELECTRICAL CONTRACTORS of CALIFORNIA TRUST**  
**2021 End of Year Legislative Report**

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### **Introduction**

The last actions of the 2021 California legislative session took place on October 10th, 2021, which was the deadline for Governor Newsom to sign or veto legislation. It was a very busy year for construction related issues, yet also a difficult year to advocate operationally as the effects of the COVID-19 pandemic continued to impact the way the legislature carried out its business. COVID-19 protocols required significant adaptations to procedures including virtual member and committee meetings, modified floor sessions, and remote access only for the public. Through it all, NECA's statewide legislative team engaged in all impactful legislative proceedings and stayed focused on promoting and protecting our contractors and our industry.

It's important to remember that both houses of California's Legislature have 2/3 Democratic supermajorities, which means it is very challenging to stop progressive and environmentally slanted bills that adversely impact our contractors. Despite that fact, NECA was again successful in defeating or amending numerous measures that would have been harmful to our contractors and the industry overall.

In addition, NECA had a very effective legislative session pursuing industry legislation and achieved success in many areas, including; broadening awareness and access to industry apprenticeship programs; clarification on the validity of the use of a responsible managing employee for contractor state licensing purposes; leveling the playing field for excavators in litigation related to damaged subsurface infrastructure; preservation of the construction trucking and hauling safe harbor provisions related to independent contracting; and extensions to the required use of a skilled and trained workforce on public works projects.

Many other measures affecting the industry were passed into law this legislative session as well. Enclosed is an overview of all the pertinent legislation that was passed during the 2021 legislative session that will have an impact on contractors and the construction industry overall. All of the newly enacted laws will become operative January 1, 2022, unless otherwise noted.

If you have any questions or comments, or would like additional information, please contact our office. You can reach us by email [bernacchi@politicogroup.com](mailto:bernacchi@politicogroup.com) or by phone (916) 444-3770.

Thank you for your support in making 2021 another successful year for our industry.

Eddie Bernacchi  
Legislative Advocate - President Politico Group

## Codes & Standards

### **AB 100**

**AUTHOR:** Holden D

**TITLE:** Drinking water: endpoint devices: lead content.

**SUMMARY:** The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law prohibits, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. Current law defines “lead free” for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The bill would, commencing July 1, 2023, prohibit a person from introducing into commerce or offering for sale in the state an endpoint device that does not meet that lead leaching standard.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 692, Statutes of 2021.

### **AB 332**

**AUTHOR:** Committee on Environmental Safety and Toxic Materials

**TITLE:** Hazardous waste: treated wood waste: management standards.

**SUMMARY:** Inadvertently, a state regulation took effect, on January 1, 2021, limiting the disposal of all treated wood waste to a handful of landfills throughout California. The state issued a variance at the beginning of March 2021, to continue the broader disposal options that have been in place for more than two decades. This measure codifies the variance until further regulations can be developed to expand disposal options.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 147, Statutes of 2021.

### **AB 970**

**AUTHOR:** McCarty D

**TITLE:** Planning and zoning: electric vehicle charging stations: permit application: approval.

**SUMMARY:** Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill establishes specific time frames in which local agencies must approve permits for electric vehicle (EV) charging stations and that these provisions apply to all cities, including charter cities.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 710, Statutes of 2021.

### **SB 338**

**AUTHOR:** Gonzalez D

**TITLE:** Joint and several liability of port drayage motor carrier customers: health and safety violations: prior offenders: liability owed to the state.

**SUMMARY:** Current law requires the Division of Labor Standards Enforcement to post on its internet website a list of port drayage motor carriers with unsatisfied court judgments, tax assessments, tax liens, or any order, decision, or award finding that the port drayage motor carrier has engaged in illegal conduct including failure to pay wages, imposing unlawful expenses on employees, and other labor violations. Current law prohibits the division from placing the information on the internet website until the period for all judicial appeals has expired. Current law requires the division to remove a posting within 15 business days after the division determines there has been payment or settlement of the

unsatisfied judgment, as specified. This bill requires the Division of Labor Standards Enforcement to post the information for a port drayage motor carrier that is a prior offender with a subsequent judgment, ruling, citation, order, decision, or award finding a violation of a labor or employment law or regulation, even if all periods for appeals have not expired.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 333, Statutes of 2021.

### **SB 606**

**AUTHOR:** Gonzalez D

**TITLE:** Workplace safety: violations of statutes: enterprise-wide violations: egregious violations.

**SUMMARY:** Expands the California Division of Occupational Safety and Health's (Cal/OSHA) enforcement authority. For employers with multiple worksites in California, SB 606 creates a rebuttable presumption that a violation is occurring "enterprise-wide" at all of the employer's locations in the state if either of the following is true: The employer has a noncompliant written health and safety policy or procedure; or Cal/OSHA "has evidence of a pattern or practice of the same violation or violations committed by that employer involving more than one of the employer's worksites." If the employer fails to rebut this presumption, Cal/OSHA may issue an enterprise-wide citation requiring abatement at every employer worksite in the state. The bill also authorizes Cal/OSHA to issue a citation for an "egregious violation" if it believes that an employer has willfully and egregiously violated an occupational safety or health standard, order, special order, or regulation. A violation is considered "egregious" if one or more of the following is true: the employer intentionally, through conscious, voluntary action or inaction, made no reasonable effort to eliminate the known violation, the violations resulted in worker fatalities, a worksite catastrophe, or a large number of injuries or illnesses ("Catastrophe" means the inpatient hospitalization, regardless of duration, of three or more employees resulting from an injury, illness, or exposure caused by a workplace hazard or condition), the violations resulted in persistently high rates of worker injuries or illnesses, the employer has an extensive history of prior violations, the employer has intentionally disregarded its health and safety responsibilities, the employer's conduct, taken as a whole, amounts to clear bad faith in the performance of its duties under this part, the employer has committed a large number of violations so as to undermine significantly the effectiveness of any safety and health program that may be in place. For purposes of fines and penalties, each instance of an employee exposure to an egregious violation will be considered a separate violation, which could result in an assessment of very large penalties. Additionally, the egregious conduct underlying a violation must have occurred within the five years prior to the citation for an egregious violation. Once a violation is determined to be egregious, that determination remains in effect for five years.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 336, Statutes of 2021.

## **Collection & Lien - Prompt Pay**

### **SB 572**

**AUTHOR:** Hertzberg D

**TITLE:** Labor Commissioner: enforcement: lien on real property.

**SUMMARY:** Allows the Labor Commissioner to, as an alternative to a judgment lien, create a lien on real property to secure the amount due to the Labor Commissioner under any citation, findings, or decision that has become final and may be entered as a judgment. The lien attaches to all interests in real property of those parties located in the country where the lien is created. Also requires the Labor Commissioner to issue a certificate of release upon payment of the amount due, including any interest and costs that have lawfully accrued on the original amount and allows a lien to continue for 10 years after its creation. The lien may be renewed for additional periods of 10 years by recording a renewal certificate of lien or a copy of the renewed judgment at any time prior to its expiration.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 335, Statutes of 2021.

## Contractors` License Law

### **AB 107**

**AUTHOR:** Salas D

**TITLE:** Licensure: veterans and military spouses.

**SUMMARY:** Requires all Department of Consumer Affairs licensing boards, including the Contractors State Licensing Board to issue temporary licenses to the spouses of active-duty members of the United States Armed Forces who is transferred to California, if they are licensed in another state. These temporary licensees expire after 12 months and are nonrenewable.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 693, Statutes of 2021.

### **AB 246**

**AUTHOR:** Quirk D

**TITLE:** Contractors: disciplinary actions.

**SUMMARY:** Adds illegal dumping to the list of violations that constitute a cause for disciplinary action against a contractor by the Contractors State License Board.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 46, Statutes of 2021.

### **AB 569**

**AUTHOR:** Grayson D

**TITLE:** Contractors: civil penalties: letters of admonishment.

**SUMMARY:** Expands the Registrar of the Contractors State License Board (CSLB) flexibility in issuing a Letter of Admonishment (LOA) for intermediate corrective action. The LOA enhances public protection for minor, non-hazardous violations by requiring prompt corrective action by the recipient, while ensuring ethical constructors can continue to operate. In terms of severity, the LOA is positioned between an Advisory Notice and an administrative citation.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 94, Statutes of 2021.

### **AB 830**

**AUTHOR:** Flora R

**TITLE:** Business: Department of Consumer Affairs: licensed professions and vocations.

**SUMMARY:** Clarifies that a Responsible Managing Employee (RME) qualifier on a contractor license is a valid qualifier and that the requirements for supervision and control on a construction project may be accomplished by the RME either directly, or indirectly by supervising designated employees.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 376, Statutes of 2021.

### **SB 484**

**AUTHOR:** Archuleta D

**TITLE:** Home inspections: sewer lateral repairs.

**SUMMARY:** Authorizes a contractor who holds a C-36 plumbing license, to perform both inspection and any required repairs, if any, of a sewer lateral pipe connecting a residence or business.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 545, Statutes of 2021.

### **SB 607**

**AUTHOR:** Min D

**TITLE:** Business and professions.

**SUMMARY:** Implements fee increases at the Contractors State License Board and beginning January 1, 2023, increases the amount required for a contractor's bond for licensure from \$15,000 to \$25,000.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 367, Statutes of 2021.

**SB 757****AUTHOR:** Limón D**TITLE:** Solar energy system improvements: consumer protection.**SUMMARY:** Provides enhanced oversight by the Contractors State License Board over licensed contractors who perform residential photovoltaic installations. This is achieved by clarifying that the installation of a residential photovoltaic system is considered a home improvement, which affords homeowners enhanced protections under state law.**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 249, Statutes of 2021.**Environment & Energy****AB 33****AUTHOR:** Ting D**TITLE:** Energy Conservation Assistance Act of 1979: energy storage systems and electric vehicle charging infrastructure: Native American tribes.**SUMMARY:** Expands the list of eligible projects under the California Energy Commission's Energy Conservation Assistance Account (ECAA) to include installation of energy storage systems and electric vehicle charging infrastructure. Also expands the eligible entities who can participate in the ECAA program to include California Native American tribes, and establishes a subaccount to track awards and repayment of loans to tribes.**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 226, Statutes of 2021.**AB 525****AUTHOR:** Chiu D**TITLE:** Energy: offshore wind generation.**SUMMARY:** Current law requires the Public Utilities Commission and the Energy Commission to undertake various actions in furtherance of meeting the state's clean energy and pollution reduction objectives. This bill requires the Energy Commission, on or before June 1, 2022, to evaluate and quantify the maximum feasible capacity of offshore wind to achieve reliability, ratepayer, employment, and decarbonization benefits and to establish offshore wind planning goals for 2030 and 2045.**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 231, Statutes of 2021.**AB 1124****AUTHOR:** Friedman D**TITLE:** Solar energy systems.**SUMMARY:** Revises the definition of "solar energy system" to include all structural design features, whether mounted on the ground or on a roof, including to mean solar devices or features designed to serve one or more utility retail customers on the same, adjacent, or contiguous properties and is not designed for procurement of electricity by an electric utility.**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 235, Statutes of 2021.**SB 372****AUTHOR:** Leyva D**TITLE:** Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.**SUMMARY:** Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new

zero-emission vehicles. Current law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution. This bill establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 639, Statutes of 2021.

### **SB 589**

**AUTHOR:** Hueso D

**TITLE:** Air pollution: alternative vehicles and vehicle infrastructure.

**SUMMARY:** Expands the types of projects eligible for funding from the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) to include projects that develop in-state supply chains and the workforce for raw materials and components needed for zero-emission vehicle (ZEV) manufacturing. This bill expands the groups the California Energy Commission (CEC) must consult as part of ARFVTP workforce development efforts to include the California Conservation Corps, local Conservation Corps, the California Mobility Center, and the California Community Colleges. This bill also incorporates workforce development as a resource the CEC must evaluate part of its regular assessment of resources needed to meet state ZEV deployment goals.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 732, Statutes of 2021.

### **SB 596**

**AUTHOR:** Becker D

**TITLE:** Greenhouse gases: cement sector: net-zero emissions strategy.

**SUMMARY:** Requires the California Air Resources Board (ARB), by July 1, 2023, to develop a comprehensive strategy for the state's cement sector to achieve net-zero greenhouse gas (GHG) emissions no later than December 31, 2045.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 246, Statutes of 2021.

### **SB 643**

**AUTHOR:** Archuleta D

**TITLE:** Fuel cell electric vehicle fueling infrastructure and fuel production: statewide assessment.

**SUMMARY:** Until January 1, 2030, requires the Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission, to prepare a statewide assessment of the fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet specified goals and requirements relating to vehicular air pollution. The bill also requires the statewide assessment to consider all necessary fuel production and distribution infrastructure needed to meet those goals and requirements and to examine existing and future fuel production and distribution infrastructure needs throughout the state, including in low-income communities.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 646, Statutes of 2021.

## **General Industry**

### **AB 473**

**AUTHOR:** Chau D

**TITLE:** California Public Records Act.

**SUMMARY:** Recodifies and reorganizes the provisions of the California Public Records Act (CPRA) in the

CPRA Recodification Act of 2021 without making any substantive changes to the act.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 614, Statutes of 2021.

**AB 643**

**AUTHOR:** Ramos D

**TITLE:** Apprenticeship programs: career fairs.

**SUMMARY:** Requires a school district or school that is planning to hold a college or career fair to notify each apprenticeship program in the same county as the school district or school of the college or career fair. In determining the county location of an apprenticeship program, the school district or school shall rely on the database of approved apprenticeship programs published by the DAS on its Internet website. The bill also specifies that the notification shall include the planned date, time, and location of the college or career fair and requires the notice to be delivered before the planned date of the college or career fair either by first-class mail or by electronic mail pursuant to the contact information contained in the database of approved apprenticeship programs published by the DAS on its Internet website.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 324, Statutes of 2021.

**AB 654**

**AUTHOR:** Reyes D

**TITLE:** COVID-19: exposure: notification.

**SUMMARY:** Clarifies and improves last year's AB 685, which requires notice of COVID-19 cases in the workplace by eliminating duplicative obligations for businesses in certain industries, matching terms to corresponding federal guidelines, and other favorable improvements.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 522, Statutes of 2021.

**AB 707**

**AUTHOR:** Quirk D

**TITLE:** Mercury Thermostat Collection Act of 2021.

**SUMMARY:** The Mercury Thermostat Collection Act of 2008, as part of the state's hazardous waste control laws, requires a manufacturer that owns or owned a name brand of mercury-added thermostats, sold in this state before January 1, 2006, to establish and maintain a collection, transportation, recycling, and disposal program for out-of-service mercury-added thermostats. This bill recasts the program, still as part of the state's hazardous waste control laws, as the Mercury Thermostat Collection Act of 2021. The bill requires each manufacturer of mercury-added thermostats, or group of manufacturers, on or before March 1, 2022, to contract with or retain a qualified third party, to develop and implement a convenient, cost-effective, and efficient program for the collection, transportation, recycling, and disposal of out-of-service mercury-added thermostats.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 703, Statutes of 2021.

**AB 930**

**AUTHOR:** Levine D

**TITLE:** Subsurface installations: attorney's fees and costs.

**SUMMARY:** Provides reasonable attorney's costs and fees to a prevailing excavator who is found to not be at fault for damaging a subsurface installation due to errors on the part of the utility operator who owns, and is legally responsible for labeling the location of, the subsurface equipment.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 173, Statutes of 2021.

**AB 1346**

**AUTHOR:** Berman D

**TITLE:** Air pollution: small off-road engines.

**SUMMARY:** Requires the State Air Resources Board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill also requires the state board to identify and, to the extent feasible, make available funding for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement support for the transition to zero-emission small off-road equipment operations.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 753, Statutes of 2021.

**AB 1561**

**AUTHOR:** Committee on Labor and Employment

**TITLE:** Worker classification: employees and independent contractors.

**SUMMARY:** This bill extends, for three years, the industry negotiated construction trucking and hauling safe harbor provisions related to independent contracting, removing construction trucking from the application of the ABC test under the Dynamex decision.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 422, Statutes of 2021.

**SB 297**

**AUTHOR:** Durazo D

**TITLE:** Subsurface installations: penalties.

**SUMMARY:** Prescribes an enhanced civil penalty of up to \$100,000 for utilities or excavators who knowingly and willfully violate the "811- Dig Alert" requirement for excavations and subsequently damages a gas or hazardous liquid pipeline subsurface installation in a way that results in the escape of any flammable, toxic, or corrosive gas or liquid.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 726, Statutes of 2021.

**SB 414**

**AUTHOR:** Jones R

**TITLE:** Land.

**SUMMARY:** Revises the definition of cadastral surveying; updates how data may be provided for purposes of surveys; makes technical changes to provisions of the Land Surveying Act (LSA); and, extends the amount of time allotted to set a hearing to appeal a decision made under the Subdivision Map Act (SMA)

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 106, Statutes of 2021.

**SB 657**

**AUTHOR:** Ochoa Bogh R

**TITLE:** Employment: electronic documents.

**SUMMARY:** Provides that in instances where an employer is required to physically post information, an employer may also distribute that information to employees working remotely, by email with the document or documents attached. Distribution by email shall not alter the employer's obligation to physically display required posting.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 109, Statutes of 2021.

**SB 807**

**AUTHOR:** Wieckowski D

**TITLE:** Enforcement of civil rights: Department of Fair Employment and Housing.



**SUMMARY:** The California Fair Employment and Housing Act (FEHA) establishes the Department of Fair Employment and Housing (DFEH) within the Business, Consumer Services, and Housing Agency under the direction of the Director of Fair Employment and Housing. The FEHA makes certain discriminatory employment and housing practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the DFEH. The FEHA requires the DFEH to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA, and requires the DFEH to endeavor to eliminate the unlawful practice by conference, conciliation, mediation and persuasion. If conference, conciliation, mediation, or persuasion fails and the DFEH has required all parties to participate in a mandatory dispute resolution, the FEHA authorizes the director to bring a civil action in the name of the DFEH on behalf of the person claiming to be aggrieved within a specified amount of time. This bill tolls the deadline for the DFEH to file a civil action pursuant to the FEHA while a mandatory or voluntary dispute resolution is pending.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 278, Statutes of 2021.

## Labor Relations

### **SB 95**

**AUTHOR:** Skinner D

**TITLE:** Employment: COVID-19: supplemental paid sick leave.

**SUMMARY:** Required California employers with more than 25 employees to provide their employees with up to 80 hours of COVID-19 supplemental paid sick leave (SPSL) and took effect on March 29, 2021. The leave was retroactive to January 1, 2021 and the statute expired on September 30, 2021.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 13, Statutes of 2021.

### **AB 1003**

**AUTHOR:** Gonzalez, Lorena D

**TITLE:** Wage theft: grand theft.

**SUMMARY:** Current law defines the crime of grand theft as theft committed when the money, labor, or real or personal property taken is of a value exceeding \$950. Under existing law, grand theft is punishable either as a misdemeanor by imprisonment in a county jail for up to 1 year or as a felony by imprisonment in county jail for 16 months or 2 or 3 years, by a specified fine, or by a fine and that imprisonment. This bill makes the intentional theft of wages, including gratuities, in an amount greater than \$950 from any one employee, or \$2,350 in the aggregate from 2 or more employees, by an employer in any consecutive 12-month period punishable as grand theft. The bill specifically authorizes wages, gratuities, benefits, or other compensation that are the subject of a prosecution under these provisions to be recovered as restitution in accordance with existing provisions of law.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 325, Statutes of 2021.

### **SB 727**

**AUTHOR:** Leyva D

**TITLE:** Labor-related liabilities: direct contractor.

**SUMMARY:** Current law requires, for contracts entered into on or after January 1, 2018, a direct contractor, as defined, making or taking a contract in the state for the erection, construction, alteration, or repair of a building, structure, or other private work, to assume, and be liable for, any debt owed to a wage claimant or third party on the wage claimant's behalf, incurred by a subcontractor at any tier acting under, by, or for the direct contractor for the wage claimant's performance of labor included in the subject of the original contract. Current law limits the direct contractor's liability under those provisions to extend only to any unpaid wage, fringe or other benefit payment or contribution, including interest owed and provides that liability does not extend to penalties or liquidated damages. This bill

extends, for contracts entered into on or after January 1, 2022, the direct contractor's liability to penalties, liquidated damages, and interest owed by the subcontractor on account of the performance of the labor.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 338, Statutes of 2021.

## Public Works

### **AB 36**

**AUTHOR:** Gallagher R

**TITLE:** Design-build contracting: Town of Paradise

**SUMMARY:** Allows the use of design-build contracting for sewer and water conveyance projects that serve the Town of Paradise. The bill requires that contractors working on projects under this authority be subject to the skilled and trained workforce requirements.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 689, Statutes of 2021.

### **AB 271**

**AUTHOR:** Rivas, Robert D

**TITLE:** Santa Clara Valley Water District: contracts: best value procurement.

**SUMMARY:** Allows the Santa Clara Valley Water District to award contracts on a best value basis for any construction work to improve the safety of the Leroy Anderson Dam and Reservoir. The bill also prohibits a best value contractor from being prequalified, shortlisted, or awarded a contract, regardless of whether the best value process is used, unless the contractor, and its subcontractors, commit to using a skilled-and-trained workforce on all project work. This provision doesn't apply if the district has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 48, Statutes of 2021.

### **AB 712**

**AUTHOR:** Calderon D

**TITLE:** Local Agency Public Construction Act: change orders: County of Los Angeles.

**SUMMARY:** Establishes a pilot program to increase the limits that apply to the amount of change orders that can be approved pursuant to a delegated authority for construction contracts entered into by Los Angeles County. Amendments requested by industry were made to ensure that if the board of supervisor's delegates authority for these change orders, the decision by the county engineer or other county officer, is binding on LA County.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 95, Statutes of 2021.

### **AB 811**

**AUTHOR:** Rivas, Luz D

**TITLE:** Los Angeles County Metropolitan Transportation Authority: contracting.

**SUMMARY:** Current law authorizes the Los Angeles County Metropolitan Transportation Authority to enter into contracts with private entities that combine into a single contract all or some of the planning, design, permitting, development, joint development, construction, construction management, acquisition, leasing, installation, and warranty of some or all components of transit systems and certain facilities. Current law authorizes the authority to award a contract under these provisions after a finding, by a 2/3 vote of the members of the authority, that awarding the contract will achieve for the authority, among other things, certain private sector efficiencies in the integration of design, project work, and components. This bill eliminates the requirement to make the above-described finding by a 2/3 vote of the members of the authority in order to award contracts under these provisions. The bill instead

authorizes the authority to award these contracts, including operation and maintenance elements, by a 2/3 vote after a finding of the members of the authority that awarding the contract will achieve for the authority a more competitive solicitation process with respect to quality, timeliness, price, and other private sector efficiencies, relevant to the integration of design, project work, and components.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 414, Statutes of 2021.

#### **AB 846**

**AUTHOR:** Low D

**TITLE:** Local Agency Public Construction Act: job order contracting.

**SUMMARY:** Extends the requirement that school districts and community college districts must participate in a district wide project labor agreement and also require the use of a skilled and trained workforce when utilizing Job Order Contracting procurement authority.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 303, Statutes of 2021.

#### **AB 1023**

**AUTHOR:** Flora R

**TITLE:** Contractors and subcontractors: records: penalties.

**SUMMARY:** Clarifies that a contractor or subcontractor must furnish Certified Payroll Records (CPR) to the Labor Commissioner electronically, at least once every 30 days while work is being performed on the project and within 30 days after the final day of work performed on the project, pursuant to existing law. Makes a contractor or subcontractor who fails to furnish those CPR timely, liable for a penalty of \$100 per day, not to exceed \$5,000 per project. Under the new law, the Labor Commissioner is prohibited from levying penalties under these provisions until 14 days after the deadline to furnish records. Penalties only accrue to the actual contractor or subcontractor that fails to furnish the CPR.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 326, Statutes of 2021.

#### **AB 1592**

**AUTHOR:** Committee on Local Government

**TITLE:** Fresno Metropolitan Flood Control District: contracts.

**SUMMARY:** The Fresno Metropolitan Flood Control Act establishes the Fresno Metropolitan Flood Control District and grants the district authority relating to flood control. The act requires that a contract entered into by the district for materials, supplies, or for the construction or repair of works or improvements that has a contract price exceeding \$10,000 be let to the lowest responsible bidder. The act authorizes the district to enter into a contract without public bidding if the contract price does not exceed \$10,000. This bill increases the contract price amount set forth in those provisions, only for a contract for materials or supplies, from \$10,000 to \$16,000.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 32, Statutes of 2021.

**POSITION:** Active

#### **SB 79**

**AUTHOR:** Nielsen R

**TITLE:** County Road Commissioner: Counties of Colusa and Glenn.

**SUMMARY:** Current law provides for the appointment of a road commissioner in each county by the board of supervisors, with specified powers and duties relating to county roads. Existing law provides for exceptions to this requirement, including authorization for the Board of Supervisors of the County of Merced to transfer the duties of the county road commissioner to the county director of the department of public works. This bill also authorizes the Boards of Supervisors of the Counties of Colusa and Glenn to transfer the duties of the county road commissioner to the county director of the

department of public works.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 33, Statutes of 2021.

**SB 333**

**AUTHOR:** Eggman D

**TITLE:** San Joaquin Regional Transit District: procurement.

**SUMMARY:** The Local Agency Public Construction Act governs contracting by the San Joaquin Regional Transit District for the purchase of supplies, equipment, and materials. The act requires the district, when such an expenditure exceeds \$50,000, to make that purchase by contract let to the lowest responsible bidder. The act requires the district to publish notice requesting bids at least once in a newspaper of general circulation. This bill increases that competitive bidding threshold to \$75,000 for the purchase of supplies, equipment, and materials and specifies that the contract be let, in the district's discretion, either to the lowest responsible bidder or to a responsible bidder that submits a proposal that provides the best value to the district. The bill does not alter the San Joaquin Regional Transit District's requirement to contract to the lowest responsible bidder for the construction of facilities and works, when the expenditure required exceeds three thousand dollars (\$3,000).

**STATUS:** Chaptered by Secretary of State - Chapter 217, Statutes of 2021.

**SB 431**

**AUTHOR:** Rubio D

**TITLE:** Street lighting systems: City of West Covina.

**SUMMARY:** (1) Current law, the Landscaping and Lighting Act of 1972, authorizes local agencies, including a city or county, to form an assessment district for the purpose of making improvements by, among other things, installing landscaping. This bill, in addition to a district's current authority to perform specified maintenance under the Improvement Act of 1911, authorizes the Landscaping and Lighting District of the City of West Covina to also perform maintenance and make improvements pursuant to the Landscaping and Lighting Act of 1972.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 35, Statutes of 2021.

**SB 626**

**AUTHOR:** Dodd D

**TITLE:** Department of Water Resources: Procurement Methods.

**SUMMARY:** This bill, until January 1, 2033, authorize the Department of Water Resources to utilize the CM/GC method for no more than 7 projects related to State Water Facilities. The bill also requires that contractors working on projects under this authority be subject to the skilled and trained workforce requirements.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 247, Statutes of 2021.

**Tax & Fee**

**AB 80**

**AUTHOR:** Burke D

**TITLE:** Taxation: Coronavirus Aid, Relief, and Economic Security Act: Federal Consolidated Appropriations Act, 2021.

**SUMMARY:** Conforms state law to federal law with respect to the tax treatment of Paycheck Protection Program loans and Economic Injury Disaster Loan advance grants under the Coronavirus Aid, Relief, and Economic Security Act and the Consolidated Appropriations Act of 2021.

**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 17, Statutes of 2021.

## **Workers` Compensation**

**No Bills Enacted**