

**ASSEMBLY BILL**

**No. 1705**

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

March 2, 2017

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An act to amend Sections 7200, 7203, 7215.6, and 7215.7 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, as introduced, Committee on Business and Professions. State Board of Guide Dogs for the Blind.

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.

This bill would extend the term of the board to January 1, 2022.

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, 2022.

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.

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

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

3 7200. (a) There is in the Department of Consumer Affairs a  
4 State Board of Guide Dogs for the Blind in whom enforcement of  
5 this chapter is vested. The board shall consist of seven members  
6 appointed by the Governor. One member shall be the Director of  
7 Rehabilitation or his or her designated representative. The  
8 remaining members shall be persons who have shown a particular  
9 interest in dealing with the problems of persons who are blind or  
10 visually impaired and at least three of them shall be persons who  
11 are blind or visually impaired who use guide dogs.

12 (b) This section shall remain in effect only until January 1, 2018,  
13 2022, and as of that date is repealed, unless a later enacted statute,  
14 that is enacted before January 1, 2018, deletes or extends that date.  
15 repealed. Notwithstanding any other law, the repeal of this section  
16 renders the board subject to review by the appropriate policy  
17 committees of the Legislature.

18 SEC. 2. Section 7203 of the Business and Professions Code is  
19 amended to read:

20 7203. The board shall organize and elect from its membership  
21 a president and vice president and secretary who shall hold office  
22 for one year or until the election and qualification of a successor.

23 SEC. 3. Section 7215.6 of the Business and Professions Code  
24 is amended to read:

25 7215.6. (a) In order to provide a procedure for the resolution  
26 of disputes between guide dog users and guide dog schools relating  
27 to the continued physical custody and use of a guide dog, in all  
28 cases except those in which the dog user is the unconditional legal  
29 owner of the dog, the following arbitration procedure shall be  
30 established as a pilot project.

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

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

- 23 (1) One person designated by the guide dog user.
- 24 (2) One person designated by the licensed guide dog school.
- 25 (3) A representative of the board who shall coordinate the  
26 activities of the panel and serve as chair.

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

33 (e) (1) A licensed guide dog school that fails to comply with  
34 any provision of this section shall automatically be subject to a  
35 penalty of two hundred fifty dollars (\$250) per day for each day  
36 in which a violation occurs. The penalty shall be paid to the board.  
37 The license of a guide dog school shall not be renewed until all  
38 penalties have been paid.

39 (2) The penalty shall be assessed without advance hearing, but  
40 the licensee may apply to the board for a hearing on the issue of

1 whether the penalty should be modified or set aside. This  
2 application shall be in writing and shall be received by the board  
3 within 30 days after service of notice of the penalty. Upon receipt  
4 of this written request, the board shall set the matter for hearing  
5 within 60 days.

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

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

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

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

36 (i) This section shall remain in effect only until January 1, 2018,  
37 2022, and as of that date is repealed, unless a later enacted statute,  
38 that is enacted before January 1, 2018, deletes or extends that date.  
39 *repealed.*

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

3 7215.7. (a) The board shall prepare a factsheet that shall  
4 contain all of the following:

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

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

8 (3) A description of the board's arbitration procedure under  
9 Section 7215.6.

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

15 ~~(c) This section shall remain in effect only until January 1, 2018,~~  
16 ~~and as of that date is repealed, unless a later enacted statute, that~~  
17 ~~is enacted before January 1, 2018, deletes or extends that date.~~