



## 2015 Enacted Legislation

Below is a synopsis of the legislation enacted into law in 2015 that impact the Practice Acts regulated by the Bureau of Security and Investigative Services along with a brief explanation of the substantive changes for each bill.

**NOTE:** Unless otherwise specified, the provisions of the enacted legislation go into effect on January 1, 2016.

### **Alarm Company Act**

[Assembly Bill 1097](#) (Chapter 439) – This bill, authored by Assemblymember Holden and signed into law on October 2, 2015, authorizes persons licensed, certified, or registered under the Alarm Company Act to conduct transactions electronically in compliance with the Uniform Electronic Transactions Act (UETA). Specifically, electronic transactions can be used between an alarm company and a consumer to establish alarm installation contracts, sign documents related to the contract, transmit disclosures, statements, cancellation periods, and other contract related materials. Consumer consent is required prior to the use of electronic transactions. This bill also requires an Alarm Company Operator to provide an identical paper copy of the signed electronic contract for services upon request to the contracting consumer.

[Senate Bill 177](#) (Chapter 140) – This bill extends the Bureau’s authorization to issue an Alarm Company Operator license to an alarm company organized as a limited liability company until January 1, 2019. The Bureau was initially authorized to allow alarm companies to organize their business structure as a limited liability company until January 1, 2016 pursuant to Senate Bill 1077 (Chapter 291, Statutes of 2012).

### **Collateral Recovery Act**

[Assembly Bill 281](#) (Chapter 740) – This bill, authored by Assemblymember Gallagher and signed into law on October 10, 2015, requires the Governor to appoint a Collateral Recovery Disciplinary Review Committee and makes several changes to the Collateral Recovery Act. The bill:

- Allows a licensee or registrant to use a hard copy printout from the Bureau’s website or a legible electronic screenshot display as proof of licensure or registration in lieu of receiving a license or registration in the mail from the Bureau;

- Prohibits licensed repossessionors and their agents from performing or charging for repair work, cleaning, or detailing of repossessed collateral;
- Adds and defines the terms “registered owner” and “repossession” in Business and Professions Code section 7500.1;
- Requires a licensee to provide the available inventory of repossessed collateral no later than 96 hours (120 hours if the time period encompasses a weekend or holiday) after recovery of the collateral when the licensee is unable to open a locked compartment in the collateral;
- Prohibits a licensee from selling a consumer’s personal effects or personal property not covered by a security agreement;
- Clarifies that in addition to the public, a repossession agency shall not, without a court order, disclose certain personally identifiable information about its licensed, certified, or registered employees or independent contractors to any person or nongovernmental entity. Limited information may be provided to an insurance company for the purposes of policy issuance or renewal.

Effective July 1, 2017, the Collateral Recovery Act will provide for a Collateral Recovery Disciplinary Review Committee. Licensees, registrants, and applicants will have the option to appeal the assessment of administrative fines to the Collateral Recovery Disciplinary Review Committee. The Disciplinary Review Committee will have the authority to affirm, rescind, or modify decisions of the Bureau. Licensees and applicants will still maintain the option of appealing in accordance with the Administrative Hearing Act if the licensee or applicant does not agree with the decision(s) of the Disciplinary Review Committee.

### **Private Investigator Act**

[Assembly Bill 921](#) (Chapter 635) – This bill, authored by Assemblymember Jones and signed into law on October 8, 2015, requires the Governor to appoint a Private Investigator Disciplinary Review Committee and authorizes a Private Investigator Qualified Manager to provide written certification of an applicant’s experience for the purposes of licensure. Previously, the law required experience listed on the application for a Private Investigator (PI) license to be certified by the applicant’s employer. The bill permits the experience listed on an application for licensure to be certified by a Qualified Manager who has directly overseen the work and experience of the applicant.

Effective July 1, 2017, the Private Investigator Act will provide for a Private Investigator Disciplinary Review Committee. Licensees and applicants will have the option to appeal the assessment of administrative fines to the Private Investigator Disciplinary Review Committee. The Disciplinary Review Committee will have the authority to affirm, rescind, or modify decisions of the Bureau. Licensees and applicants will still maintain the option

of appealing in accordance with the Administrative Hearing Act if the licensee or applicant does not agree with the decision(s) of the Disciplinary Review Committee.

### **Vehicle Code**

[Assembly Bill 281](#) (Chapter 740) – In addition to the changes made to the Collateral Recovery Act, this bill makes changes to the Vehicle Code that:

- Prohibits a legal owner of collateral from taking action against various entities, including law enforcement, for releasing collateral to a licensed reposessor, and other claims; and
- Allows a licensed reposessor various rights, such as the ability to request a copy of the towing fees and access notice, when recovering a vehicle from a tow yard.