

**State of California
Office of Administrative Law**

In re:
Professional Fiduciaries Bureau

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 4428, 4568, 4575, 4580

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1016-06

OAL Matter Type: Regular (S)

In this action, the Professional Fiduciaries Bureau increases the Professional Fiduciary's license application fee, the initial license fee, the renewal license fee, the reinstatement of an inactive license to active status fee, and the reinstatement of a retired license to active status fee. The action also conforms the length of the initial license period to the governing statute.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024.

Date: November 27, 2023



**Dale Mentink
Assistant Chief Counsel**

**For: Kenneth J. Pogue
Director**

Original: Rebecca May, Bureau Chief

Copy: Angela Cuadra

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS NOTICE FILE NUMBER REGULATORY ACTION NUMBER EMERGENCY NUMBER
Z-2023-0606-05 2023-1016-065

For use by Office of Administrative Law (OAL) only

RECEIVED DATE PUBLICATION DATE

JUN 06 '23

JUN 16 '23

Office of Administrative Law

OFFICE OF ADMIN. LAW
2023 OCT 16 PM 4:40

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Professional Fiduciaries Bureau, DCA

AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 27 2023

1:48 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Fee increase		TITLE(S) 16	FIRST SECTION AFFECTED 4428	2. REQUESTED PUBLICATION DATE June 16, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Angela Cuadra	TELEPHONE NUMBER (916) 574-7498	FAX NUMBER (Optional) (916) 574-8645
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023, 24-Z	PUBLICATION DATE 6/16/23

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fee Increase and Initial License Period		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) 16		ADOPT AMEND 4428, 4568, 4575, and 4580 REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6600) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) <u>Christine Lally, Chief Deputy Director, Department of Consumer Affairs</u> <i>Christine Lally</i>			
7. CONTACT PERSON Angela Cuadra		TELEPHONE NUMBER (916) 574-7498	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Rebecca May

DATE

Aug 29, 2023

TYPED NAME AND TITLE OF SIGNATORY

Rebecca May, Bureau Chief

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 27 2023

Office of Administrative Law

TITLE 16
PROFESSIONAL FIDUCIARIES BUREAU
DEPARTMENT OF CONSUMER AFFAIRS

ORDER OF ADOPTION

FEE INCREASE AND INITIAL LICENSURE PERIOD

~~§ 4428. Duration of Initial License Period; First License Renewal Date; Proration of Initial License Fee; Continued Education Requirements for Initial License Period.~~

(a) ~~To adjust the duration of the initial license period setting the renewal date for each licensee, a~~ A professional fiduciary's initial license shall expire twelve (12) months after the license was issued at twelve (12) midnight on the last day of the month in which the ~~second birthday of the licensee occurs after the issuance of the license if not renewed.~~ No license shall be issued for less than twelve (12) or more than 24 months.

(b) ~~The initial license fee shall be prorated as required in Section 4580.~~

NOTE: Authority cited: Sections 152.6 and 6517, Business and Professions Code.
Reference: Sections 134, 152.6 and 6541, Business and Professions Code.

~~§ 4568. Reinstatement of Inactive License to Active Status; Duration of Initial License Period Post Reinstatement; Reinstatement Fee; Continuing Education Requirements for Initial Period.~~

(a) Except as provided in subdivision (d), on or before the date that is 10 years after the ~~date on which a license was placed in an inactive status, a licensee may reinstate the~~ inactive license to active status, if it is not expired under Section 4567, by following all of the procedures in subdivision (b). After that date, a licensee seeking to reinstate their inactive license shall be subject to the same requirements, including retaking the licensing examination, as an applicant for initial licensure.

(b) To reinstate an inactive license to active status, a licensee shall do all of the following:

(1) In the one-year period immediately before requesting reinstatement, earn a minimum of fifteen (15) hours of continuing education credit from approved education courses as provided in Section 4442, including at least 2 hours of continuing education credits in ethics for fiduciaries, as required in subdivision (b)(2) of that section.

(2) Submit to the Bureau an affidavit, signed under penalty of perjury, that the licensee has completed the continuing education courses required by paragraph (1). The licensee shall maintain and disclose evidence supporting this statement as provided in Section 4452.

(3) File with the Bureau an updated annual statement. The annual statement shall be filed with the Bureau in the same manner as the licensee would file an annual statement for renewal of an active license.

(4) Submit to the Bureau the reinstatement fee specified in subdivision (f) of Section 4580.

(c)(1) The initial license period after an inactive license is reinstated to active status shall be twelve (12) months adjusted as provided in Section 4428 in order to set the renewal date for each licensee.

(2) For the initial license period after reinstatement, each licensee shall comply with the continuing education requirements for an annual renewal period pursuant to Section 4442.

(d) Reinstatement of an inactive license under this section is subject to denial pursuant to Section 125.3 or 494.5 of the Business and Professions Code or as otherwise provided by law.

Note: Authority cited: Sections 462, 6517 and 6592, Business and Professions Code.
Reference: Sections 125.3, 134, 152.6, 462, 494.5, 6538, 6561 and 6592, Business and Professions Code.

~~§ 4575. Reinstatement of Retired License to Active Status; Duration of Initial License Period Post-Reinstatement; Reinstatement Fee; Continuing Education Requirements for Initial Period.~~

(a) Except as provided in subdivision (d), on or before the date that is 5 years after the date on which a license was placed in a retired status, a licensee may reinstate the retired license to an active status by following all of the procedures in subdivision (b). After that date, a licensee seeking to reinstate their retired license shall be subject to the same requirements, including retaking the licensing examination, as an applicant for initial licensure.

(b) To reinstate a retired license to active status, a licensee shall do all of the following:

(1) In the one-year period immediately before requesting reinstatement, complete the amount of approved continuing education courses required by Section 6538 of the Business and Professions Code, as determined under Section 4442, including at least 2 hours of continuing education credits in ethics for fiduciaries, as required in subdivision (b)(2) of that section.

(2) Submit to the Bureau a statement, signed under penalty of perjury, that the licensee has completed the continuing education courses required by paragraph (1). The

licensee shall maintain and disclose evidence supporting this statement as provided in Section 4452.

(3) File with the Bureau an updated annual statement. The annual statement shall be filed with the Bureau in the same manner as the licensee would file an annual statement for renewal of an active license.

(4) Submit to the Bureau the reinstatement fee specified in subdivision (g) of Section 4580.

(c)(1) The initial license period after a retired license is reinstated to active status shall be twelve (12) months adjusted as provided in Section 4428 in order to set the renewal date for each licensee.

(2) For the initial license period after reinstatement, each licensee shall comply with the continuing education requirements for an annual renewal period pursuant to Section 4442.

(d) Reinstatement of a retired license under this section is subject to denial pursuant to Section 125.3 or 494.5 of the Business and Professions Code or as otherwise provided by law.

Note: Authority cited: Sections 494.5, 6517, 6542 and 6592, Business and Professions Code. Reference: Sections 125.3, 134, 152.6, 494.5, 6538, 6542, 6561 and 6592, Business and Professions Code.

§ 4580. Fees.

The following fees are established:

(a) The application fee for a professional fiduciary license shall be four hundred dollars (\$400). Commencing January 1, 2024, the application fee for a professional fiduciary license shall be six hundred dollars (\$600).

(b) For applicants who pass the examination described in section 4500 prior to January 1, 2024, the The initial license fee shall be six hundred dollars (\$600) for the first twelve (12) months plus a prorated amount of the renewal fee required in subdivision (c) to adjust the duration of the initial license period to set the renewal date for each licensee as provided in Section 4428. For applicants who pass the examination described in section 4500 on or after January 1, 2024, the initial license fee shall be one thousand three hundred (\$1300).

(c) For licenses which expire prior to March 31, 2024, the The renewal fee for a license, except for an inactive license, shall be seven hundred dollars (\$700). For licenses which expire on or after March 31, 2024, the renewal fee for a license, except for an inactive license, shall be one thousand three hundred dollars (\$1,300).

(d) The delinquency fee for a license shall be one hundred and fifty dollars (\$150). Delinquency fees shall not apply to a license placed in an inactive or retired status pursuant to Section 4564 or 4572 of this Division.

(e) The fee for a duplicate or replacement license shall be twenty-five dollars (\$25).

(f)(1) The fee for placement of a license in an inactive status shall be three hundred and fifty dollars (\$350).

(2) The renewal fee for an inactive license shall be three hundred and fifty dollars (\$350).

(3) The fee for reinstatement of an inactive license to active status shall be seven hundred dollars (\$700) for the first twelve (12) months plus a prorated amount of the renewal fee required in subdivision (c) to adjust the duration of the initial license period after reinstatement to set the renewal date for each licensee as provided in subdivision (c) of Section 4568. Commencing January 1, 2024, the fee for reinstatement of an inactive license to active status shall be one thousand three hundred dollars (\$1,300).

(g)(1) The fee for placement of a license in a retired status shall be three hundred and fifty dollars (\$350).

(2) The fee for reinstatement of a retired license to active status shall be seven hundred dollars (\$700) for the first twelve (12) months plus a prorated amount of the renewal fee required in subdivision (c) to adjust the duration of the initial license period after reinstatement to set the renewal date for each licensee as provided in subdivision (c) of Section 4575. Commencing January 1, 2024, the fee for reinstatement of a retired license to active status shall be one thousand three hundred dollars (\$1,300).

Note: Authority cited: Sections 462, 6517, 6542 and 6592, Business and Professions Code. Reference: Sections 121.5, 122, 134, 142, 152.6, 163.5, 462, 6533, 6541, 6542 and 6592, Business and Professions Code.