

Date of Hearing: June 24, 2025

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Christopher M. Ward, Chair

SB 456 (Ashby) – As Amended April 2, 2025

SENATE VOTE: 38-0

SUBJECT: Contractors: exemptions: muralists

SUMMARY: SB 456 exempts an artist who paints a mural, as defined, from the provisions of the Contractor's License Law (License Law).

Specifically, **this bill:**

- 1) States that the License Law does not apply to an artist who draws, paints, applies, executes, restores, or conserves a mural pursuant to an agreement with a person who could legally authorize the work.
- 2) Defines a "mural" to mean a unique work of fine art that is protected by copyright, trademark, label, or patent that is drawn or painted by hand directly onto interior or exterior walls or ceilings, fixtures, or other appurtenances of a building or structure.
- 3) Specifies that a "mural" does not include painted wall signs.

EXISTING LAW:

- 1) Establishes the Contractors State License Board (CSLB) to license and regulate contractors and home improvement salespersons. (Business and Professions Code (BPC) § 7000 *et seq.*)
- 2) Establishes an enforcement division within the CSLB to rigorously enforce the License Law, prohibiting all forms of unlicensed activity and enforce the obligation to secure the payment of valid and current workers' compensation insurance, as specified. (BPC § 7011.4(a))
- 3) Establishes four branches of contractor classifications including A) General engineering contracting; B1) General building contracting; B2) Residential remodeling contracting; and C) Specialty contracting. Defines a "C specialty contractor" as a contractor whose operations involve the performance of construction work requiring special skills and whose principal contracting business involves the use of specialized building trades or crafts, as specified. (BPC §§ 7055 and 7058(a))
- 4) Exempts from the requirements to obtain a contractor's license under the license law, the work or operation on one undertaking or project by one or more contracts, if the aggregate contract price for labor, materials, and all other items is less than \$1,000 and does not require a building permit, as specified. (BPC § 7048(a))
- 5) Provides various exemptions to the licensure requirements of the License Law, as specified. (BPC §§ 7040(a), 7041, 7042, 7042.5, 7043, 7044.1, 7044.2, 7045, 7046, 7049, 7051, 7051, 7052, 7044)

FISCAL EFFECT: This bill passed from the Senate Appropriations Committee pursuant to Rule 28.8, meaning that it was determined by the Committee that bill's state cost impact are not significant.

COMMENTS:

- 1) Author statement. According to the author, "Murals are powerful tools for transforming neighborhoods. They are placemaking and defining in many cities, like Sacramento. Public art and murals are proven drivers of enhanced community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public health outcomes. However, current law has led to confusion regarding licensing requirements for muralists. SB 456 clarifies that muralists are not subject to licensure and allows them the flexibility to continue sharing their artistic expression throughout our communities."
- 2) Background. Due to licensure requirements, cities across California have been instructing their public arts administrators to cease or stall the implementation of mural projects. This creates significant roadblocks for initiatives, like the State's Clean CA Program, which seeks to beautify public spaces like highways, local roads, parks, and pathways.

Requiring muralists to obtain a contractor's license imposes significant challenges. To qualify for these commercial licenses, muralists must accumulate four years of specialized experience under a licensed contractor, pass the Law and Business examination, and pay annual licensing fees. These requirements not only create unnecessary barriers to work on public art projects, but also expose city employees and artists to fines if such requirements are not met. Murals are considered works of art, protected under federal copyright laws and are fundamentally different from construction projects.

Standard practice of existing law previously identified the distinction between muralists and commercial painters. SB 456 clarifies standard practice of current law and adds "muralist", narrowly defined, to the list of activities in the Business and Professions Code that are not subject to licensure.

- 3) Statement in Support. According to the California Arts Advocates in support, "Muralists provide a vital form of public expression and employment, particularly for artists who have not found similar support in the traditional art world. For example, Chicano Park in San Diego's Barrio Logan Cultural District boasts the world's largest concentration of Chicano murals, featuring over 100 paintings on seven acres adorned with sculptures, gardens, and recreational spaces. In Sacramento, Wide Open Walls, a mural festival has helped to create over 200 murals throughout the city, enlivening neighborhoods and improving civic pride. Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and well-being.

"Business and Professions Section 7026, as interpreted by the Contractors State License Board (CSLB), requires muralists to be licensed as contractors if they are painting murals on any permanent structure (roadways, indoor and outdoor walls, cement, or other permanent structures). The CSLB has recently issued public notices requiring muralists to obtain a C-33 (Painter and Decorator License) or a D-64 (Non-specialized contractor designation) for murals exceeding \$500 in value. Consequently, many cities have instructed their public arts administrators to halt or delay mural projects due to CSLB's actions, causing issues for projects under Clean CA and other initiatives."

- 4) Statement in Opposition. According to Fight Back In Sac in opposition, “The proponents of this bill are describing it as a narrowly tailored exemption, however it is not. Murals are not defined enough to be a separate form of painting. The question could easily be asked, what is the difference between a mural and a paint job that might have several hues, special tints, lines, stenciling, or texturing? How definitive does a coating need to be to be classified as a mural?”

“This will become an issue when unlicensed painters just change their own advertisements to muralists, after all, who decides what is art and what is just a fancy form of paint application. The CSLB is going to find themselves in a position of art critic when complaints are filed against unlicensed painters or during their monthly sting activity. The bill widely classifies a mural as something that can be labeled, copyrighted, patented, etc., but any painter can copyright their work and replicate it for a number of succeeding projects. We believe this is going to create a costly and prohibiting task for both enforcement and judicial arms of government, which will likely result in the CSLB opting for non-enforcement of most painting and decorating class unlicensed matters.”

- 5) Double Referral. Should this bill pass out of this committee, it will be re-referred to the Assembly Committee on Business and Professions.

6) Prior and Related Legislation:

- a) AB 2622 (Carrillo), Chapter 240, Statutes of 2024, increased the value of a construction project that triggers required licensure by the CSLB from \$500 to \$1,000 for labor and materials. Specifies that projects for which the threshold is \$1,000 do not require a permit to undertake and to be completed without employees.
- b) AB 1874 (Smith), of 2022, would have authorized a person who is not licensed as a contractor to advertise for construction work or a work of improvement if the total cost of labor is less than \$500 and the person states in the advertisement that they are not a licensed contractor. This bill died in Assembly Committee on Business and Professions.
- c) AB 899 (Cunningham), of 2021, would have required the CSLB to annually adjust the \$500 value of a construction contract that is not subject to regulation under the License Law, so long as the nature of the work performed is considered casual, minor, or inconsequential, to reflect the rate of inflation by CPI. This bill died in the Assembly Committee on Business and Professions.
- d) AB 304 (Archuleta), of 2021, would have increased the amount of authorized work, which exempts an individual from licensure requirements under the Contractors State License Law (License Law), from \$500 to \$1000. This bill died in the Senate Business and Professions Committee.
- e) SB 1189 (McGuire), Chapter 364, Statutes of 2020, created a B-2 Residential Remodeling Contractor license as a new classification of contracting business, defined the scope of a B-2 license and activities outside the scope of a B-2 license, and revised the definition of home improvement.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Arts Advocates (Co-sponsor)
League of California Cities (Co-sponsor)
1AMprojects - SF Mural Company
A.B.O. Comix
American Federation of Musicians, Local 7
Armory Center for the Arts
Arroyo Grande Public Art
Art Lessons & Events
Arts Benicia
Arts Consortium
Arts Council for Long Beach
Arts Council of Mendocino County
Arts Council of Placer County
Arts Council Santa Cruz County
Arts for a Better Bay Area
Arts for LA
Arts Orange County
Arts4mMC
Atrium 916 Creative Innovation Center for Sustainability
Atthowe Fine Arts Services
Badger Branding
Bardola
Beautify Earth
Blue Line Arts
Brush of Creativity Art Lessons & Events
California Association of Museums
California Desert Arts Council
California Outdoor Hospitality Association
California Public Art Administrators
California Special Districts Association
California Travel Association
Californians for the Arts
Calle 24 Latino Cultural District
Cannabis Travel Authority
Casa 0101
CasaQ
Celebration Theatre
City and County of San Francisco
City Garage

City of Albany
City of Beaumont
City of Bell Gardens
City of Belmont
City of Buena Park
City of Covina
City of Culver City
City of Escondido
City of Fullerton
City of Glendale
City of Lafayette
City of Laguna Beach
City of Milpitas
City of Moorpark
City of Morgan Hill
City of Mountain View
City of Norwalk
City of Oakland
City of Palo Alto
City of Pico Rivera
City of Point Arena
City of Rancho Cordova
City of Redwood City
City of Riverside
City of Sacramento
City of San Jose
City of San Luis Obispo
City of Santa Monica
City of Simi Valley
City of South San Francisco
City of Stockton
City of Thousand Oaks
City of Tustin
City of Vista
Community Rejuvenation Project
Creative Sonoma
DSTL Arts
EQUALdotBRACKET
Family Resource Center
Holistic Honu Wellness Center
Honeygirl Signs & Designs
Ink Dwell
Jaya King Inc.

Jumbo Jibbles
Junior Center Of Art and Science
Kim Maxwell Studio
L Start Murals
League of California Cities
Levitt Pavilion Los Angeles
Little Hill Real Estate
Long Beach Area Chamber of Commerce
Marin Society of Artists
McKinleyville Family Resource Center
Mixed Media Mosaic Artist As Meraki Art
Museum of African American Art
Music Changing Lives
National Independent Venue Association of California
New Canon Theatre
Orange County Business Council
Performing Arts Center Corp
Plumas Arts
Pogo Park
Public Art
Riverside Arts Council
San Benito County Arts Council
San Diego Art Directory
San Diego Art Matters
Sara Daleiden Consulting
Shadowlight Productions
Sustainable Holistic Healing Arts & Activations
SLATE Art Consulting
Spike Island
St. Bonaventure High School
Stein's Hollow
Stockton Art League
SVCreates
Tahoe Art League
The Center for Cultural Power
The Museum of the San Fernando Valley
The TOaG Quartet
The Unity Council
Visit California
Voices of the Community
Weidnerca
West End Arts District
White Hall Arts Academy

Opposition

Fight Back In Sac

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