



Keep Survey Monuments Intact

Contractors engaging in construction improvement projects where land survey monuments may be affected are reminded that these legal markers must be retained or replaced in their original positions.

Monuments must be preserved—whether a permanent landmark, wooden hub, cap rebar, tack, stone obelisk, brass disk, meridian disk or the like—because they identify the boundaries of public and private property.

State Business and Professions Code section 8771 requires that a licensed land surveyor or registered civil engineer legally authorized to practice land surveying reference the monuments any time a street, highway, right-of-way or easement is improved, constructed, reconstructed, maintained or resurfaced. If a monument is relocated, it must be reset into the surface of the new construction and recorded with the county surveyor; otherwise, monuments must be retained or replaced in their original positions upon completion of the work. The local government agency that has jurisdiction over the project property also must be involved in the monument identification and preservation process.



California’s Board of Professional Engineers, Land Surveyors, and Geologists (BPELSG) has identified monument destruction as a statewide problem and is working to educate local governments and contractors.

For additional information on these state laws and guidelines, contact BPELSG at www.pels.ca.gov or 866.780.5370. 📍

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legal steps that are available to you if a non-payment situation arises. You have the right to file a mechanic’s lien, provided that you served the homeowner or property owner a Preliminary Notice within the legal timeframe. You must serve this notice before you begin work or deliver products or up to 20 days after delivery or work. This notice is not a lien, but it makes property owners aware that you have the right to file a mechanic’s lien should you not receive payment. If you do not serve this notice within the required timeframe, you could lose your lien rights for work done or materials supplied.

Keep in mind that CSLB does not have jurisdiction over lien rights and cannot enforce them. If you are not paid, you must file a claim of lien and an action to foreclose on the lien with the County Recorder’s office where the property is located, within the legal time frames. Additional details are included in CSLB’s *A Homeowner’s Guide to Preventing Mechanic’s Liens* brochure, available at <http://www.cslb.ca.gov/Resources/GuidesAndPamphlets/HomeownersGuideToPreventingMechanicsLiens.pdf> or by calling 800.321.CSLB (2752). 📍

Update on Limited Liability Company Licensing

Licensing for limited liability companies (LLCs) began January 1, 2012. Since making state contractor licenses available to LLCs, CSLB has received approximately 250 applications. As of May 1, 2012, 26 licenses have been issued.

One issue causing delays for applicants is application information that is incomplete or inconsistent with the LLC information maintained by the Secretary of State’s office (SOS)—such as the LLC registration number and the full listing of personnel information (members and managers). Information CSLB obtains from SOS must be identical.

Accurate information is essential before CSLB can determine the appropriate amount of required LLC liability insurance (between \$1 million and \$5 million, depending on the number of personnel). There is currently up to a four-month processing backlog at SOS for the Statement of Information (Form LLC-12) upon which LLCs report their members and managers; however, expedited processing is available through SOS for additional fees. For more information, visit <http://www.sos.ca.gov/business/be/preclearance-expedited-services.htm>.

In addition, potential LLC applicants should be aware that, pursuant to Business and

Professions Code section 7071.19(c), the required liability insurance for LLCs must be written by insurers that are “duly licensed” in California. Therefore, **only** those insurers that are “admitted” by the California Department of Insurance (CDI) are acceptable. You can refer to CDI’s website at www.insurance.ca.gov (look under the Consumers tab, select Licensee Information, and then select Search Insurance Company Profiles) to determine if your preferred insurer is licensed with CDI. If they are not, you must find another insurer from the Insurance Company Profiles listing. 📍