



To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe (Author)
Subject: Letter in Support of SB 456: Muralist Exemption

RECOMMENDATION

Send a letter to Senator Angelique Ashby (cc: Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks) in support of Senate Bill 456, which would exempt muralists from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB) before being commissioned for public and private art projects.

SUMMARY STATEMENT

The State of California's Contractors State Licensing Board (CSLB) oversees the state's licensing requirements for various types of contractors, including fines or misdemeanor charges for violators. Current law makes it a misdemeanor for a person to engage in the business, or act in the capacity of a contractor without a license, unless exempted.

Currently, muralists who paint their artwork on permanent structures are subject to the same licensing requirements as commercial painters under the Business and Professions Code, even though these two roles are not equivalent in a variety of important ways. This bill would exempt from that law a muralist pursuant to an agreement with a person who could legally authorize the work.

Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and wellbeing. Murals are also works of art protected under federal copyright laws and are fundamentally different from the roles of other CSLB licensees.

BACKGROUND

In 2023, public notices began being issued to municipalities indicating that muralists fall within the definition of a "contractor" under Business and Professions Code section 7026. As a result, muralists must carry a contractor's license if they undertake a mural on a building for more than \$500. Additionally, per Business and Professions Code section 7028.15 (e), city staff may be fined for knowingly hiring an unlicensed muralist. Due to these licensure requirements, cities across California have had to cease or stall the implementation of mural projects.

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 create unnecessary barriers to work on public art projects, and expose city employees and artists to fines if such requirements are not met.

Muralists provide a fundamentally different service than a painting contractor, as their work is an artistic expression rather than addressing the structural integrity of a building. It is appropriate to provide a narrow exception to the state's licensing requirements for muralists, as SB 456 seeks to provide them with the flexibility to continue their artistic expression.

RATIONALE FOR RECOMMENDATION

Local arts activities play an important role in community life and have a positive impact on the social health and economic vitality of cities. Muralists are vital contributors to public artistic and cultural expression, especially community-based artists and others who have not found the same support in the traditional art world.

The State Legislature should create an exception for muralists under the Business and Professions code. This would help further safeguard artists and communities from potential legal issues and risk associated with practicing this valuable form of art. This would also provide the City of Berkeley with a legal path to be able to (once again) commission murals for our public spaces.

ENVIRONMENTAL SUSTAINABILITY

N/A

FISCAL IMPACTS

None.

CONTACT

Councilmember Shoshana O'Keefe, (510) 981-7150

Attachments:

1. Letter of Support
2. Senate Bill 456

The Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

April 29, 2025

The Honorable Angelique Ashby
California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: City of Berkeley's Support for SB 456

Dear Senator Ashby:

The Berkeley City Council writes to express its strong support for Senate Bill 456, which would exempt artists who draw, paint, apply, execute, restore, or conserve murals from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB).

Under current law, muralists are categorized alongside commercial painters, subjecting them to licensing standards that do not reflect the nature of their work. These requirements present unnecessary barriers to artistic and creative expression. Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and wellbeing. They can also be catalysts for public dialogue, and aid efforts at neighborhood revitalization and beautification.

The State Legislature should create an exception for muralists under the Business and Professions code to safeguard artists and communities from potential legal issues and risk associated with practicing this valuable form of art. The City of Berkeley strongly supports the re-creation of a viable legal pathway to commission murals for our public spaces.

We believe our community and city at large, as well as artist communities across California stand to benefit greatly from this change in law, and we thank you for your leadership.

Sincerely,
The Berkeley City Council

cc:
Governor Gavin Newsom

Senator Jesse Arreguín
Assemblymember Buffy Wicks

AMENDED IN SENATE APRIL 02, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 456

Introduced by Senator Ashby
(Coauthor: Senator Laird)

February 19, 2025

An act to ~~amend~~ *add* Section ~~7044~~ *of 7050* to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Ashby. Contractors: exemptions: muralists.

Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law makes it a misdemeanor for a person to engage in the business, or act in the capacity, of a contractor without a license, unless exempted. Existing law exempts from the Contractors State License Law, among other things, a nonprofit corporation providing assistance to an owner, as specified.

~~This bill would exempt from that law a muralist, as defined, who produces a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.~~

This bill would exempt from that law an artist who draws, paints, applies, executes, restores, or conserves a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 7050 is added to the Business and Professions Code, to read:*

7050. (a) This chapter 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.

(b) For purposes of this section, "mural" means a unique work of fine art that is protected by copyright, trademark, label, or patent and that is drawn or painted by hand directly onto interior or exterior walls or ceilings, fixtures, or other appurtenances of a building or structure. "Mural" does not include painted wall signs.

~~SECTION 1. Section 7044 of the Business and Professions Code is amended to read:~~

~~7044.(a) This chapter does not apply to any of the following:~~

~~(1) An owner who builds or improves a structure on the owner's property, provided that both of the following conditions are met:~~

~~(A) None of the improvements are intended or offered for sale.~~

~~(B) The property owner personally performs all of the work or any work not performed by the owner is performed by the owner's employees with wages as their sole compensation.~~

~~(2) An owner who builds or improves a structure on the owner's property, provided that both of the following conditions are met:~~

~~(A) The owner directly contracts with licensees who are duly licensed to contract for the work of the respective trades involved in completing the project.~~

~~(B) For projects involving single-family residential structures, no more than four of these structures are intended or offered for sale in a calendar year. This subparagraph shall not apply if the owner contracts with a general contractor for the construction.~~

~~(3) A homeowner improving the homeowner's principal place of residence or appurtenances thereto, provided that all of the following conditions exist:~~

~~(A) The work is performed prior to sale.~~

~~(B) The homeowner has actually resided in the residence for the 12 months prior to completion of the work.~~

~~(C) The homeowner has not claimed the exemption in this paragraph on more than two structures more than once during any three-year period.~~

~~(4) A nonprofit corporation providing assistance to an owner-builder, as defined in subdivision (a) of Section 50692 of the Health and Safety Code, who is participating in a mutual self-help housing program, as defined in Section 50078 of the Health and Safety Code.~~

~~(5) A muralist who produces a mural.~~

~~(A) For purposes of this section, a "muralist" means an artist who draws, paints, applies, executes, restores, conserves, or affixes visual art directly onto walls, ceilings, or other fixtures of a building or structure pursuant to an agreement with a person who could legally authorize the work.~~

~~(B) For purposes of this section, a "mural" means a unique work of visual art that is protected by copyright, trademark, label, or patent and that is drawn or painted by hand directly upon, or affixed directly to, an exterior or interior wall or ceiling of a building or structure.~~

~~(b) In all actions brought under this chapter, both of the following shall apply:~~

~~(1) Except as provided in paragraph (2), proof of the sale or offering for sale of a structure by or for the owner-builder within one year after completion of the structure constitutes a rebuttable presumption affecting the burden of proof that the structure was undertaken for purposes of sale.~~

~~(2) Proof of the sale or offering for sale of five or more structures by the owner-builder within one year after completion constitutes a conclusive presumption that the structures were undertaken for purposes of sale.~~

