

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18932.3. Definition of “Predominant Activity.”

(a) For purposes of Government Code Sections 89501 through 89506, the predominant activity of an individual's business, trade, or profession is making speeches where more than 50 percent of the individual's business, trade, or profession hours or gross income is related to the delivery of speeches.

(b) The predominant activity of the business, trade, or profession is determined prior to each speechmaking opportunity. The period for making the determination is:

(1) The 12-month period prior to and including the date of the speech for a business, trade, or profession in existence for one year or more,

(2) The 30 days prior to and including the date of the speech for a business, trade, or profession in existence less than one year.

(3) The 36-month period prior to and including the date of the speech for a business, trade, or profession that involves a proprietary item created, in full or part, by the individual.

(A) Applicability. This time period applies where the business, trade, or profession has been in existence for at least 12 months prior to the individual being subject to the requirements of Section 89502 as evidenced by business accounting records, tax returns, proof of licensure, certification, or employment.

(B) The proprietary item may be tangible or intangible.

(C) The proprietary item must be protected by patent or copyright against free competition as to name, product, composition, or process of manufacture (such as a published

book or licensed computer software), or the individual must otherwise have an exclusive right or share an exclusive right to manufacture or sell the item.

(c) For purposes of this regulation, the following apply:

(1) The “delivery of speeches” includes the preparation of a speech.

(2) The hours and gross income for the applicable period include any anticipated, promised, or received income and any hours spent or anticipated to be spent for the particular speechmaking opportunity.

Credits

Note: Authority cited: Section 83112, Government Code. Reference: Sections 89501 through 89506, Government Code.

History

1. New section filed 7-1-92; operative 7-31-92 (Register 92, No. 28).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of first paragraph, subsections (a)(1)-(2) and (b)(1)-(2), and Note filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).
4. Repealer and new section filed 7-2-2024; operative 8-1-2024 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2024, No. 27).