

AMENDED IN SENATE JULY 11, 2001
AMENDED IN ASSEMBLY MAY 14, 2001
AMENDED IN ASSEMBLY APRIL 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 172

Introduced by Assembly Member Reyes

February 5, 2001

An act to amend ~~Sections 1798.56 and~~ *Section* 1798.69 of the Civil Code, relating to information practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 172, as amended, Reyes. Information practices: State Board of Equalization.

~~(1) Existing~~

Existing law prohibits the State Board of Equalization from releasing the names and addresses of individuals who are registered with or are holding licenses or permits issued by, the State Board of Equalization except to the extent necessary to verify resale certificates or to administer the tax and fee provisions of the Revenue Code. Existing law also provides that this prohibition does not prohibit the release by the State Board of Equalization to, or limit the use by, any federal or state agency, or local government, of any data collected by the board that is otherwise authorized by law.

This bill would provide that the State Board of Equalization is not prohibited from verifying specified addresses submitted by a debt collector for the sole purpose of collection of a debt. The bill would define debt collector for these purposes but would give the board sole

discretion to determine whether a person is a debt collector. The bill would require a debt collector to file with the board an affidavit, ~~under penalty of perjury~~, certifying information relating to the person's status as a debt collector. ~~Because perjury is punishable as a felony, this bill would impose a state-mandated program by expanding the scope of a crime.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1.—Section 1798.56 of the Civil Code is amended
2 to read:

3 1798.56.—(a) Any person who willfully requests or obtains
4 any record containing personal information from an agency under
5 false pretenses shall be guilty of a misdemeanor and fined not more
6 than five thousand dollars (\$5,000), or imprisoned not more than
7 one year, or both.

8 (b) Any person who willfully makes any false statement in the
9 affidavit under paragraph (2) of subdivision (c) of Section 1798.69
10 is also guilty of perjury.

11 (c) The State Board of Equalization has sole discretion to
12 determine additional violations and impose penalties for
13 violations of Section 1798.69.

14 SEC. 2.—

15 SECTION 1. Section 1798.69 of the Civil Code is amended to
16 read:

17 1798.69. (a) The State Board of Equalization may not release
18 the names and addresses of individuals who are registered with, or
19 are holding licenses or permits issued by, the State Board of
20 Equalization except as follows:

- 21 (1) To the extent necessary to verify resale certificates.
- 22 (2) To administer the tax and fee provisions of the Revenue and
23 Taxation Code.



1 (3) As provided in subdivision (b).

2 (b) Nothing in this section shall prohibit the release by the State
3 Board of Equalization to, or limit the use by, any federal or state
4 agency, or local government, of any data collected by the board
5 that is otherwise authorized by law.

6 (c) Nothing in this section shall prohibit the State Board of
7 Equalization from verifying location information submitted by a
8 debt collector. For purposes of this subdivision, verification of
9 location information shall be limited to verifying whether the
10 address information submitted by the debt collector matches
11 address information with the State Board of Equalization. If there
12 is not a match, the State Board of Equalization shall not provide
13 any location information to the debt collector. Location
14 verification information provided to a debt collector under this
15 section shall not be released, sold, transferred, or communicated
16 to any other person, except as directly related to the collection of
17 a specific debt by the debt collector.

18 (1) “Debt collector,” as used in this section, means any person
19 in any business, the principal purpose of which is the collection of
20 any debts, or who regularly collects or attempts to collect, directly
21 or indirectly, debts owed or due or asserted to be owed or due
22 another. For purposes of this section, the State Board of
23 Equalization has sole discretion to determine which persons are
24 debt collectors and whether the debt collector has provided
25 sufficient location information to the State Board of Equalization
26 to obtain a location verification.

27 (2) Prior to receiving any location verification from the State
28 Board of Equalization, the debt collector shall file with the board
29 an affidavit, *not* under penalty of perjury, that certifies all of the
30 following:

31 (A) The name, address, and telephone number of the debt
32 collector.

33 (B) That the person qualifies as a debt collector under this
34 section.

35 (C) That the debt collector shall comply with the restrictions on
36 the transfer of the data provided pursuant to this subdivision.

37 (D) The name of the employee or representative of the debt
38 collector responsible for receiving and controlling the use of the
39 data received from the board.



1 ~~SEC. 3.—No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~the only costs that may be incurred by a local agency or school~~
4 ~~district will be incurred because this act creates a new crime or~~
5 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
6 ~~for a crime or infraction, within the meaning of Section 17556 of~~
7 ~~the Government Code, or changes the definition of a crime within~~
8 ~~the meaning of Section 6 of Article XIII B of the California~~
9 ~~Constitution.~~

