

AMENDED IN ASSEMBLY APRIL 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2009**

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**Introduced by Assembly Member Nakano**  
**(Principal coauthor: Assembly Member Alquist)**  
(Coauthor: Senator Oller)

February 15, 2002

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An act to amend Sections 21660, 21661, 21662, ~~21663, 21664, 21665, 21666, 21667, 21668, 21669, and 21669.1~~ of, to amend the *and 21663 of, to amend the* heading of Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of, and to add ~~Sections 21661.1 and Section 21663.1~~ to, the Business and Professions Code, relating to swap meets, *flea markets*, and open-air markets.

LEGISLATIVE COUNSEL'S DIGEST

AB 2009, as amended, Nakano. Swap meets: open-air markets.

Existing law regulates the operation of swap meets where merchandise is offered for sale and exchange. Under existing law, a violation of the provisions regulating these events is punishable as a misdemeanor offense.

This bill would ~~revise the~~ *specify that these* provisions ~~relating to regulating~~ swap meets ~~and would regulate~~ *apply equally to* the operation of an open-air market ~~and would define it, in part, as any recurring event offering primarily new merchandise for sale that is conducted at the same location 12 or more times per year and charges a fee to vendors and to prospective buyers for parking or for admission or flea market.~~

Because a violation of the provisions regulating ~~an open-air market~~ would be *swap meets* is punishable as a misdemeanor offense, *to the extent* the bill would ~~create a new crime~~ *make additional events subject to this sanction*, ~~thereby imposing~~ it would impose a state-mandated local program.

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.

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

1 SECTION 1. The heading of Article 6 (commencing with  
2 Section 21660) of Chapter 9 of Division 8 of the Business and  
3 Professions Code is amended to read:

4  
5 Article 6. Swap Meets, *Flea Markets*, and Open-Air Markets

6  
7 SEC. 2. Section 21660 of the Business and Professions Code  
8 is amended to read:

9 21660. It is the intent of the Legislature in enacting this article  
10 to provide for the uniform regulation of ~~open-air markets and swap~~  
11 ~~meets, flea markets, and open air markets~~ for the purpose of  
12 ~~insuring that swap meet operators and vendors and open-air~~  
13 ~~market ensuring that~~ operators and vendors are in complete  
14 compliance with all state laws and regulations applicable to  
15 displaying, offering for sale, selling, and exchanging new and  
16 previously owned merchandise.

17 This article shall apply to ~~swap meet operators and vendors and~~  
18 ~~open-air market operators and vendors, unless at swap meets, flea~~  
19 ~~markets, and open air markets unless~~ the merchandise or the  
20 transaction is specifically exempt under this article and shall not  
21 be superseded or supplanted by any provisions or ordinances or  
22 charters of any city, county, or city and county, nor supplemented  
23 by any local ordinances or charters or provisions. Nothing  
24 contained in this article shall be deemed to affect the land use and



1 zoning regulatory power of a local agency, nor be construed to  
2 require any local agency to permit ~~open air markets or swap~~  
3 ~~meets, flea markets, or open air markets~~ if local land use or zoning  
4 regulations prohibit those operations.

5 Any transaction that is regulated by this article shall not be  
6 subject to the provisions of Article 4 (commencing with Section  
7 21625), regulating transactions in identifiable secondhand  
8 tangible personal property. No person, partnership, or corporation  
9 shall be considered a “secondhand dealer” within the meaning of  
10 Section 21626 because of activities regulated by this article.

11 Article 5 (commencing with Section 21650) of this chapter shall  
12 ~~not apply to swap meet operators and vendors. not apply to~~  
13 ~~operators or vendors at swap meets, flea markets, or open air~~  
14 ~~markets.~~

15 SEC. 3. Section 21661 of the Business and Professions Code  
16 is amended to read:

17 21661. ~~As used in this article:~~

18 ~~(a) (1) “Open air market” means any regularly recurring~~  
19 ~~event offering primarily new merchandise for sale that meets all~~  
20 ~~of the following conditions:~~

21 ~~(A) Vendors are charged a fee for the privilege of offering or~~  
22 ~~displaying merchandise for sale.~~

23 ~~(B) A fee is charged to prospective buyers for parking or for~~  
24 ~~admission to the area where the merchandise is offered for sale.~~

25 ~~(C) It is conducted on real property owned by the operator or~~  
26 ~~leased to the operator for a period of at least one year.~~

27 ~~(D) It is conducted at the same location 12 or more times per~~  
28 ~~year.~~

29 ~~(2) An open air market may include an event conducted~~  
30 ~~indoors or an event using the term “swap meet” or “flea market”~~  
31 ~~in its name or advertising if it meets all the conditions specified in~~  
32 ~~subparagraphs (A) to (D), inclusive, of paragraph (1).~~

33 ~~(b) “Open air market operator” means any person,~~  
34 ~~partnership, organization, or corporation that controls, manages,~~  
35 ~~conducts, or otherwise administers an open air market.~~

36 ~~(c) “Open air market vendor” means any person, partnership,~~  
37 ~~organization, or corporation that sells or offers for sale any~~  
38 ~~merchandise at an open air market.~~

39 ~~(d) (1) “Swap meet” means any event~~



1 21661. (a) As used in this article, the term “swap meet”  
 2 includes a flea market or an open air market and means an event  
 3 at which two or more persons offer merchandise for sale or  
 4 exchange and that meets one of the following conditions:

- 5 ~~(A)~~
- 6 (1) A fee is charged for the privilege of offering or displaying  
 7 merchandise for sale or exchange.
- 8 ~~(B)~~
- 9 (2) A fee is charged to prospective buyers for parking or for  
 10 admission to the area where merchandise is offered or displayed  
 11 for sale or exchange.
- 12 ~~(C)~~
- 13 (3) The event is held more than six times in any 12-month  
 14 period.

15 ~~(2)~~

16 (b) The term “swap ~~meet~~” *meet*,” as used in this article, is  
 17 interchangeable and applicable to “flea markets,” “indoor swap  
 18 meets,” “open air markets,” or other similar terms, regardless of  
 19 whether these events are held either inside a building or outside in  
 20 the open. The primary characteristic is that these activities involve  
 21 a series of sales sufficient in number, scope, and character to  
 22 constitute a regular course of business. ~~“Swap meet” does not~~  
 23 ~~include an open air market.~~

24 ~~(e) “Swap meet operator”~~

25 (c) “Operator,” as used in this article, means any person,  
 26 partnership, organization or corporation that controls, manages,  
 27 conducts or otherwise administers a swap meet.

28 ~~(f) “Swap meet vendor”~~

29 (d) “Vendor,” as used in this article, means any person,  
 30 partnership, organization or corporation who exchanges, sells, or  
 31 offers for sale or exchange any merchandise at a swap meet. A  
 32 swap meet vendor shall be classified according to the following  
 33 categories:

- 34 (1) A “casual swap meet vendor” means a vendor who  
 35 participates in a swap meet two times or less per year.
- 36 (2) A “regular swap meet vendor” means a vendor who  
 37 participates in a swap meet three or more times per year.

38 ~~SEC. 4. Section 21661.1 is added to the Business and~~  
 39 ~~Professions Code, to read:~~



1 ~~21661.1. An open-air market shall meet one of the following~~  
2 ~~conditions:~~

3 ~~(a) Be operated by an open-air market operator who is~~  
4 ~~accredited by the California Swap Meet Association.~~

5 ~~(b) All of its open-air market vendors either hold a business~~  
6 ~~license issued by a city, county, or city and county of this state or~~  
7 ~~operate under a business license issued to the open-air market~~  
8 ~~operator by the city, county, or city and county in which the open~~  
9 ~~air market is located.~~

10 ~~SEC. 5.~~

11 ~~SEC. 4.~~ Section 21662 of the Business and Professions Code  
12 is amended to read:

13 21662. The provisions of this article shall not apply to:

14 (a) An event held not more than two times per calendar year  
15 that is organized for the exclusive benefit of any community chest,  
16 fund, foundation, association, or corporation organized and  
17 operated for religious, educational, hospital, or charitable  
18 purposes, if no part of any admission fee or parking fee charged  
19 vendors or prospective purchasers, or the gross receipts or net  
20 earnings from the sale or exchange of merchandise, whether in the  
21 form of a percentage of the receipts or earnings, as salary, or  
22 otherwise, inures to the benefit of any private shareholder or  
23 person participating in the organization or conduct of the event.

24 (b) *An event at which all of the merchandise offered or*  
25 *displayed is new, and all persons selling, exchanging, offering, or*  
26 *displaying merchandise for sale or exchange are manufacturers or*  
27 *licensed retail or wholesale merchants.*

28 (c) Any vehicle or trailer or any vehicle accessory or vehicle  
29 part usable for a motor vehicle eligible for vehicle registration  
30 under Section 5004 of the Vehicle Code, and items of memorabilia  
31 or history, or both, relating to these vehicles.

32 ~~SEC. 6.~~

33 ~~SEC. 5.~~ Section 21663 of the Business and Professions Code  
34 is amended to read:

35 21663. (a) ~~Every swap meet~~ *Except as provided in Section*  
36 *21663.1, every vendor shall report all merchandise offered or*  
37 *displayed for sale or exchange on a form, prescribed or approved*  
38 *by the California Department of Justice, containing all the*  
39 *following information:*

40 (1) The name and address of the ~~swap meet~~ vendor.



1 (2) A description of the merchandise offered for sale or  
2 exchange, including serial numbers and personal identification  
3 marks, or if there is no serial number, other identification marks  
4 or symbols, if any, or a general description of the item.

5 (3) A certification by the ~~swap-meet~~ vendor that to his or her  
6 knowledge and belief, the information contained on the form is  
7 true.

8 (4) The make, year, color, state of registration, and license  
9 number of the vehicle or vehicles in which the merchandise is  
10 transported to the swap meet.

11 (5) The California seller’s permit number (State Board of  
12 Equalization sales tax number), if any, of the ~~swap-meet~~ vendor.

13 (6) The ~~swap-meet~~ vendor’s motor vehicle driver’s license  
14 number and its state of issuance or California identification card  
15 numbers.

16 (7) If the ~~swap-meet~~ vendor is an agent of an individual,  
17 company, partnership or corporation, the name and business  
18 address of the principal.

19 (8) The dates of sale for which the report is made.

20 (9) A receipt number given by the ~~swap-meet~~ operator for the  
21 dates of the sale or the space used by the ~~swap-meet~~ vendor.

22 (10) A requirement that the ~~swap-meet~~ vendor check an  
23 appropriate box that sets forth his or her permit number for sales  
24 tax purposes.

25 If the ~~swap-meet~~ vendor’s permit number is not listed in the  
26 appropriate place on the form, the ~~swap-meet~~ vendor shall indicate  
27 that he or she has not and does not contemplate making more than  
28 two sales of sufficient size, scope, and character within a 12-month  
29 period to require a permit.

30 (b) In addition to the official governmental form, consisting of  
31 an original and at least two copies, the information required may  
32 be recorded on a computerized or other similar record that contains  
33 the same information required by subdivision (a).

34 (c) In no case shall a swap meet owner or operator be liable or  
35 responsible for the accuracy of, or any discrepancy in, any  
36 information submitted by the ~~swap-meet~~ vendors on the forms  
37 provided to them by the swap meet owners or operators.

38 ~~SEC. 7.~~

39 SEC. 6. Section 21663.1 is added to the Business and  
40 Professions Code, to read:



1 ~~21663.1. (a) An open-air market vendor shall at a minimum~~  
2 ~~provide to the open-air market operator the following information~~  
3 ~~prior to offering merchandise for sale at the event:~~

- 4 ~~(1) The name and address of the open-air market vendor.~~
- 5 ~~(2) The California seller's permit number (State Board of~~  
6 ~~Equalization sales tax number) of the open-air market vendor.~~
- 7 ~~(3) The open-air market vendor's motor vehicle driver's~~  
8 ~~license number and its state of issuance or California identification~~  
9 ~~card number.~~
- 10 ~~(4) The open-air market vendor's business license number and~~  
11 ~~its city or county of issuance unless operating under a business~~  
12 ~~license issued to the open-air market operator.~~

13 *21663.1. (a) A vendor selling or displaying new merchandise*  
14 *and a vendor holding a business license issued by a city, county,*  
15 *or city and county of this state are not required to comply with*  
16 *Section 21633 if the swap meet is conducted at the same location*  
17 *at least once per month on real property owned by the operator or*  
18 *leased to the operator for a period of not less than one year.*

19 *(b) A vendor meeting the conditions of subdivision (a) shall, at*  
20 *a minimum, provide the operator with the following information*  
21 *prior to offering or displaying merchandise for sale at the event:*

- 22 *(1) The name and address of the vendor.*
- 23 *(2) The vendor's California seller's permit number (State*  
24 *Board of Equalization sales tax number).*
- 25 *(3) The vendor's motor vehicle driver's license number and its*  
26 *state of issuance or his or her California identification card*  
27 *number.*
- 28 *(4) The vendor's business license number and its city or county*  
29 *of issuance, unless the vendor is operating under a business license*  
30 *issued to the operator.*

31 ~~(b) The open-air market~~

32 *(c) The operator shall maintain the information required by this*  
33 *section in written or electronic form for six months after the date*  
34 *of its receipt and shall make copies of the information available for*  
35 *inspection, upon request, to any peace officer or any authorized*  
36 *representative of the Board of Equalization or Department of*  
37 *Justice.*

38 ~~(e)~~



1 (d) In no case shall the ~~open-air market~~ operator be liable for  
2 the accuracy of, or any discrepancy in, any information submitted  
3 by an ~~open-air market~~ a vendor.

4 ~~SEC. 8.~~ Section 21664 of the Business and Professions Code  
5 is amended to read:

6 21664. ~~(a) The swap meet operator shall obtain sufficient~~  
7 ~~blank forms from the Department of Justice at a cost not to exceed~~  
8 ~~the actual cost to the department, or shall cause to be printed and~~  
9 ~~be available sufficient forms approved by the department, for the~~  
10 ~~use of swap meet vendors, and shall distribute them to swap meet~~  
11 ~~vendors as needed. The swap meet vendor shall submit the~~  
12 ~~completed form to the swap meet operator who shall note on the~~  
13 ~~swap meet vendor's copy that the swap meet vendor has submitted~~  
14 ~~the form. The swap meet vendor shall submit the form to the swap~~  
15 ~~meet operator prior to the close of the business day on which the~~  
16 ~~item is to be placed on sale. The swap meet operator shall provide~~  
17 ~~this form required by subdivision (a) of Section 21663 to the chief~~  
18 ~~of police, if the swap meet occurs within the territorial limits of an~~  
19 ~~incorporated city, or the sheriff, if the swap meet occurs outside a~~  
20 ~~city, within 24 hours, or, before the end of the first working day~~  
21 ~~following the swap meet. The original shall also be available to the~~  
22 ~~State Board of Equalization to permit them to detect possible sales~~  
23 ~~tax evasion. The reports shall not be utilized by a chief of police,~~  
24 ~~a sheriff, the Department of Justice, or any other governmental~~  
25 ~~agency for the purpose of providing a permanent record of~~  
26 ~~property ownership, nor shall the information derived from these~~  
27 ~~reports form the basis for any record other than reports that assist~~  
28 ~~in tracing and recovering of stolen property or assist in detecting~~  
29 ~~sales tax evasion.~~

30 ~~(b) Every swap meet vendor shall submit to the swap meet~~  
31 ~~operator the form disclosing the information required by~~  
32 ~~subdivision (a) of Section 21663 for each swap meet at which he~~  
33 ~~or she is a swap meet vendor prior to the close of the business day~~  
34 ~~at which the item is to be placed on sale. Items described in reports~~  
35 ~~previously submitted pursuant to paragraph (2) of subdivision (a)~~  
36 ~~of Section 21663 may be omitted from the description on the forms~~  
37 ~~submitted at subsequent swap meets if the swap meet vendor~~  
38 ~~furnishes the swap meet operator of each subsequent swap meet~~  
39 ~~with two copies of the report previously submitted, marked to~~  
40 ~~indicate personal property currently being offered or displayed.~~



1 ~~(c) A swap meet vendor who regularly offers or displays for~~  
2 ~~sale or exchange any merchandise shall be required to submit to~~  
3 ~~the swap meet operator the form disclosing the information~~  
4 ~~required by subdivision (a) of Section 21663 only once every 60~~  
5 ~~days. The swap meet vendor shall, however, submit a new report~~  
6 ~~at any swap meet at which he or she is a swap meet vendor and~~  
7 ~~offers or displays for sale or exchange any merchandise not~~  
8 ~~included by generic classification in the previously submitted~~  
9 ~~report. For purposes of this subdivision, a swap meet vendor shall~~  
10 ~~be deemed to regularly offer or display for sale or exchange any~~  
11 ~~items of merchandise if the swap meet vendor participates for four~~  
12 ~~or more days in a month at a swap meet conducted at the same~~  
13 ~~location. Any swap meet vendor claiming to be a regular seller of~~  
14 ~~merchandise under the provisions of this subdivision shall so~~  
15 ~~indicate on the bimonthly report.~~

16 ~~(d) Every swap meet vendor shall submit to the swap meet~~  
17 ~~operator the form disclosing the information required by~~  
18 ~~subdivision (a) of Section 21663 for each swap meet at which he~~  
19 ~~or she is a swap meet vendor prior to the business day on which the~~  
20 ~~item is to be placed on sale. A swap meet vendor who regularly~~  
21 ~~offers or displays merchandise for sale or exchange shall be~~  
22 ~~required to submit to the swap meet operator the form disclosing~~  
23 ~~the information required by subdivision (a) of Section 21663 only~~  
24 ~~once every six months, provided the swap meet vendor has a~~  
25 ~~written agreement with the swap meet operator for a periodic term~~  
26 ~~of one month or longer. All other casual swap meet vendors shall~~  
27 ~~submit the form disclosing the information required by~~  
28 ~~subdivision (a) of Section 21663 on each instance of offering~~  
29 ~~merchandise for sale or exchange at the swap meet.~~

30 ~~SEC. 9. Section 21665 of the Business and Professions Code~~  
31 ~~is amended to read:~~

32 ~~21665. (a) Swap meet operators shall retain a copy of the~~  
33 ~~reports collected by them for six months and shall make the copies~~  
34 ~~available for inspection, upon request, by a peace officer as~~  
35 ~~defined in Section 830.1 or subdivision (a) of Section 830.3 of the~~  
36 ~~Penal Code, or a peace officer of the Department of the California~~  
37 ~~Highway Patrol as defined in subdivision (a) of Section 830.2 of~~  
38 ~~the Penal Code, when the swap meet occurs on state property, or~~  
39 ~~properly identified representatives of the State Board of~~  
40 ~~Equalization or Department of Justice.~~



1 ~~(b) Swap meet vendors shall have available for inspection~~  
2 ~~during the swap meet a completed copy of the report form that was~~  
3 ~~submitted to the swap meet operator describing the goods offered~~  
4 ~~or displayed for sale or exchange at the swap meet.~~

5 ~~SEC. 10. Section 21666 of the Business and Professions Code~~  
6 ~~is amended to read:~~

7 ~~21666. (a) The provisions of this section apply to both swap~~  
8 ~~meets and open-air markets.~~

9 ~~(b) Upon request, a vendor shall provide the purchaser a written~~  
10 ~~receipt disclosing the vendor's name and address for any item~~  
11 ~~purchased that has a selling price in excess of twenty-five dollars~~  
12 ~~(\$25).~~

13 ~~(c) No vendor shall offer or display at an event any~~  
14 ~~merchandise of a kind that the operator has expressly prohibited.~~  
15 ~~Every operator shall post or display in prominent places at the~~  
16 ~~event, or give written notice to every vendor prior to the~~  
17 ~~commencement of the event of the kinds of merchandise that may~~  
18 ~~not be offered for sale or exchange. The operator shall also post a~~  
19 ~~sign at the main entrance of the event that states that vendors are~~  
20 ~~required to issue receipts in accordance with subdivision (b).~~

21 ~~SEC. 11. Section 21667 of the Business and Professions Code~~  
22 ~~is amended to read:~~

23 ~~21667. A violation of any provision of this article, except~~  
24 ~~subdivision (c) of Section 21666, is a misdemeanor and may be~~  
25 ~~punishable by up to six months in county jail, a fine of fifty dollars~~  
26 ~~(\$50) for the first violation, one hundred dollars (\$100) for the~~  
27 ~~second violation, and two hundred dollars (\$200) for the third and~~  
28 ~~subsequent violations.~~

29 ~~SEC. 12. Section 21668 of the Business and Professions Code~~  
30 ~~is amended to read:~~

31 ~~21668. A chief of police of a city or the sheriff of an area~~  
32 ~~outside of the city may waive any requirement of this article for~~  
33 ~~open-air market operators and open-air market vendors in the city~~  
34 ~~or area outside of the city if the chief of police or sheriff determines~~  
35 ~~it is not necessary or appropriate in the public interest to impose~~  
36 ~~the requirement. If the open-air market is located in both the city~~  
37 ~~and area outside of the city, the chief of police of the city has the~~  
38 ~~authority to grant the waiver authorized by this section.~~

39 ~~SEC. 13. Section 21669 of the Business and Professions Code~~  
40 ~~is amended to read:~~



1 ~~21669. (a) This section applies to both swap meets and~~  
2 ~~open air markets.~~

3 ~~(b) If a swap meet or open air market is conducted two or more~~  
4 ~~times per calendar year on any premises or property owned or~~  
5 ~~leased by any city, county, city and county, state, or any other local~~  
6 ~~governmental agency, entity, or board, its operator shall comply~~  
7 ~~with all of the following procedures:~~

8 ~~(1) He or she shall have a valid business license.~~

9 ~~(2) He or she shall have a valid California seller's permit~~  
10 ~~number (State Board of Equalization sales tax number), if~~  
11 ~~applicable.~~

12 ~~(3) He or she shall provide the state or local governmental~~  
13 ~~entities described in this subdivision upon whose property the~~  
14 ~~event is being held, a certificate of insurance certifying that he or~~  
15 ~~she maintains public liability and property damage insurance for~~  
16 ~~the operation of the event of at least two million dollars~~  
17 ~~(\$2,000,000), and that the policy names that governmental entity~~  
18 ~~as an additional insured under the policy.~~

19 ~~(4) He or she shall provide the state or local governmental~~  
20 ~~entity a hold harmless and indemnification agreement for the~~  
21 ~~operation of the event and activities and acts arising from it.~~

22 ~~(5) He or she shall comply with all other provisions of this~~  
23 ~~article relating to swap meets or open air markets.~~

24 ~~(e) State or local governmental entities shall not operate or~~  
25 ~~manage a swap meet or an open air market for profit in direct~~  
26 ~~competition to a private enterprise, unless they comply with~~  
27 ~~subdivision (a) of Section 21662, or they conduct the event on the~~  
28 ~~campus of a community college and both of the following~~  
29 ~~conditions are met:~~

30 ~~(1) The event is operated and managed by the community~~  
31 ~~college district.~~

32 ~~(2) The proceeds are used solely for charitable or educational~~  
33 ~~purposes.~~

34 ~~SEC. 14. Section 21669.1 of the Business and Professions~~  
35 ~~Code is amended to read:~~

36 ~~21669.1. (a) The provisions of this section apply to both~~  
37 ~~swap meets and open air markets.~~

38 ~~(b) In addition to the requirements specified in subdivision (b)~~  
39 ~~of Section 21669, all swap meets and open air markets conducted~~  
40 ~~on the premises or property of a state or local governmental entity~~



1 ~~that has or expects to have an average daily attendance of 10,000~~  
2 ~~or more persons shall provide all of the following:~~

3 ~~(1) A statement of ownership, including the identity of~~  
4 ~~individuals holding a financial interest of 5 percent or more.~~

5 ~~(2) A sworn statement that no individuals who have a financial~~  
6 ~~interest of 5 percent or more in the event have been convicted of~~  
7 ~~any crime involving dishonesty or moral turpitude.~~

8 ~~(3) A financial statement showing the operator's financial~~  
9 ~~capability to operate a major event and to meet any financial~~  
10 ~~obligations to the lessor and subcontractors.~~

11 ~~(4) A statement that the operator is not knowingly delinquent~~  
12 ~~in any payments owed to a state or local governmental entity and~~  
13 ~~that he or she is not knowingly in violation of any state or local law~~  
14 ~~or ordinance related to public health or safety standards.~~

15 ~~(5) Evidence that the operator has a minimum of five years of~~  
16 ~~experience in the management and operation of an event for profit~~  
17 ~~with an average daily attendance of 5,000 or more.~~

18 ~~(6) A plan for operations, including security, crowd control,~~  
19 ~~sanitation, and emergency medical response.~~

20 ~~SEC. 15.~~

21 *SEC. 7.* No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.

