

AMENDED IN ASSEMBLY MAY 24, 2004

AMENDED IN ASSEMBLY MAY 4, 2004

AMENDED IN ASSEMBLY APRIL 29, 2004

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1793

Introduced by Assembly Member Yee
(Principal coauthors: Assembly Members Lieber and Montanez)
(Coauthors: Assembly Members Koretz, Mullin, and Vargas)
(Coauthor: Senator Kuehl)

January 5, 2004

An act to add Chapter 6.7 (commencing with Section 20650) to Division 8 of the Business and Professions Code, relating to video games.

LEGISLATIVE COUNSEL'S DIGEST

AB 1793, as amended, Yee. Video games: ratings.

Existing law defines harmful matter with reference to, among other things, its appeal to the prurient interest and its depiction of sexual conduct. Existing law requires any person who sells or rents video recordings of harmful matter to create an area within his or her business for the placement of these recordings and for any material that advertises the sale or rental of these recordings, except as specified, and imposes certain other requirements on retailers of these recordings. Existing law requires a video arcade, as defined, to post a sign that notifies consumers that a video arcade game rating system, created by

the video arcade gaming industry, is available to aid in the selection of a game, and to make available a brochure explaining the ratings system.

~~This bill would require a video game retailer who sells video games rated Adults Only by the Entertainment Software Ratings Board (ESRB) to create an area within his or her business for the placement of these games and for any material that advertises the sale or rental of these games, except as specified, and would impose certain other requirements on retailers of these games. The bill would require every video game retailer to post a sign providing information about a video game rating system or notifying consumers that the ESRB ratings a rating system is available to aid in the selection of a game, and to make available, upon request, a brochure information explaining the system. The bill would provide that a retailer who violates these provisions shall be liable for a civil penalty not to exceed \$500 per day.~~

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

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

1 SECTION 1. Chapter 6.7 (commencing with Section 20650)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4

5 CHAPTER 6.7. VIDEO GAMES

6

7 20650. (a) For the purposes of this subdivision, the following
8 terms have the following meanings:

9 ~~(1) "ESRB" means the Entertainment Software Rating Board.~~

10 ~~(2)~~

11 (1) "Video game retailer" means a person who distributes
12 video games to the public.

13 ~~(3)~~

14 (2) "Video game" means an object or device that stores
15 recorded data or instructions, receives data or instructions
16 generated by a person who uses it, and, by processing the data or
17 instructions, creates an interactive game capable of being played,
18 viewed, or experienced on or through a computer, gaming system,
19 console, or other technology.

20 ~~(b) A video game retailer who sells video games rated Adults~~
21 ~~Only by the ESRB shall create an area within his or her business~~



1 ~~establishment for the placement of these games and for any~~
2 ~~material that advertises the sale or rental of these games, and shall~~
3 ~~place these games and this advertising material in the area. The~~
4 ~~area shall be labeled “adults only.” Any person who sells or~~
5 ~~distributes video games rated Adults Only to others for resale~~
6 ~~purposes shall inform the purchaser of the requirements of this~~
7 ~~section. This subdivision shall not apply to public libraries as~~
8 ~~defined in Section 18710 of the Education Code.~~

9 ~~(e)~~

10 *(b) Every video game retailer shall post a sign providing*
11 *information to consumers about a video game rating system or*
12 *notifying consumers that the ESRB ratings a rating system is*
13 *available to aid in the selection of a game. The sign shall be posted*
14 *within the retail establishment in a prominent area, such as the*
15 *entrance or the cashier’s station. The lettering of each sign shall be*
16 *printed, at a minimum, in 36-point type and shall be in black*
17 *against a light-colored background. The dimensions of the sign*
18 *shall be no less than 18 by 24 inches.*

19 ~~(d)~~

20 *(c) A video game retailer shall make available to consumers,*
21 *upon request, a brochure that explains the ESRB ratings system.*

22 ~~(e) A video game retailer who violates a provision of this~~
23 ~~chapter shall be liable for a civil penalty not to exceed five hundred~~
24 ~~dollars (\$500) per day. upon request, information that explains the~~
25 *video game rating system.*

