

**Introduced by Senator Padilla**

February 23, 2007

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An act to add Section 17537.12 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 729, as introduced, Padilla. Advertising: unsolicited checks.

Existing law regulates advertising in the state, prohibits certain advertising practices, and makes it a crime to violate any of the provisions governing advertising.

This bill would prohibit a person from sending, or causing to be sent, an unsolicited promotional check in an amount less than \$30 that, when endorsed, obligates the endorser to pay for goods or services. By adding this new prohibition to the provisions governing advertising, this bill would expand the scope of an existing crime, thereby imposing 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. Section 17537.12 is added to the Business and
- 2 Professions Code, to read:

1 17537.12. It is unlawful for a person to send, or cause to be  
2 sent, an unsolicited promotional check in an amount less than thirty  
3 dollars (\$30) that, when endorsed, obligates the endorser to pay  
4 for goods or services.

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