

AMENDED IN SENATE AUGUST 16, 2012

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2389

Introduced by Assembly Member Bonnie Lowenthal

February 24, 2012

An act to add Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code, relating to contractor disclosure requirements.

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, as amended, Bonnie Lowenthal. Contractor disclosure requirements.

Existing law governs certain obligations arising from particular transactions, including credit card disclosures, consumer contracts, and consumer warranties.

This bill would prohibit a contractor, as defined, that provides services that require entering the residence or place of lodging of a member of the public from utilizing a uniform that bears the name or logo of the contracting entity, as defined, unless each uniform meets certain disclosure requirements. Among these requirements, the bill would require each of the contractor's uniforms to clearly, conspicuously, and legibly state that the contractor is providing services on behalf of the contracting entity, and the contractor's name *and logo*. In addition to these requirements, the bill would further prohibit a contractor that

provides the services described above relating to public health or safety services from using a vehicle that bears the name or logo of the contracting entity unless each vehicle also ~~meets the above requirements~~ *clearly, conspicuously, and legibly states the contractor’s name and logo*. The bill would specify that these provisions shall not apply if a contracting entity and a contractor are jointly and severally liable for any claims arising out of work performed pursuant to a contractual agreement.

The bill would state the intent of the Legislature to increase consumer awareness of the state’s growing and sizeable contract workforce through the disclosures required by these provisions. The bill would make a specified statement of legislative intent regarding the disclosures required by these provisions.

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

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

1 SECTION 1. Title 18 (commencing with Section 3273) is
2 added to Part 4 of Division 3 of the Civil Code, to read:

3
4 TITLE 18. CONTRACTOR DISCLOSURES
5

6 3273. (a) It is the intent of the Legislature to increase consumer
7 awareness of the state’s sizeable and growing subcontracted
8 workforce through the disclosures required by this section. The
9 Legislature further finds and declares that the disclosures required
10 by this section are communications in the interest of the public, in
11 the interest of public safety, and are a matter of statewide concern.

12 (b) For purposes of this section:

13 (1) “Contracting entity” means any person, business, or public
14 entity that contracts with another person or business to provide
15 services on its behalf.

16 (2) “Contractor” means any person or business that contracts
17 to provide services on behalf of a contracting entity.

18 (3) “Logo” means a graphic mark, wordmark, emblem, or
19 insignia that aids in promoting instant public recognition and
20 which may be composed of the name of the contracting entity or
21 contractor. Affixing an identifying mark to a vehicle or uniform,

1 *as required by a state or local agency that regulates the activity*
2 *of the contractor, shall not be considered a logo.*

3 (4) *“Person” means an individual, firm, association,*
4 *organization, partnership, business trust, corporation, limited*
5 *liability company, or company. “Person” does not include a public*
6 *entity.*

7 ~~(3)~~

8 (5) *“Public entity” means the state or any political subdivision*
9 *thereof, including, but not limited to, a city, county, city and*
10 *county, or special district.*

11 (c) A contractor that provides services that require entering the
12 residence or place of lodging of a member of the public shall not
13 utilize a uniform that bears the name or logo of the contracting
14 entity, unless each of the contractor’s uniforms meets the following
15 requirements:

16 ~~(1) The uniform states that the contractor is providing services~~
17 ~~on behalf of the contracting entity.~~

18 ~~(2)~~

19 (1) ~~The uniform states the name and logo of the contractor are~~
20 ~~affixed to the uniform indicating that the contractor is the service~~
21 ~~provider, contractor, or other appropriate descriptor.~~

22 ~~(3)~~

23 (2) The uniform clearly displays the information described in
24 ~~paragraphs paragraph (1) and (2)~~ in a conspicuous place, in sharp
25 contrast to the background, and in such a way that the size, shape,
26 and color are readily visible.

27 (d) In addition to the uniform disclosure requirements described
28 in subdivision (c), a contractor that provides services described in
29 subdivision (c) relating to public health and safety shall not utilize
30 a vehicle that bears the name or logo of the contracting entity,
31 unless each of the vehicles used by the contractor meets the
32 following requirements:

33 ~~(1) The vehicle states that the contractor is providing services~~
34 ~~on behalf of the contracting entity.~~

35 ~~(2)~~

36 (1) ~~The vehicle states the name and logo of the contractor are~~
37 ~~affixed to the vehicle indicating that the contractor is the service~~
38 ~~provider, contractor, operator of the vehicle, or other appropriate~~
39 ~~descriptor.~~

40 ~~(3)~~

1 (2) The vehicle clearly displays the information described in
2 ~~paragraphs~~ *paragraph* (1) ~~and (2)~~ in a conspicuous place, in sharp
3 contrast to the background, and in such a way that the size, shape,
4 and color are readily visible.

5 (e) The requirements of this section shall not apply if a
6 contracting entity and a contractor are jointly and severally liable
7 for any claims arising out of work performed pursuant to a
8 contractual agreement.

O