

Introduced by Senator Corbett

February 22, 2013

An act to amend Section ~~2300 of the Civil Code~~ 2810.7 of the Labor Code, relating to ~~civil law~~ agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Corbett. Agency: ostensible.

Existing law specifies the authority of agents in dealing with 3rd persons. Existing law states when an agency is ostensible for purposes of determining the authority of an agent.

~~This bill would make technical, nonsubstantive changes to that provision~~ provide that a person or entity that enters into a contract or agreement for labor or services with a contractor is liable for any damages caused by the contractor or the contractor's employee for work performed under the contract if, at the time of the damage, certain circumstances existed that would cause a member of the public to believe that the contractor or the contractor's employee was an agent of the person or entity.

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. Section 2810.7 is added to the Labor Code, to
- 2 read:
- 3 2810.7. A person or entity that enters into a contract or
- 4 agreement for labor or services with a contractor shall be liable

1 for any damages caused by the contractor or the contractor's
2 employee for work performed under the contract if, at the time of
3 the damage, either of the following occurred:

4 (a) The contractor or contractor's employee wore a uniform
5 that is substantially similar to the uniform of the person or entity
6 so as to cause a member of the public to believe that the contractor
7 or contractor's employee was an agent of the person or entity.

8 (b) The contractor or contractor's employee operated a vehicle
9 with the logo of the person or entity and the vehicle had an
10 appearance that would cause a member of the public to believe
11 that the contractor or contractor's employee was an agent of the
12 person or entity.

13 ~~SECTION 1. Section 2300 of the Civil Code is amended to~~
14 ~~read:~~

15 ~~2300. An agency is ostensible when the principal intentionally,~~
16 ~~or by want of ordinary care, causes a third person to believe another~~
17 ~~person to be his or her agent who is not really employed by him~~
18 ~~or her.~~