

AMENDED IN SENATE MAY 9, 2013

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 556**

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**Introduced by Senator Corbett**

February 22, 2013

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An act to ~~amend~~ add Section 2810.7 of to the Labor Code, relating to 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 ~~provide that, with certain exceptions, make~~ 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 *or injury*, 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. This section would only apply to contracts entered into on or after January 1, 2014.

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:

1        2810.7. ~~A~~*Except for damage or injury resulting from gross*  
2 *negligence or a willful act, a person or entity that enters into a*  
3 *contract or agreement for labor or services with a contractor shall*  
4 *be liable for any damages caused by the contractor or the*  
5 *contractor's employee for work performed under the contract if,*  
6 *at the time of the damage or injury, either of the following*  
7 *occurred:*

8        (a) The contractor or contractor's employee ~~were~~ *was authorized*  
9 *or required by the person or entity to wear a uniform that is*  
10 *substantially similar to the uniform of the person or entity so as to*  
11 *cause a member of the public to believe that the contractor or*  
12 *contractor's employee was an agent of the person or entity.*

13        (b) The contractor or contractor's employee operated a vehicle  
14 ~~with~~ *that was authorized or required by the person or entity to*  
15 *display the logo of the person or entity and the vehicle had an*  
16 *appearance that would cause a member of the public to believe*  
17 *that the contractor or contractor's employee was an agent of the*  
18 *person or entity.*

19        (c) *This section shall only apply to contracts entered into on or*  
20 *after January 1, 2014.*