

AMENDED IN SENATE MAY 29, 2013

AMENDED IN SENATE MAY 9, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 556

Introduced by Senator Corbett

February 22, 2013

An act to add Section 2810.7 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, with certain exceptions, make ~~a person or entity that enters into a contract or agreement~~ *a public agency that contracts* for labor or services with a contractor *jointly and severally* liable for any damages caused ~~by the contractor or the contractor's employee for work performed~~ *during or in connection with the performance of work* 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~~ *public agency*. This section would ~~only~~ apply *only* 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:

3 2810.7. ~~Except~~*(a) Notwithstanding all other existing theories*
4 *of liability, and except* for damage or injury resulting from gross
5 negligence or a willful act, ~~a person or entity~~ *public agency* that
6 ~~enters into a contract or agreement~~ *contracts* for labor or services
7 with a contractor shall be *jointly and severally* liable for any
8 damages caused ~~by the contractor or the contractor's employee~~
9 ~~for work performed during or in connection with the performance~~
10 ~~of work~~ under the contract if, at the time of the damage or injury,
11 either of the following occurred:

12 (a)
13 (1) The contractor or contractor's employee was authorized or
14 required by the ~~person or entity~~ *public agency* to wear a uniform
15 that is substantially similar to the uniform of the ~~person or entity~~
16 *public agency* so as to cause a member of the public to believe that
17 the contractor or contractor's employee was an agent of the ~~person~~
18 ~~or entity~~ *public agency*.

19 (b)
20 (2) The contractor or contractor's employee operated a vehicle
21 that was authorized or required by the ~~person or entity~~ *public*
22 *agency* to display the logo of the ~~person or entity~~ *and public agency*
23 *so that* the vehicle had an appearance that would cause a member
24 of the public to believe that the contractor or contractor's employee
25 was an agent of the ~~person or entity~~ *public agency*.

26 (b) *For purposes of this section, an identifying mark affixed to*
27 *a uniform or vehicle as required by state or federal law, and the*
28 *local agency that regulates the activity of the contractor, shall not*
29 *be determinative.*

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

32 (d) *For the purposes of this section, "public agency" shall not*
33 *include the state.*

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