

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE MAY 29, 2013

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 add Section ~~2810.7~~ 1771 to the ~~Labor~~ Civil Code, relating to agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Corbett. Agency: ~~ostensible~~. *ostensible: nongovernmental entities.*

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. *Existing law prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by a person in a transaction intended to result or which results in the sale or lease of goods to any consumer.*

~~This bill would, with certain exceptions, make a public agency that contracts for labor or services with a contractor jointly and severally liable for any damages caused 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 public agency. This section would apply only to contracts entered into on or after January 1, 2014.~~

*This bill would prohibit a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform labor or services for a public entity from displaying on a vehicle or uniform a seal, emblem, insignia, trade, brand name, or any other term, symbol, or content that reasonably could be interpreted as implying that the labor or services are being provided by employees of the public agency, unless the vehicle or uniform conspicuously displays a disclosure, as specified.*

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 1771 is added to the Civil Code, to read:  
 2     1771. (a) *It is unlawful for a person, firm, corporation, or*  
 3 *association that is a nongovernmental entity and contracts to*  
 4 *perform labor or services for a public agency to display on a*  
 5 *vehicle a seal, emblem, insignia, trade or brand name, or any other*  
 6 *term, symbol, or content that reasonably could be interpreted or*  
 7 *construed as implying that the labor or services are being provided*  
 8 *by employees of the public agency, unless the vehicle conspicuously*  
 9 *displays the following disclosure:*

10  
 11     “THE OPERATOR OF THIS VEHICLE IS NOT A  
 12 GOVERNMENT EMPLOYEE.”

13  
 14     (b) *It is unlawful for a person or an employee of a person, firm,*  
 15 *corporation, or association that is a nongovernmental entity and*  
 16 *contracts to perform labor or services for a public agency to wear*  
 17 *a uniform bearing a seal, emblem, insignia, trade or brand name,*  
 18 *or any other term, symbol, or content that together with the*  
 19 *appearance of the uniform reasonably could be interpreted or*  
 20 *construed as implying that the labor or services are being provided*  
 21 *by employees of the public agency, unless the uniform*  
 22 *conspicuously displays the following disclosure:*

23  
 24     “NOT A GOVERNMENT EMPLOYEE.”

25  
 26     (c) *For the purposes of subdivision (b), an identifying mark*  
 27 *affixed to a uniform as required by state or federal law, and a*

1 local agency regulating the activity of the person, firm,  
2 corporation, or association shall not be construed as implying  
3 that the labor or services are being provided by employees of the  
4 public agency.

5 (d) For the purposes of this section, “conspicuously displays”  
6 means displays in a font size that is at least the same size as the  
7 largest font size otherwise displayed on the vehicle or uniform, in  
8 a manner that clearly calls attention to the language, and located  
9 in close proximity to the seal, emblem, insignia, trade or brand  
10 name, or any other term, symbol, or content as described in this  
11 section, so as to be clearly associated with that seal, emblem,  
12 insignia, trade or brand name, or any other term, symbol, or  
13 content.

14 SECTION 1. ~~Section 2810.7 is added to the Labor Code, to~~  
15 ~~read:~~

16 ~~2810.7. (a) Notwithstanding all other existing theories of~~  
17 ~~liability, and except for damage or injury resulting from gross~~  
18 ~~negligence or a willful act, a public agency that contracts for labor~~  
19 ~~or services with a contractor shall be jointly and severally liable~~  
20 ~~for any damages caused during or in connection with the~~  
21 ~~performance of work under the contract if, at the time of the~~  
22 ~~damage or injury, either of the following occurred:~~

23 ~~(1) The contractor or contractor’s employee was authorized or~~  
24 ~~required by the public agency to wear a uniform that is substantially~~  
25 ~~similar to the uniform of the public agency so as to cause a member~~  
26 ~~of the public to believe that the contractor or contractor’s employee~~  
27 ~~was an agent of the public agency.~~

28 ~~(2) The contractor or contractor’s employee operated a vehicle~~  
29 ~~that was authorized or required by the public agency to display~~  
30 ~~the logo of the public agency so that the vehicle had an appearance~~  
31 ~~that would cause a member of the public to believe that the~~  
32 ~~contractor or contractor’s employee was an agent of the public~~  
33 ~~agency.~~

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

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

- 1     ~~(d) For the purposes of this section, “public agency” shall not~~
- 2     ~~include the state.~~

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