

AMENDED IN ASSEMBLY JULY 1, 2013
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

Introduced by Senator Corbett

February 22, 2013

An act to add ~~Section 1771 to~~ *Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code*, relating to agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Corbett. Agency: 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 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 vehicle
5 a seal, emblem, insignia, trade or brand name, or any other term,
6 symbol, or content that reasonably could be interpreted or construed
7 as implying that the labor or services are being provided by
8 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 local
28 agency regulating the activity of the person, firm, corporation, or
29 association shall not be construed as implying that the labor or
30 services are being provided by employees of the public agency.

31 (d) For the purposes of this section, “conspicuously displays”
32 means displays in a font size that is at least the same size as the
33 largest font size otherwise displayed on the vehicle or uniform, in

1 a manner that clearly calls attention to the language, and located
 2 in close proximity to the seal, emblem, insignia, trade or brand
 3 name, or any other term, symbol, or content as described in this
 4 section, so as to be clearly associated with that seal, emblem,
 5 insignia, trade or brand name, or any other term, symbol, or
 6 content.

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

9

10 TITLE 18. CONTRACTS FOR LABOR OR SERVICES FOR A
 11 PUBLIC AGENCY

12

13 3273. (a) It is unlawful for a person, firm, corporation, or
 14 association that is a nongovernmental entity and contracts to
 15 perform labor or services for a public agency to display on a
 16 vehicle a seal, emblem, insignia, trade or brand name, or any other
 17 term, symbol, or content that reasonably could be interpreted or
 18 construed as implying that the labor or services are being provided
 19 by employees of the public agency, unless the vehicle conspicuously
 20 displays the following disclosure:

21

22 “THE OPERATOR OF THIS VEHICLE IS NOT A
 23 GOVERNMENT EMPLOYEE.”

24

25 (b) It is unlawful for a person or an employee of a person, firm,
 26 corporation, or association that is a nongovernmental entity and
 27 contracts to perform labor or services for a public agency to wear
 28 a uniform bearing a seal, emblem, insignia, trade or brand name,
 29 or any other term, symbol, or content that together with the
 30 appearance of the uniform reasonably could be interpreted or
 31 construed as implying that the labor or services are being provided
 32 by employees of the public agency, unless the uniform
 33 conspicuously displays the following disclosure:

34

35 “NOT A GOVERNMENT EMPLOYEE.”

36

37 (c) For the purposes of subdivision (b), an identifying mark
 38 affixed to a uniform as required by state or federal law, and a
 39 local agency regulating the activity of the person, firm,
 40 corporation, or association shall not be construed as implying

1 *that the labor or services are being provided by employees of the*
2 *public agency.*

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

12 *(e) (1) Violations of this section shall be subject to the remedies*
13 *provided in the Consumers Legal Remedies Act (Title 1.5*
14 *(commencing with Section 1750)).*

15 *(2) The duties, rights, and remedies provided in this section are*
16 *in addition to any other duties, rights, and remedies provided by*
17 *state law.*