

AMENDED IN ASSEMBLY AUGUST 21, 2014  
AMENDED IN ASSEMBLY AUGUST 7, 2014  
AMENDED IN ASSEMBLY SEPTEMBER 4, 2013  
AMENDED IN ASSEMBLY AUGUST 26, 2013  
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**

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**Introduced by Senator Padilla**  
*(Coauthor: Senator Corbett)*

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Padilla. ~~Agency: ostensible: nongovernmental entities. Providers of health and safety labor or services: identification.~~

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~~ *The Consumers Legal Remedies Act* 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.~~ *consumer, as defined, and authorizes specified remedies for a consumer who suffers damages as a result of the use of these methods, acts, or practices.*

This bill would ~~prohibit, for all contracts for labor or services entered into on or after January 1, 2015,~~ *prohibit* a person, firm, corporation, or association that is a nongovernmental entity and contracts to ~~perform labor or services relating to~~ *perform, on or after January 1, 2015,* public health ~~or and safety labor or services~~ for a public ~~entity~~ *agency* from displaying on a vehicle or uniform a logo, as defined, 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 specific disclosures. The bill would prohibit a public agency from requiring a person or employee of a nongovernmental ~~agency~~ *entity* providing public health ~~or and safety labor or services~~ under contract with the public agency to wear a badge containing the logo of the public agency. The bill would *also* prohibit a nongovernmental ~~agency~~ *entity* providing public health ~~or and safety labor or services~~ under contract with a public agency from requiring a person or its employee to wear a badge containing the logo of the public agency. *This bill would define the term “public health and safety labor or services” to mean fire protection services, rescue services, emergency medical services, hazardous material emergency response services, and ambulance services. This bill would authorize that these provisions may be enforced by the Consumers Legal Remedies Act.*

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. Title 18 (commencing with Section 3273) is  
2 added to Part 4 of Division 3 of the Civil Code, to read:  
3  
4 TITLE 18. ~~CONTRACTS FOR LABOR OR SERVICES FOR~~  
5 ~~A PUBLIC AGENCY PROVIDERS OF HEALTH AND SAFETY~~  
6 LABOR OR SERVICES  
7  
8 3273. (a) It is unlawful for a person, firm, corporation, or  
9 association that is a nongovernmental entity and contracts to  
10 ~~perform labor or services relating to~~ public health ~~or and safety~~  
11 *labor or services* for a public agency to display on a vehicle a logo

1 of the public agency that reasonably could be interpreted or  
2 construed as implying that the labor or services are being provided  
3 by employees of the public agency, unless the vehicle  
4 conspicuously displays a statement indicating that the contractor  
5 is the service provider, contractor, or other appropriate descriptor,  
6 such as “SERVICE PROVIDED BY:” or “CONTRACTED BY:”,  
7 immediately followed by all of the following:

8 (1) The logo and the name of the person, firm, corporation, or  
9 association that is the ~~subcontracted~~ nongovernmental entity  
10 providing the *public health and safety* labor or services for the  
11 public agency.

12 (2) The state, or if outside of the United States, the country  
13 where the nongovernmental entity’s controlling person, firm,  
14 corporation, or association is legally incorporated, organized, or  
15 formed.

16 (b) It is unlawful for a person or an employee of a person, firm,  
17 corporation, or association that is a nongovernmental entity and  
18 contracts to perform ~~labor or services relating to public health or~~  
19 *and safety labor or services* for a public agency to wear a uniform  
20 bearing a logo of the public agency that reasonably could be  
21 interpreted or construed as implying that the labor or services are  
22 being provided by employees of the public agency, unless the  
23 uniform conspicuously displays the logo and the name of the  
24 person, firm, corporation, or association that is the ~~subcontracted~~  
25 nongovernmental entity providing the labor or services for the  
26 public agency.

27 (c) The disclosures required pursuant to subdivisions (a) and  
28 (b) shall apply to all ~~contracts for~~ labor or services *provided*  
29 *pursuant to a contract* entered into on or after January 1, 2015.

30 (d) (1) It is unlawful for a public agency to require, through a  
31 contract with a person, firm, corporation, or association that is a  
32 nongovernmental entity providing public health ~~or~~ *and safety labor*  
33 *or services*, a person or employee of the nongovernmental ~~agency~~  
34 *entity* to wear a badge containing the logo of the public agency.

35 (2) It is unlawful for a person, firm, corporation, or association  
36 that is a nongovernmental entity contracting to perform ~~labor or~~  
37 *services relating to public health or* *and safety labor or services*  
38 for a public ~~agency,~~ *agency* to require a person or its employee to  
39 wear a badge containing the logo of the public agency.

1 (e) For the purposes of subdivision (b), an identifying mark  
 2 affixed to a uniform as required by state or federal law, and a local  
 3 agency regulating the activity of the person, firm, corporation, or  
 4 association shall not be construed as implying that the labor or  
 5 services are being provided by employees of the public agency.

6 (f) If a vehicle or uniform displays more than one logo referring  
 7 to the public agency, then the required disclosure shall be placed  
 8 near the largest logo referring to the public agency.

9 (g) The disclosure requirements in subdivisions (a) and (b) of  
 10 this section shall not apply to uniforms or vehicles if the person,  
 11 firm, corporation, or association that is the ~~subcontracted~~  
 12 nongovernmental entity is providing the labor or services for a  
 13 public agency under Article 3.3 (commencing with Section 2430)  
 14 of Chapter 2 of Division 2 of the Vehicle Code.

15 (h) *The disclosure requirements in subdivisions (a) and (b) shall*  
 16 *not apply to a public agency vehicle utilized by the*  
 17 *nongovernmental entity during a declared state or federal disaster,*  
 18 *mass-casualty incident, or other incident that requires the use of*  
 19 *state or federal resources when the public agency requires the use*  
 20 *of the public agency vehicle.*

21 ~~(h)~~

22 (i) (1) Violations of this section shall be subject to the remedies  
 23 provided in the Consumers Legal Remedies Act (Title 1.5  
 24 (commencing with Section 1750)).

25 (2) The duties, rights, and remedies provided in this section are  
 26 in addition to any other duties, rights, and remedies provided by  
 27 state law.

28 ~~(i)~~

29 (j) For the purposes of this section, the following terms have  
 30 the following meanings:

31 (1) “Conspicuously displays” means to display a disclosure on  
 32 the exterior of a vehicle or uniform in the same location as the  
 33 logo of the public agency, placed prominently as compared with  
 34 other words, statements, or designs displayed in connection with  
 35 the logo of the public agency. With respect to a uniform, “in the  
 36 same location” includes, but is not limited to, a location on the  
 37 opposing shoulder, pocket, or similar opposing location relative  
 38 to the location of the logo of the public agency.

39 (2) “Logo” means a symbol, graphic, seal, emblem, insignia,  
 40 trade name, brand name, ~~picture, or text or picture~~ identifying a

1 person, firm, corporation, association, or public agency. “Logo”  
2 shall not mean the name of a public agency used alone.

3 (3) “Public agency” means a state entity, a city, county, city  
4 and county, special district, or other political subdivision of the  
5 state.

6 (4) “Public health and safety labor or services” means fire  
7 protection services, rescue services, emergency medical services,  
8 hazardous material emergency response services, and ambulance  
9 services.

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