

ASSEMBLY BILL

No. 1949

Introduced by Assembly Member Baker

February 12, 2016

An act to amend Sections 301, 302, and 303 of the Business and Professions Code, relating to consumers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1949, as introduced, Baker. Department of Consumer Affairs.

Existing law establishes the Department of Consumer Affairs and states it is the intent of the Legislature to promote and protect the interests of the people as consumers, and that the government advances the interests of consumers by, among other things, protecting consumers from the sale of goods and services through the use of deceptive methods, acts, or practices that are inimical to the general welfare of consumers. Existing law defines terms for those purposes and establishes a Division of Consumer Services, within the department, and provides that the division is under the supervision and control of a chief.

This bill would make nonsubstantive changes to those provisions.

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 301 of the Business and Professions Code
- 2 is amended to read:
- 3 301. It is the intent of the Legislature and the purpose of this
- 4 chapter to promote and protect the interests of the people as
- 5 consumers. The Legislature finds that vigorous representation and

1 protection of consumer interests are essential to the fair and
 2 efficient functioning of a free enterprise market economy. The
 3 Legislature declares that government advances the interests of
 4 consumers by facilitating the proper functioning of the free
 5 enterprise market economy through (a) educating and informing
 6 the consumer to ~~insure~~ *ensure* rational consumer choice in the
 7 marketplace; (b) protecting the consumer from the sale of goods
 8 and services through the use of deceptive methods, acts, or
 9 practices ~~which~~ *that* are inimical to the general welfare of
 10 consumers; (c) fostering competition; and (d) promoting effective
 11 representation of consumers' interests in all branches and levels
 12 of government.

13 SEC. 2. Section 302 of the Business and Professions Code is
 14 amended to read:

15 302. As used in this chapter, the following terms *shall* have
 16 the following meanings:

17 (a) "Department" means the Department of Consumer Affairs.

18 (b) "Director" means the Director ~~of the Department~~ of
 19 Consumer Affairs.

20 (c) "Consumer" means ~~any~~ *an* individual who seeks or acquires,
 21 by purchase or lease, any goods, services, money, or credit for
 22 personal, family, or household purposes.

23 (d) "Person" means an individual, partnership, corporation,
 24 limited liability company, association, or other group, however
 25 organized.

26 (e) "Individual" does not include a partnership, corporation,
 27 association, or other group, however organized.

28 (f) "Division" means the Division of Consumer Services.

29 (g) "Interests of consumers" is limited to the cost, quality, purity,
 30 safety, durability, performance, effectiveness, dependability,
 31 availability, and adequacy of choice of goods and services offered
 32 or furnished to consumers and the adequacy and accuracy of
 33 information relating to consumer goods, services, money, or ~~credit~~
 34 ~~(including credit, including~~ labeling, packaging, and advertising
 35 of contents, qualities, and terms of ~~sales)~~. *sales*.

36 SEC. 3. Section 303 of the Business and Professions Code is
 37 amended to read:

38 303. There is in the department a Division of Consumer
 39 Services under the supervision and control of a chief. The chief
 40 shall be appointed by the Governor and shall serve at his *or her*

- 1 pleasure. His *or her* compensation shall be fixed by the director
- 2 in accordance with law.

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