

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2777**

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**Introduced by Assembly Member Nazarian**

February 19, 2016

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An act to add Chapter 22.6 (commencing with Section 22620) to Division 8 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as amended, Nazarian. ~~Sharing economy company:~~  
~~Transportation network company:~~ criminal history.

(1) Existing law authorizes the Department of Justice to provide state summary criminal information history and subsequent arrest notification services to employers for employees that perform specific types of duties and services. A person authorized to receive this criminal record information who knowingly furnishes that information to a person who is not authorized by law to receive that information is guilty of a misdemeanor.

This bill would require the Department of Justice to provide, at the request of a ~~sharing economy transportation network~~ company, as defined, state summary criminal information history and subsequent arrest notification services for an individual who is employed, retained, contracted, or otherwise compensated to perform services coordinated by the ~~sharing economy transportation network~~ company. The bill would further require the department to charge a ~~sharing economy transportation network~~ company a fee sufficient to cover the cost of processing a request made pursuant to this provision. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 22.6 (commencing with Section 22620)  
2 is added to Division 8 of the Business and Professions Code, to  
3 read:

4  
5 CHAPTER 22.6. ~~SHARING ECONOMY COMPANY~~  
6 *TRANSPORTATION NETWORK COMPANY: CRIMINAL HISTORY*  
7

8 22620. (a) The Department of Justice shall provide at the  
9 request of a ~~sharing economy company~~ *transportation network*  
10 *company, as defined in Section 5431 of the Public Utilities Code,*  
11 for an individual who is employed, retained, contracted, or  
12 otherwise compensated to perform services coordinated by the  
13 ~~sharing economy transportation network~~ company either of the  
14 following:

15 (1) State summary criminal history information pursuant to  
16 subdivision (p) of Section 11105 of the Penal Code.

17 (2) Subsequent arrest notification services pursuant to Section  
18 11105.2 of the Penal Code.

19 (b) The Department of Justice shall charge a ~~sharing economy~~  
20 *transportation network* company a fee sufficient to cover the cost  
21 of processing a request made pursuant to this section.

22 (c) ~~For purposes of this section, "sharing economy company"~~  
23 ~~shall mean an organization, including, but not limited to, a~~  
24 ~~corporation, limited liability company, partnership, sole~~  
25 ~~proprietorship, or other entity, operating within California that~~  
26 ~~coordinates the provision of services using personal property for~~  
27 ~~compensation by an individual to a consumer through an Internet~~  
28 ~~application or platform.~~

29 SEC. 2. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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