

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 761**

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**Introduced by Senator Hall**

February 27, 2015

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An act to add ~~Section 17538.2~~ to Chapter 22.3 (commencing with Section 22590) to Division 8 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

SB 761, as amended, Hall. Advertising: ~~Internet~~. *Internet private residence rental listings: notice.*

*Existing law requires an operator of a commercial Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its commercial Web site or online service to conspicuously post its privacy policy on its Internet Web site. Existing law also limits advertising by an operator of an Internet Web site, online service, online application, or mobile application directed to minors, as provided.*

*This bill would require an operator of an online platform or Internet Web site that in any manner facilitates the rental of real property located within the state offered by an occupant of that real property as a vacation or other temporary living space to provide a specific notice to that occupant that states, among other things, that listing or offering the property on the Internet Web site could result in eviction if the occupant does not have the property owner's permission. This bill would require the notice to be in a particular font size and provided immediately before the occupant commits to offer each real property on the Internet Web site in a manner that requires the occupant to*

*interact with the Internet Web site to affirmatively acknowledge he or she has read the notice. This bill would define terms for its purposes.*

~~Existing law prohibits a person, corporation or association, or any employee of a corporation or association, from engaging in advertising practices conducted by specified means of dissemination or publication, including the Internet, where a statement is made or disseminated that is untrue or misleading and which, by the exercise of reasonable care, should be known to be untrue or misleading. Existing law requires a vendor conducting business through the Internet or any other electronic means of communication, when a transaction involves a buyer in this state, to disclose to the buyer the vendor's return and refund policy and various other information. A violation of these provisions is a crime.~~

~~This bill would state the intent of the Legislature to enact legislation that would require an operator of a commercial Internet Web site that meets specified criteria to provide public disclosures and consumer protections when presenting or offering to consumers vacation home rentals or temporary living spaces.~~

~~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. Chapter 22.3 (commencing with Section 22590)  
2     is added to Division 8 of the Business and Professions Code, to  
3     read:

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5     CHAPTER 22.3. INTERNET PRIVATE RESIDENCE RENTAL LISTINGS

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7     22590. As used in this chapter, the following definitions shall  
8     apply:

9     (a) "Occupant" means a natural person who has the legal right  
10    to reside in the real property, including, but not limited to, a tenant.

11    (b) "Real property" means any dwelling or portion of a dwelling  
12    intended for human occupancy, including, but not limited to, a  
13    room, single family home, condominium, or apartment.

14    22592. (a) An operator of an online platform or Internet Web  
15    site that in any manner facilitates the rental of real property  
16    located within the state offered by an occupant of that real property  
17    as a vacation or other temporary living space shall provide the  
18    following notice to that occupant in compliance with this chapter:

1 *If you are a tenant who is listing a room, home, condominium, or apartment*  
2 *that you rent from a landlord on this Internet Web site, you may be in violation*  
3 *of your rental contract or lease. Listing or offering the property on this Internet*  
4 *Web site could result in your eviction if you do not have the property owner's*  
5 *permission. Please refer to your rental contract or lease, or contact your*  
6 *landlord prior to listing the property to protect your interests.*

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9 *22594. (a) The notice required by Section 22592 shall be in*  
10 *a font size that is equal to or greater than 100 percent of the*  
11 *standard font size of the other paragraphs on the online platform*  
12 *or Internet Web site or equal to the default font size on the online*  
13 *platform or Internet Web site.*

14 *(b) The notice shall be provided immediately before the occupant*  
15 *commits to offer each real property on the online platform or*  
16 *Internet Web site, and shall require the occupant to interact with*  
17 *the online platform Internet Web site to affirmatively acknowledge*  
18 *he or she has read the notice.*

19 ~~SECTION 1. Section 17538.2 is added to the Business and~~  
20 ~~Professions Code, to read:~~

21 ~~17538.2. It is the intent of the Legislature to enact legislation~~  
22 ~~that would require an operator of a commercial Internet Web site~~  
23 ~~that meets specified criteria to provide public disclosures and~~  
24 ~~consumer protections when presenting or offering to consumers~~  
25 ~~vacation home rentals or temporary living spaces.~~

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