

AMENDED IN ASSEMBLY JUNE 13, 2016

AMENDED IN SENATE APRIL 19, 2016

AMENDED IN SENATE MARCH 31, 2016

SENATE BILL

No. 899

Introduced by Senator Hueso

(Principal coauthor: Assembly Member Gonzalez)

~~(Coauthor: Senator Hall)~~

(Coauthors: Senators Hall, Leno, and Leyva)

~~(Coauthor: Coauthors: Assembly Member Members Campos and Eduardo Garcia)~~

January 21, 2016

An act to amend Section 51.6 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as amended, Hueso. ~~Gender discrimination.~~ *discrimination: pricing.*

Existing ~~law~~ *law, the Gender Tax Repeal Act of 1995*, prohibits a business establishment from discriminating against a person because of the person's gender with respect to the price charged for services of similar or like ~~kind.~~ *kind and specifies that this prohibition does not apply to price differences based specifically upon the amount of time, difficulty, or cost of providing the services.*

This bill would also prohibit ~~discrimination~~ *a business establishment from discriminating against a person* because of a person's gender with respect to the price charged for goods of a substantially similar or like kind, except for food, as ~~defined.~~ *defined, or goods sold by a new motor vehicle dealer, as defined. The bill would specify that these exceptions*

shall not bar or otherwise impact a claim brought under the Unruh Civil Rights Act. The bill would specify that a price difference based specifically on labor, materials, tariffs, or other gender-neutral reasons for having an increased cost of providing the goods is not included within this prohibition. The bill would also specify that a retail establishment is not prohibited from passing through a price to the consumer that is set by a manufacturer, distributor, or other entity that the retailer cannot control.

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 51.6 of the Civil Code is amended to
2 read:
- 3 51.6. (a) This section shall be known, and may be cited, as the
4 Gender Tax Repeal Act of 1995.
- 5 (b) (1) No business establishment of any kind whatsoever may
6 discriminate, with respect to the price charged for services of
7 similar or like kind, against a person because of the person's
8 gender.
- 9 (2) No business establishment of any kind whatsoever may
10 discriminate, with respect to the price charged for goods of a
11 substantially similar or like kind, against a person because of the
12 person's gender.
- 13 (c) Nothing in paragraph (1) of subdivision (b) prohibits price
14 differences based specifically upon the amount of time, difficulty,
15 or cost of providing the services.
- 16 (d) (1) Nothing in paragraph (2) of subdivision (b) prohibits
17 price differences based specifically on the labor, materials, tariffs,
18 or other gender-neutral reasons for having increased cost for
19 providing the goods.
- 20 (2) *Nothing in paragraph (2) of subdivision (b) prohibits a retail*
21 *establishment from passing through a price to the consumer that*
22 *is set by a manufacturer, distributor, or other entity that the retailer*
23 *cannot control.*
- 24 (e) (1) For purposes of paragraph (2) of subdivision (b), goods
25 may be of a substantially similar or like kind if the goods do all
26 of the following:
- 27 (A) Share the same brand.

1 (B) Share the same functional components.

2 (C) Share 90 percent of the same materials or ingredients.

3 (2) “Goods” shall not include any “food,” as defined by Section
4 12502 of the Food and Agricultural Code. ~~Code~~ *Code or goods sold by*
5 *a “new motor vehicle dealer,” as defined by Section 426 of the*
6 *Vehicle Code.*

7 (f) Except as provided in subdivision (h), the remedies for a
8 violation of this section are the remedies provided in subdivision
9 (a) of Section 52. However, an action under this section is
10 independent of any other remedy or procedure that may be
11 available to an aggrieved party.

12 (g) (1) This act does not alter or affect the provisions of the
13 Health and Safety Code, the Insurance Code, or other laws that
14 govern health care service plan or insurer underwriting or rating
15 practices.

16 (2) *The exclusions from the term “goods” in paragraph (2) of*
17 *subdivision (e) shall not bar or otherwise impact a claim brought*
18 *pursuant to Section 51.*

19 (h) (1) The following business establishments shall clearly and
20 conspicuously disclose to the customer in writing the pricing for
21 each standard service provided:

22 (A) Tailors or businesses providing aftermarket clothing
23 alterations.

24 (B) Barbers or hair salons.

25 (C) Dry cleaners and laundries providing services to individuals.

26 (2) The price list shall be posted in an area conspicuous to
27 customers. Posted price lists shall be in no less than 14-point
28 boldface type and clearly and completely display pricing for every
29 standard service offered by the business under paragraph (1).

30 (3) The business establishment shall provide the customer with
31 a complete written price list upon request.

32 (4) The business establishment shall display in a conspicuous
33 place at least one clearly visible sign, printed in no less than
34 24-point boldface type, which reads: “CALIFORNIA LAW
35 PROHIBITS ANY BUSINESS ESTABLISHMENT FROM
36 DISCRIMINATING, WITH RESPECT TO THE PRICE
37 CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND,
38 AGAINST A PERSON BECAUSE OF THE PERSON’S
39 GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON
40 REQUEST.”

1 (5) A business establishment that fails to correct a violation of
2 this subdivision within 30 days of receiving written notice of the
3 violation is liable for a civil penalty of one thousand dollars
4 (\$1,000).

5 (6) For the purposes of this subdivision, “standard service”
6 means the 15 most frequently requested services provided by the
7 business.

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