

**Introduced by Senator Escutia**

February 4, 2003

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An act to amend Section 17204 of the Business and Professions Code, relating to unfair competition.

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as introduced, Escutia. Private enforcement actions.

Existing law provides remedies for unfair competition that may be enforced by a governmental agency, including the district attorney, or by a private party acting for the interests of itself, its members, or the general public.

This bill would require a private party bringing an unfair competition action to notify the district attorney and to file proof of service of the notification with the court. The bill would preclude the court from awarding any relief until the proof of service has been filed.

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 17204 of the Business and Professions  
2 Code is amended to read:  
3 17204. (a) Actions for any relief pursuant to this chapter  
4 shall be prosecuted exclusively in a court of competent jurisdiction  
5 by the Attorney General or any district attorney or by any county  
6 counsel authorized by agreement with the district attorney in  
7 actions involving violation of a county ordinance, or any city  
8 attorney of a city, or city and county, having a population in excess  
9 of 750,000, and, with the consent of the district attorney, by a city

1 prosecutor in any city having a full-time city prosecutor or, with  
2 the consent of the district attorney, by a city attorney in any city and  
3 county in the name of the people of the State of California upon  
4 their own complaint or upon the complaint of any board, officer,  
5 person, corporation or association or by any person acting for the  
6 interests of itself, its members, or the general public.

7 *(b) A person acting for the interests of itself, its members, or the*  
8 *general public shall serve notice of the action for relief and a copy*  
9 *of the complaint within three days of its filing date, on the district*  
10 *attorney for the county in which the action is filed. Proof of service*  
11 *of the notice and complaint shall be filed with the court. No*  
12 *judgment or temporary or permanent relief shall be granted until*  
13 *the proof of service is filed with the court.*

