

AMENDED IN SENATE JUNE 23, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2076

Introduced by Assembly Member Salas

February 18, 2010

An act to add Section 17537.10 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2076, as amended, Salas. Advertising: business location representations: floral and ornamental products and services.

Existing law provides for the regulation of advertising in this state and makes certain advertising practices unlawful. A violation of the provisions regulating advertising is a crime.

This bill would make it unlawful for a provider or vendor of floral or ornamental products or services, as defined, to misrepresent the geographic location of its business by either (1) listing a local telephone number in any listing or advertisement, ~~if calls to the telephone number are routinely forwarded to a business location different from the geographic location of the business indicated in~~ *unless* the advertisement or listing ~~and the advertisement or listing does not identify~~ *identifies* the true physical address, *including the city*, of the *provider's or vendor's* business; or (2) listing a fictitious business name or an assumed business name in any listing or advertisement, if the name misrepresents the location of the business and the listing or advertisement does not identify the true physical address of the business. This bill would also state that it does not create or impose any obligation or duty upon a person other than a vendor or provider as described above.

By creating new advertising prohibitions, the violation of which would be a crime, this bill would impose a state-mandated local program.

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. Section 17537.10 is added to the Business and Professions Code, to read:

2
3 17537.10. (a) For purposes of this section, “floral or
4 ornamental products or services” means floral arrangements, cut
5 flowers, floral bouquets, potted plants, balloons, floral designs,
6 and related products and services.

7 (b) For the purposes of this section, “local telephone number”
8 means a specific telephone number (area code and prefix) assigned
9 for the purpose of completing local calls between a calling party
10 or station and any other party or station within a designated
11 exchange or all of its designated local calling areas. The term “local
12 telephone number” does not include long distance telephone
13 numbers or 800, 888, or 900 exchange telephone numbers listed
14 in a local telephone directory.

15 (c) It is unlawful for a provider or vendor of floral or ornamental
16 products or services to misrepresent the geographic location of its
17 business by doing either of the following:

18 (1) Listing a local telephone number in any advertisement or
19 listing if both of the following criteria are met:

20 ~~(A) Calls to the telephone number are routinely forwarded or~~
21 ~~otherwise transferred to a provider’s or vendor’s business location~~
22 ~~that is different from the geographic location of the business~~
23 ~~indicated in the advertisement or listing.~~

24 ~~(B) The advertisement or listing does not identify the true,~~
25 ~~unless the advertisement or listing identifies the true~~ physical
26 address, including the city and state, of the provider’s or vendor’s
27 business.

1 (2) Listing a fictitious business name or an assumed business
2 name in any advertisement or listing if both of the following criteria
3 are met:

4 (A) The name of the business misrepresents the provider's or
5 vendor's geographic location.

6 (B) The advertisement or listing does not identify the true
7 physical address, including the city and state, of the provider's or
8 vendor's business.

9 (d) This section does not create or impose any duty or obligation
10 on a person other than a vendor or provider described in
11 subdivision (a).

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.