

AMENDED IN SENATE AUGUST 5, 2002  
AMENDED IN ASSEMBLY MAY 28, 2002  
AMENDED IN ASSEMBLY MAY 15, 2002  
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CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2732**

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**Introduced by Assembly Member Washington  
(Coauthor: Assembly Member Corbett)**

February 22, 2002

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An act to add ~~Section 7107 to the Civil~~ *Chapter 13 (commencing with Section 13300) to Division 5 of the Business and Professions Code*, relating to automatic checkout systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 2732, as amended, Washington. Automatic ~~checking~~ *checkout* systems.

The Rosenthal-Roberti Item Pricing Act requires every retail grocery store or grocery department within a general retail merchandise store which uses an automatic checkout system to cause to have a clearly readable price indicated on 85% of the total number of packaged consumer commodities offered for sale, unless the commodities are otherwise exempted.

*Existing law authorizes any sealer to levy a civil penalty against a person who violates specified laws or regulations governing weights and measures. A violation of the laws governing weights and measures is a misdemeanor unless otherwise specified.*

This bill would *add new provisions to the laws governing weights and measures that would* require a business establishment that uses an automatic checkout *system* to sell goods or services to consumers to ensure that the price of each good or service to be paid by the consumer is conspicuously displayed to the consumer at the time the price is interpreted by the system. The bill would authorize ~~a city, county, city and county, or person aggrieved to bring a civil action against the~~ business establishment for a violation of that provision. The bill would ~~require a plaintiff to be awarded a civil penalty of not less than \$100 nor more than \$1,000 for each transaction found to be in violation of this provision~~ *the Attorney General, the district attorney, or city attorney to enforce this requirement in accordance with certain provisions of law.*

~~The requirements of this bill would apply to any automatic checkout system purchased or installed by a business establishment on or after January 1, 2003.~~ The bill would require all automatic checkout systems used by a business establishment on and after January 1, ~~2006~~ 2007, to comply with its provisions.

*Because a violation of the laws governing weights and measures is a crime, this bill would impose a state-mandated local program by creating a new crime.*

*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: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

1 SECTION 1. It is the intent of the Legislature that the state  
 2 laws that protect consumers be adequately enforced to ensure fair  
 3 business practices. It is also the intent of the Legislature to ensure  
 4 that business owners are not unfairly harassed by litigation that is  
 5 without merit. The Legislature finds and declares that the  
 6 provisions of law relating to frivolous actions apply to actions filed  
 7 under this act.

8 ~~SEC. 2. Section 7107 is added to the Civil Code, to read:~~



1 ~~7107. (a) A business establishment that uses an automatic~~  
 2 ~~checkout system, as defined in paragraph (1) of subdivision (c) of~~  
 3 ~~Section 7100, to sell goods or services to consumers shall ensure~~  
 4 ~~that the price of each good or service to be paid by the consumer~~  
 5 ~~is conspicuously displayed to the consumer at the time the price is~~  
 6 ~~interpreted by the system. All price reductions, surcharges, taxes,~~  
 7 ~~and the total amount for each transaction also shall be displayed~~  
 8 ~~for the consumer at least once before the consumer is required to~~  
 9 ~~pay for the goods or services. The prices and amounts displayed~~  
 10 ~~shall be of a size and form that are easily viewable by the consumer.~~

11 ~~(b) A city, county, city and county, or person aggrieved may~~  
 12 ~~bring a civil action against the business establishment for a~~  
 13 ~~violation of this section. The court shall award a civil penalty of~~  
 14 ~~not less than one hundred dollars (\$100) nor more than one~~  
 15 ~~thousand dollars (\$1,000) for each transaction made in violation~~  
 16 ~~of this section. A civil penalty awarded in an action brought by a~~  
 17 ~~city, county, or city and county for a violation of this section shall,~~  
 18 ~~upon collection, be paid to the county sealer of weights and~~  
 19 ~~measures.~~

20 ~~(c) A person who brings an action for a violation of this section~~  
 21 ~~also shall, if he or she prevails, be awarded damages, and~~  
 22 ~~reasonable attorney fees and costs.~~

23 ~~(d) Any person may bring an action to enjoin a violation of this~~  
 24 ~~section.~~

25 ~~(e) The requirements of this section apply to any automatic~~  
 26 ~~checkout system purchased or installed by a business~~  
 27 ~~establishment on or after January 1, 2003. All automatic checkout~~  
 28 ~~systems used by a business establishment on and after January 1,~~  
 29 ~~2006, shall comply with the requirements of subdivision (a).~~

30 *SEC. 2. Chapter 13 (commencing with Section 13300) is*  
 31 *added to Division 5 of the Business and Professions Code, to read:*  
 32

33 *CHAPTER 13. AUTOMATIC CHECKOUT SYSTEMS*

34 *13300. (a) The operator of a business establishment that uses*  
 35 *an automatic checkout system to sell goods or services to*  
 36 *consumers shall ensure that the price of each good or service to be*  
 37 *paid by the consumer is conspicuously displayed to the consumer*  
 38 *at the time that the price is interpreted by the system. All price*  
 39 *reductions, surcharges, taxes, and the total amount for each*  
 40 *transaction also shall be displayed for the consumer at least once*



1 before the consumer is required to pay for the goods or services.  
2 The checkout system customer indicator shall be so positioned,  
3 and the prices and amounts displayed shall be of a size and form,  
4 as to be easily viewable from a typical and reasonable customer  
5 position at each checkout location.

6 (b) For the purposes of this section, “automatic checkout  
7 system” means a computer or any electronic system used to  
8 interpret the universal bar code or any other code that is on an item  
9 offered for sale to determine the price of the item being purchased  
10 regardless of whether the code entry is accomplished manually by  
11 a human or automatically by a machine.

12 (c) All automatic checkout systems used by a business  
13 establishment on and after January 1, 2007, shall comply with the  
14 requirement of subdivision (a).

15 13301. Notwithstanding any other provision of this division,  
16 the Attorney General, the district attorney, or city attorney may  
17 enforce the provisions of this chapter in accordance with the  
18 provisions of Division 5 (commencing with Section 12001) or any  
19 other applicable provisions of law.

20 SEC. 2. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

