

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE MAY 29, 2013

AMENDED IN SENATE MAY 9, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 556

Introduced by Senator Corbett

February 22, 2013

An act to add Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code, relating to agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Corbett. Agency: ostensible: nongovernmental entities.

Existing law specifies the authority of agents in dealing with 3rd persons. Existing law states when an agency is ostensible for purposes of determining the authority of an agent. Existing law prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by a person in a transaction intended to result or which results in the sale or lease of goods to any consumer.

This bill would prohibit a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform labor or services for a public entity from displaying on a vehicle or uniform a seal, emblem, insignia, trade, brand name, or any other term, symbol, or content logo, as defined, that reasonably could be interpreted as

implying that the labor or services are being provided by employees of the public agency, unless the vehicle or uniform conspicuously displays a disclosure, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

SECTION 1. Title 18 (commencing with Section 3273) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 18. CONTRACTS FOR LABOR OR SERVICES FOR
A PUBLIC AGENCY

3273. (a) It is unlawful for a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform labor or services for a public agency to display on a vehicle a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content logo of the public agency that reasonably could be interpreted or construed as implying that the labor or services are being provided by employees of the public agency, unless the vehicle conspicuously displays one of the following disclosures:

~~“THE OPERATOR OF THIS VEHICLE IS NOT A GOVERNMENT EMPLOYEE.”~~

(1) A conspicuously displayed statement indicating that the contractor is the service provider, contractor, or other appropriate descriptor, such as “SERVICE PROVIDED BY:” or “CONTRACTED BY:”, immediately followed by all of the following:

(A) The name of the person, firm, corporation, or association that is the subcontracted nongovernmental entity providing the labor or services for the public agency.

(B) The state or federal tax designation of that person, firm, corporation, or association.

(C) The city, state, or if outside of the United States, the country where the nongovernmental entity’s controlling person, firm,

1 corporation, or association is legally incorporated, organized, or
2 formed.

3 (2) A conspicuously displayed statement indicating that the
4 contractor is the service provider, contractor, or other appropriate
5 descriptor, such as “SERVICE PROVIDED BY:” or
6 “CONTRACTED BY:”, immediately followed by the logo of the
7 person, firm, corporation, or association that is the subcontracted
8 nongovernmental entity providing the labor or services for a public
9 agency.

10 (3) If the contracting person, firm, corporation, or association
11 is a nongovernmental entity subject to the requirements of Section
12 27900 of the Vehicle Code, disclosures meeting the vehicle
13 disclosure requirements of that section.

14 (b) It is unlawful for a person or an employee of a person, firm,
15 corporation, or association that is a nongovernmental entity and
16 contracts to perform labor or services for a public agency to wear
17 a uniform bearing a seal, emblem, insignia, trade or brand name,
18 ~~or any other term, symbol, or content~~ logo of the public agency
19 that together with the appearance of the uniform reasonably could
20 be interpreted or construed as implying that the labor or services
21 are being provided by employees of the public agency, unless the
22 uniform conspicuously displays one of the following ~~disclosure~~
23 disclosures:

24
25 ~~“NOT A GOVERNMENT EMPLOYEE.”~~

26
27 (1) A statement indicating that the contractor is the service
28 provider, contractor, or other appropriate descriptor, such as
29 “SERVICE PROVIDED BY:” or “CONTRACTED BY:”,
30 immediately followed by all of the following:

31 (A) The name of the person, firm, corporation, or association
32 that is the subcontracted nongovernmental entity providing the
33 labor or services for the public agency.

34 (B) The state or federal tax designation of that person, firm,
35 corporation, or association.

36 (C) The city, state, or if outside of the United States, the country
37 where the nongovernmental entity’s controlling person, firm,
38 corporation, or association is legally incorporated, organized, or
39 formed.

1 (2) A statement indicating that the contractor is the service
2 provider, contractor, or other appropriate descriptor, such as
3 “SERVICE PROVIDED BY:” or “CONTRACTED BY:”,
4 immediately followed by the logo of the person, firm, corporation,
5 or association that is the subcontracted nongovernmental entity
6 providing the labor or services for a public agency.

7 (c) For the purposes of subdivision (b), an identifying mark
8 affixed to a uniform as required by state or federal law, and a local
9 agency regulating the activity of the person, firm, corporation, or
10 association shall not be construed as implying that the labor or
11 services are being provided by employees of the public agency.

12 ~~(d) For the purposes of this section, “conspicuously displays”~~
13 ~~means displays in a font size that is at least the same size as the~~
14 ~~largest font size otherwise displayed on the vehicle or uniform, in~~
15 ~~a manner that clearly calls attention to the language, and located~~
16 ~~in close proximity to the seal, emblem, insignia, trade or brand~~
17 ~~name, or any other term, symbol, or content as described in this~~
18 ~~section, so as to be clearly associated with that seal, emblem,~~
19 ~~insignia, trade or brand name, or any other term, symbol, or~~
20 ~~content.~~

21 (d) If a vehicle or uniform displays more than one logo referring
22 to the public agency, then the required disclosure shall be placed
23 near the largest logo referring to the public agency.

24 (e) The disclosure requirements in subdivisions (a) and (b) of
25 this section shall not apply to uniforms or vehicles if the person,
26 firm, corporation, or association that is the subcontracted
27 nongovernmental entity is providing the labor or services for a
28 public agency under Article 3.3 (commencing with Section 2430)
29 of Chapter 2 of Division 2 of the Vehicle Code.

30 ~~(e)~~

31 (f) (1) Violations of this section shall be subject to the remedies
32 provided in the Consumers Legal Remedies Act (Title 1.5
33 (commencing with Section 1750)).

34 (2) The duties, rights, and remedies provided in this section are
35 in addition to any other duties, rights, and remedies provided by
36 state law.

37 (g) For the purposes of this section, the following terms have
38 the following meanings:

- 1 (1) *“Conspicuously display” means to display a disclosure that*
2 *is at least the same size as and located close to the logo referring*
3 *to the public agency.*
4 (2) *“Logo” means a symbol, graphic, seal, emblem, insignia,*
5 *trade name, brand name, picture, or text identifying a person, firm,*
6 *corporation, association, or public agency.*

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