

AMENDED IN ASSEMBLY SEPTEMBER 4, 2013

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 *relating to public health or safety* for a public entity from displaying on a vehicle or uniform a 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:

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

3

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

6

7 3273. (a) It is unlawful for a person, firm, corporation, or
8 association that is a nongovernmental entity and contracts to
9 perform labor or services *relating to public health or safety* for a
10 public agency to display on a vehicle a logo of the public agency
11 that reasonably could be interpreted or construed as implying that
12 the labor or services are being provided by employees of the public
13 agency, unless the vehicle *conspicuously* displays one of the
14 following disclosures:

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

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

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

25 (C) The city, state, or if outside of the United States, the country
26 where the nongovernmental entity’s controlling person, firm,
27 corporation, or association is legally incorporated, organized, or
28 formed.

29 (2) A ~~conspicuously displayed~~ statement indicating that the
30 contractor is the service provider, contractor, or other appropriate
31 descriptor, such as “SERVICE PROVIDED BY:” or
32 “CONTRACTED BY:”, immediately followed by the logo of the

1 person, firm, corporation, or association that is the subcontracted
2 nongovernmental entity providing the labor or services for a public
3 agency.

4 ~~(3) If the contracting person, firm, corporation, or association~~
5 ~~is a nongovernmental entity subject to the requirements of Section~~
6 ~~27900 of the Vehicle Code, disclosures meeting the vehicle~~
7 ~~disclosure requirements of that section.~~

8 (b) It is unlawful for a person or an employee of a person, firm,
9 corporation, or association that is a nongovernmental entity and
10 contracts to perform labor or services *relating to public health or*
11 *safety* for a public agency to wear a uniform bearing a logo of the
12 public agency that together with the appearance of the uniform
13 reasonably could be interpreted or construed as implying that the
14 labor or services are being provided by employees of the public
15 agency, unless the uniform conspicuously displays one of the
16 following disclosures:

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

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

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

26 (C) The city, state, or if outside of the United States, the country
27 where the nongovernmental entity’s controlling person, firm,
28 corporation, or association is legally incorporated, organized, or
29 formed.

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

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

- 1 (d) If a vehicle or uniform displays more than one logo referring
2 to the public agency, then the required disclosure shall be placed
3 near the largest logo referring to the public agency.
- 4 (e) The disclosure requirements in subdivisions (a) and (b) of
5 this section shall not apply to uniforms or vehicles if the person,
6 firm, corporation, or association that is the subcontracted
7 nongovernmental entity is providing the labor or services for a
8 public agency under Article 3.3 (commencing with Section 2430)
9 of Chapter 2 of Division 2 of the Vehicle Code.
- 10 (f) (1) Violations of this section shall be subject to the remedies
11 provided in the Consumers Legal Remedies Act (Title 1.5
12 (commencing with Section 1750)).
- 13 (2) The duties, rights, and remedies provided in this section are
14 in addition to any other duties, rights, and remedies provided by
15 state law.
- 16 (g) For the purposes of this section, the following terms have
17 the following meanings:
- 18 (1) “Conspicuously display” means to display a disclosure that
19 is at least the same size as and located close to the logo referring
20 to the public agency.
- 21 (2) “Logo” means a symbol, graphic, seal, emblem, insignia,
22 trade name, brand name, picture, or text identifying a person, firm,
23 corporation, association, or public agency.