

Assembly Bill No. 1375

Passed the Assembly August 26, 1999

Chief Clerk of the Assembly

Passed the Senate August 24, 1999

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1375, House. Advertising: telephone directory listings: business location representations.

Existing law provides for the regulation of advertising in the state and makes certain advertising practices unlawful.

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 (1) listing a local telephone number in any listing or advertisement, if calls to the number are routinely forwarded to a business location different than the geographic location of the business indicated in the advertisement or listing and the listing does not identify the true physical address of the 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 does not identify the true physical address of the business. The bill would state that it does not create any duty nor impose any obligation upon anyone other than the business that is the subject of the advertisement or listing.

Existing law makes it a crime to violate any of the provisions regulating advertising. By adding this new provision regulating certain contents of advertisements or listings, this bill would expand the scope of an existing crime, thereby imposing 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.



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

SECTION 1. Section 17537.10 is added to the Business and Professions Code, to read:

17537.10. (a) It is unlawful for a provider or vendor of floral or ornamental products or services to misrepresent the geographic location of its business by doing either of the following:

(1) Listing a local telephone number in any advertisement or listing if each of the following is satisfied:

(A) Calls to the telephone number are routinely forwarded or otherwise transferred to a provider's or vendor's business location that is different than the geographic location of the business indicated in the advertisement or listing.

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

(2) Listing a fictitious business name or an assumed business name in any advertisement or listing if each of the following is satisfied:

(A) The name misrepresents the provider's or vendor's geographic location.

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

(b) For the purposes of this section:

(1) A "local telephone number" means a specific telephone number (area code and prefix) assigned for the purpose of completing local calls between a calling party or station and any other party or station within a designated exchange or all of its designated local calling areas. The term does not include long-distance numbers or 800 or 900 exchange numbers listed in a local telephone directory.

(2) "Floral or ornamental products and services" means floral arrangements, cut flowers, bouquets, potted plants, balloons, floral designs, and related products and services.



(c) This section creates no duty and imposes no obligation upon anyone other than the business that is the subject of the advertisement or listing.

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



Approved _____, 1999

Governor

