

Assembly Bill No. 2389

Passed the Assembly August 28, 2012

Chief Clerk of the Assembly

Passed the Senate August 23, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, Bonnie Lowenthal. Contractor disclosure requirements.

Existing law governs certain obligations arising from particular transactions, including credit card disclosures, consumer contracts, and consumer warranties.

This bill would prohibit a contractor, as defined, that provides services that require entering the residence or place of lodging of a member of the public from utilizing a uniform that bears the name or logo of the contracting entity, as defined, unless each uniform meets certain disclosure requirements. Among these requirements, the bill would require each of the uniforms to clearly, conspicuously, and legibly state the contractor's name and logo, as specified. In addition to these requirements, the bill would further prohibit a contractor that provides the services described above relating to public health or safety services from using a vehicle that bears the name or logo of the contracting entity unless each vehicle also clearly, conspicuously, and legibly states the contractor's name and logo. The bill would specify that these provisions shall not apply if a contracting entity and a contractor are jointly and severally liable for any claims arising out of work performed pursuant to a contractual agreement.

The bill would state the intent of the Legislature to increase consumer awareness of the state's growing and sizeable contract workforce through the disclosures required by these provisions. The bill would make a specified statement of legislative intent regarding the disclosures required by these provisions.

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. CONTRACTOR DISCLOSURES

3273. (a) It is the intent of the Legislature to increase consumer awareness of the state's sizeable and growing subcontracted workforce through the disclosures required by this section. The Legislature further finds and declares that the disclosures required by this section are communications in the interest of the public, in the interest of public safety, and are a matter of statewide concern.

(b) For purposes of this section:

(1) "Contracting entity" means any person, business, or public entity that contracts with another person or business to provide services on its behalf.

(2) "Contractor" means any person or business that contracts to provide services on behalf of a contracting entity.

(3) "Logo" means a graphic mark, wordmark, emblem, or insignia that aids in promoting instant public recognition and which may be composed of the name of the contracting entity or contractor. Affixing an identifying mark to a vehicle or uniform, as required by a state or local agency that regulates the activity of the contractor, shall not be considered a logo.

(4) "Person" means an individual, firm, association, organization, partnership, business trust, corporation, limited liability company, or company. "Person" does not include a public entity.

(5) "Public entity" means the state or any political subdivision thereof, including, but not limited to, a city, county, city and county, or special district.

(c) A contractor that provides services that require entering the residence or place of lodging of a member of the public shall not utilize a uniform that bears the name or logo of the contracting entity, unless each of the uniforms meets the following requirements:

(1) The name and logo of the contractor are affixed to the uniform indicating that the contractor is the service provider, contractor, or other appropriate descriptor.

(2) The uniform clearly displays the information described in paragraph (1) in a conspicuous place, in sharp contrast to the background, and in such a way that the size, shape, and color are readily visible.

(d) In addition to the uniform disclosure requirements described in subdivision (c), a contractor that provides services described in subdivision (c) relating to public health and safety shall not utilize a vehicle that bears the name or logo of the contracting entity, unless each of the vehicles used by the contractor meets the following requirements:

(1) The name and logo of the contractor are affixed to the vehicle indicating that the contractor is the service provider, contractor, operator of the vehicle, or other appropriate descriptor.

(2) The vehicle clearly displays the information described in paragraph (1) in a conspicuous place, in sharp contrast to the background, and in such a way that the size, shape, and color are readily visible.

(e) The requirements of this section shall not apply if a contracting entity and a contractor are jointly and severally liable for any claims arising out of work performed pursuant to a contractual agreement.

Approved _____, 2012

Governor