



CONSUMER NEWS SAN DIEGO CITY ATTORNEY'S OFFICE

2016 New Laws

NEW YEAR, NEW LAWS!

2016 is making way for new laws, many of which affect consumers and business owners in San Diego. This newsletter highlights some of the new and amended laws ranging from electrically motorized boards ("hoverboards") to synthetic marijuana ("spice"). This informational summary is provided to you in our effort to serve consumers and protect commerce. The information here does not constitute legal advice. Additional information including applicable exceptions to these new laws can be found online at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>. These laws are effective January 1, 2016, unless otherwise stated.

ELECTRICALLY MOTORIZED BOARDS

Last month, the United States Consumer Product Safety Commission (CPSC) released a statement which addressed safety concerns with hoverboards. CPSC stated they received dozens of reports of injuries from hospital emergency rooms. Some of these injuries have been serious, including concussions, fractures, contusions/abrasions, and internal organ injuries.

The California State Legislature has addressed electrically motorized boards, aka hoverboards, with new laws as explained in Assembly Bill 604. A **violation** of these laws are **punishable** as an **infraction**.



An electrically motorized board shall be operated

- By a person who is **16 years of age** or older
- Must wear a fastened **bicycle helmet** if operating upon any
 - Street
 - Bikeway
 - Or any other public bicycle path, sidewalk, or trail.

California Vehicle Code §313.5
California Vehicle Code §21291
California Vehicle Code §21292



If **operating during darkness**, the board must have

- A **white light** visible from a distance of 300 feet in the **front**
- A **red** reflector, or reflectorizing material visible from a distance of 500 feet to the **rear**

- A **white or yellow** reflector, or reflectorizing material visible from a distance of 200 feet **on the sides**

California Vehicle Code §21293



Must operate board at a **safe speed**

- Cannot be operated on any street with a speed limit of more than **35 MPH**
- Cannot operate faster than **15 MPH** on any
 - Street
 - Bikeway
 - Or any other public bicycle path, sidewalk, or trail
- Cannot operate at a speed greater than is **reasonable** having due regard for weather, visibility, pedestrian or vehicular traffic
- Cannot operate at a **speed** that **endangers the safety** of any person or property

California Vehicle Code §21294

Cannot operate board on highway under influence of alcohol or drugs

California Vehicle Code §21296

IMITATION FIREARM



The definition of “imitation firearm” is now expanded to include **all BB devices**, no matter the size of the projectile expelled, and therefore **must have distinctive markings** pursuant to federal law so they do **not look like real guns**.

California Penal Code § 16700

Any person who **changes, alters, removes, or obliterates any coloration or markings** that are required by any applicable state or federal law or regulation, for any imitation firearm, or any device described in subdivision (b) of Section 16700, in a way **that makes the imitation firearm or device look more like a firearm**, is guilty of a **misdemeanor**.

California Penal Code § 20150

DRONES



Invasion of Privacy

The potential civil liability of a person for a physical invasion of privacy is expanded to include when that person knowingly **enters the airspace above the land of another person without permission** or while committing a trespass in order to capture a visual image, sound recording, or physical impression of the plaintiff engaging in a private, personal, or familial activity, and the invasion occurs in a manner that is offensive to a reasonable person.

California Civil Code §1708.8

SYNTHETIC MARIJUANA (“SPICE”)



According to the National Institute on Drug Abuse, synthetic cannabinoids are sometimes called “synthetic marijuana” (or “fake weed”), and they are often marketed as “safe,” legal alternatives to that drug. In fact, they may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases, severe or even life-threatening.

In November 2015, at least 30 people were hospitalized after becoming seriously ill on “spice” in Downtown San Diego.

The amended law now makes it illegal to **use or possess** a synthetic cannabinoid compound or a synthetic cannabinoid derivative (i.e., synthetic marijuana). A violation of this law is **punishable as an infraction** and a fine up to \$250

Dealing or selling synthetic marijuana is still **punishable as a misdemeanor** with up to 6 months in **county jail** and/or a fine up to **\$1,000**.

Health & Safety Code § 11357.5

For more information on synthetic drugs please see the May 2015 newsletter

<http://www.sandiego.gov/cityattorney/pdf/2015/cepunewsmay15.pdf>

More Information on Sources

- <http://www.cpsc.gov/en/about-CPSC/Chairman/Kaye-Biography/Chairman->

[Kaye-Statements/Statements/Statement-from-the-US-CPSC-Chairman-Elliott-F-Kaye-on-the-safety-of-hoverboards/](http://www.cpsc.gov/en/about-CPSC/Chairman/Kaye-Statements/Statements/Statement-from-the-US-CPSC-Chairman-Elliott-F-Kaye-on-the-safety-of-hoverboards/)

- http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB604
- <http://www.drugabuse.gov/publications/drugfacts/synthetic-cannabinoids>
- <http://www.cbsnews.com/news/synthetic-drug-spice-sickens-over-a-dozen-in-california/>

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The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

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The San Diego City Attorney’s Consumer & Environmental Protection Unit prosecutes criminal and civil violations of California’s unfair competition and other consumer laws committed in the City of San Diego. The Unit maintains a Phone Hotline for consumers to report possible violations. You can reach the Hotline at **(619) 533-5600**.

If you would like to make a complaint, please visit the link below to access our complaint form:

<http://www.sandiego.gov/cityattorney/pdf/cepucplmform.pdf>