



# CONSUMER NEWS

## SAN DIEGO CITY ATTORNEY'S OFFICE

### New Laws

January 2013

This newsletter outlines some of the new laws in California that impact consumers. These laws are effective as of January 1, 2013.

#### *REAL ESTATE FRAUD:*

The Legislature had previously declared it a crime for anyone to collect an advance fee for assisting a borrower to obtain a loan modification. This law was set to expire this month, but the Legislature extended it indefinitely. No one, including a real estate broker, may collect any fee prior to performing all services to modify a mortgage loan. The City Attorney's Office has an investigator dedicated solely to investigating complaints about these violations. You are encouraged to report any violators to our hotline: (619) 533-5600.

In addition, notaries are now required to obtain a thumbprint from a person signing any document affecting real estate.

#### *MEDICAL PROFESSIONALS:*

If a business offers outpatient elective cosmetic medical procedures or treatments that can only be administered by a licensed physician, and hires a doctor who has no ownership interest in the business, this is a crime. Treatments such as Botox injections must be performed by licensed doctors. A business not owned by a doctor is prohibited from offering such services.

#### *AIRBAG FRAUD:*

It is illegal to install or reinstall a previously deployed airbag or to rewire, tamper with, alter or modify a vehicle's computer system or supplemental restraint system so it falsely indicates the supplemental restraint system is in proper working order. It is also illegal for anyone to sell a previously deployed air bag component that will no longer meet the original equipment manufacturing form or function.

This law is meant to address violations by some sellers of salvaged vehicles.

#### *FLORISTS:*

Florists and vendors of ornamental products or services are prohibited from misrepresenting the geographic location of their businesses by either (1) listing a local telephone number in any advertisement or listing unless the true physical address is identified; or (2) listing a fictitious business name in any advertisement or listing if the name misrepresents the geographic location or does not identify the true physical address.

#### *LIMOUSINES & PARTY BUSES:*

Our community has seen an increase in the number of party buses that transport young people to bars and social events. When stopped by law

enforcement officers, these buses often have minors on board alcoholic beverages on board.

In response to this problem, the Legislature now requires all limousine drivers and charter-party carriers of passengers (e.g. party buses) to find out from anyone chartering a trip whether any passengers will be under 21 and whether alcohol will be served. If minors and alcohol will be present, there must be a adult over 25 to check identification of all passengers and to read them a statement that minors may not drink alcohol.

The designated adult must also inform the driver if a minor has consumed or consumes alcohol and the trip must be terminated if this happens. The driver also bears responsibility for enforcing these rules. The adult designee and the driver face criminal prosecution for failure to comply. Drivers are also subject to prosecution for any open alcohol containers in the vehicle.

*RECYCLERS/JUNK DEALERS:*

To address an increase in the theft of metals from publicly owned entities, the Legislature now requires recyclers and junk dealers to verify the identity of anyone attempting to sell parts of a fire hydrant, manhole cover, or similar items. Failure to do so is a crime.

*MOVING COMPANIES:*

The fines for violating the Household Goods Carriers Act

were increased from \$1,000 to \$2,500. This Act requires businesses offering to move household goods within the State of California to be licensed and follow basic consumer protection requirements, or face criminal prosecution.

*TALENT SERVICES:*

In a continuing effort to address the harm done by individuals and businesses making promises to young people that they can get them work in the entertainment industry, the Legislature created a permit process and background check requirement for anyone who wishes to represent or provide services to any artist who is under the age of 18. This applies to photographers, managers, career counselors, publicists, and acting, singing or dancing coaches. A willful failure to comply with this law is a crime.

*CITY ATTORNEY'S ROLE:*

The City Attorney's Consumer and Environmental Protection Unit is authorized to prosecute the above new crimes when they occur in the City of San Diego. If you observe a violation of a new law, call the Consumer Hotline at (619) 533-5600.

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**San Diego  
City Attorney's Office  
Consumer and Environmental  
Protection Unit  
(619) 533-5600**

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This newsletter was written by Assistant City Attorney Tricia Pummill.

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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.