



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

2015 New Laws

January 2015

NEW YEAR, NEW LAWS!

2015 is kicking off with 931 new laws, many of which affect consumers and business owners. This newsletter highlights some of the new laws ranging from new gun restraining orders to a law allowing pets on restaurant patios. 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 can be found online at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>. These laws are effective January 1, 2015, unless otherwise stated.

GUN SAFETY RESTRAINING ORDERS

In response to recent gun violence involving mentally unstable perpetrators, a new law creates a new type of restraining order in which firearms must be surrendered if a court finds a person is in a distraught emotional state and may be a danger to him/herself or others.

The new law is modeled after domestic violence restraining orders. Law enforcement or family members may seek such orders from the court. If granted, the person must surrender all firearms for three weeks. During this period the person's name will be placed on the Department of Justice's prohibited persons list, preventing

him or her from purchasing any new guns.

A hearing must be conducted within three weeks of issuing the restraining order, at which point the firearm ban may be extended for up to one year.

California Penal Code §1524

NEW REGULATION OF MASSAGE THERAPISTS

This new law will provide for consistent statewide certification and oversight of massage therapists. The Massage Therapy Reform Act makes it mandatory for massage therapists to show proof of certification by the California Massage Therapy Council.

In order to obtain certification as a massage therapist, an applicant must have 500 hours of education from an approved school and pass an exam administered by the Council. Certificates awarded to massage therapists need to be renewed every two years.

The Act also gives Cities greater control over massage businesses, and greater ability to enforce local ordinances.

California Business and Professions Code §4600, et.seq.

UNLICENSED CONTRACTORS CAN NOW ADVERTISE FOR SMALL JOBS

This new law allows an unlicensed contractor to advertise for construction work he or she is legally able to perform without a license. By law, this means that the aggregate contract price for labor, material, and all other items on a project is less than \$500.

The unlicensed contractor must state on the advertisement that they are not licensed.

California Business and Professions Code § 7027.2

SMARTPHONE KILL SWITCHES TO DETER THEFT

This new law requires that all smartphones manufactured after July 1, 2015, and sold in California, be equipped with antitheft technology that can render the phone inoperable when it is lost or stolen.

Consumers would be prompted to enable the "kill switch" as the default setting during the initial setup of a new smartphone. If the phone is then lost or stolen the owner can simply disable the phone. The new feature is aimed at deterring cell phone thefts and

robberies. But consumers can also opt out of the new feature if they choose.

California Business and Professions Code §22761

CONSUMERS HAVE A RIGHT TO COMPLAIN

California businesses that try to stop consumers from writing negative reviews will now face stiff penalties.

In a first of its kind law in the United States, California is preventing companies from including “non-disparagement” in the fine print of contracts with consumers. These clauses were being used by companies to threaten legal action against consumers who posted bad reviews.

Under the new law, businesses that try to enforce such clauses will face a \$2,500 penalty for the first offense, and \$5,000 for subsequent offenses. There is an additional \$10,000 fine if the violation of the new law is determined to be intentional.

California Civil Code § 1670.8

NO MORE POSTING MUGSHOTS FOR PROFIT

It is now illegal in California for commercial websites to post a person’s arrest photo and then charge money to have the posting removed.

The new law bans the practice of publishing a mugshot and then contacting the individual to demand money for its removal. The practice is punishable by a \$10,000 fine.

California Civil Code §1798.91.1

DOGS ALLOWED ON RESTAURANT PATIOS

Dogs now can dine with their owners at restaurants on outdoor patios if certain conditions are met.

The establishment must have a separate patio entrance so that dogs do not walk through the enclosed restaurant. All dogs must be on leashes and are not allowed to sit on chairs or benches at the table. Finally, the restaurant food staff is not allowed to make direct contact with the pets.

California Health and Safety Code §§ 113709, 114259.5.

**San Diego
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Newsletter written by Andrea Cruz-Oliva.

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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/cepucomplaintform.pdf>