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January 2017

NEW LAWS FOR THE NEW YEAR

This Newsletter identifies a few examples of new California legislation which may be of interest to the current clients of our practice. We hope you will find some of it to be useful.

1. Disability Access

There is now a rebuttable presumption that certain technical violations of construction rules accommodating the disabled do not cause recoverable damages if such violations are committed by certain defined "small businesses" within 15 days of receiving notice, or if they have relied on a previous inspection by a "certified access specialist". Also, lawyers asserting "construction-related" accessibility claims against educational entities are subject to professional discipline if strict reporting rules are not followed.

2. Janitorial Contractors.

Will soon have to register with the state and comply with rules to prevent sexual harassment, violence, and wage theft.

3. Paychecks

The details required to be printed on wage stubs have changed yet again.

4. Controlling LLCs.

Votes to dissolve will prevail with "50% or more" of voting rights instead of a "majority".

5. Pawnbrokers.

Now subject to a new statewide electronic reporting system.

6. Travel Agents.

"Sellers of travel" now deemed to be conducting business in California if they solicit business from locations in the state regardless of the customer's actual geographical location.

7. Beer.

"Home brew" can be taken to certain "club competitions" at authorized locations. Also, wholesalers cannot offer consumer coupons and retailers cannot accept them.

8. Massage Parlors.

A state agency prohibits local jurisdictions from requiring shower or bath facilities or imposing unnecessary fees.

8. Marijuana.

There is now a "specialty cottage" license for medical cannabis cultivators. Also, certain manufacturing cooperatives are exempt from criminal sanctions.

9. Powdered Alcohol.

Now illegal to sell, distribute, manufacture, or possess this substance.

10. Agriculture.

Exemptions to current wage, hour, and overtime rules will be phased out over the next few years until the rights of farm workers will be the same as non-farm workers.

11. Animal Rescue.

Under certain exigent circumstances, a Good Samaritan may break into a motor vehicle to save an animal from heat, suffocation, or other urgent health danger. Also, live animals from shelters cannot be transferred to research facilities for experimentation.

12. Real Estate Sales.

Sellers need not disclose if previous occupant had HIV.

13. Autographs.

Certificates of authenticity must be provided to buyers of any type of "collectible".

14. Migrants.

One's immigration status shall not be admitted into evidence in personal injury cases with specified exceptions.

15. Electronic Signatures.

Certain labor complaints can be verified by manual or digital signatures.

16. Health Clubs.

It is now easier for customers to cancel contracts, including by email.

17. Healthcare Conversations.

There are additional criminal and civil penalties for secretly recording or distributing confidential communications with providers.

18. Booze and Beauty.

Under some circumstances, barbershops and salons may now serve free beer or wine without a license.

19. Juvenile Delinquents.

With certain exceptions, employers may not ask about juvenile crime records.

20. Bad with Bees.

The wrongful and willful taking or possessing of bees or their hive without the owner's consent is subject to treble damages plus fair compensation for the time and cost spent replacing the bees.

21. Pull the Wool.

Raw sheared wool can now be sold at certified farmer's markets.

22. In-Home Caregivers.

Are entitled to paid sick days, minimum wages, and other benefits subject to certain conditions.

23. Bedbugs.

There are new requirements for facilitating prompt control in rental housing.

24. Applicable Employment Law.

Although our state has much stricter employee protections than elsewhere, employment contracts for California-based workers cannot apply out-of-state laws, and workers who obtain judicial invalidation of such provisions can recover their legal expenses.

This office serves as a Lawyer of First Resort™ advocating for small businesses and individuals with disputes and transactions, including accident victims by referral only. We specialize in personalized client service. If we can be of any assistance with your legal issues, consider contacting us as soon as a question is identified. Your recent referrals have been greatly appreciated.

Remember: Preventative Lawyering™ is the most effective kind.

Sincerely,

HARMON SIEFF

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Sieff-Newsletter-January 2017

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