



New Laws for 2015

By Harmon Sieff

AS A LAWYER OF FIRST RESORT, I CANNOT always predict the questions I will receive from new or existing clients, so it has become my habit to monitor published court decisions and statutes of general interest. This article references only a fraction of new legislation adopted during 2014 which may be of interest to our clients.¹

Ride Sharing

Personal auto insurance no longer covers commercial activities of transportation network companies which must now provide extended insurance coverage for their drivers. (AB 2293)

Notaries

A new form must be completed by a notary public clarifying that the certification verifies only the signer's identity and not the truthfulness of the document. (SB 1050)

Pets

Our local assembly member, Matt Dababneh, sponsored a new law to protect purchasers of pet insurance policies. (AB 2056)

Local governments may allow pet dogs in outdoor dining areas. (AB 1965)

Real Estate Sales

The detailed disclosures required for buyers and sellers of residential property now apply to commercial property transactions. (SB 1171)

County recorders may no longer conceal the amount of documentary transfer tax paid for a transaction, making it easier for the public to learn prices. (RT sections 11932 and 11933)

Unpaid Interns

Volunteers are now protected by the same laws which prohibit discrimination and harassment against paid employees. (AB 1443)

Guns

Judges can issue Gun Violence Restraining Orders to enjoin named persons from possessing or owning firearms or ammunition. (AB 1014)

Subcontracted Workers

A company with over 25 workers which hires laborers through a third-party contractor now shares responsibility with the contractor for the payment of proper wages and providing workers' compensation. (AB 1897)

We recommend paying very close attention to the internal operations of third-party contractors and updating contracts and insurance accordingly. Joint liability can be very costly.

Tutoring

Academic tutoring companies must disclose to parents of minors how they check teachers' backgrounds. (AB 1852)

Sports

Professional team franchises cannot deduct from income taxes any fine or penalty assessed by a sports league. (AB 877)

Kill Switches

Smartphones sold in California after July 1 must include at the time of sale a technological mechanism to render the device inoperable when not possessed by an authorized user. (SB 962)

Paparazzi

It is a constructive invasion of privacy to attempt, in a "reasonably offensive manner," to capture images or sounds of another engaging in private or family activity using a device, including a drone, unless the image or sound could have been captured, without trespass, without the device. (AB 2306)

Agriculture

There are new regulations of certified farmers' markets, labeling requirements for shell eggs, and rules for beekeeping on public lands. (AB 2185, 1414, 1871)

The freedom to grow edible fruits and vegetables at home is now a protected right. (AB 2561, CC 1940.10, and 4750)

Alcohol

There is a bucket full of new statutes changing the regulation of beer and wine distribution. (AB 2004, 2010, 2182, 2609, SB 1235)

Privacy

Physically obstructing, intimidating, or interfering with a person trying to enter or exit a defined facility is now an unlawful constructive invasion of privacy. (AB 1256)

Statutory regulations protecting the privacy of certain personal information have been strengthened. Actionable stalking includes a pattern of conduct intended to place another under surveillance. (AB 1356)

Consumers

Provisions in certain contracts preventing a consumer from criticizing its seller are void and unenforceable. (AB 2365)

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Furniture

Upholstered furniture must be labeled to indicate if it is flame retardant; violators will be fined. (SB 1019)

Revenge Porn

An individual has a private right to sue another who intentionally or recklessly distributes a sexually explicit photograph or other image or recording of the individual without consent. (AB 2643)

Workplace

There are new requirements for anti-harassment training (AB 2053), child labor violations (AB 1680), and compensation for workers' rest, recovery (SB1360), and waiting time (AB 1723), and for companies to display posters, provide written notices, include specific information on paycheck stubs, and retain personnel records for three years.

Formal government wage orders describing requirements for specific industries can be viewed at <https://www.dir.ca.gov/iwc/wageorderindustries.htm>.

Homeowner Associations

Those which irrigate with recycled water may fine owners for reducing the watering of landscaping. (SB 992)

Homicide

The defense of "panic" can reduce a murder charge to manslaughter. (AB 2501)

Sick Days

Beginning July 1, workers are entitled to one hour of sick leave for every 30 hours worked up to three days annually. (AB 1522)

Miscellaneous

Tractor-trailers can be five feet longer in order to accommodate an aerodynamic device. (SB469)

New regulations govern locksmiths, self-storage facilities, and massage therapists. (AB 759, 983, 1147) 

¹ The *Los Angeles Daily Journal* generously donated to the SFVBA copies of its annual compendiums (78 pages) of new California statutes. Feel free to stop by the bar office, say hello, and collect your free copy. We thank the *Daily Journal* for printing a compendium of statutes adopted during 2014.