



Legal Guide M-1

Checklist of Significant California and Federal Consumer Laws

August 2010

A

ABANDONMENT, ANIMALS – CC 1834.4-1834.7

ADVERTISING (see also Misrepresentation)

Bait and Switch - B&P 17500, CC 1770(a)(9),(a)(10), 16 CFR Part 238

Business Address Disclosure - B&P 17538.5

Charitable Solicitations - B&P 17510 *et seq.* (includes on the internet)

Comparisons/Substantiation - B&P 17508

Credit Terms - B&P 17538.7

Door-to-Door Sales (see Door-to-Door Sales)

Environmental Claims - B&P 17580 *et seq.*, 16 CFR Part 260

False/Misleading - B&P 17500, 15 USC 45

Limit on Quantity (Unadvertised) - B&P 17500.5, CC 1770(a)(10)

Manufacturer's Rebate - B&P 17701.5

Multiple Articles - B&P 17504, 17507, 17509 (includes internet)

Ownership/Control (Misrepresentation) - B&P 17505, CC 1770(a)(1)

Repair - CC 1770(a)(15)

Telephonic Solicitations (see Telephone Sales)

Television Picture Tubes (see Television)

Toys (see Toys)

Used/Defective Goods/Seconds - B&P 17531 (includes internet), CC 1770(a)(6), (a)(7)

Worth/Value/Former Price - B&P 17501, CC 1770(a)(13)

APPLIANCES

Labeling - B&P 22410 *et seq.*

Repair - B&P 9800 *et seq.*

ART, FINE (Consignment) - CC 1738 *et seq.*

"AS IS" SALES

Defined - CC 1791.3

Implied Warranty – CC 1792.4, 1792.5, Com. Code 2316

Used Vehicles – 16 CFR 455.2

ATTACHMENT LAW - CCP 481 *et seq.*

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General Provisions – B&P 6157.4

Immigration and Naturalization Services– B&P 6157.5

Prohibited Statements – B&P 6157.1, 6157.2, 6158.1
Electronic Media Compliance – B&P 6158 – 6158.4
Complaints/Discipline – B&P 6158.4, 6158.7, 6159

Fee Agreements - B&P 6146 *et seq.*

Fees - CC 1717, 1717.5

Generally – B&P 6000 *et seq.*, California Rules of Professional Conduct.

Unlawful Practice – B&P 6125 *et seq.*

AUTOMOBILES

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Conditional Sale Contracts (see also Automobile Sales Finance Act) - CC 2981 *et seq.*

Financing, Dealer Assisted - CC 2982.5

Leasing (see also Vehicle Leasing Act) - CC 2985.7 *et seq.*, 15 USC 1667 *et seq.*, 12 CFR Part 213

Parking Lots (see Bailments)

Lemon Law - CC 1793.22-1793.25

Odometer Provisions - VC 11713(n), 28050 *et seq.*, 49 USC 32701-32705, 32709, 32710, 49 CFR Part 580

Repair Act - B&P 9880 *et seq.*

Smog Certificate Upon Transfer - VC 5751.5, 24007(b)

Rentals - CC 1936 *et seq.*

Subleasing - CC 3343.5, PC 570 *et seq.*

Warranties (see Warranties)

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AUTOMOBILE DEALERS

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Consignment Sales - VC 11729 *et seq.*

Licensing and Responsibilities- VC 11700 *et seq.*

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AUTOMATIC DIALING MACHINES (ROBOCALLS) - CC 1770(a)(22), B&P 17363.5,
PUC 2871 *et seq.*, 16 CFR Part 3110

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BAD CHECK LAW - CC 1719, PC 476a

BAILMENTS - CC 1813, 1818, 1822-1828

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BAIT AND SWITCH - B&P 17500 (includes internet), CC 1770(a)(9),(a)(10), 16 CFR
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Gouging (Post Disaster) - PC 396

Price Reductions and Disclosures (Misleading Statements) - CC 1770(a)(13), B&P 17509 (includes internet)

Secondhand Goods - B&P 17531 (includes internet), CC 1770(a)(6)

Selling or Leasing at Advertised Terms - CC 2985.71(b), B&P 17538.7, VC 11713.1(e)

Two or More Articles in Same Ad - B&P 17507

Value and Former Value - B&P 17501

PRIVACY

Automobile Black Boxes - VC 9951

Bank Account Numbers - FC 4100

Business Records - 1798.90 et seq

California Privacy Provisions - Cal. Const. Art. I, Sec. 1

Computer Spyware - B&P 22947 et seq.

Consumer Information in Government Records - CC 1798 et seq., CCP 1985.4

Consumer Records - CC 1798.91 et seq., CCP 1985.3, 1985.4

Court Records – PC 964
Credit Card Address Change – CC 1747.06
Credit Card Numbers on Receipts – CC 1747.09
Domestic Violence Victims – CC 1798.79.8
Driver’s License Information – VC 1808 *et seq.*, 18 USC 2721
Driver’s License Scanning – CC 1798.90.1
Educational Records (Family Educational Rights & Privacy Act of 1974 “FRRPA”) – 20 USC 1232g, 34 CFR Part 99
Federal Privacy Act - 5 USC 552a
Financial Records - GC 7460 *et seq.*, FC 4050 *et seq.*, 12 USC 3401 *et seq.*
Health Information (HIPAA) -45 CFR Parts 160 and 164
Identity Theft – CC 1798.92, 18 USC 1028
Information Practices Act – CC 1798 *et seq.*
Insurance Records – IC 791 *et seq.*
Library Records – GC 6254, 6267, 6276.28
Online Privacy – B&P 22575 *et seq.*, GC 6254.21, 11015.5
Reproductive Health Care – GC 6218 *et seq.*
Security Breach Notice – CC 1798.29, 1798.82, 1798.84
Social Security Numbers – CC 1798.85 *et seq.*, 1785.11.1, 1785.11.6, LC 226, Fam. Code 2024.5, CCP 674, R&T 2191.3, CC 1798.88 *et seq.*, Com. Code 9526.5, EC 66018.55, GC 27300
Supermarket Club Cards – CC 1749.60
Video Rental Records – CC 1799.3, 18 USC 2710
Voter Records – Election Code 2166.7, 2194, 8023, 8105, 8202, 8204, GC 6254.24
Workplace Surveillance – LC 435
Disclosure of Personally Identifiable Marketing Information - CC 1748.12, 1785.19.5

PRIZES

As Inducements - B&P 17537.1
Conditional Offer - B&P 17537
Disclosure of Intent to Make a Sales Presentation - B&P 17533.8 (includes internet)
Misleading - B&P 17537(a)
Promotional Giveaways (see Promotional Giveaways)

PROFESSIONAL ADVERTISING (Restrictions) - B&P 17500.1

PROMOTIONAL GIVEAWAYS - B&P 17537.1

PROPERTY (see Personal Property, Real Property)

PUBLIC RECORDS ACT - GC 6250 *et seq.*

Agencies’ Duties - GC 6253.4

Exemptions - GC 6254 *et seq.*, 6255

Request for Disclosure - GC 6253

Right of Access - GC 6253

PUNITIVE DAMAGES (see Damages)

PYRAMID SCHEME (see Endless Chain)

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RADIO, TELEVISION, APPLIANCE REPAIR - B&P 9800 *et seq.*

REAL ESTATE BROKER

License and Regulations - B&P 10130 *et seq.*

REAL PROPERTY

Conveyance Law - CC 1091 *et seq.*

Default (Purchase Contract) - CC 1675 *et seq.*

Deposit (see Deposits (Real Estate))

Foreclosure Consultants - CC 2945 *et seq.*

Home Equity Loan Disclosures - CC 2970 *et seq.*

Home Equity Sales Contracts - CC 1695 *et seq.*

Home Loan Prepayment Penalty - CC 2954.9 *et seq.*, 15 USC 1639(c)

Homestead Filing Services (see Homestead Filing Services)

Impound Accounts – CC 2954 *et seq.*

Late Charges - CC 2954.4

Mechanics Lien (see Mechanics Lien)

Sale Contract - 2985 *et seq.*

Writing Required – CC 1624

Sales Disclosures - CC 1102 *et seq.*

Timeshares (see Timeshare Contracts)

Transfer Disclosures (Residential) - CC 1102 *et seq.*, CC 2079 *et seq.*

REBATE

Before Rebate Price - B&P 17701.5

Receipt as Condition of Sale - CC 1770(a)(17), 1803.10, 2982.1

RECLAIMED, RECONDITIONED OR USED GOODS REPRESENTED AS NEW - CC

1770(a)(6), B&P 17531 (includes on the internet)

RECREATIONAL VEHICLE PARK OCCUPANCY LAW - CC 799.20 *et seq.*

REFERRAL DISCOUNT - CC 1770(a)(17), 1803.10, 2982.1

REMEDIES

Civil Penalties - B&P 17206, 17536

Consumers Legal Remedies Act - CC 1780 *et seq.*

Damages (see Damages)

Enhanced Penalties - B&P 17206.1, CC 1780(b), 3345

Injunction - CCP 525 *et seq.* B&P 17203 *et seq.*

Restitution - B&P 17206(d)

RENT SKIMMING - CC 890 *et seq.*

RENT-TO-OWN - CC 1812.620 *et seq.*

Cash Price - CC 1812.622(e), 1812.623(a)(5), 1812.644

Collection Practices - CC 1812.638

Contract Disclosures and Terms - CC 1812.623

Lost or Damaged Item - CC 1812.627

Maintenance of Item - CC 1812.633

Prohibited Acts - CC 1812.624, 1812.625, 1812.626, 1812.635, 1812.638 *et seq.*

Purchase Option - CC 1812.632

Reinstatement - CC 1812.631(b)

REPAIR

Appliance and Electronic - B&P 9800 *et seq.*

Automobile - B&P 9880 *et seq.*

Consumer Warranties - CC 1790 *et seq.*, Com. Code 2313 *et seq.*
Four-Hour Requirement - CC 1722
Part Not Needed/Part Not Provided - CC 1770(a)(15), (a)(16)
Service Contracts (see Service Contracts)
Warranty (see Warranties)
Warranty Repair Standards (see Warranties)
RETAIL INSTALLMENT SALES (see Unruh Sales Act)
RETURN POLICY DISPLAY REQUIREMENTS - CC 1723
ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT - CC 1788 *et seq.*
ROBOCALLS – 47 USC 227(b), 16 CFR Part 3110, CC 1770(a)(22), B&P 17363.5, PUC 2871 *et seq.*
Private Right of Action – 47 USC 227(b)(3)

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SALES

Bait and Switch - B&P 17500 (includes on the internet), CC 1770(a)(9), (a)(10)
By Telephone (see Telephonic Sellers)
Installment
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SCALPING TICKETS - PC 346
SECURITIES - Corp. Code 25000 *et seq.*
SECURITY DEPOSITS (see Landlord/Tenant Law)
SELF-SERVICE STORAGE FACILITIES - B&P 21700 *et seq.*
SELLER-ASSISTED MARKETING PLANS (SAMPS) - CC 1812.200 *et seq.*
Contract Cancellation - CC 1812.208 *et seq.*, 1812.215
Definitions - CC 1812.201
Disclosures - CC 1812.204 *et seq.*
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SELLERS OF TRAVEL – B&P 17550 *et seq.*
Advertising - B&P 17550.15(k), 17550.1, 17550.2, 17550.24(f)
Delivery of Tickets - B&P 17550.15(c)(3), 17550.17
Refunds - B&P 17550.14
Registration - B&P 17550.20, 17550.24
Trust Account - B&P 17550.15(b), 17550.16
Travel Consumer Restitution Fund - B&P 17550.35 *et seq.*
SEMINAR SALES - CC 1689.20 *et seq.*
SENIOR CITIZENS (Enhanced Penalties for Fraud Against) - CC 1780(b), 3345, B&P 17206.1
SERVICE CONTRACTS - CC 1794.4 *et seq.*, B&P 9855 *et seq.*
SIMULATED CHECKS - B&P 17539.1(a)(13), 22433
SMALL CLAIMS ACT - CCP 116.110 *et seq.*
Definitions – 116.130
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Jurisdiction – 116.220 *et seq.*
SONG-BEVERLY CONSUMER WARRANTY ACT (see also Warranties) – CC 1790 *et seq.*
SONG-BEVERLY CREDIT CARD ACT (see also Credit Cards) - CC 1747 *et seq.*
SPORTS MEMORABILIA, AUTOGRAPHED – CC 1739.7
SPORTS TRADING CARDS - B&P 21670 *et seq.*
SPYWARE, COMPUTER – B&P 22947 *et seq.*
STATUTES OF LIMITATION - CCP 312 *et seq.*
STRUCTURAL PEST CONTROL OPERATORS - B&P 8500 *et seq.*
SWAP MEETS, FLEA MARKETS, AND OPEN-AIR MARKETS - B&P 21660 *et seq.*
SWIMMING POOL CONSTRUCTION CONTRACTS - B&P 7165 *et seq.*

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TANNING FACILITIES - B&P 22700 *et seq.*
TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT - 15 USC 6101 *et seq.*, 16 CFR Part 310
TELEPHONE
 Billing/Collections (900/976 Numbers) - PUC 2884 *et seq.* (see also Fair Debt Collection Practices Act)
 Residential Services and Rates (Notices) - PUC 786
 Sale of Telephone and Communications Equipment - B&P 17361 *et seq.*
TELEPHONE CONSUMER PROTECTION ACT – 47 USC 227 *et seq.*
TELEPHONE SALES - B&P 17511 *et seq.*, 16 CFR Part 310
 Automatic Dialing-Announcing Device (Robocalls) - CC 1770(a)(22), B&P 17363.5, PUC 2871 *et seq.*, 16 CFR Part 3110
 Contract Cancellation - B&P 17511.5(e), CC 1689.6
 Disclosures - B&P 17500.3, 17511.5
 "Do Not Call" Lists - 47 USC 227(c)(1)(A), 47 CFR 64.1200(d)
 Fraud and Abuse Prevention - 15 USC 6101 *et seq.*, 16 CFR 310.4
 Information Charges (Disclosure) - PUC 2889, 16 CFR 310.3
 Live Voice Introduction - CC 1770(a)(22), 47 USC 227(b)(1), 47 CFR 64.1200
 Registration - B&P 17511.3 *et seq.*
 Solicitation - B&P 17500.3, 17511.1
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TIMESHARE CONTRACTS – B&P 11210 *et seq.*
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 Credit Cards - VC 22651.1
 Deficiency Claims - CC 3068.2
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 Owner's Request for Release - CC 3068.1, VC 22658(i)(3)

Request Prerequisite for Service - VC 22513
TOYS (Unassembled) - B&P 17531.1

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UNASSEMBLED

Furniture - CC 1770(a)(11), (a)(12)

Toys - B&P 17531.1

UNFAIR

Competition - B&P 17200 *et seq.*, CC 1770

Restraint of Trade - B&P 16600 *et seq.*

Trade Practices - B&P 17000 *et seq.*

UNIVERSAL PRODUCT CODE (UPC) DISCLOSURES - CC 7100 *et seq.*

UNLAWFUL DETAINER ASSISTANTS - B&P 6400 *et seq.*

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Form Contract - 16 CCR 3890

UNLICENSED PROVIDERS OF GOODS OR SERVICES (Treble Damages) - CCP 1029.8

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UNRUH CIVIL RIGHTS ACT - CC 51 *et seq.*

UNRUH ACT(Retail Installment Sales) - CC 1801 *et seq.*

Add-on Sales - CC 1808.1 *et seq.*

Buyer Unable to Obtain Financing - CC 1803.9

Buyer's Claims and Defenses - CC 1804.1 *et seq.*, 16 CFR Part 433

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Deficiency Judgment Prohibited - CC 1812.5

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Sales by Mail/Telephone (Coverage of Act) - CC 1803.8

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Warranties (see Warranties) – CC 1795.5

USURY - Cal. Const., Art. XV, 1, CC 1916.1 *et seq.*

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VEHICLE LEASING ACT – CC 2985.7-2993

Attorney's Fees – CC 2988.9

Cooling off Period – CC 2985.8(e)
Damages – CC 2988.5
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Lease Contract, Contents of – CC 2985.8, 2986.4
Prohibited Practices – CC 2985.8(i), 2986.3, 2986.6, 2986.12, 2989.4
Recisions – CC 2988.7
Refunds of Down payments – CC 2986.13
Reports to Consumer Credit Reporting Agencies – CC 2987(g)
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VIDEO RENTAL RECORDS – CC 1799.3, 18 USC 2710
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Cancellation, Withdrawal, and Refunds – EC 94919 *et seq.*
Enrollment Agreements and Disclosures – EC 94902 *et seq.*
Identification Required for Recruiters – EC 94901
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W

WARRANTIES

Arbitration Programs

All Consumer Products – 16 CFR Part 703

Conspicuous Disclosure Required - CC 1792.4

New Cars - B&P 472 *et seq.*, CC 1793.22(d)

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No Implied Warranties - CC 1791.3,

Used Cars - 16 CFR 455.2

Waiver of Warranties by Buyer – CC 1792.5

Assistive Devices - CC 1793.02

Buyer's Damages and Remedies- CC 1791.1(d), 1794, Com. Code 2714, 2715

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Defined - CC 1791.2

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Defined – CC 1791.1

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No Waiver – CC 1792.3

Leased Goods - CC 1795.4

Installation Standards - CC 1796

"Lemon Law" - CC 1793.22 *et seq.*, 15 USC 2301 *et seq.*

Magnuson-Moss WARRANTY ACT - 15 USC 2301 *et seq.*, 16 CFR Part 700 *et seq.*

Rejection of Goods - Com. Code 2601, 2602, 2606(1)(b), 2607(2)
Revocation of Acceptance of Goods – Com. Code 2608
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Repair, or Replace, or Reimburse Provision - CC 1793.2(d)
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WILLFUL OR NEGLIGENT ACTS - CC 1714
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Guide to Abbreviations:

B&P = California Business & Professions Code
Cal. Const. = California Constitution
CC = California Civil Code
CCP = California Code of Civil Procedure
CCR = California Code of Regulations
CFR = Code of Federal Regulations
Com. Code = California Commercial Code
Corp. Code = California Corporations Code
CPUC = California Public Utilities Commission
Ed. Code = California Education Code
Evid. Code = California Evidence Code
FC = California Financial Code
Fam. Code = Family Code
GC = California Government Code
H&S = California Health & Safety Code
Harb. & Nav. Code = California Harbors & Navigation Code
IC = California Insurance Code
PC = California Penal Code
PUC = California Public Utilities Code
R&T = Revenue and Taxation Code
USC = United States Code
VC = California Vehicle Code
“*et seq.*” = and the following sections

NOTICE: We attempt to make our legal guides accurate as of the date of publication, but they are only guidelines and not definitive statements of the law. Questions about the law's application to particular cases should be directed to a specialist.

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