Checklist of Significant California and Federal Consumer Laws

August 2010

A

ABANDONMENT, ANIMALS – CC 1834.4-1834.7
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  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)

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  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
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Electronic Media Compliance – B&P 6158 – 6158.4  
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Fee Agreements - B&P 6146 et seq.
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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
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Smog Certificate Upon Transfer - VC 5751.5, 24007(b)
Rentals - CC 1936 et seq.
Subleasing - CC 3343.5, PC 570 et seq.
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Warranty Adjustment Program - CC 1795.90 et seq.

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Licensing and Responsibilities - VC 11700 et seq.
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AUTOMOBILE SALES FINANCE ACT (Rees-Levering Act) – CC 2981-2984.5

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

B

BAD CHECK LAW - CC 1719, PC 476a
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C

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D

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N

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O

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P

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    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
  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
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
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)
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)

SALES
Bait and Switch - B&P 17500 (includes on the internet), CC 1770(a)(9), (a)(10)
By Telephone (see Telephonic Sellers)
Installment
Automobiles (see Automobile Sales Finance Act)
Consumer Goods and Services (see Unruh Act)
Multiple Units or Additional Products - B&P 17504, 17509 (includes on the internet)
Telephone and Communications Equipment - B&P 17361 et seq.
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.
Remedies - CC 1812.218 et seq.
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
Fees – 116.230
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
  Unlawful – CC 1670.6
  Venue - CCP 395(b)
TELEVISION
  Repair - B&P 9800 et seq.
  Picture Tube Labels - B&P 17531.6 et seq.
TICKET SELLERS - B&P 22500 et seq.
TIMESHARE CONTRACTS – B&P 11210 et seq.
  Rescission - B&P 11238
  Timeshare Plans - B&P 11212(z)
TOWING
  Credit Cards - VC 22651.1
  Deficiency Claims - CC 3068.2
  Liens - CC 3068.1
  Owner's Request for Release - CC 3068.1, VC 22658(i)(3)
Request Prerequisite for Service - VC 22513
TOYS (Unassembled) - B&P 17531.1

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.

UNFAIR DETAINER ASSISTANTS - B&P 6400 et seq.
  Contract Cancellation - B&P 6410(d),(e)
  Form Contract - 16 CCR 3890

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

UNPAID WAGES - LC 203, 227.3

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
  Contract - CC 1803.2 et seq., 1804.1
  Default/Repossession - CC 1812.2 et seq.
  Deficiency Judgment Prohibited - CC 1812.5
  Delinquency Charges - CC 1803.6
  Finance Charges - CC 1805.1 et seq., 1810.2
  Penalties - CC 1812.6 et seq.
  Retail Installment Accounts - CC 1810.1 et seq.
  Sales by Mail/Telephone (Coverage of Act) - CC 1803.8
  Security Interests - CC 1804.3
  "Supervised Financial Organizations" - CC 1801.6
  Venue - CC 1812.10

UNSOLICITED GOODS - CC 1584.5 et seq., 16 CFR Part 425

USED MERCHANDISE
  Motor Vehicles - 16 CFR Part 455
  Disclosure - B&P 17531, CC 1770(a)(6)
  Federal Surplus - B&P 17531.5, 17533.5
  Television Picture Tubes - B&P 17531.6 et seq.
  Warranties (see Warranties) – CC 1795.5

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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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Definitions – CC 2985.7
Disclosures – CC 2985.71
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)
Residual Value – CC 2988, 2989.2
Spanish Language forms – CC 2991

VIDEO EQUIPMENT REPAIR - B&P 9800 et seq.
VIDEO RENTAL RECORDS – CC 1799.3, 18 USC 2710
VOCATIONAL SCHOOLS (Private Postsecondary Education Act of 2009) – 94800 et seq.
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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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)
"As Is" Sales Com. Code 2316
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
Disclaimer - CC 1792.3-1792.5, Com. Code 2316, 2719
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Defined – CC 1791.1
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Leased Goods - CC 1795.4
Installation Standards - CC 1796
"Lemon Law" - CC 1793.22 et seq., 15 USC 2301 et seq.

Rejection of Goods - Com. Code 2601, 2602, 2606(1)(b), 2607(2)
Revocation of Acceptance of Goods – Com. Code 2608
Remedies Cumulative - CC 1790.4
Remedy Fails of Essential Purpose - Com. Code 2719(2)
Repair, or Replace, or Reimburse Provision - CC 1793.2(d)
Repair Standards - CC 1796.5
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Service Contracts - CC 1794.4 et seq, B&P 9855 et seq.
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WATER TREATMENT DEVICES - B&P 17577 et seq.
Contract Cancellation - B&P 17577.3
WEIGHT LOSS CONTRACTS - CC 1694.5 et seq.
Contract Cancellation - CC 1694.7(b)
Death or Disability of Buyer - CC 1694.8(a)
Move/Transferability of Buyer - CC 1694.8(b)
WHEELCHAIR WARRANTY/DISCLOSURE REQUIREMENTS - CC 1793.025
WILLFUL OR NEGLIGENT ACTS - CC 1714
WORTH OR VALUE - B&P 17501, CC 1770(a)(13)

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
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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