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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11]** ( *Heading of Division 3 added by Stats. 1939, Ch. 30.* )

**CHAPTER 20. Electronic and Appliance Repair Dealers [9800 - 9874.5]** ( *Heading of Chapter 20 amended by Stats. 1978, Ch. 1161.* )

**ARTICLE 4. Offenses Against the Chapter [9840 - 9853]** ( *Heading of Article 4 amended by Stats. 1981, Ch. 714, Sec. 28.* )

**9840.** It shall be unlawful to act as a service dealer without first having registered in accordance with the provisions of this chapter and unless such registration is currently valid.

(Amended by Stats. 1978, Ch. 1161.)

**9841.** (a) The director may deny, suspend, revoke, or place on probation the registration of a service dealer for any of the following acts or omissions done by himself or herself or any employee, partner, officer, or member of the service dealer and related to the conduct of his or her business:

- (1) Making or authorizing any statement or advertisement that is untrue or misleading, and that is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
- (2) Making any false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, installation, service, or maintenance of the equipment as specified by this chapter.
- (3) Any other conduct that constitutes fraud or dishonest dealing.
- (4) Conduct constituting incompetence or negligence.
- (5) Failure to comply with the provisions of this chapter or any regulation, rule, or standard established pursuant to this chapter.
- (6) Any willful departure from or disregard of accepted trade standards for good and workmanlike installation or repair.
- (7) Conviction of a crime that has a substantial relationship to the qualifications, functions and duties of a registrant under this chapter, in which event the record of the conviction shall be conclusive evidence thereof.
- (8) A violation of any order of the bureau made pursuant to this chapter.

(b) The director may also deny, or may suspend, revoke, or place on probation, the registration of a service dealer if the applicant or registrant, as the case may be, has committed acts or crimes constituting grounds for denial of licensure under Section 480.

(c) The director may also deny, or may suspend, revoke, or place on probation, the registration of a service dealer if the applicant or registrant, as the case may be, will be or is holding the registration for the benefit of a former registrant whose registration has been suspended or revoked and who will continue to have some involvement in the applicant's or new registrant's business.

(Amended by Stats. 2007, Ch. 354, Sec. 46. Effective January 1, 2008.)

**9842.** All work done by a service dealer shall be recorded on an invoice in such detail as is required by regulations issued by the director and shall describe all service work done and all parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the service dealer for a period of at least three years. If a copy of the invoice is provided to the customer in an electronic format, an electronic copy of the invoice shall be retained by the service dealer for the same retention period.

*(Amended by Stats. 2018, Ch. 578, Sec. 9. (SB 1483) Effective January 1, 2019.)*

**9843.** The service dealer shall return replaced parts to the customer excepting such parts as may be exempted from this requirement by regulations of the director and excepting such parts as the service dealer needs to return to the manufacturer or distributor under a warranty arrangement.

*(Added by Stats. 1963, Ch. 1492.)*

**9844.** An initial written estimate for the cost of repair shall be given to the customer before performing any repairs. The written estimate shall include all costs for parts and labor, and the service dealer may not charge for work done or parts supplied in excess of the estimate without the previous consent of the customer. The service dealer may charge a reasonable fee for services provided in determining the nature of the malfunction in preparation of a written estimate for repair. The service dealer shall advise the customer in writing of the amount of the fee prior to a repair made in the residence, before removal of the consumer goods from the customer's residence, or upon acceptance of the goods at the repair facility or registered location. This section shall not prohibit the use of a written estimate in an electronic format.

*(Amended by Stats. 2018, Ch. 578, Sec. 10. (SB 1483) Effective January 1, 2019.)*

**9844.1.** The charge for the installation of any equipment subject to the requirements of this chapter shall be given to the customer in writing prior to making the installation. Whenever the charge for installation is included in the sale price of the item and is not separately stated, or whenever the charge for installation is reduced as an incentive to effectuate the purchase and sale, the bureau may determine the reasonable charge attributable to the installation for purposes of enforcement.

*(Added by Stats. 1986, Ch. 207, Sec. 6.)*

**9844.5.** No lien or other right to maintain possession of the equipment pending payment of charges for repair or installation, including those arising from Chapter 6 (commencing with Section 3046) of Title 14, Part 4, Division 3 of the Civil Code, shall exist where the total charges levied for the repair or installation of such equipment exceeds the higher of (1) any amount estimated in writing pursuant to Section 9844, or (2) a written revision of such estimate signed and dated by the owner of the equipment, or in lieu thereof an oral revision of the written estimate, authorized by the owner and fully documented by the service dealer.

*(Amended by Stats. 1986, Ch. 207, Sec. 7.)*

**9845.** A service dealer may not make the compensation of any employee, partner, officer, or member dependent upon the value of parts replaced in any equipment by, or with the consent of, such employee, partner, officer, subcontractor, or member. This does not include the sale of equipment as defined in subdivision (h) of Section 9801.

*(Amended by Stats. 1993, Ch. 1264, Sec. 44. Effective January 1, 1994.)*

**9846.** The use of "guarantee" and words of like import shall conform to the regulations adopted by the director.

*(Added by Stats. 1963, Ch. 1492.)*

**9847.** Each service dealer shall maintain all records that are required by the regulations adopted to carry out the provisions of this chapter for a period of at least three years. These records shall be open for reasonable inspection by the director or other law enforcement officials.

*(Amended by Stats. 1993, Ch. 1265, Sec. 3. Effective January 1, 1994.)*

**9847.5.** (a) Each service contractor shall maintain those records as are required by the regulations adopted to carry out the provisions of this chapter for a period of at least three years. These records shall be open for reasonable inspection by the director or other law enforcement officials.

(b) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

*(Amended by Stats. 2023, Ch. 508, Sec. 11. (SB 814) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions.)*

**9848.** All proceedings to contest a citation for a violation of subdivision (k) of Section 23575.3 of the Vehicle Code or to deny registration or suspend, revoke, or place on probation a registration shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

*(Amended by Stats. 2016, Ch. 783, Sec. 2. (SB 1046) Effective January 1, 2017.)*

**9849.** (a) The expiration of a valid registration shall not deprive the director of jurisdiction to proceed with any investigation or hearing on a cease and desist order against a service dealer or service contractor or to render a decision to suspend, revoke, or

place on probation a registration.

(b) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

*(Amended (as amended by Stats. 2022, Ch. 625, Sec. 81) by Stats. 2023, Ch. 508, Sec. 12. (SB 814) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions. See later operative version, as amended by Sec. 13 of Stats. 2023, Ch. 508.)*

**9849.** (a) The expiration of a valid registration shall not deprive the director of jurisdiction to proceed with any investigation or hearing on a cease and desist order against a service dealer or to render a decision to suspend, revoke, or place on probation a registration.

(b) This section shall become operative on January 1, 2028.

*(Amended (as amended by Stats. 2022, Ch. 625, Sec. 82) by Stats. 2023, Ch. 508, Sec. 13. (SB 814) Effective January 1, 2024. Operative January 1, 2028, by its own provisions.)*

**9850.** Any person who fails to comply with the provisions of this chapter or of the regulations made pursuant to this chapter is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

*(Amended by Stats. 1993, Ch. 1264, Sec. 46. Effective January 1, 1994.)*

**9851.** (a) The superior court in and for the county wherein any person carries on, or attempts to carry on, business as a service dealer or service contractor in violation of the provisions of this chapter, or any regulation thereunder, shall, on application of the director, issue an injunction or other appropriate order restraining that conduct.

(b) The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

(c) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

*(Amended (as amended by Stats. 2022, Ch. 625, Sec. 83) by Stats. 2023, Ch. 508, Sec. 14. (SB 814) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions. See later operative version, as amended by Sec. 15 of Stats. 2023, Ch. 508.)*

**9851.** (a) The superior court in and for the county wherein any person carries on, or attempts to carry on, business as a service dealer in violation of the provisions of this chapter, or any regulation thereunder, shall, on application of the director, issue an injunction or other appropriate order restraining that conduct.

(b) The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

(c) This section shall become operative on January 1, 2028.

*(Amended (as amended by Stats. 2022, Ch. 625, Sec. 84) by Stats. 2023, Ch. 508, Sec. 15. (SB 814) Effective January 1, 2024. Operative January 1, 2028, by its own provisions.)*

**9852.** No person required to have a valid registration under the provisions of this chapter shall have the benefit of any lien for labor or materials or the right to sue on a contract for repairs or installation done by such individual, unless he or she has such a valid registration.

*(Amended by Stats. 1986, Ch. 207, Sec. 8.)*

**9853.** (a) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a service dealer or service contractor is deemed to be a conviction within the meaning of this article. The director may suspend, revoke, or place on probation a registration, or may deny registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code, allowing that person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

*(Amended (as amended by Stats. 2022, Ch. 625, Sec. 85) by Stats. 2023, Ch. 508, Sec. 16. (SB 814) Effective January 1, 2024. Repealed as of January 1, 2028, by its own provisions. See later operative version, as amended by Sec. 17 of Stats. 2023, Ch. 508.)*

**9853.** (a) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a service dealer is deemed to be a conviction within the meaning of this article. The director may suspend, revoke, or place on probation a registration, or may deny registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) This section shall become operative January 1, 2028.

*(Amended (as amended by Stats. 2022, Ch. 625, Sec. 86) by Stats. 2023, Ch. 508, Sec. 17. (SB 814) Effective January 1, 2024. Operative January 1, 2028, by its own provisions.)*