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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 7. GENERAL BUSINESS REGULATIONS [16000 - 18107] (*Division 7 added by Stats. 1941, Ch. 61.*)

PART 2. PRESERVATION AND REGULATION OF COMPETITION [16600 - 17365] (*Part 2 added by Stats. 1941, Ch. 526.*)

CHAPTER 7. Sales of Telephone and Other Communications Equipment [17360 - 17365] (*Chapter 7 added by Stats. 1983, Ch. 738, Sec. 2.*)

17360. As used in this chapter, "person" includes an individual, partnership, firm, association, or corporation.

(*Added by Stats. 1983, Ch. 738, Sec. 2. Effective September 13, 1983. Section operative November 1, 1983, pursuant to Section 17365.*)

17361. Any person offering for sale or selling telephone handsets or keysets or private branch exchanges or private automatic branch exchanges of not more than 20-station capacity, whether new or reconditioned, shall specify in all advertisements and catalogs therefor, except point-of-sale advertising, and on or in the equipment package both of the following:

(a) Whether the equipment employs pulse, tone, pulse-or-tone, or other signaling method, and a general description of the services it can or cannot access as a result thereof.

(b) Whether the equipment is registered with the Federal Communications Commission pursuant to Part 68 of Title 47 of the Code of Federal Regulations.

(*Added by Stats. 1983, Ch. 738, Sec. 2. Effective September 13, 1983. Section operative November 1, 1983, pursuant to Section 17365.*)

17362. A retailer of telephone equipment shall give clear and conspicuous notice, both on the sale premises and in advertising and catalogs for telephone equipment, except point-of-sale advertising, of the person or persons responsible for repair of the equipment.

(*Added by Stats. 1983, Ch. 738, Sec. 2. Effective September 13, 1983. Section operative November 1, 1983, pursuant to Section 17365.*)

17363. Notwithstanding any other provision of this chapter, Sections 17361 and 17362 do not apply to any of the following:

(a) Institutional advertising directed to a general audience rather than to individual purchasers of telephone equipment.

(b) Advertising, point-of-sale advertising, catalogs for, and sales of, telephone equipment not intended for direct connection to a telephone corporation's central switching office through the telephone corporation lines.

(c) Catalogs and equipment packages for telephone equipment which are in print or in physical production on or before November 1, 1983.

(d) Advertising by radio or television if the advertising includes a toll-free number by which a potential buyer may speak personally with a trained sales representative who orally provides the potential buyer with a disclosure statement containing both of the items required by Section 17361. The advertiser shall file the text of this disclosure statement with the Director of Consumer Affairs and shall amend the filed statement, as needed, to conform to any changes made in the disclosure statement used by the advertiser.

(*Amended by Stats. 1984, Ch. 544, Sec. 1.*)

17363.5. Any person advertising or offering for sale automatic dialing-announcing devices, as defined in Section 2871 of the Public Utilities Code, shall specify on all advertising therefor and in the instruction manual or other information included with the equipment that the equipment may be operated within California only in accordance with Article 1 (commencing with Section 2871) of Chapter 10 of Part 2 of Division 1 of the Public Utilities Code. The person shall also provide a full copy of that article to each purchaser of the equipment, and shall also provide a full copy to each prospective purchaser upon request.

(*Added by Stats. 1984, Ch. 544, Sec. 2.*)

17364. Every failure to comply with any provision of this chapter constitutes unfair competition and shall be enforced under Chapter 5 (commencing with Section 17200).

(Added by Stats. 1983, Ch. 738, Sec. 2. Effective September 13, 1983. Section operative November 1, 1983, pursuant to Section 17365.)

17365. This chapter shall become operative on November 1, 1983.

(Added by Stats. 1983, Ch. 738, Sec. 2. Effective September 13, 1983. Note: This section prescribes a delayed operative date for Chapter 7, commencing with Section 17360.)