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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2] (Division 8 added by Stats. 1941, Ch. 44.)

CHAPTER 3.1. Household Movers Act [19225 - 19294] (Chapter 3.1 added by Stats. 2017, Ch. 421, Sec. 8.)

ARTICLE 8. Fines and Penalties [19277 - 19284] (Article 8 added by Stats. 2017, Ch. 421, Sec. 8.)

19277. (a) Every household mover and every officer, director, agent, or employee of any household mover who violates or who fails to comply with, or who procures, aids, or abets any violation by any household mover of any provision of this chapter or any rule or regulation administered by the bureau pursuant to this chapter, or of any operating permit issued to any household mover, or who procures, aids, or abets any household mover in its failure to obey, observe, or comply with any such rule, regulation, or operating permit, is guilty of a misdemeanor, and is punishable by a fine of not more than two thousand five hundred dollars (\$2,500) or by imprisonment in the county jail for not more than three months, or both. If a violation is willful, each willful violation is punishable by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment in the county jail for not more than one year, or both. If the violation involves operating or holding oneself out as a household mover without a permit, the fine shall be not less than one thousand dollars (\$1,000).

(b) Any person who violates subdivision (a) of Section 19237, is guilty of a misdemeanor, and is punishable by a fine of not more than ten thousand dollars (\$10,000), by imprisonment in the county jail for not more than one year, or both, for each violation.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19277.1. Every household mover, and every officer, director, agent, or employee of a household mover, who displays on any vehicle any identifying symbol other than the symbol prescribed by the bureau pursuant to Section 19236 or who fails to remove an identifying symbol when required by the bureau, is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment in the county jail for not more than one year, or both.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19278. Every corporation or person other than a household mover, who knowingly and willfully, either individually, or acting as an officer, agent, or employee of a corporation, copartnership, or any other person other than a household mover, violates any provision of this chapter or fails to observe, obey, or comply with any rule, regulation, or requirement administered by the bureau pursuant to this chapter, or who procures, aids, or abets any household mover in its violation of this chapter, or in its failure to obey, observe, or comply with any such rule, regulation, or requirement, is guilty of a misdemeanor, and is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than three months, or both.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19279. Except as otherwise provided in this chapter, every household mover and every officer, director, agent, or employee of any household mover who violates or who fails to comply with, or who procures, aids, or abets, any violation by any household mover of any provision of this chapter, or who fails to obey, observe, or comply with any rule, regulation, or requirement administered by the bureau pursuant to this chapter, or with any operating permit issued to any household mover, or who procures, aids, or abets any household mover in its failure to obey, observe, or comply with any such rule, regulation, requirement, or operating permit, is subject to a citation and fine of not more than five hundred dollars (\$500) for each offense. This section does not prohibit the bureau from seeking to deny, suspend, revoke, or place on probation an operating permit, in lieu of issuing a citation and fine.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19279.1. Whenever the bureau finds that any person or corporation is operating as a household mover without a valid permit, or is holding itself out as such a household mover without a valid permit in contravention of Section 19279.3, the bureau may issue a citation and fine of not more than five thousand dollars (\$5,000) for each violation. The bureau may assess the person or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the bureau.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19279.2. Every corporation or person other than a household mover who knowingly and willfully, either individually, or acting as an officer, agent, or employee of a corporation, copartnership, or any other person other than a household mover, violates any provision of this chapter or fails to observe, obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement administered by the bureau pursuant to this chapter, or who procures, aids, or abets any household mover in its violation of this chapter, or in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, or requirement, is subject to a citation and fine of not more than five hundred dollars (\$500) for each offense.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19279.3. Every corporation or person who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a household mover without having a valid permit issued under this chapter is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500).

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19280. Every household mover that falsifies permit status, membership in an association, or location is subject to a citation and fine of not more than two thousand five hundred dollars (\$2,500) per day that the household mover is in violation of this section.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19281. Every violation of the provisions of this chapter or of any order, decision, decree, rule, regulation, direction, demand, or requirement administered by the bureau pursuant to this chapter by any household mover, any corporation, or any person is a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof is a separate and distinct offense.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19282. All remedies and penalties accruing under this chapter are cumulative to each other and to the remedies and penalties available under any other law, and a suit for the recovery of one remedy or penalty does not bar or affect the recovery of any other remedy, penalty, or forfeiture or bar any criminal prosecution against any person or corporation, or any officer, director, agent, or employee thereof, or any other corporation or person.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19283. Fines not paid to the bureau within the specified time period for a violation of this chapter or any order, decision, rule, regulation, direction, demand, tariff, or requirement administered by the bureau pursuant to this chapter shall be cause to deny the renewal of a permit or to suspend, revoke, or place it on probation.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19283.1. (a) The bureau shall ensure that this chapter is enforced and obeyed, and that violations thereof are promptly prosecuted and that moneys due to the state are recovered and collected.

(b) For purposes of this section, "peace officer" means a person designated as a peace officer pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(c) A peace officer may enforce and assist in the enforcement of Sections 19277 and 19278, resulting from a violation of Section 19236, 19237, 19244, or 19276, or more than one of those sections. A peace officer may additionally enforce and assist in the enforcement of Sections 19277.1 and 19279.3. In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting peace officer may, instead of taking the person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(d) The bureau shall coordinate enforcement of this section with those peace officers likely to be involved in enforcing this section, including undertaking both of the following:

(1) Educational outreach to promote awareness among those peace officers about the requirements of Sections 19236, 19237, 19244, 19276, 19277, 19277.1, 19278, and 19279.3.

(2) Establishing lines of communication so that the bureau is notified if an action is commenced to enforce the requirements of those sections specified in subdivision (c), so that the bureau may take appropriate action to enforce the citation and fine

provisions of this article.

(e) The Attorney General, a district attorney of the proper county or city and county, or a city attorney may institute and prosecute actions or proceedings for the violation of any law committed in connection with, or arising from, a transaction involving the transportation of household goods and personal effects.

(f) Notwithstanding any other law, a person employed as a special investigator or supervising special investigator by the bureau and designated by the director shall have the authority to issue a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code for a violation of a provision for which a peace officer may enforce or assist in the enforcement pursuant to subdivision (c). An employee so designated is not a peace officer, is not entitled to safety member retirement benefits as a result of the designation, and does not have the power of arrest.

(Amended by Stats. 2019, Ch. 210, Sec. 1. (SB 391) Effective January 1, 2020.)

19283.2. All fines recovered by the bureau pursuant to this chapter, together with the costs thereof, shall be paid into the fund.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)

19284. (a) Whenever a written notice to appear has been mailed to the owner of a household mover motor vehicle, an exact and legible duplicate copy of the notice, when filed with the magistrate in lieu of a verified complaint, is a complaint to which the defendant may plead guilty.

(b) If, however, the defendant fails to appear, does not deposit bail, or pleads other than guilty to the offense charged, a complaint shall be filed that conforms to Chapter 2 (commencing with Section 948) of Title 5 of Part 2 of the Penal Code and which shall be deemed to be an original complaint, and thereafter the proceeding shall be held as provided by law, except that the defendant may, by an agreement in writing, subscribed by the defendant and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(Added by Stats. 2017, Ch. 421, Sec. 8. (SB 19) Effective January 1, 2018.)