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TITLE 5. LOCAL AGENCIES [50001 - 57607] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821] (Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 1. General [53000 - 53170] (Chapter 1 added by Stats. 1949, Ch. 81.)

ARTICLE 4.6. Consumer Contracts: Cable Television [53088.5 - 53088.8] (Article 4.6 added by Stats. 1996, Ch. 666, Sec. 1.)

53088.5. The Legislature hereby finds and declares as follows:

- (a) It is a common practice in the sale or lease of cable television services for a fee to be imposed upon a consumer's failure to make full and timely payment of periodic charges for those services.
- (b) It is desirable to establish certain reasonable minimum standards to prevent abuse or overcharges.
- (c) Complicated and expensive accounting determinations are required to fairly assess the exact costs which are incurred for collection and accounting for delinquent payments.
- (d) Currently, the Federal Communications Commission excludes late fees from inclusion when setting benchmark rates.
- (e) It is desirable to encourage the practice of extending services and avoiding the immediate termination of services notwithstanding a short-term delinquency.

(Added by Stats. 1996, Ch. 666, Sec. 1. Effective January 1, 1997.)

53088.6. Notwithstanding Section 53088.2, a fee may not be imposed upon consumers for any delinquent payment for sale of cable television services unless all of the following apply:

- (a) For all contracts entered into on or after January 1, 1997, at or before the time the consumer enters into the initial agreement for services, the consumer is provided with written notice that it is the policy of the seller to impose a fee on delinquent accounts.
- (b) At least 10 days prior to the date a fee is imposed, the consumer is warned on the face of the notice, in writing of the late fee that will be imposed if a consumer's delinquency is not paid. This notice shall specify the date on or after which a late fee will be charged.
- (c) The consumer's invoice specifies a due date that is not earlier than the 10th day of the service period for which the invoice is issued.
- (d) The fee is assessed no earlier than 27 days after the due date specified in the invoice.
- (e) The fee is assessed on a delinquent balance of more than ten dollars (\$10).

(Added by Stats. 1996, Ch. 666, Sec. 1. Effective January 1, 1997.)

53088.7. Notwithstanding Section 53088.2, a delinquency fee charged in a cable television transaction which is not in excess of four dollars and seventy-five cents (\$4.75) and which is imposed in accordance with the procedures set forth in Section 53088.6 shall be valid. The delinquency fee may not exceed four dollars and seventy-five cents (\$4.75), unless the Federal Communications Commission expressly requires late fees to be fully included when setting benchmark rates applicable to a cable television operator. If this requirement is imposed by the Federal Communications Commission, then the maximum delinquency fee charged by the cable television provider shall be 1½ percent of the delinquent amount in the relevant franchise areas for as long as late fees are fully included in benchmark rates.

- (b) A collection fee which is not in excess of ten dollars (\$10) and is in addition to the delinquency fee shall also be valid in a cable television consumer service transaction if the service provider sends an employee or contractor to the customer's residence in order to collect payment or disconnect service and the fee is imposed in accordance with the procedures set forth in Section 53088.6.

(Added by Stats. 1996, Ch. 666, Sec. 1. Effective January 1, 1997.)

53088.8. This article shall apply to the sale or lease of cable television services on or after January 1, 1997. This article shall not apply to late fee practices reflected in cable television service contracts that are specified in or subject to a court order or judgment entered on or before that date unless expressly provided to the contrary in that order or judgment.

(Added by Stats. 1996, Ch. 666, Sec. 1. Effective January 1, 1997.)