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**DIVISION 3. OBLIGATIONS [1427 - 3273.69]** ( *Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*  )

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69]** ( *Part 4 enacted 1872.*  )

**TITLE 1.6D. ELECTRONIC COMMERCE [1789 - 1789.9]** ( *Title 1.6D added by Stats. 1984, Ch. 638, Sec. 1.*  )

**ARTICLE 1. General Provisions [1789 - 1789.9]** ( *Article 1 added by Stats. 1984, Ch. 638, Sec. 1.*  )

**1789.** The Legislature hereby finds and declares that it is in the public interest that consumers have comprehensive knowledge of services available through electronic commerce and to that end hereby enacts the Electronic Commerce Act of 1984.

(*Added by Stats. 1984, Ch. 638, Sec. 1.*)

**1789.1.** This title may be cited as "The Electronic Commerce Act of 1984."

(*Added by Stats. 1984, Ch. 638, Sec. 1.*)

**1789.2.** For the purposes of this title, the following terms have the meanings expressed in this section:

(a) "Electronic commercial service" or "service" means an electronic shopping system to conduct the purchase of goods and services via a telecommunications network, but does not mean conventional voice-only telephone service, one-way television or radio broadcasting, an electronic fund transfer system, or a service provided through an electronic terminal located at a place of business where the sale of goods or services sold through that service otherwise occurs.

(b) "Consumer" means a natural person who purchases goods or services using an electronic commercial service.

(c) "Provider of service" means a person who contracts with consumers to provide an electronic commercial service.

(d) "Goods or services" means tangible items or physical services provided to the consumer, or tickets or vouchers for such tangible items or physical services, but does not mean computerized data delivered to the consumer via a computer terminal or in printed form.

(*Amended by Stats. 1987, Ch. 49, Sec. 1. Effective June 17, 1987.*)

**1789.3.** The provider of an electronic commercial service shall provide to consumers with which it contracts to provide the service, at the time it contracts to provide the service and annually, on or before June 30 of each year thereafter, all of the following information:

(a) The name, address, and telephone number of the provider of service.

(b) Any charges to the consumer imposed by the provider for the use of the service.

(c) The procedures a consumer may follow in order to resolve a complaint regarding the service or to receive further information regarding use of the service, including the telephone number and address of the Complaint Assistance Unit of the Division of Consumer Services of the Department of Consumer Affairs.

(*Amended by Stats. 1986, Ch. 508, Sec. 1.*)

**1789.5.** (a) Any provider who knowingly and willfully violates any provision of this title is liable for a civil penalty not to exceed five thousand dollars (\$5,000) which may be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney or city attorney, or by a city prosecutor in any city or city and county having a full-time city prosecutor, in any court of competent jurisdiction.

(b) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the General Fund. If the action is brought by a district attorney, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or

city prosecutor, one-half of the penalty shall be paid to the treasurer of the city in which the judgment was entered, and one-half to the treasurer of the county in which the judgment was entered.

*(Added by Stats. 1984, Ch. 638, Sec. 1.)*

**1789.6.** Nothing in this title shall be construed to limit the liability of a provider of service to a consumer for errors or omissions arising from the operation of an electronic commercial service.

*(Added by Stats. 1984, Ch. 638, Sec. 1.)*

**1789.7.** (a) This title does not apply where it is inconsistent with, or infringes upon, federal law or regulation.

(b) This title does not apply to the rights and obligations of a cardholder and a card issuer with respect to the use of a credit card arising from the purchase of goods or services conducted through an electronic commercial service. For the purpose of this subdivision, "cardholder," "card issuer," and "credit card" have the same meaning as those terms are given in the federal Fair Credit Billing Act (15 U.S.C. Sec. 1601 et seq.) and regulations adopted thereunder, or, if applicable, the Song-Beverly Credit Card Act of 1971 (Title 1.3 (commencing with Section 1747)).

(c) This title does not apply to the rights and obligations of a consumer and a financial institution with respect to any electronic fund transfer arising from purchase of goods or services conducted through an electronic commercial service. For the purposes of this subdivision, "consumer," "financial institution," and "electronic fund transfer" have the same meaning as those terms are given in the Electronic Fund Transfer Act (15 U.S.C. Sec. 1601 et seq.) and regulations adopted thereunder.

*(Added by Stats. 1984, Ch. 638, Sec. 1.)*

**1789.8.** This title applies to transactions entered into on or after July 1, 1985.

*(Added by Stats. 1984, Ch. 638, Sec. 1.)*

**1789.9.** Any waiver of the provisions of this title is contrary to public policy, and is void and unenforceable.

*(Added by Stats. 2002, Ch. 815, Sec. 13. Effective January 1, 2003.)*