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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 3. DEPOSIT [1813 - 1881.2] (*Title 3 enacted 1872.*)

CHAPTER 2. Deposit for Keeping [1833 - 1867] (*Chapter 2 enacted 1872.*)

ARTICLE 3.5. Deposits for Repair, Alteration or Sale [1858 - 1858.3] (*Article 3.5 added by Stats. 1970, Ch. 1185.*)

1858. As used in this article:

- (a) "Customer" means a natural person who deals with a depositary.
- (b) "Depositary" means a person who in the ordinary course of business regularly receives property from customers for the purpose of repair or alteration.
- (c) "Property" means personal property used for or intended for personal, family, or household purposes, but does not include any motor vehicle within the meaning of Section 415 of the Vehicle Code.

(*Amended by Stats. 1971, Ch. 180.*)

1858.1. Every depositary shall, upon accepting property from a customer, present the customer with written receipt which shall include a statement, if such is the case, that such deposited property is not insured or protected to the amount of the actual cash value thereof by the depositary against loss occasioned by theft, fire, and vandalism while such property remains with the depositary.

(*Added by Stats. 1970, Ch. 1185.*)

1858.2. Every depositary who fails to furnish the receipt, or a statement thereon as required by Section 1858.1, or who makes any misrepresentation in such receipt, shall be strictly liable to the customer for any loss occasioned by theft, fire, or vandalism while such property remains with the depositary and shall forfeit any lien or other right to hold the property arising from services rendered in holding, repairing, altering, or selling the property. When liability is imposed upon a depositary under this section it shall be deemed as having been imposed for the commission of a willful act for the purposes of Section 533 of the Insurance Code.

(*Added by Stats. 1970, Ch. 1185.*)

1858.3. If the depositary by insurance or by self-insurance does protect property deposited by customers for loss or damage occasioned by theft, fire or vandalism while such property remains with the depositary, such depositary need not make or deliver to customer any notice thereof.

(*Added by Stats. 1970, Ch. 1185.*)