



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-391 Household Movers Act: enforcement: special investigators and supervising special investigators. (2019-2020)

SHARE THIS:  

Date Published: 08/30/2019 09:00 PM

Senate Bill No. 391

CHAPTER 210

An act to amend Section 19283.1 of the Business and Professions Code, relating to business.

[Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 391, Monning. Household Movers Act: enforcement: special investigators and supervising special investigators.

Existing law, the Household Movers Act, provides for the regulation of household movers by the Bureau of Household Goods and Services in the Department of Consumer Affairs. The act authorizes a peace officer to enforce or assist in the enforcement of certain provisions of the act that are subject to criminal penalties.

This bill would also authorize a person employed as a special investigator or supervising special investigator by the bureau and designated by the Director of Consumer Affairs to issue a written notice to appear in court for those violations for which a peace officer may enforce or assist in the enforcement, in accordance with specified procedures.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 19283.1 of the Business and Professions Code is amended to read:

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.