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**AB-1730 Penal damages: veterans.** (2021-2022)

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**Assembly Bill No. 1730**

**CHAPTER 78**

An act to amend Section 3345 of the Civil Code, relating to penal damages.

[ Approved by Governor July 01, 2022. Filed with Secretary of State July 01, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1730, Davies. Penal damages: veterans.

Existing law requires the trier of fact, in a civil action to redress unfair or deceptive acts or practices or unfair competition brought by, on behalf of, or for the benefit of senior citizens or disabled persons, to consider specified factors in determining the amount of a discretionary fine, penalty, or remedy to be imposed. Existing law authorizes the trier of fact, upon a finding of one of those factors, to impose a fine, penalty, or other remedy in an amount up to 3 times greater than the amount authorized by statute or the amount the trier of fact would impose in the absence of the affirmative finding.

This bill would make these provisions applicable to veterans.

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

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

**SECTION 1.** Section 3345 of the Civil Code is amended to read:

**3345.** (a) This section shall apply only in actions brought by, on behalf of, or for the benefit of those individuals specified in paragraphs (1) to (3), inclusive, to redress unfair or deceptive acts or practices or unfair methods of competition.

(1) Senior citizens, as defined in subdivision (f) of Section 1761.

(2) Disabled persons, as defined in subdivision (g) of Section 1761.

(3) Veterans, as defined in Section 18540.4 of the Government Code.

(b) Whenever a trier of fact is authorized by a statute to impose either a fine, or a civil penalty or other penalty, or any other remedy the purpose or effect of which is to punish or deter, and the amount of the fine, penalty, or other remedy is subject to the trier of fact's discretion, the trier of fact shall consider the factors set forth in paragraphs (1) to (3), inclusive, in addition to other appropriate factors, in determining the amount of fine, civil penalty or other penalty, or other remedy to impose. Whenever the trier of fact makes an affirmative finding in regard to one or more of the factors set forth in paragraphs (1) to (3), inclusive, it may impose a fine, civil penalty or other penalty, or other remedy in an amount up to three times greater than authorized by the statute, or, where the statute does not authorize a specific amount, up to three times greater than the amount the trier of fact would impose in the absence of that affirmative finding.

(1) Whether the defendant knew or should have known that their conduct was directed to one or more senior citizens, disabled persons, or veterans.

(2) Whether the defendant's conduct caused one or more senior citizens, disabled persons, or veterans to suffer: loss or encumbrance of a primary residence, principal employment, or source of income; substantial loss of property set aside for retirement, or for personal or family care and maintenance; or substantial loss of payments received under a pension or retirement plan or a government benefits program, or assets essential to the health or welfare of the senior citizen, disabled person, or veteran.

(3) Whether one or more senior citizens, disabled persons, or veterans are substantially more vulnerable than other members of the public to the defendant's conduct because of age, poor health or infirmity, impaired understanding, restricted mobility, or disability, and actually suffered substantial physical, emotional, or economic damage resulting from the defendant's conduct.