

West's
**ANNOTATED
CALIFORNIA CODES**



BUSINESS AND PROFESSIONS CODE
Sections 16000 to 18999

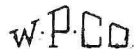
West's
ANNOTATED
CALIFORNIA CODES



BUSINESS AND PROFESSIONS
CODE

Sections 16000 to 18999

*Official
California Business and Professions Code
Classification*



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PREFACE

This volume covers legislation relating to §§ 16000 to 18999 of the Business and Professions Code as supplemented through the 1995–1996 Regular and First through Fourth Extraordinary Sessions, and the November 5, 1996, election.

The enactments, pertinent judicial constructions and other annotative materials that have accumulated in recent years have been integrated with existing provisions to simplify and facilitate the use of this volume.

All standard practice features of West's Annotated California Codes are continually updated for maximum utility. These valuable research features include:

Notes of Decisions—Court constructions setting forth the facts and the law.

Cross References—State laws of related subject matter, qualification or limitation are noted and listed.

Historical and Statutory Notes—Showing the source and tracing the development of the law.

California Code Forms—Time-saving references to these valuable code forms volumes.

Law Reviews—References to pertinent articles and commentaries.

Library References to:

Key Number Digests.

Corpus Juris Secundum.

WESTLAW Topic Numbers.

Miscellaneous Digests, Books and Reports.

Law Revision Commission and other Comments.

United States Code Annotated—References to federal laws of related or qualifying matter.

Constitutional Provisions—References to related text of the state constitution.

Code of Regulations References.

Opinions of the Attorney General.

This volume contains those features appropriate to its contents.

An index, comprehensive and detailed, covering the complete text of the Business and Professions Code, appears as the last volume of the Code.

PREFACE

Annotations based on decisions of the State and Federal Courts, and Opinions of the Attorney General close with the following:

California Reporter	60 Cal.Rptr.2d 92
Pacific Reporter, Second Series	928 P.2d 1170
Federal Reporter, Third Series	102 F.3d 1244
Federal Supplement	946 F.Supp. 1010
Federal Rules Decisions	169 F.R.D. 389
Supreme Court Reporter	117 S.Ct. 726
California Reports	14 C.4th (part)
California Appellate Reports	51 C.A.4th (part)
California Appellate Reports Supplement	48 C.A.4th Supp. (part)
United States Reports	510 U.S. (part)
Lawyers' Edition, Second Series	135 L.Ed.2d (part)
Bankruptcy Reporter	203 B.R. 348
Federal Claims Reporter	37 Fed.Cl. 59
Attorney General Opinions	79 Op.Atty.Gen. 163
Other Standard Reports	

A WESTLAW guide covering additional resources for use in your legal research is set out following this Preface. See WESTLAW Insta-Cite to update the case history information for opinions under Notes of Decisions.

The Publisher expresses its sincere appreciation to the State Officials, to the members of the Judiciary, to the Law Schools, and to the practicing Attorneys whose timely suggestions, supplementing the varied experience of the Publisher, have contributed materially to the successful planning and development of WEST'S ANNOTATED CALIFORNIA CODES.

THE PUBLISHER

April, 1997

WESTLAW ELECTRONIC RESEARCH GUIDE

WESTLAW, Computer Assisted Legal Research

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find 639 p2d 939
find ca elec s 7559

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- Retrieve cases citing a particular statute.
- Update a state statute by typing UPDATE or by using the appropriate jump marker (> or ►), from the displayed statute.

WESTLAW GUIDE

- Retrieve newly enacted legislation by searching in the appropriate legislative service database.
- Retrieve cases not yet reported by searching in case law databases.
- Read the latest U.S. Supreme Court opinions the same day they are released.
- Update West digests by searching topic and key numbers.

Determining Case History

Insta-Cite[®], a service of West Group, is the most current source for the history of a particular case. Insta-Cite also provides citation verification and parallel citations. Use Insta-Cite when you need to know if the case you are relying on has any subsequent history.

Shepard's[®] Citations is also available on WESTLAW. Shepard's on WESTLAW offers several advantages, including the following:

- the consolidation of the books, pocket part and update pamphlet into one result
- the ability to view only those references for a specific jurisdiction, treatment code or headnote
- direct access to citing cases from the West National Reporter System[®]

Shepard's PreView[™] is a WESTLAW exclusive that offers a preview of citing references from the National Reporter System before they are available in print.

Retrieving Citing Cases

You can supplement existing annotations or create your own set of annotations. Simply use the following approach:

1. Determine the format of the statute or case to which you wish to find references.
2. Select a case database in the desired jurisdiction.
3. Run a search containing key portions of the citation, plus any appropriate terms.*

*Because of the great variety of citations and citing styles, you should refer to the *WESTLAW Reference Manual* or consult with the West Reference Attorneys for more specific examples.

Additional Information

For more detailed information or assistance, contact your WESTLAW Account Representative or call 1-800-WESTLAW (1-800-937-8529).

CALIFORNIA CODES

The present system of Codes in California was anticipated by the enactment in 1872 of the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code. The first three of these Codes are still in existence, but the subject matter of the Political Code is now largely covered by the Government Code.

The intensive codification program which produced the current set of Codes was launched in 1929 with the enactment of Stats.1929, c. 750, and was completed in 1953 with the enactment of the Unemployment Insurance Code. The set then consisted of twenty-five Codes including the three enacted in 1872. The total was increased to twenty-seven with the adoption of the Commercial Code in 1963, and the Evidence Code in 1965. In 1981, the twenty-eighth code was added when the Public Contract Code was enacted, and the twenty-ninth, the Family Code, was enacted in 1992, operative January 1, 1994.

Stats.1929, c. 750, which launched the codification program, created the California Code Commission, and charged it with the duty of revising all laws of the state. The work of revision was to comprehend the preparation of a statutory record showing the status and disposition of acts theretofore adopted, the codification, consolidation, compilation or revision of all statutes in force; and the express repeal of all statutes theretofore repealed by implication, held unconstitutional, or rendered obsolete by the revision. The final report of the Code Commission was submitted September 1, 1953.

An essential preliminary part of the Code Commission's work was the preparation of a statutory record showing origin, amendments, and repeals of state laws enacted since 1850. The first volume of Statutory Record was published in 1933. Thereafter supplementary records were published for the periods 1933-1948, 1949-1958, 1959-1968, and 1969-1978. The Record is supplemented and brought to date in each volume of the session laws.

The California Law Revision Commission was created in 1953 (Government Code § 8280) and charged with the duty of recommending changes deemed necessary to eliminate defects and anachronisms, to modify or eliminate antiquated and inequitable rules of law, and to bring the law into harmony with modern conditions (Government Code § 8289). The recommendations of the Commission have resulted in the enactment of numerous revisions of, as well as additions to, the law.

Publication of West's California Codes was announced in 1954. This is a completely annotated edition which is supplemented by means of pocket parts and pamphlets.

CALIFORNIA CODES

The official Codes incorporate all the general and permanent legislative law of California. West's Annotated Codes contain additionally the text of—

Initiative measures, for example,—

- Chiropractic Act (Business and Professions Code § 1001-1 et seq.)
- Daylight Savings Time Law (Government Code § 6807-1 et seq.)
- Gift and Inheritance Taxes (Revenue and Taxation Code)
- Income Tax Indexing (Revenue and Taxation Code)
- Insurance Rates and Regulation (Insurance Code § 1861.01 et seq. and Revenue and Taxation Code)
- Osteopathic Law (Business and Professions Code § 3600-1 et seq.)
- Political Reform Act of 1974 (Government Code § 81000 et seq.)
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code)
- Tax Limitation—Proposition 13, Jarvis-Gann (Constitutional Article 13A)
- Tort Reform—Fair Responsibility Act of 1986 (Civil Code)
- Usury Law (Civil Code § 1916-1 et seq.)
- Victims' Bill of Rights, 1982 (Constitution, Penal and Welfare and Institutions Codes)

Uncodified laws of general interest—

See, for example, the Appendixes to the Public Utilities Code and the Harbors and Navigation Code

Water district laws—

See the Appendix to the Water Code

California Constitution

General and permanent laws are enacted currently in California as additions to or amendments of the Codes. The code section numbers, as well as Title, Division, Part, Chapter, and Article headings, where appropriate, are included in the laws as enacted. However, section headings for West's Codes are prepared by the West editorial staff, except for certain headings which are supplied by the Office of Legislative Counsel.

Subsequent to their original enactment several of the Codes have been repealed in their entirety and reenacted. These are—

Code	Originally enacted	Reenacted
Agricultural ¹	1933	1967
Education	1943	1976
Elections	1939	1961, 1994
Fish and Game	1933	1957
Probate	1931	1990
Vehicle	1935	1959

¹Renamed the "Food and Agricultural Code" in 1972.

CALIFORNIA CODES

Research has been complicated in California by the enactment and reenactment of new Codes, Titles, Divisions, Parts, Chapters, and Articles in which subject matter is revised, transferred or repealed, and the same section numbers are used over again to identify different text. The problem thus created is solved in West's California Codes by the inclusion of tables, italicized notes, and historical and statutory notes containing explanatory matter and derivation credits, all of which combine to trace the law from its origin to the present, and from the present law to its source. Depending on their size and scope, the tables are inserted at the beginning of volumes or at the head of Divisions, Chapters, etc.

The means for finding a particular Code section are provided by—

General Index

Code Index

Analyses

Code

Title

Division

Part

Chapter

Article

Cross References

To update the case history information for California Supreme Court and Court of Appeal opinions, see the California Case History Table and California Cumulative Review, Rehearing and Hearing Table in West's California Reporter Advance Sheets or WESTLAW'S Insta-Cite.

The pocket parts for West's California Codes supplement both the text and the annotative materials in the main volumes. Annotated pamphlets, normally issued twice a year, supplement only annotative features. Legislative service pamphlets, issued during legislative sessions as often as is necessary to provide prompt service, supplement the text of the Codes. Cumulative Tables and an Index in each legislative service pamphlet enable the user to find amendments of existing sections and to identify and locate newly enacted laws.

The development of the California Codes reflects the progressive posture of the California Legislators and of other energetic and enlightened individuals with an interest in the future of the state. The rapid increase in population caused in large part by migratory movement has created ecological, economic, and social problems which have been difficult to solve. The legislative solutions, to the extent that control and regulation can be effective, are found in the pages of the California Codes.

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ANNOTATED
CALIFORNIA CODES

BUSINESS AND PROFESSIONS
CIVIL
CIVIL PROCEDURE
COMMERCIAL
CORPORATIONS
EDUCATION
ELECTIONS
EVIDENCE
FAMILY
FINANCIAL
FISH AND GAME
FOOD AND AGRICULTURAL
GOVERNMENT
HARBORS AND NAVIGATION
HEALTH AND SAFETY
INSURANCE
LABOR
MILITARY AND VETERANS
PENAL
PROBATE
PUBLIC CONTRACT
PUBLIC RESOURCES
PUBLIC UTILITIES
REVENUE AND TAXATION
STREETS AND HIGHWAYS
UNEMPLOYMENT INSURANCE
VEHICLE
WATER
WELFARE AND INSTITUTIONS

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ABBREVIATIONS OF REPORTS, CODES, ETC.

A.B.A.J. -----	American Bar Association Journal
Agric.C. -----	Agricultural Code ¹
A.J. -----	Assembly Journal
Am.Dec. -----	American Decisions
Am.L.Rev. -----	American Law Review
Am.L.T. -----	American Law Times United States Courts
Am.R. -----	American Reports
Am.St.R. -----	American State Reports
Ann.Cas. -----	American and English Annotated Cases
App. -----	California District Courts of Appeal
Bank.C. -----	Banking Code
B.R. -----	Bankruptcy Reporter
Brief/Case (S.F. Bar) --	Brief/Case (San Francisco Bar Law Review)
Bus. & Prof. C. -----	Business and Professions Code
C.A. -----	United States Court of Appeals
Cal. -----	California Reports
Cal.2d -----	California Reports, Second Series
Cal.3d -----	California Reports, Third Series
Cal.4th -----	California Reports, Fourth Series
Cal.Adm.Code -----	California Administrative Code (now California Code of Regulations)
Cal.App. -----	California Appellate Reports
Cal.App.2d -----	California Appellate Reports, Second Series
Cal.App.3d -----	California Appellate Reports, Third Series
Cal.App.4th -----	California Appellate Reports, Fourth Series
Cal.App.Supp. -----	California Appellate Reports Supplement
Cal.App.2d Supp. -----	California Appellate Reports, Second Series Supplement
Cal.App.3d Supp. -----	California Appellate Reports, Third Series Supplement
Cal.App.4th Supp. -----	California Appellate Reports, Fourth Series Supplement
Cal.Code of Regs. -----	California Code of Regulations
Cal.Comp.Cases -----	California Compensation Cases
Cal.Int'l Prac. -----	California International Practitioner
Cal.L.Rev. -----	California Law Review (University of California at Berkeley)
Cal.Law. -----	California Lawyer
Cal.P.U.C. -----	Decisions of the California Public Utilities Commission
Cal.Rptr. -----	California Reporter
Cal.W.L.Rev. -----	California Western Law Review
C.C. -----	United States Circuit Court

¹Renamed the "Food and Agricultural Code" in 1972.

ABBREVIATIONS

C.C.A. -----	United States Circuit Court of Appeals
C.C.P. -----	Code of Civil Procedure
Civ.C. -----	Civil Code
C.J.S. -----	Corpus Juris Secundum
Cl.Ct. -----	Claims Court Reporter
C.Leg.Rec. -----	California Legal Record
C.L.J. -----	California Law Journal
C.L.J. & Lit.Rev. -----	California Law Journal and Literary Review
C.L.Rev. -----	California Law Review
Code Am. -----	Code Amendments
Cof. -----	Coffey's Probate Decisions
Com.C. -----	Commercial Code
Const. -----	Constitution
Corp.C. -----	Corporations Code
C.R.C. -----	Decisions of California Railroad Commission
C.U. -----	California Unreported Cases
D.C. -----	United States District Court
Deady -----	Deady's United States Circuit Court Reports
Dist. -----	California District Court
Educ.C. -----	Education Code
Elec.C. -----	Elections Code
Evid.C. -----	Evidence Code
F. -----	Federal Reporter
F.2d -----	Federal Reporter, Second Series
F.3d -----	Federal Reporter, Third Series
Fam.C. -----	Family Code
Fed.Cas.No. -----	Federal Cases
Fed.Cl. -----	Federal Claims Reporter
F.R.D. -----	Federal Rules Decisions
F.Supp. -----	Federal Supplement
Fin.C. -----	Financial Code
Fish & G.C. -----	Fish and Game Code
Food & Agric.C. -----	Food and Agricultural Code
FPPC -----	Fair Political Practices Commission Opinions
Golden Gate U.L.Rev. -----	Golden Gate University Law Review
Gov.C. -----	Government Code
Gov.Reorg.Plan -----	Governor's Reorganization Plan
Harb. & Nav.C. -----	Harbors and Navigation Code
Hastings Const.L.Q. --	Hastings Constitutional Law Quarterly
Hastings L.J. -----	Hastings Law Journal
Health & S.C. -----	Health and Safety Code
Hoff.Dec. -----	Hoffman's Decisions
Hoff.L.Cas. -----	Hoffman's Land Cases
Hoff.Op. -----	Hoffman's Opinions
How. -----	Howard's Reports, U.S.
I.A.C. -----	Industrial Accident Commission Decisions
Ins.C. -----	Insurance Code

ABBREVIATIONS

Int.Rev.Rec. -----	Internal Revenue Record
J.Juv.L. -----	Journal of Juvenile Law
Lab. -----	Labatt's District Court Reports
Labor C. -----	Labor Code
L.Ed. -----	United States Supreme Court Reports, Lawyers' Edition
L.Ed.2d -----	United States Supreme Court Reports, Lawyers' Edition, Second Series
Los Angeles Bar Bull.	Los Angeles Bar Bulletin
Los Angeles Bar J. ----	Los Angeles Bar Journal
L.A.Law. -----	Los Angeles Lawyer
Loy.L.A. L.Rev. -----	Loyola of Los Angeles Law Review
L.R.A. -----	Lawyers' Reports Annotated
McAll -----	McAllister's United States Circuit Court Reports
Mil. & Vet.C. -----	Military and Veterans Code
Morr.Min.Rep. -----	Morrison's Mining Reports
Municipal Court Rule	Rules for the Municipal Courts
Myr. -----	Myrick's Probate Reports
Op.Atty.Gen. -----	Opinions Attorney General of California
Op.Leg.Counsel -----	Opinions of Legislative Counsel
P. -----	Pacific Reporter
P.2d -----	Pacific Reporter, Second Series
Pac.L.J. -----	Pacific Law Journal
P.C.L.J. -----	Pacific Coast Law Journal
PEB -----	Permanent Editorial Board for the Uniform Commercial Code
Pen.C. -----	Penal Code
Pepperdine L.Rev. ----	Pepperdine Law Review
P.L.M. -----	Pacific Law Magazine
P.L.R. -----	Pacific Law Reporter
Pol.C. -----	Political Code
Prob.C. -----	Probate Code
Pub.Con.C. -----	Public Contract Code
Pub.Res.C. -----	Public Resources Code
Pub.Util.C. -----	Public Utilities Code
Rag. -----	Ragland California Superior Court Decisions
Rev. & T.C. -----	Revenue and Taxation Code
San Diego L.Rev. -----	San Diego Law Review
San Fernando Valley L.Rev. -----	San Fernando Valley Law Review
San Francisco Atty. ----	San Francisco Attorney
Santa Clara L.Rev. ----	Santa Clara Law Review
Santa Clara L. -----	Santa Clara Lawyer
S.Bar J. -----	Journal of the State Bar of California (California State Bar Journal)
SC-CDA Rule -----	Rules on Appeal to California Supreme Court and District Courts of Appeal
School C. -----	School Code
S.Ct. -----	Supreme Court Reporter

ABBREVIATIONS

S.Cal.L.Rev. -----	Southern California Law Review
Sw.U.L.Rev. -----	Southwestern University Law Review
Stan.L.Rev. -----	Stanford Law Review
Stats. -----	Statutes
Str. & H.C. -----	Streets and Highways Code
Super. -----	California Superior Court
Superior—App.Dept. Rule -----	Superior Court—Appellate Department Rules
Superior Court Rule --	Rules for California Superior Courts
Superior—Mun. and Inf. Crim.App. Rule -----	Superior Court—Rules on Appeal from Municipal Courts and Inferior Courts in Criminal Cases
Superior—Mun.Civ.App. Rule -----	Superior Court—Rules on Appeal from Municipal Courts in Civil Cases
U.C.C. -----	Uniform Commercial Code
U.C.Davis L.Rev. -----	University of California Davis Law Review
UCLA L.Rev. -----	University of California Los Angeles Law Review
U.La Verne L.Rev. ----	University of La Verne Law Review
U.L.A. -----	Uniform Laws Annotated
Un.Ins.C. -----	Unemployment Insurance Code
U.S. -----	United States Reports
U.S.C.A. -----	United States Code Annotated
U.S.C.A.Const. -----	United States Constitution
U.S.C.A.Const.Amend.	United States Constitution Amendment
U.S.Dept.Int. -----	United States Department of Interior
U.S.F.L.Rev. -----	University of San Francisco Law Review
U.West L.A.L.Rev. -----	University of West Los Angeles Law Review
Veh.C. -----	Vehicle Code
Water C. -----	Water Code
Water C.App. -----	Water Code Appendix
Welf. & Inst.C. -----	Welfare and Institutions Code
West.St.L.R. -----	Western State Law Review
West.St.U.L.Rev. -----	Western State University Law Review
Whittier L.Rev. -----	Whittier Law Review

EFFECTIVE DATES OF LAWS

Constitution Article 4, Section 8, as amended effective June 6, 1990, provides, in subdivision (c):

“(1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

“(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

“(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes shall go into effect immediately upon their enactment.”

See, also, Government Code § 9600.

Constitution Article 4, Section 10, as amended eff. June 6, 1990, provides, in subd. (b):

“(1) Any bill, other than a bill which would establish or change boundaries of any legislative, congressional, or other election district, passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, that is not returned within 30 days after that date becomes a statute.

“(2) Any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned on or before September 30 of that year becomes a statute.

“(3) Any other bill presented to the Governor that is not returned within 12 days becomes a statute.

EFFECTIVE DATES OF LAWS

“(4) If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days after it is presented by depositing it and the veto message in the office of the Secretary of State.

“(5) If the 12th day of the period within which the Governor is required to perform an act pursuant to paragraph (3) or (4) of this subdivision is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.”

Constitution Article 2, Section 10, and Article 18, Section 4, provide in part that an initiative statute or referendum (Article 2, Section 10), or an amendment or revision of the Constitution (Article 18, Section 4), “approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise”.

Government Code § 12080.5, as amended by Stats.1974, c. 1242, § 2, provides:

“Except as otherwise provided in this section, a reorganization plan submitted pursuant to this article [Executive Reorganization, § 12080 et seq.] shall become effective the first day after 60 calendar days of continuous session of the Legislature after the date on which the plan is transmitted to each house or at a later date as may be provided by the plan, unless, prior to the end of the 60-calendar-day period, either house of the Legislature adopts by a majority vote of the duly elected and qualified members thereof a resolution, as defined in subdivision (c) of Section 12080.

“As used in this section ‘60 calendar days of continuous session’ shall be deemed broken only by an adjournment sine die, but in computing the 60 calendar days for the purposes of this provision days on which either house is not in session because of a recess of more than 10 days to a day certain shall not be included.”

Government Code § 17580, as added by Stats.1988, c. 1179, § 4, effective September 22, 1988, provides:

“No bill, except a bill containing an urgency clause, introduced or amended on or after January 1, 1989, that mandates a new program or higher level of service requiring reimbursement of local agencies or school districts pursuant to Section 6 of Article XIII B of the California Constitution shall become operative until the July 1 following the date on which the bill takes effect, unless the bill specifically makes this section inapplicable or contains an appropriation for the reimbursement or a specification that reimbursement be made pursuant to Section 17610.”

Constitution Article 4, Section 8, prior to the 1990 amendment, as amended November 7, 1972, provided, in subdivision (c):