

SENATE BILL**No. 1490****Introduced by Senator Stern**

February 16, 2018

An act to amend Sections 7.1, 1689.5, 1689.24, 1695.1, and 1812.303 of the Civil Code, and to amend Section 6700 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1490, as introduced, Stern. Holidays: Columbus Day: Indigenous Peoples' Day.

Existing law includes among the holidays in this state the second Monday in October, known as "Columbus Day."

This bill would change the name of the Columbus Day holiday in California to Indigenous Peoples' Day and would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7.1 of the Civil Code is amended to read:
- 2 7.1. Optional bank holidays within the meaning of Section 9
- 3 are:
- 4 (a) Any closing of a bank because of an extraordinary situation,
- 5 as that term is defined in the Bank Extraordinary Situation Closing
- 6 Act (Chapter 20 (commencing with Section 3600) of Division 1
- 7 of the Financial Code).
- 8 (b) Every Saturday.
- 9 (c) Every Sunday.
- 10 (d) January 1st.

- 1 (e) The third Monday in January, known as “Dr. Martin Luther
- 2 King, Jr. Day.”
- 3 (f) February 12, known as “Lincoln Day.”
- 4 (g) The third Monday in February.
- 5 (h) The last Monday in May.
- 6 (i) July 4th.
- 7 (j) The first Monday in September.
- 8 (k) September 9th, known as “Admission Day.”
- 9 (l) The second Monday in October, known as ~~“Columbus Day.”~~
- 10 *“Indigenous Peoples’ Day.”*
- 11 (m) November 11th, known as “Veteran’s Day.”
- 12 (n) December 25th.
- 13 (o) Good Friday from 12 noon until closing.
- 14 (p) The Thursday in November appointed as “Thanksgiving
- 15 Day.”
- 16 (q) Any Monday following any Sunday on which January 1st,
- 17 February 12th, July 4th, September 9th, November 11th, or
- 18 December 25th falls.
- 19 (r) Any Friday preceding any Saturday on which July 4th,
- 20 September 9th, or December 25th falls.
- 21 SEC. 2. Section 1689.5 of the Civil Code is amended to read:
- 22 1689.5. As used in Sections 1689.6 to 1689.11, inclusive, and
- 23 in Section 1689.14:
- 24 (a) “Home solicitation contract or offer” means any contract,
- 25 whether single or multiple, or any offer which is subject to
- 26 approval, for the sale, lease, or rental of goods or services or both,
- 27 made at other than appropriate trade premises in an amount of
- 28 twenty-five dollars (\$25) or more, including any interest or service
- 29 charges. “Home solicitation contract” does not include any contract
- 30 under which the buyer has the right to rescind pursuant to Title 1,
- 31 Chapter 2, Section 125 of the Federal Consumer Credit Protection
- 32 Act (P.L. 90-321) and the regulations promulgated pursuant thereto.
- 33 (b) “Appropriate trade premises,” means premises where either
- 34 the owner or seller normally carries on a business, or where goods
- 35 are normally offered or exposed for sale in the course of a business
- 36 carried on at those premises.
- 37 (c) “Goods” means tangible chattels bought for use primarily
- 38 for personal, family, or household purposes, including certificates
- 39 or coupons exchangeable for these goods, and including goods
- 40 that, at the time of the sale or subsequently, are to be so affixed to

1 real property as to become a part of the real property whether or
2 not severable therefrom, but does not include any vehicle required
3 to be registered under the Vehicle Code, nor any goods sold with
4 this vehicle if sold under a contract governed by Section 2982, and
5 does not include any mobilehome, as defined in Section 18008 of
6 the Health and Safety Code, nor any goods sold with this
7 mobilehome if either are sold under a contract subject to Section
8 18036.5 of the Health and Safety Code.

9 (d) “Services” means work, labor and services, including, but
10 not limited to, services furnished in connection with the repair,
11 restoration, alteration, or improvement of residential premises, or
12 services furnished in connection with the sale or repair of goods
13 as defined in Section 1802.1, and courses of instruction, regardless
14 of the purpose for which they are taken, but does not include the
15 services of attorneys, real estate brokers and salesmen, securities
16 dealers or investment counselors, physicians, optometrists, or
17 dentists, nor financial services offered by banks, savings
18 institutions, credit unions, industrial loan companies, personal
19 property brokers, consumer finance lenders, or commercial finance
20 lenders, organized pursuant to state or federal law, that are not
21 connected with the sale of goods or services, as defined herein,
22 nor the sale of insurance that is not connected with the sale of
23 goods or services as defined herein, nor services in connection
24 with the sale or installation of mobilehomes or of goods sold with
25 a mobilehome if either are sold or installed under a contract subject
26 to Section 18036.5 of the Health and Safety Code, nor services for
27 which the tariffs, rates, charges, costs, or expenses, including in
28 each instance the time sale price, is required by law to be filed
29 with and approved by the federal government or any official,
30 department, division, commission, or agency of the United States
31 or of the state.

32 (e) “Business day” means any calendar day except Sunday, or
33 the following business holidays: New Year’s Day, Washington’s
34 Birthday, Memorial Day, Independence Day, Labor Day, ~~Columbus~~
35 ~~Day~~, *Indigenous Peoples’ Day*, Veterans’ Day, Thanksgiving Day,
36 and Christmas Day.

37 (f) This section shall become operative on January 1, 2006.

38 SEC. 3. Section 1689.24 of the Civil Code is amended to read:
39 1689.24. As used in Sections 1689.20 to 1689.23, inclusive:

1 (a) “Seminar sales solicitation contract or offer” means any
2 contract, whether single or multiple, or any offer which is subject
3 to approval, for the sale, lease, or rental of goods or services or
4 both, made using selling techniques in a seminar setting in an
5 amount of twenty-five dollars (\$25) or more, including any interest
6 or service charges. “Seminar sales solicitation contract” does not
7 include any contract under which the buyer has the right to rescind
8 pursuant to Title 1, Chapter 2, Section 125 of the Federal Consumer
9 Credit Protection Act (P.L. 90-321) and the regulations
10 promulgated pursuant thereto or any contract which contains a
11 written and dated statement signed by the prospective buyer stating
12 that the negotiation between the parties was initiated by the
13 prospective buyer.

14 (b) “Seminar setting” means premises other than the residence
15 of the buyer.

16 (c) “Goods” means tangible chattels bought for use primarily
17 for personal, family, or household purposes, including certificates
18 or coupons exchangeable for these goods, and including goods
19 which, at the time of the sale or subsequently, are to be so affixed
20 to real property as to become a part of the real property whether
21 or not severable therefrom, but does not include any vehicle
22 required to be registered under the Vehicle Code, nor any goods
23 sold with a vehicle if sold under a contract governed by Section
24 2982, and does not include any mobilehome, as defined in Section
25 18008 of the Health and Safety Code, nor any goods sold with a
26 mobilehome if either are sold under a contract subject to Section
27 18036.5 of the Health and Safety Code.

28 (d) “Services” means work, labor and services, including, but
29 not limited to, services furnished in connection with the repair,
30 alteration, or improvement of residential premises, or services
31 furnished in connection with the sale or repair of goods as defined
32 in Section 1802.1, and courses of instruction, regardless of the
33 purpose for which they are taken, but does not include the services
34 of attorneys, real estate brokers and salesmen, securities dealers
35 or investment counselors, physicians, optometrists, or dentists, nor
36 financial services offered by banks, savings institutions, credit
37 unions, industrial loan companies, personal property brokers,
38 consumer finance lenders, or commercial finance lenders, organized
39 pursuant to state or federal law, which are not connected with the
40 sale of goods or services, as defined herein, nor the sale of

1 insurance which is not connected with the sale of goods or services
2 as defined herein, nor services in connection with the sale or
3 installation of mobilehomes or of goods sold with a mobilehome
4 if either are sold or installed under a contract subject to Section
5 18036.5 of the Health and Safety Code, nor services for which the
6 tariffs, rates, charges, costs, or expenses, including in each instance
7 the time sale price, is required by law to be filed with and approved
8 by the federal government or any official, department, division,
9 commission, or agency of the United States or of the State of
10 California.

11 (e) “Business day” means any calendar day except Sunday, or
12 the following business holidays: New Year’s Day, Washington’s
13 Birthday, Memorial Day, Independence Day, Labor Day, ~~Columbus~~
14 ~~Day~~, *Indigenous Peoples’ Day*, Veterans’ Day, Thanksgiving Day,
15 and Christmas Day.

16 SEC. 4. Section 1695.1 of the Civil Code is amended to read:

17 1695.1. The following definitions apply to this chapter:

18 (a) “Equity purchaser” means any person who acquires title to
19 any residence in foreclosure, except a person who acquires such
20 title as follows:

21 (1) For the purpose of using such property as a personal
22 residence.

23 (2) By a deed in lieu of foreclosure of any voluntary lien or
24 encumbrance of record.

25 (3) By a deed from a trustee acting under the power of sale
26 contained in a deed of trust or mortgage at a foreclosure sale
27 conducted pursuant to Article 1 (commencing with Section 2920)
28 of Chapter 2 of Title 14 of Part 4 of Division 3.

29 (4) At any sale of property authorized by statute.

30 (5) By order or judgment of any court.

31 (6) From a spouse, blood relative, or blood relative of a spouse.

32 (b) “Residence in foreclosure” and “residential real property in
33 foreclosure” means residential real property consisting of one- to
34 four-family dwelling units, one of which the owner occupies as
35 his or her principal place of residence, and against which there is
36 an outstanding notice of default, recorded pursuant to Article 1
37 (commencing with Section 2920) of Chapter 2 of Title 14 of Part
38 4 of Division 3.

39 (c) “Equity seller” means any seller of a residence in foreclosure.

1 (d) “Business day” means any calendar day except Sunday, or
2 the following business holidays: New Year’s Day, Washington’s
3 Birthday, Memorial Day, Independence Day, Labor Day, ~~Columbus~~
4 ~~Day~~, *Indigenous Peoples’ Day*, Veterans’ Day, Thanksgiving Day,
5 and Christmas Day.

6 (e) “Contract” means any offer or any contract, agreement, or
7 arrangement, or any term thereof, between an equity purchaser
8 and equity seller incident to the sale of a residence in foreclosure.

9 (f) “Property owner” means the record title owner of the
10 residential real property in foreclosure at the time the notice of
11 default was recorded.

12 SEC. 5. Section 1812.303 of the Civil Code is amended to
13 read:

14 1812.303. (a) A membership camping contract shall be written
15 in the same language as that principally used in any oral sales
16 presentation (e.g., Spanish). A membership camping contract shall
17 be dated, signed by the purchaser, and contain, in immediate
18 proximity to the space reserved for the signature of the purchaser,
19 a conspicuous statement in a size equal to at least 10-point bold
20 type, as follows: “You, the purchaser, may cancel this contract at
21 any time prior to midnight of the third business day after the date
22 of the transaction. See an explanation of this right as set forth in
23 this contract or on the attached notice of cancellation form.” In
24 the alternative the notice of cancellation as set forth in subdivision
25 (b) may be placed in immediate proximity to the signature line of
26 the contract in lieu of the foregoing statement.

27 (b) The contract shall be accompanied by a completed form in
28 duplicate, captioned “Notice of Cancellation”, which shall be
29 attached to the contract and easily detachable. In the alternative,
30 the seller may include all of the cancellation information on the
31 contract and provide the consumer with a carbon copy which may
32 be retained after cancellation. Both shall contain, in type of at least
33 10-point, the following statement written in the same language as
34 used in the contract:

35
36 “Notice of Cancellation”

37
38 “You may cancel this contract, without any penalty or obligation, within
39 three business days from the date the contract is executed.

1 “To cancel this contract, mail or deliver a signed and dated copy of this
2 cancellation notice or a copy of this contract if it contains the cancellation
3 instructions, or any other written notice, or send a telegram to

4 _____, at
5 (Name of seller)

6 _____
7 (Address of seller’s place of business)

8 not later than midnight of _____ .
9 (Date)

10 I hereby cancel this transaction _____ .
11 (Date)

12 _____
13 (Purchaser’s signature)

14
15 “With the notice of cancellation, or separately if a telegram is
16 sent, you must return the original membership camping contract,
17 membership card and all other evidence of membership to the
18 seller. You should promptly return these documents with the notice
19 of cancellation, or separately if a telegram is sent. Failure to send
20 the documents promptly could delay your refund. You should
21 retain for your records one copy of the cancellation notice, or a
22 carbon of the contract when it provides the cancellation
23 information, or other writing showing intent to cancel. Mailing by
24 ordinary mail is adequate but certified mail return receipt requested
25 is recommended.”

26 (c) On the date of purchase the membership camping operator
27 shall provide the purchaser with a copy of the contract and
28 duplicate of the notice of cancellation. The membership camping
29 operator shall inform the purchaser orally of the right to cancel at
30 the time the contract is executed.

31 (d) Within 20 days after the membership camping operator
32 receives a notice of cancellation, the membership camping contract,
33 the membership card and all other evidence of purchase or
34 membership, the membership camping operator shall refund to
35 the purchaser any sums paid as a deposit, downpayment or other
36 payment therefor. If the purchaser does not promptly return the
37 evidence of membership, the 20-day period shall be extended until
38 such evidence of membership is returned.

1 (e) Until the membership camping operator has complied with
 2 this section, the purchaser shall have the right to cancel the
 3 contract.

4 (f) “Business day” means any calendar day except Sunday, or
 5 the following business holidays: New Year’s Day, Washington’s
 6 Birthday, Memorial Day, Independence Day, Labor Day, ~~Columbus~~
 7 ~~Day,~~ *Indigenous Peoples’ Day*, Veteran’s Day, Thanksgiving Day,
 8 and Christmas Day.

9 SEC. 6. Section 6700 of the Government Code is amended to
 10 read:

11 6700. (a) The holidays in this state are:

12 (1) Every Sunday.

13 (2) January 1st.

14 (3) The third Monday in January, known as “Dr. Martin Luther
 15 King, Jr. Day.”

16 (4) February 12th, known as “Lincoln Day.”

17 (5) The third Monday in February.

18 (6) March 31st, known as “Cesar Chavez Day.”

19 (7) The last Monday in May.

20 (8) July 4th.

21 (9) The first Monday in September.

22 (10) September 9th, known as “Admission Day.”

23 (11) The fourth Friday in September, known as “Native
 24 American Day.”

25 (12) The second Monday in October, known as ~~“Columbus~~
 26 ~~Day.”~~ *“Indigenous Peoples’ Day.”*

27 (13) November 11th, known as “Veterans Day.”

28 (14) December 25th.

29 (15) Good Friday from 12 noon until 3 p.m.

30 (16) (A) Every day appointed by the President or Governor for
 31 a public fast, thanksgiving, or holiday.

32 (B) Except for the Thursday in November appointed as
 33 Thanksgiving Day, this paragraph and paragraphs (3) and (6) shall
 34 not apply to a city, county, or district unless made applicable by
 35 charter, or by ordinance or resolution of the governing body
 36 thereof.

37 (b) If the provisions of this section are in conflict with the
 38 provisions of a memorandum of understanding reached pursuant
 39 to Chapter 12 (commencing with Section 3560) of Division 4 of
 40 Title 1, the memorandum of understanding shall be controlling

1 without further legislative action, except that if those provisions
2 of a memorandum of understanding require the expenditure of
3 funds, the provisions shall not become effective unless approved
4 by the Legislature in the annual Budget Act.

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