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.


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

SECTION 1. Section 7.1 of the Civil Code is amended to read:

7.1. Optional bank holidays within the meaning of Section 9 are:

(a) Any closing of a bank because of an extraordinary situation, as that term is defined in the Bank Extraordinary Situation Closing Act (Chapter 20 (commencing with Section 3600) of Division 1 of the Financial Code).

(b) Every Saturday.

(c) Every Sunday.

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

99
real property as to become a part of the real property whether or
not severable therefrom, but does not include any vehicle required
to be registered under the Vehicle Code, nor any goods sold with
this vehicle if sold under a contract governed by Section 2982, and
does not include any mobilehome, as defined in Section 18008 of
the Health and Safety Code, nor any goods sold with this
mobilehome if either are sold under a contract subject to Section
18036.5 of the Health and Safety Code.
(d) “Services” means work, labor and services, including, but
not limited to, services furnished in connection with the repair,
restoration, alteration, or improvement of residential premises, or
services furnished in connection with the sale or repair of goods
as defined in Section 1802.1, and courses of instruction, regardless
of the purpose for which they are taken, but does not include the
services of attorneys, real estate brokers and salesmen, securities
dealers or investment counselors, physicians, optometrists, or
dentists, nor financial services offered by banks, savings
institutions, credit unions, industrial loan companies, personal
property brokers, consumer finance lenders, or commercial finance
lenders, organized pursuant to state or federal law, that are not
connected with the sale of goods or services, as defined herein,
nor the sale of insurance that is not connected with the sale of
goods or services as defined herein, nor services in connection
with the sale or installation of mobilehomes or of goods sold with
a mobilehome if either are sold or installed under a contract subject
to Section 18036.5 of the Health and Safety Code, nor services for
which the tariffs, rates, charges, costs, or expenses, including in
each instance the time sale price, is required by law to be filed
with and approved by the federal government or any official,
department, division, commission, or agency of the United States
or of the state.
(e) “Business day” means any calendar day except Sunday, or
the following business holidays: New Year’s Day, Washington’s
Birthday, Memorial Day, Independence Day, Labor Day, Columbus
Day, Indigenous Peoples’ Day, Veterans’ Day, Thanksgiving Day,
and Christmas Day.
(f) This section shall become operative on January 1, 2006.
SEC. 3. Section 1689.24 of the Civil Code is amended to read:
1689.24. As used in Sections 1689.20 to 1689.23, inclusive:
(a) “Seminar sales solicitation contract or offer” means any contract, whether single or multiple, or any offer which is subject to approval, for the sale, lease, or rental of goods or services or both, made using selling techniques in a seminar setting in an amount of twenty-five dollars ($25) or more, including any interest or service charges. “Seminar sales solicitation contract” does not include any contract under which the buyer has the right to rescind pursuant to Title 1, Chapter 2, Section 125 of the Federal Consumer Credit Protection Act (P.L. 90-321) and the regulations promulgated pursuant thereto or any contract which contains a written and dated statement signed by the prospective buyer stating that the negotiation between the parties was initiated by the prospective buyer.

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

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

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

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

SEC. 4. Section 1695.1 of the Civil Code is amended to read:
1695.1. The following definitions apply to this chapter:
(a) “Equity purchaser” means any person who acquires title to
any residence in foreclosure, except a person who acquires such
title as follows:
(1) For the purpose of using such property as a personal
residence.
(2) By a deed in lieu of foreclosure of any voluntary lien or
encumbrance of record.
(3) By a deed from a trustee acting under the power of sale
contained in a deed of trust or mortgage at a foreclosure sale
conducted pursuant to Article 1 (commencing with Section 2920)
of Chapter 2 of Title 14 of Part 4 of Division 3.
(4) At any sale of property authorized by statute.
(5) By order or judgment of any court.
(6) From a spouse, blood relative, or blood relative of a spouse.
(b) “Residence in foreclosure” and “residential real property in
foreclosure” means residential real property consisting of one- to
four-family dwelling units, one of which the owner occupies as
his or her principal place of residence, and against which there is
an outstanding notice of default, recorded pursuant to Article 1
(commencing with Section 2920) of Chapter 2 of Title 14 of Part
4 of Division 3.
(c) “Equity seller” means any seller of a residence in foreclosure.

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

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

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

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

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

“Notice of Cancellation”

“You may cancel this contract, without any penalty or obligation, within three business days from the date the contract is executed.
"To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or a copy of this contract if it contains the cancellation instructions, or any other written notice, or send a telegram to

(Name of seller)

(Address of seller’s place of business)

not later than midnight of __________.

(Date)

I hereby cancel this transaction __________.

(Date)

(Purchaser’s signature)

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

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

(d) Within 20 days after the membership camping operator receives a notice of cancellation, the membership camping contract, the membership card and all other evidence of purchase or membership, the membership camping operator shall refund to the purchaser any sums paid as a deposit, downpayment or other payment therefor. If the purchaser does not promptly return the evidence of membership, the 20-day period shall be extended until such evidence of membership is returned.
(e) Until the membership camping operator has complied with this section, the purchaser shall have the right to cancel the contract.


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

6700. (a) The holidays in this state are:
(1) Every Sunday.
(2) January 1st.
(3) The third Monday in January, known as “Dr. Martin Luther King, Jr. Day.”
(4) February 12th, known as “Lincoln Day.”
(5) The third Monday in February.
(6) March 31st, known as “Cesar Chavez Day.”
(7) The last Monday in May.
(8) July 4th.
(9) The first Monday in September.
(10) September 9th, known as “Admission Day.”
(11) The fourth Friday in September, known as “Native American Day.”
(12) The second Monday in October, known as “Columbus Day,” “Indigenous Peoples’ Day.”
(13) November 11th, known as “Veterans Day.”
(14) December 25th.
(15) Good Friday from 12 noon until 3 p.m.
(16) (A) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.
(B) Except for the Thursday in November appointed as Thanksgiving Day, this paragraph and paragraphs (3) and (6) shall not apply to a city, county, or district unless made applicable by charter, or by ordinance or resolution of the governing body thereof.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, the memorandum of understanding shall be controlling.
without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.