

Constitution, including but not limited to the privacy rights in Article 7 (commencing with section 17150) of Chapter 4 of Part 2 of Division 7 of the Business and Professions Code, and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.

Section 17203 is amended to read:

17203. Injunction; orders or judgments

Any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to:

(a) prevent the continuing, future or renewed use or employment by any person of any practice which constitutes unfair competition, as defined in this chapter, or

(b) ~~to~~ restore to any person in interest any money or property, real or personal, which may have been acquired, or to remedy any harms caused by means of such unfair competition, or

(c) require any such person to surrender any and all financial gains obtained, or costs avoided, by any unlawful, unfair, or fraudulent business act or practice in violation of this chapter, to be used to remedy the harms or types of harms caused by the act or practice, or to a court-approved fund appropriate to the circumstances of the particular action, or to the State of California which may use the funds for state and local law enforcement to prevent and redress unfair business practices.

Section 17204 is amended to read:

17204. Actions for relief; prosecutors

Actions for any relief pursuant to this chapter shall be prosecuted exclusively in a court of competent jurisdiction by the Attorney General or any district attorney or by any county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance, or any city attorney of a city, or city and county, having a population in excess of 750,000, and, with the consent of the district attorney, by a city prosecutor in any city having a full-time city prosecutor or, with the consent of the district attorney, by a city attorney in any city and county in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of him-, her- or itself, its members or the general public. Any money that is recovered that is not returned or returnable to persons who have been harmed, or used to remedy any harms caused by the act or practice or otherwise disposed of in accordance with section 17203, shall be deposited into an account or accounts of the state or the local agency and may be used for any purpose including law enforcement to prevent and redress unfair business practices.

17206.7 Civil Penalties; Enforcement

Any civil penalties collected pursuant to sections 17206 or 17536 shall be deposited into an account or accounts of the state or the local agency and may be used for any purpose including law enforcement to prevent and redress unfair business practices.

Section 17535 is amended to read:

17535. Injunctive relief; orders; prosecutor; complainant

Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments,

including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful. Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of him-, her- or itself, its members or the general public. Any money that is recovered that is not returned or returnable to persons who have been harmed, or used to remedy any harms caused by the act or practice or otherwise disposed of in accordance with section 17203, shall be deposited into an account or accounts of the state or the local agency and may be used for any purpose including law enforcement to prevent and redress unfair business practices.

Section 6: Chapter 6 of Part 2 of Division 7 of the Business and Professions Code (commencing with section 17300) is added to read:

Section 17300 Definitions.

For purposes of Article 7 of Chapter 4 of Part 2 of Division 7 of this Code (commencing with section 17150):

- (a) "Business" means any person or entity regulated or otherwise subject to the provisions of Division 7 of the Business and Professions Code (commencing with Section 16000) which has a place of business in or does business with any resident or business in California. "Business" shall not include any political

campaign, party, candidate or committee, or any other entity engaged solely in political, candidate, ballot measure or issue campaigns.

- (b) “Telephone call made by a business for commercial purposes” means a communication primarily for the purpose of offering or entering into a transaction for, or inducing a consumer to purchase, goods or services.
- (c) For purposes of section 17157, “unsolicited telemarketing call” means a telemarketing (as defined in 15 U.S.C. section 6106(4)) telephone call made by a business for commercial purposes that is not specifically requested by the recipient. It includes intrastate telephone calls. It does not include any telephone call not made for commercial purposes that is protected political activity under the First Amendment to the United States Constitution. A “California residential telephone or cellular telephone number issued to a California resident” means a residential telephone located in California, and a commercial mobile telephone service subscriber, in which the billing address is located in California. A “business” under section 17157 shall not include any charity or other tax-exempt organization recognized as such under Internal Revenue Code section 501(c), except subsection (6) thereof.
- (d) For purposes of sections 17153 and 17155, “business” shall not include any charity or other tax-exempt organization recognized as such under Internal Revenue Code section 501(c), except subsection (6) thereof, or any unaffiliated business with fewer than 25 employees and less than \$1,000,000 in annual gross revenue. To “seek to or actually profit from disclosing any consumer’s social security number to any other person or business” includes selling, leasing, trading or otherwise receiving any consideration of any kind in exchange for the

disclosure of any consumer's social security number, whether alone or in combination with any other information about the consumer, and does not include using or revealing a social security number in conjunction with law enforcement to detect or prevent fraud, or as required to comply with any law.

- (e) For purposes of section 17155, "identity theft" and "victim of identity theft" have the same meanings as that in subsections 1798.92(b) and (d) of the Civil Code. "Suffers any loss" means any loss of money or property, plus any costs associated with remedying the effects of the identity theft, including reasonable compensation for the victim's time. "Perpetrator or perpetrators of the identity theft" means any person or entity who unlawfully received any consideration or thing of value as a result of the identity theft, regardless of whether the person or entity has been adjudged civilly or criminally liable for the identity theft.
- (f) For purposes of section 17160, "any information. . .collected by a business during the course of soliciting or fulfilling the terms of a commercial transaction, or any information the business derives therefrom about the consumer" includes all information about the consumer that is linked to any personal identifying information and which is or was: provided by the consumer; obtained from any other person in the course of the transaction; created or amended in the course of the transaction; or, obtained from any other source about the consumer.
- (g) For purposes of section 17170, "statutory damages up to the amount of penalties imposed upon a violator of the Do Not Call Registry" means a statutory award of damages in an amount not greater than the civil penalty imposed upon a violator of the Do Not Call Registry administered by the United States Federal Trade Commission under 15 C.F.R. section 310.4(b)(iii); "reasonable fees" includes