

## Courtside *Legal Update*

### New Laws in 2019 You Should Know About

California's lawmakers have been hard at work in our state capitol, creating and voting on thousands of bills. As of January 1, 2019, the state legislature passed, and the governor signed over a thousand new laws that affect everything from your workplace etiquette to what we drink and how we drink it.

To help get you acquainted with some of the changes that could impact you or your business, the associates at Tyler & Bursch have created an easy guide through a few of these laws.

#### *The Workplace & Employment*

**SB 3, Minimum Wage Increase:** Back in 2016, the Senate passed a bill that approved the increase of minimum wage for employees over time. Starting this month, any California employer with more than 25 employees is required to raise their minimum wage from \$11 to \$12. Similarly, businesses with less than 25 employees will raise their hourly wage rates from \$10.50 to \$11. Per the 2016 bill, we can expect these wage increases to continue annually until employees reach an hourly wage rate of \$15.

**AB 2770, Workplace Harassment:** With recent rises in defamation suits regarding sexual harassment in the workplace, AB 2770 resolves that employers and employees involved in workplace sexual harassment cases cannot be sued by the supposed offender for defamation when a sexual harassment complaint is recorded and/or an internal investigation is conducted. The bill also allows prior employers to release information to potential employers regarding a person's past sexual harassment allegations. This bill's intention is to protect business owners and victims of sexual harassment from defamation suits that have previously gridlocked organizations after allegations have been brought to management's attention.

**SB 820, Confidentiality:** Beginning this year, in an effort to protect victims of harassment in the workplace, SB 820 prohibits the use of any non-disclosure agreements involving factual information of sexual harassment allegations or cases of discrimination. The bill also allows claimants of these cases to deny the release of their name for personal privacy and protection.

**SB 1300, Non-disparagement:** SB 1300 disallows an employer's ability to have employees sign contracts that waive future legal claims. This makes presenting non-disparagement agreements in exchange for opportunities such as continued employment, raises, bonuses and/or other possible endeavors, unlawful.

**AB 1976, Workplace Breastfeeding:** This legislation states that employers are required to make reasonable efforts to find a space for mothers to breastfeed in the workplace that is not a workplace bathroom.

**SB 1252, Workplace Personnel File:** Beginning this year, employees that

want to look at their employment records are able to do more than just see them at their human resources office. They will be able to request a personal copy of their employment file.

**SB 826, Female Board of Directors:** Publicly-traded companies are being put on notice. They must have at least one woman in their board of directors by the end of 2019 and two or more women in their board of directors by 2021. Failure to comply with these standards can result in fines.

#### *Transportation*

**AB 2989, Electric Scooters:** Adults 18 or older are now allowed to ride electric scooters without a helmet. The new law also increases the speed limit for scooters from 25 to 35 mph. It is still illegal to ride a motorized scooter on a sidewalk.

**AB 3077, Helmet Use:** On the flip side, minors under 18 who are caught riding a bicycle, scooter, skateboard or skates without a helmet will get a citation. Violators can take a safety course to clear the ticket, and show they have a helmet within 120 days of the citation to avoid paying a fine.

**AB 1755, Bicycling Crashes:** According to AB 1755, Bicyclists could face felony hit-and-run charges if they leave the scene of an accident where someone was injured or died.

**SB 1014, Ride-hailing Vehicles:** Your Uber ride must now be a cleaner one. This bill requires that ride-hailing companies must meet higher emission standards. Companies like Uber and Lyft have to increase the number of zero-emission vehicles on its platform and do more to encourage passengers to pool their rides.

**AB 2886, Ride-hailing Drivers:** Ride-hailing apps are now required to provide passengers with the driver's name, picture, image of the vehicle and license plate number.

**AB 516, License Plates:** Auto dealers are now required to place a temporary license plate on newly purchased vehicles. It is estimated the state loses out on collecting \$19 million a year on tolls from recently purchased vehicles that don't have a license plate.

**SB 1046, DUI Offenders:** Repeat and first-time DUI offenders are now required to install an ignition interlock device to prevent a person who has been drinking alcohol from driving a vehicle. The device must be installed for 12 to 48 months to restore driving privileges, but the driver no longer faces restrictions regarding where they are allowed to drive.

**AB 2685, Habitual Truants:** For 2019, juvenile court judges no longer have the ability to suspend the driver's license of a minor who is a habitual truant.

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### ***Gun Handling***

**AB 2103, Gun Control:** This bill requires that gun owners seeking concealed carry licenses be required to complete a minimum 8-hour gun handling course. The course would include instruction that focuses on shooting and handling techniques. The course would then also test the firearm owner's proficiency in safety and firing exercises.

**SB 1200, Gun Violence Restraining Orders:** SB 1200 amends the issuance of Gun Violence Restraining Orders. Under existing law Gun Violence Restraining Orders can be issued if a person is deemed to be a violent threat to themselves or others. As of January 1st, 2019, the bill adds ammunition and magazines to list of items that can be confiscated in the case a person is suspected to be dangerous. Once the order is issued, there must be a hearing within 21 days to determine if the restraining order should be extended for the year or removed indefinitely. The new law also requires that any fees for the request of Gun Violence Restraining Order's be eliminated.

**AB 1525, Firearm Warning Labels:** Firearms will now come with warning labels that state, "Firearms must be handled responsibly and securely stored to prevent access by children and unauthorized users." The warnings will also be posted firearm stores.

### ***Law Enforcement***

**AB 748, Law Enforcement Transparency:** This bill requires that in the case of a police shooting or excessive force that caused serious injury or death, all law enforcement body camera footage and audio must be released and communicated to the public within 45 days of the event.

**SB 1421, Law Enforcement Transparency:** Building on AB 748, SB 1421 allows public access to all police records in any complaint or uncertainty regarding a law enforcement officer. This includes cases that inquire about a lack of honesty and integrity, excessive force and sexual misconduct. Per the California Public Records Act, these records must be made available to the public.

**AB 2504, Police LGBTQ Training:** Under this bill, police officers and dispatchers must undergo special training to better understand the LGBTQ community. The training will teach officers the difference between sexual orientation and gender identity for the purpose of creating an inclusive work environment in police departments.

**SB 1391, Juvenile Delinquency:** Teens under 16 year old will no longer be put in a position where they could be placed in adult prison for their crimes. Any child under age 16 would be incarcerated in juvenile facilities regardless of the seriousness of their offense.

### ***Technology***

**SB 822, Net Neutrality:** This new law guarantees equal access to streaming services and websites that require higher bandwidths and prohibits ISPs from exempting their own services from data caps. This is all great for consumers, but it is on hold for now. California has agreed not to enforce the law until a lawsuit challenging the FCC's decision to reverse Obama era net neutrality rules is resolved in federal court.

### ***Cannabis***

**AB 2020, Cannabis Events:** California is loosening its rules in regard to places it is acceptable to smoke cannabis. Festivals, museums, nightclubs and other venues are now able to host special events where people can purchase and consume cannabis. Prior to this year, only county fairgrounds were allowed to host these kinds of events.

### ***Environment***

**SB 100, Green Energy:** Under this new law, public utilities must implement a plan to incorporate renewable energy resources. The goal is to generate 60 percent of the state's electricity from sources like wind and solar

by 2030, and 100 percent from climate-friendly resources by 2045.

**AB 1775 & SB 834, Offshore Oil Production:** This is California's pushback on the Trump administration's decision to lift a ban on new oil drilling off the coast. The law prohibits the California State Lands Commission from approving or renewing leases for the construction of pipelines and docks that could be used to increase the production of oil and natural gas in federal waters.

### ***Education***

**AB 1974, High School Diplomas:** Public schools are no longer allowed to withhold high school diplomas for students with past-due bus fares, overdue library books or unpaid uniforms.

**AB 3922, Deported Students:** This bill retroactively grants high school diplomas to seniors who have been deported.

### ***Elections***

**AB 216, Mail-in Ballots:** Election departments must now include a return envelope with prepaid postage for vote-by-mail ballots.

**SB 568, Presidential Primary:** In order to create more influence in the presidential primaries, SB 568 moves-up California's 2020 primary from the first Tuesday in June to the first Tuesday in March.

### ***LGBTQ***

**SB 179, Non-binary Driver's License(s):** Any person applying for a driver's license or state identification card can choose one of three gender categories to put on their card: male, female and non-binary. Anyone wishing to change their gender can make an appointment after January 2, 2019.

### ***Food Service***

**AB 1884, Straw Ban:** Beginning this year, full-service restaurants must comply with new legislation that states that restaurants can only provide single-use straws at a customer's request. If the restaurant does not comply, their establishment is subject to a fine of \$25 for each day it does not operate in accordance with the law. These infractions are not to exceed \$300. Notably, the bill excludes fast-food restaurants, coffee shops and bars from compliance with the new law.

**SB 1192, Children's Meals:** Restaurants with children's meals must offer drinks with lower sugar content as their default beverage for kids. This includes milk, water or flavored water with no added sweeteners. Children can still order juices and sodas at their request.

**SB 946, Street Food Vendors:** With the passage of this bill, street food vendors will gain more freedom to sell their food. Cities and counties will not be able to ban sidewalk vendors but they can set up a licensing system to regulate them. Vendors who violate local laws can only be punished with a fine or citation, and will not face any criminal charges.

**SB 1164, Craft Distillers:** Under this new law small-batch craft distilleries can now sell whiskey, vodka and other spirits directly to customers. Prior to the passage of the bill, these distilleries were only allowed to sell their items to consumers that attended a tasting, severely limiting their ability to make sales. Additionally, for small craft distilleries, this bill also raises the 100,000 gallon annual spirit production ceiling to 150,000 gallons.

**SB 1138, Vegetarian Meals:** Healthcare facilities and prisons are now required to offer plant-based meals to patients and inmates.

**AB 626, Home Food Businesses:** This new law allows anyone to sell the food they make in their home kitchens to the public. This includes but is not limited to a homeowner's ability to cook for paying guests from their home. Regardless, the homes must go through all food safety inspections. The food must also be sold directly to consumers, and cannot be part of a delivery service.

Should you have any concerns regarding these new changes in legislation, we encourage you to seek qualified legal counsel. As always, Tyler & Bursch's experienced lawyers are here to advise and guide you.

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