

Cal. Civ. Code Section 52.6: Roadmap for Identifying Businesses and Establishments Required to Post Notices

Prepared by: CAST
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Purpose of the Presentation

This presentation is intended to provide a roadmap for groups working to implement Section 52.6 to use in their efforts to identify some of the businesses and establishments required to post notices under Section 52.6.

The presentation does not provide a comprehensive methodology for any of the statutory categories and it is intended for use as one resource among many in a group's identification efforts.

The information presented here is not legal advice and should not be relied on as such.

Section 52.6 identifies 12 categories of “businesses and other establishments” required to post notices:

- On-sale general public premises licensees
- Adult or sexually oriented businesses
- Primary airports
- Intercity passenger rail or light rail stations
- Bus stations
- Truck stops
- Emergency rooms within general acute care hospitals
- Urgent care centers
- Farm labor contractors
- Privately operated job recruitment centers
- Roadside rest areas
- Businesses or establishments offering massage or bodywork services that employ unlicensed therapists

Businesses and establishments that fall within seven of these categories can be identified using reliable, publicly available information (marked in red), based on an analysis of the pertinent statutory sections:

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On-sale general public premises licensees

- “**on-sale general public premises licensees**” = establishments that serve or sell alcoholic beverages for consumption on the premises and do not sell or serve food as a bona fide eating establishment (Bus. & Prof. Code §§ 23000-23044)
 - *does NOT include liquor stores or restaurants that also serve alcohol*
- Go to the **California Department of Alcoholic Beverage Control** website’s searchable database of license-holders:
 - <http://www.abc.ca.gov/datport/SubscrMenu.asp>
- Under “Ad-Hoc reports” at the bottom of the page, select “Query by City and License Type information.”
- Select a city in your county (you must run a separate search for each city) and *License Type 48 – On-Sale General Public Premises*. Click “Continue.”
- Each search will generate a list of on-sale general public premises licensees in the selected city that includes the licensees’ addresses and business names.

Primary airports

- “**primary airport**” = “commercial service airport the Secretary [of Transportation] determines to have more than 10,000 passenger boardings each year” (49 U.S.C. § 47102(16))
- Go to the **Federal Aviation Authority** website’s Passenger Boarding data page:
http://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/index.cfm?year=2012
- Select the most recent “Calendar Year” from the drop down menu. Click “Go.”
- Select the “Enplanements at All Commercial Service Airports (by Rank)” hyperlink.
- A chart appears that ranks airports according the “Enplanements” (passenger boardings) and identifies each airport’s city. Any airport in your county with over 10,000 enplanements in the latest year is a “primary airport.”

Truck stops

- “**truck stop**” = “privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking”
- Go to the **California Department of Transportation** website’s truck stop listing: <http://www.dot.ca.gov/hq/traffops/engineering/trucks/routes/truck-stops.htm>
- A chart appears that organizes truck stops by county and provides the trucks stops’ company names and addresses.
- Note: This is *likely NOT a complete list* of all truck stops in California.

Emergency rooms within general acute care hospitals

- Go to the **California Office of Statewide Health Planning and Development** website's listing of facilities:

<http://oshpd.ca.gov/HID/Products/Listings.html>

- Under the “Hospitals” heading, select the latest “Hospital Listing” hyperlink (in excel or pdf format).
- From this chart, you can identify general acute care hospitals in your county by checking the “COUNTY_NAME” column for your county and the “LICENSE_CATEGORY_DESC” column for “General Acute Care Hospital.”
- Note: The chart also contains an “ER_SERVICE_LEVEL_DESC” column, but we do not recommend relying on that column for determining whether the hospitals have emergency rooms. A more comprehensive practice would be to contact each General Acute Care Hospital to inquire about emergency services.

Urgent care centers

- We could not locate a statewide resource for identifying urgent care centers, largely because these centers do not appear to be licensed or regulated by a state health agency. Moreover, in Los Angeles County, urgent care centers do not appear to be licensed or regulated by a local agency either.
- It is possible to locate lists of some urgent care centers from reliable, public resources. For example, in Los Angeles County, the *Los Angeles County Health Services* (“DHS”) website provides a list of its nine DHS Urgent Care locations. Other counties might have similar umbrella organizations that operate multiple urgent care centers and maintain such listings.
- Insurance company websites may be another resource for identifying urgent care centers in California. Insurance providers often maintain lists or searchable databases of urgent care centers that offer services covered by the providers’ insurance policies.

Farm labor contractors

- Go to the **California Department of Industrial Relations** website's farm labor contractor license database:

<http://www.dir.ca.gov/databases/dlseir/farmlic.html>

- Insert a city in your county in the “City” blank (you must run a separate search for each city). Click “Search.”
- Each search will generate a list of licensed farm labor contractors in the selected city that includes the contractors' names and addresses.
- Note: There may be many cities in your county that do not turn up any results. For example, in all 88 cities in Los Angeles County, there are only two licensed farm labor contractors in the Department of Industrial Relations database. Whereas in the City of Fresno alone, there are 70 licensed farm labor contractors.

Roadside rest areas

- Go to the **California Department of Transportation** website's "Statewide Rest Areas" listing:

<http://www.dot.ca.gov/hq/maint/ra/Statewide.htm>

- The webpage identifies 60 California rest areas and their amenities.
- Locating the rest areas: In the listing, the location of each rest area is designated by "Longitude"/"Latitude" measurements. To determine if the rest area is in your county, click on each rest area's hyperlink. A new chart appears that identifies the rest area's county and general location under the "Route and Location" column. Unfortunately, the chart does not list an address.

Remaining Categories

For the remaining categories, we have been unable to establish a methodology for comprehensively identifying businesses and establishments that is amenable to replication in other counties:

- Adult or sexually oriented businesses
- Intercity passenger rail or light rail stations
- Bus stations
- Privately operated job recruitment centers
- Businesses or establishments offering massage or bodywork services

Comprehensively identifying businesses and establishments in these categories using reliable, publicly available resources has been problematic for different reasons.

Next, as an exemplar, we will discuss these reasons and provide insight on how we are addressing those difficulties in Los Angeles County.

Difficulty Defining the Category

- **Bus stations**

- Section 52.6 does not define this category any further. A bus station is likely different from a bus stop, but where is that dividing line? A roadside sign with a bench is likely not a bus station while a large building housing a bus terminal likely is, but what about covered benches or structures with restroom facilities? Is a bus station any place where riders can purchase tickets? The statute simply does not provide any further guidance.
- Note: Bus stations may be operated by *public or private entities* (a city transit service and private operators like Greyhound).
- *Suggested Next Step*: Contact bus operators in your county and ask who owns and operates the bus stations that they use. Notify bus station operators of the posting requirement.

No Centralized Licensing/Regulatory Agency

It was difficult to find listings identifying businesses and establishments in some categories because we could not find a centralized group (governmental or otherwise) that licenses or regulates those businesses and establishments, and so would have that reliable, comprehensive listing.

- **Privately operated job recruitment centers**
- **Urgent care centers**
 - Note: Although it is difficult to find *comprehensive* listings of these centers, some umbrella organizations may maintain helpful partial listings, as discussed earlier.
- **Intercity passenger rail or light rail stations**
 - Many passenger rail services are government-run. A good first step is to contact rail service operator(s) in your county and determine which government or private entity owns and operates their rail stations.

Listing Resource Not Publicly Available

- “**Adult or sexually oriented businesses**” = “any establishment that regularly features live performances which are distinguished or characterized by an emphasis on the exposure of the genitals or buttocks of any person, or the breasts of any female person, or specified sexual activities that involve the exposure of the genitals or buttocks of any person, or the breasts of any female person.” (Cal. Pen. Code § 318.5(a))
 - *strip club-type establishments, NOT adult bookstores or stores selling sex “toys”*
- We could not find a public listing for these businesses and establishments within Los Angeles County, but the City Attorney’s Office notified us that the Los Angeles Police Department should have this comprehensive list.
- *Suggested Next Steps:* Contact a local government agency (police department, city attorney’s office, or zoning commission) for a list of these businesses and establishments.

An Unregulated Business

- **Businesses or establishments offering massage or bodywork services**
 - *Important limitation*: This category includes only massage establishments that are sole proprietorships where the sole proprietor is *not certified* pursuant to the applicable chapter and businesses **or** establishments that employ massage workers *not certified* to provide massage services. *Compare* Bus. & Prof. Code § 4612(b)(1).
 - The difficulty in identifying businesses and establishments in this category is that they are, by definition, businesses and establishments that employ unlicensed workers and thus those workers are “off the map.”
 - Posting notices in businesses and establishments in this category is an important aspect in combatting human trafficking, and this definitional limitation is a large obstacle to implementation and enforcement.
 - *Suggested Next Step*: Work with local police departments or city attorney’s offices to identify these businesses and establishments employing unlicensed workers, because those governmental bodies are likely trying to identify these entities too.