

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1402/1dn  
CTS:wlj:jf

February 4, 2005

Representative Jeskewitz:

This is a redraft of the substitute amendment to 2003 AB-308. Please review it carefully to ensure it is consistent with your intent. Per your request, I have prepared the following comparison of the differences between this draft and 2003 AB-308 (as introduced):

1. Like AB-308, this draft prohibits a number of billing practices, including billing a consumer for goods or services the consumer has not agreed to purchase or lease; billing a consumer for goods or services at a price that is higher than previously agreed; and misrepresenting to a consumer that the failure to reject or return goods or services obligates the consumer to pay for those goods or services. Under this draft, the prohibitions do not apply to the conduct of an agent or representative of a seller when providing billing services if the agent or representative did not know or have reason to know that its conduct violates the prohibitions. AB-308 did not contain such an exception.
2. Like AB-308, this draft provides that a contract for lawn care service may not remain in effect for more than one year unless the service provider discloses, at least 30 days before providing services in the second and any subsequent years, (1) the services to be provided, (2) the price and frequency of those services, and (3) the consumer's right to cancel the contract within 30 days after receiving the disclosure. AB-308 required a service provider to make the disclosure on paper or in an electronic format that a consumer can retrieve, store, or print for future reference. Under this bill, the disclosure may be written or oral. This bill also requires a service provider to keep a copy of all written disclosures and a record of all oral disclosures.

Please contact me if you have any questions or if you like to make any changes to the draft.

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