



Legal Alerts | 02/05/2025

2025 California Legal Updates: What You Need to Know – Part Three

Insight and Guidance Addressing Emergency Response, Local Government, Construction, Workplace Safety, Employment, Road Safety and Accident Prevention

In Part Three of the New Laws series from Best Best & Krieger LLP (BBK), new legislation for 2025 focusing on emergency response, local government, construction, workplace safety, road safety and accident prevention includes key insights and assessments of AB 1638, AB 1852, AB 1957, AB 2602, SB 553, SB 988 and SB 806.

Emergency Response and Local Government

AB 1638

Assembly Bill 1638 (AB 1638) adds Section 7299.7 to the Government Code relating to emergency response services. AB 1638 does the following:

- Provides non-English speakers of a specified population amount with emergency-related information in their shared language, and at the same rate and quality as information given to English speakers.
- Requires a local agency that provides emergency response services to provide relevant information in English and in all other languages spoken jointly by 5% or more of the population that speaks English less than “very well” (as defined by American Community Survey data) in the event of an emergency.
- Provides that at least 5% of the identified population must: (1) speak English less than “very well”; and (2) jointly speak the same language other than English.
- Imposes various requirements on the manner in which information is provided in languages other than English including: (1) ensuring that the quality of information translated and provided to individuals who speak English less than “very well” is as comprehensive, actionable, and timely as the information provided to English-speaking persons; and (2) endeavoring to utilize community members with the cultural competencies and language skills necessary to effectively communicate with those who speak English less than “very well” using native speakers of the relevant languages who also speak English fluently whenever feasible.
- Does not appropriate funds for these new requirements, but existing constitutional provisions require the state to reimburse local agencies and school districts for certain costs mandated by the state. If the Commission on State Mandates determines that there are costs associated with adopting this law, reimbursements shall be granted to the local agencies.

These provisions go into effect as of January 1, 2025, and operate during all “emergencies” within the jurisdiction of a local agency as defined under Government Code Section 7299.7(e).

AB 1852

Assembly Bill 1852 (AB 1852), passed on June 26, 2024, is an act to amend Section 54956.96 of the Government Code relating to local government.

The Ralph M. Brown Act mandates that meetings of local agencies (including joint powers agencies) be open to the public with some exceptions for closed sessions. It allows a designated alternate member (who is also part of a local agency’s legislative body) to attend closed sessions. Certain information discussed in these sessions remains confidential, but members may disclose specific details to their local agency’s legal counsel or other members during closed sessions as permitted by law.

Existing law allows the Clean Power Alliance of Southern California (Alliance), or its successor, to permit a designated alternate member (who is not part of a local agency’s legislative body) to attend closed sessions and make certain disclosures. If this is done, the Alliance must establish policies to prevent conflicts of interest and breaches of confidentiality.

These provisions were originally set to be repealed on January 1, 2025, however, AB 1852 extends the repeal date to January 1, 2030. AB 1852 also includes legislative findings declaring the necessity of a special statute for the Clean Power Alliance.

Construction

AB 1957

Assembly Bill 1957 (AB 1957) permanently authorizes all California counties to use best-value contracting for county construction projects in excess of \$1 million, eliminating the previous January 1, 2025, sunset date. Best-value contracting allows counties to award projects based on a combination of price and contractor qualifications (such as experience, safety records, and labor compliance), rather than strictly selecting the lowest bidder. This approach gives counties greater flexibility to choose contractors who may be better equipped to complete complex projects efficiently and with higher quality outcomes. By evaluating bids through multiple criteria, counties can mitigate potential risks associated with low-bid awards (like delays, cost overruns, and substandard work).

In addition to these construction projects, the new law also permits counties to engage in annual contracting for recurring maintenance, repairs, or remolding work, up to \$3 million per year. These contracts can be renewed for two additional one-year terms, for a total contract value capped at \$6 million. This process streamlines procurement for routine projects by allowing counties to apply best-value criteria to the entire contract rather than soliciting bids for each individual task. This change may lower administrative costs and promote faster project timelines.

Workplace Safety

AB 2602

Assembly Bill 2602 (AB 2602) introduces significant changes to the entertainment industry by regulating the use of artificial intelligence (AI) to create digital replicas of performers. The law renders unenforceable any contract provision allowing for the creation and use of a performer's digital likeness or voice unless the contract clearly outlines the intended uses, or the performer is represented by legal counsel or a labor union. The law applies to performances created on or after January 1, 2025. Exemptions are provided by the law for standard post-production techniques such as remixing, mastering, or digital remastering, which are authorized by the copyright holder.

The passage of AB 2602 comes in the wake of the 2023 Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) and the Writers Guild of America (WGA) labor union strikes that represented media professionals in Hollywood, during which AI and its potential to replace or replicate performers became a key issue. This new law reflects protections similar to those negotiated in SAG-AFTRA's latest collective bargaining agreement, which requires informed consent for the creation of digital replicas. AB 2602 codifies these protections into state law, extending them to non-union and early-career performers as well.

SB 553

Senate Bill 553 (SB 553) provides additional changes to workplace safety requirements effective on January 1, 2025.

SB 553, signed into law by Governor Gavin Newsom in 2023, previously mandated, covered California employers to implement measures to prevent and address workplace violence including the adoption of a comprehensive Workplace Violence Prevention Plan by July 1, 2024.

Additional provisions of SB 553 effective January 1, 2025, modify and expand the availability of workplace violence restraining orders under Code of Civil Procedure section 527.8. Specifically:

- Collective bargaining representatives may now seek workplace violence restraining orders on behalf of employees.
- Before filing a petition, the employer or collective bargaining representative must give the affected employee the option to decline being named in the temporary restraining order (TRO). If an employee requests not to be named, this will not prevent the employer or collective bargaining representative from seeking a TRO to protect other employees at the workplace; or if relevant, employees at other locations of the same employer.
- Restraining orders under Code of Civil Procedure section 527.8 may now also be sought for "harassment" which includes a "knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose."

These changes may impact what actions employers may take in response to incidents of harassment, threats of violence, and violence at the workplace. Employers can contact attorneys at Best Best & Krieger LLP for assistance and to address any questions or concerns they may have regarding these new requirements.

SB 988

Senate Bill 988 (SB 988) was signed by the governor on September 28, 2024, establishing the Freelance Worker Protection Act (FWPA). FWPA imposes minimum requirements for freelance contracts. SB 988 does the following:

- Requires a hiring entity to provide a written contract to the freelance worker, to retain a copy of the contract for no less than four (4) years, and to pay a freelance worker the compensation specified by such a contract within a specified timeframe.

- Includes anti-retaliation protections that prohibit hiring parties from discriminating or taking adverse action against a freelance worker that penalizes or deters the freelance worker from exercising, or attempting to exercise, any rights under the FWPA. An aggrieved freelance worker or a public prosecutor is authorized to bring a civil action to enforce these provisions.
- Imposes administrative responsibilities on hiring parties (all individual hiring parties and companies including sole proprietorships, corporations, LLCs, etc.) when contracting with freelance workers (any independent contractor hired for professional services as defined of two hundred fifty dollars (\$250) or more).
- Does not apply to the federal, state, local, or foreign governments; or to an individual hiring services for the personal benefit of themselves, family members, or homestead. As a result, hiring parties who regularly engage freelancers should review their current practices to assess whether their independent contractors provide “professional services” triggering an FWPA application. Freelance contracts the hiring parties are renewing or entering into should also be reviewed to ensure they include all information required by SB 988.

Road Safety and Accident Prevention

SB 806

Senate Bill 806 (SB 806) applies to “trash receptacles and storage containers: reflective markings: enforcement.”

Existing law requires a manufacturer who sells or provides for compensation (commencing January 1, 2025), and an owner (commencing January 1, 2026), of a trash receptacle or storage container that is longer than three feet in length and taller than four feet in height and that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up to mark the receptacle or container with a reflector on each side as specified. Existing law provides that a violation of these requirements would result in a criminal infraction punishable by a fine as follows:

- The first violation of this section results in an infraction punishable by a fine of one hundred dollars (\$100) if not corrected within 14 days of notice;
- Second violation results in a fine of five hundred dollars (\$500) if not corrected within 14 days of notice; and
- One thousand dollars (\$1,000) for the third violation, or any subsequent violation, of this section if not corrected within 14 days of notice.
- SB 806 changes the requirement for trash receptacles or storage containers, so they no longer need to be specifically designed for placement on a roadway or curb for pickup; instead, they need to be placed onto the roadway or curb for pickup. SB 806 also:
 - Reduces the size of the required reflectors, changes the required placement of the reflectors, and expands the types of reflectors that meet the requirement as specified;
 - Authorizes the attorney general, or the district attorney or city attorney in the location where the violation is observed, to enforce a violation of the above-described provisions; and
 - Creates an Accident Prevention and Road Safety Fund, and requires the fines collected to be deposited into this fund.

Disclaimer: BBK Legal Alerts are not intended as legal advice. Additional facts, facts specific to your situation, or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information herein.

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