

# KNOW YOUR RIGHTS – ACTIVE DUTY SERVICE MEMBERS IN CALIFORNIA

Welcome to California – we are grateful for your service, and proud to be home to more than 225,000 active duty and reserve component personnel. As an active duty service member stationed in California, you have important consumer protections under California law. If you believe your rights have been violated, ask the nearest military legal assistance office for help. For contact information, ask your unit or use the [U.S. Armed Forces Legal Services Locator](#).<sup>1</sup>

## CARS

**Buying or Leasing a Car or Motorcycle:** A vehicle is one of the most expensive purchases you will make. Take a tactical pause, bring a battle buddy, and do your research – there is no automatic right to return a vehicle if you later change your mind.

**Car dealers in California must be licensed:** Avoid dealers that are buying and selling vehicles without a dealer’s license, proper permits, or an established place of business.

**Be skeptical of so-called “military friendly” dealers:** Scammers often do this to get you to let down your guard. If an auto dealer offers you a discount or kickback for bringing in potential customers, don’t do it—it is against the law. Be wary of anyone that offers to give you a ride to a dealer.

**Be on the lookout for dealers that use “yo-yo” financing tactics:** If a dealer calls you to claim that there was something wrong and asks you to come back to the dealership to negotiate a new deal or monthly payment, it’s a red flag. Under the law, you do not have to sign new paperwork or pay more than what was originally agreed upon. You have the right to return the car to the dealer and get a full refund if you are asked to renegotiate the terms of your agreement – including the immediate return of any trade-in vehicle.

**Get a license and insurance:** California – and most installations – require you to have a driver’s license (not just a learner’s permit) and auto insurance in order to register or drive your car, or even to store it on base. Don’t drive without a license or insurance, and shop around for insurance from a legitimate insurance company to get the best deal.

**Research the car and its cost:** Some dealers try to overcharge service members, offer unfavorable terms, or add on expensive optional products, like service contracts or Guaranteed Asset Protection (GAP) insurance. Don’t act on impulse or pressure. Research the price and check out the car carefully, including getting a used [vehicle history report](#)<sup>2</sup> and taking the car to an independent mechanic.

**Watch out for scammers that sell cars without providing a legitimate car title:** Make sure to get the car’s title transferred to you as part of the purchase. If you have any difficulty getting the title, get help immediately.

**If a dealer, lender, or insurance company violates your rights:** Contact the nearest military legal assistance office and [file a report with the Attorney General’s Office](#).<sup>3</sup> If you are ripped off by a car dealer that declares bankruptcy or goes out of business, you can also [file a claim with the Consumer Motor Vehicle Recovery Corporation](#).<sup>4</sup>

## IF RESIDENTS OF ANOTHER STATE OF TERRITORY

If you are a resident of another state and stationed in California on active duty:

- You may use a valid out-of-state driver’s license and drive a car with valid license plates from your home state or territory. Learn more at the DMV’s [veterans and active duty military page](#).<sup>5</sup>
- You may vote in your home state. Learn more at the Federal Voting Assistance Program’s [military voters page](#)<sup>6</sup> for more information.
- Your spouse can work in California without paying California taxes on their income by claiming an exemption from withholding. Learn more at the Employee Development Department’s [Military Spouses Residency Relief Act FAQs page](#).<sup>7</sup>
- Military spouses who have a professional license from another state may be eligible for expedited or special licensure. For information, go to the Department of Consumer Affairs’ [military expedited licensure page](#).<sup>8</sup>

## DEBT COLLECTION

Unethical debt collectors often try to illegally threaten service members into making payments. In California, it’s illegal for a creditor or other debt collector to:

- Contact your chain of command;
- Threaten to court martial you or take away your security clearance;
- Falsely claim to be a lawyer, a member of the armed forces, or a government official;
- Harass, annoy, or abuse you or others, including calling other people without your permission to tell them you owe a debt; or
- Keep calling you after you ask them not to.

For assistance asserting your rights, go to the nearest military legal assistance office and [file a report with the Attorney General’s Office](#).<sup>9</sup>

1 [legalassistance.law.af.mil](#)

2 [vehiclehistory.bja.ojp.gov](#)

3 [oag.ca.gov/report](#)

4 [cmvrc.org](#)

5 [dmv.ca.gov/portal/driver-education-and-safety/special-interest-driver-guides/veterans-and-active-duty-military](#)

6 [fvap.gov/military-voter](#)

7 [edd.ca.gov/Payroll\\_Taxes/FAQ - Military Spouses Residency Relief Act.htm](#)

8 [dca.ca.gov/about\\_us/military\\_expedited\\_licensure.shtml](#)

9 [oag.ca.gov/report](#)



## **DEBT ON MORTGAGES AND AUTO LOANS**

While you're on active duty, if you fall behind on your mortgage or auto loan, the lender cannot foreclose or repossess unless it gets a court order. The court can also defer payments and provide other relief.

If you are at risk of falling behind on a mortgage or other loan, remember that you have options. Talk with your command financial counselor to get advice and assistance, which may include access to emergency loans from [Army Emergency Relief](#),<sup>10</sup> the [Navy-Marine Corps Relief Society](#),<sup>11</sup> the [Air Force Aid Society](#),<sup>12</sup> or [Coast Guard Mutual Assistance](#).<sup>13</sup> If you are sued, or threatened with foreclosure or repossession, contact the nearest military legal assistance office immediately.

For auto loans or leases, California and federal law allows you to:

- Ask a court to defer payments on a car loan or lease while you are on active duty; and
- Terminate an auto lease if you receive Permanent Change of Station (PCS) orders to an Outside Continental U.S. duty station, or if you are deployed for 180 days or longer.

If you get behind on your car payments, reach out to your command financial counselor for assistance.

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## **COURT CASES**

If you get sued, don't ignore it! Contact the nearest military legal assistance office for help right away.

Under the federal Servicemembers Civil Relief Act and California law, you may ask a court to:

- Postpone a lawsuit filed against you;
- Re-open a default judgment entered against you while you were on active duty; or
- Grant other relief.

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## **DISCRIMINATION**

It is against the law for businesses and government agencies to discriminate against you, threaten your civilian job, or charge you more because of your military status. It's also illegal for any business to deny you service because you are wearing your military uniform.

The Attorney General's Office works with federal, state, and local partners to protect the rights of service members in California. If your rights have been violated you can [file a report with the Attorney General's Office](#).<sup>14</sup>

<sup>10</sup> [armyemergencyrelief.org](http://armyemergencyrelief.org)

<sup>11</sup> [nmcrs.org](http://nmcrs.org)

<sup>12</sup> [afas.org](http://afas.org)

<sup>13</sup> [cgmahq.org](http://cgmahq.org)

<sup>14</sup> [oag.ca.gov/report](http://oag.ca.gov/report)

## **RENTAL HOUSING**

**Security Deposits:** Active duty service members can only be charged a security deposit of up to one month's rent for an unfurnished rental and two months' rent for a furnished rental.

Landlords have to offer you a pre move-out inspection, and they must return your security deposit, with an itemized statement of deductions, within 21 days after you move out. If a landlord fails to return your security deposit you can sue them in small claims court. If you can't make it to court because you have PCS'd out of state, a friend or representative can go to court on your behalf.

If a landlord violates these rights, get help from the nearest military legal assistance office.

**Evictions:** If your landlord tries to evict you while you're on active duty, you can ask the court to put the eviction on hold or provide other forms of relief. If you are behind on your rent, or at risk of eviction, seek help from the nearest military legal assistance office, your housing office, or your command financial counselor.

**Ending a Lease:** If you sign a lease and then get orders for a PCS or for a deployment of at least 90 days, you may end your lease early by notifying your landlord in writing. A military legal assistance office can help deal with lease termination issues.

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## **STORAGE**

If you need to store your vehicle or belongings, check with your unit or installation – they may offer free or low-cost storage options. If you have stored your belongings with a private business and you are at risk of falling behind on your payments, get help and advice from your command financial counselor.

Under the law, storage companies cannot sell your items without a court order. Some storage companies try to get you to give up, or "waive," this right when you sign your storage contract. Even if you waived those rights, you may still have rights under California law. If a storage company threatens to sell your property, contact the nearest military legal assistance office for help.

