

## 2011-2012 Bill Summaries

### ATTORNEYS AND RELATED MATTERS

#### Attorneys and Related Services

**AB 20 (Halderman) Attorney-client communications: residential construction defects.** This bill would have required an attorney who solicits or consults with a client or potential client, for purposes of filing an action for defects in the design or construction of an improvement to residential real property, to provide a written notice at the time of the solicitation or consultation containing specified information. Status: Failed, Assembly Judiciary.

**AB 622 (Dickinson) Civil grand juries.** This bill would, until January 1, 2017, authorize any witness who is called to give testimony under oath before a civil grand jury to have counsel present on his or her behalf while he or she is testifying. The bill would also impose certain restrictions on counsel in connection with the grand jury proceedings, with breach of these restrictions constituting violation of the Rules of Professional Conduct. Status: Chapter 679, 2011.

**AB 1404 (Committee on Judiciary) Attorneys: trust accounts.** As heard by this Committee, this bill would have corrected a technical error in AB 940 (2009), substituting the word "on" for the word "in" in a code section relating to interest-bearing lawyer trust funds. The bill was later amended in the Senate to address an unrelated issue. Status: Chapter 775, 2012.

**AB 1631 (Monning) Arbitration: legal representation.** This bill removes the current sunset provision and make permanent the authorization for out-of-state lawyers to practice law in arbitration proceedings despite lacking a license to practice law in California, provided that the attorney, among other things: (1) serves a certificate, with specified information, upon the arbitrator(s) or arbitral forum, the State Bar, and all other parties and counsel in the arbitration, (2) obtains written approval on the certificate from the arbitrator(s) or arbitral forum and files the certificate as specified, and (3) submits to the disciplinary jurisdiction of the California State Bar. Status: Chapter 53, 2012.

**AB 1954 (Nestande) Legal advertising: class actions.** This bill would have required a legal advertisement soliciting plaintiffs for a class action lawsuit to include a disclosure stating that a plaintiff in a class action may be financially liable for a prevailing defendant's attorney's fees. Status: Failed, Assembly Judiciary.

**AB 2025 (Gorell) Mediation: confidentiality.** This bill would have directed the California Law Revision Commission to study and report to the Legislature regarding the relationship under current law between mediation confidentiality and attorney malpractice and other misconduct. Status: Dead, Senate Rules. Note: Comparable provisions were subsequently chaptered in ACR 98 (Wagner), Res. Ch. 108, 2012.

**AB 2372 (Hill) Service of process: attorneys.** This bill requires that the requesting attorney or party appearing in propria persona, upon the written request of a deposition officer who has

obtained a final judgment for payment of services, provide to the deposition officer an address that can be used to effectuate personal service for the purpose of an order of examination, as specified. Status: Chapter 125, 2012.

### **State Bar**

**AB 572 (Wieckowski) Attorneys: annual membership fee.** This spot bill would have made a minor change to the State Bar Act. Status: Dead, Assembly Judiciary.

**AB 2685 (Committee on Judiciary) State Bar dues.** This bill authorizes the State Bar of California to collect active membership dues of up to \$410 for the year 2013. Status: Chapter 348, 2012.

**ACR 167 (Alejo) State Bar admission.** This resolution declares that an applicant's immigration status should not be the determining factor in deciding whether to approve a license to practice law, commends Sergio C. Garcia for his hard work and success, and also commends the State Bar of California for its efforts to admit Sergio C. Garcia to the State Bar of California. Status: Resolution Chapter 113, 2012.

**SB 163 (Evans) The State Bar Act.** This bill continues the State Bar's authority to assess and collect dues from licensed attorneys in California, and authorizes the Bar to continue to collect active membership dues for the year 2012. The bill also implements major changes to the governance structure of the State Bar, including revising the composition and size of the board of trustees and requires the board to ensure that its open meeting requirements are consistent with, and conform to, the Bagley-Keene Open Meeting Act. In addition, this bill provides a \$10 reduction in dues for all Bar members in 2012, and increases the amount Bar members may voluntarily choose, for the next two years only, to contribute for the provision of legal aid services. Status: Chapter 417, 2011.

## **CIVIL PRACTICE AND PROCEDURE**

### **Civil Procedure**

**AB 173 (Gatto) Armenian genocide victims.** This bill extends until December 31, 2016 authorization for victims of the Armenian Genocide, or their heirs or beneficiaries, who reside in California and have a claim arising out of an insurance policy purchased or in effect in Europe or Asia from 1875-1923, to bring suit in California seeking benefits under those insurance policies from insurers. Status: Chapter 20, 2011.

**AB 271 (Nestande) Appeals: class actions.** This bill would have allowed a right of immediate appeal from an order granting or denying class action certification if the petition to appeal is filed within 14 days of entry of the order. Status: Failed, Assembly Judiciary.

**AB 320 (Hill) California Environmental Quality Act (CEQA): determination: dispute.** This bill prevents a California Environmental Quality Act (CEQA) legal action from being dismissed for not naming indispensable parties if the plaintiff or petitioner names the persons identified in

the project's notice of determination or notice of exemption, or, if no notice is filed, the persons referenced in the definition of "project," as reflected in the lead agency's record of proceedings. Status: Chapter 570, 2011.

**AB 579 (Monning) Mobilehome parks: liability: attorney's fees.** This bill would have permitted the award of attorney's fees and, in some cases, other litigation expenses, to a local governmental entity in an action brought by the owner of a mobilehome park to challenge the validity or application of a local ordinance, rule, regulation, or initiative measure that regulates space rent or is intended to benefit or protect residents in a mobilehome park, if the local governmental entity is determined to be the prevailing party. Status: Dead, Assembly Judiciary.

**AB 621 (Calderon) Vehicle rental agreements.** This bill establishes a mechanism for service of legal process on non-residents who cause injuries involving rental cars in California, up to a maximum contractual limit. Specifically, this bill, until January 1, 2015, requires a rental company or its registered agent to accept service of a summons and complaint and any other required documents against a renter who resides out of this country for an accident resulting from the operation of the rental vehicle in this state, if the rental company provides liability insurance coverage as part of, or associated with, the rental agreement. Status: Chapter 531, 2011.

**AB 1062 (Dickinson) Arbitration: appeals.** As heard by this Committee, this bill would have established consistent appeal rights with respect to a petition to compel arbitration by eliminating the right to an immediate appeal when a petition to compel arbitration is denied, just as there is no right to appeal when a petition to compel is granted. Either side would nevertheless have continued to seek appellate review by writ of mandate for serious errors. The bill was later amended in the Senate to address an unrelated issue. Status: Failed on the Senate Floor.

**AB 1067 (Huber) Civil procedure: appeal of orders.** This bill provides that an order denying a motion for reconsideration, made as specified, is not itself separately appealable. This bill further provides that if the order that was the subject of a motion for reconsideration is appealable, then the denial of the motion for reconsideration is reviewable as part of an appeal from that order. Status: Chapter 78, 2011.

**AB 1207 (Furutani) Civil actions: real property development.** This bill would have modified the statute of limitation for actions of developers or construction personnel, as specified, for personal injury, wrongful death, or property damages caused or contributed to by exposure to any hazardous substances released into the environment. Instead of the applicable 10 year statute of limitations, this bill would have provided that the limitations period for these actions shall be as otherwise specified by law. Status: Failed, Assembly Judiciary.

**AB 1347 (Grove) Oil and gas: geothermal operations.** This bill would have modified the scope of judicial review for an appeal of an order by the Director of Conservation regarding the operation of a well, or drilling or testing operation. Specifically, this bill would have required the court's inquiry to extend to whether the decision of the Director was unreasonable. Status: Dead, Assembly Natural Resources.

**AB 1403 (Committee on Judiciary) Civil actions.** This bill makes a number of changes to civil procedure, including establishing that the deadline for acceptance or rejection of the addition or reduction of damages after a jury award is 30 days from the date the conditional order is issued, if a deadline is not set forth in the conditional order. In addition, this bill clarifies and reforms the process for eliminating potential bias or other unsuitability among prospective jurors, and allows indigent parties to recover the cost of court interpreters when they are the prevailing party and are represented without charge by a qualified nonprofit legal services organization. Status: Chapter 409, 2011.

**AB 1628 (Beall) Child sexual abuse: confidential settlement provisions.** This bill would have extended the statute of limitations for civil claims based on childhood sexual abuse and prohibited confidential settlement agreements in those cases. This bill also would have imposed specified new duties on private entities conducting business in California who have employees or members who are either mandated reporters or who work closely with minor children. Status: Dead, Assembly Appropriations.

**AB 1720 (Torres) Service of process: private investigators.** This bill authorizes licensed private investigators to enter a gated community for a reasonable amount of time for the sole purpose of performing lawful service of process or service of subpoena, as specified. Status: Chapter 113, 2012.

**AB 1875 (Gatto) Depositions: time limits.** This bill limits a deposition of any person to 7 hours of total testimony, except under specified circumstances, and requires a court to allow additional time if necessary to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination, as specified. Status: Chapter 346, 2012.

**AB 1918 (Jones) Depositions: unlawful detainer.** This bill would have reduced the period of time in which a deponent in an unlawful detainer proceeding may approve or correct a deposition transcript from 30 days to 5 days after the deposition officer has sent notice that the transcript of the deposition is available for reading, correcting, and signing. Status: Failed, Assembly Judiciary.

**AB 2043 (Wagner) Appeals: representative actions.** This bill would have established a new rule allowing a right of immediate appeal from procedural determinations regarding class certification. Specifically, this bill provides that a court of appeal may permit an appeal from an order granting or denying class action certification if the petition to appeal is filed within 14 days of the entry of the order, and specifies certain factors that the court is to consider in making such a decision. Status: Failed, Assembly Judiciary.

**AB 2044 (Wagner) Civil actions: motion for a new trial.** This bill would have required that, in cases where a party files a motion for a new trial before the entry of judgment, the filing be done after the decision is rendered and before entry of judgment. Status: Dead, Assembly Judiciary.

**AB 2106 (Wagner) Civil procedure: motion to set aside and vacate a judgment and motion for a new trial.** This bill provides that the time for a court to rule on a motion to set aside or vacate a judgment shall expire within 60 days after the mailing of notice of entry of judgment. This bill also clarifies that when filing a motion for a new trial before entry of judgment, or when filing a motion to vacate or set aside a judgment, the filing must be done after the decision is rendered. Status: Chapter 83, 2012.

**AB 2163 (Knight) California Environmental Quality Act (CEQA): judicial review.** This bill would have expanded application of expedited judicial review of CEQA decisions by the Court of Appeal from specified large-scale "environmental leadership" projects to include a significantly broader range of commercial, residential and recreational projects. Status: Failed, Assembly Natural Resources.

**AB 2255 (Donnelly) Civil actions: expedited jury trials.** This bill would have removed the five year sunset provision of the Expedited Jury Trial Act (AB 2284 of 2010) and would have extended the current provisions of the Act three years prior to the pilot program's and attendant study's completion. Status: Failed, Assembly Judiciary.

**AB 2274 (Lara) Vexatious litigants.** This bill provides that a court shall dismiss an action brought by a vexatious litigant when all of the following are true: (1) the court determines, after hearing evidence, that the litigation has no merit and has been filed for the purposes of harassment or delay; (2) the vexatious litigant is subject to a prefiling order; and (3) the vexatious litigant was represented by counsel at the time the litigation was filed and became pro per after his or her attorney withdrew from the case. Status: Chapter 417, 2012.

**AB 2364 (Wagner) Civil procedure: attachment.** This bill authorizes depository institutions with fewer than ten California branches and requires depository institutions with ten or more California branches to designate a central location for service of process for attachments and enforcement of judgments against deposit accounts and the contents of safe deposit accounts held by those institutions. This bill also requires that service of such process be made at the central location in all cases where there is such a designation, and restricts the reach of levies served at the central location to deposit accounts and safe deposit boxes maintained at those financial institutions' California locations. Status: Chapter 484, 2012.

**AB 2377 (Huber) Enforcement of judgments: appeals.** Existing law requires that the security bond in an appeal of a money judgment be for double the amount of the judgment or order unless given by an admitted surety insurer, in which event the judgment would be 1 1/2 times the amount of the judgment or order. This bill would have made appeals bonds discretionary if the court, after notice and hearing, and for good cause shown, determines that a different amount is appropriate. Status: Failed, Assembly Judiciary.

**AB 2395 (Davis) Civil actions: pro per litigant costs.** This bill would have required, in civil proceedings in which a pro per litigant is the prevailing party, that the court, upon motion, award reasonable compensation to the prevailing party for the time and effort required to litigate the matter. The bill would also have required the court to base the reasonable compensation on the standard rate of compensation for a paralegal assistant in the local market and any economic

hardship suffered by the prevailing party in litigating the matter. Status: Dead, Assembly Judiciary.

**SB 491 (Evans) Civil procedure: probate of wills.** As originally heard by this Committee in 2011, this bill would have clarified that the general civil provisions that authorize a court clerk to issue a summons are applicable when a person files an objection to the probate of a will. The bill was later amended in the Assembly to relate to class actions and subsequently re-heard by the Committee in 2012. Status: Failed, Assembly Judiciary.

**SB 731 (Committee on Judiciary) Civil actions.** This bill codifies existing case law specifying the process for a person to be removed from the list of vexatious litigants kept by Judicial Council, and clarifies, among other things, that the statute also applies to the Courts of Appeal. In addition, with respect to judicial arbitration awards, this bill provides parties with the option of filing a request for dismissal to stop entry of the arbitrator's award as a judgment, rather than having to request a trial de novo. Status: Chapter 49, 2011.

### **Evidence**

**AB 308 (Ammiano) Criminal investigations: eyewitness identification.** As referred to this Committee, this bill would have allowed expert testimony regarding the reliability of an eyewitness identification to be admitted at trial if the proponent of the evidence establishes relevancy and proper qualifications of the witness. The bill was amended by the author to apply only to criminal actions and was subsequently re-referred solely to Assembly Public Safety. Status: Dead, Senate Appropriations.

**AB 1316 (Smyth) Lawyer-client privilege: injury to financial interests or property.** This bill would have established a new exception to the privilege that applies to any confidential communication between a lawyer and a client. Specifically, this bill would have provided an exception to the privilege if the lawyer reasonably believes that disclosure of any confidential communication relating to representation of a client is necessary to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another person and in furtherance of which the client has used or is using the lawyer's services. Status: Dead, Assembly Judiciary.

**SB 1075 (Senate Rules) Uniform Electronic Legal Material Act.** This bill adopts the Uniform Electronic Legal Material Act, which provides requirements for the authentication, preservation, and security of electronic legal material, as defined. This bill designates the Legislative Counsel Bureau (LCB) as the official publisher for electronic legal material. Status: Chapter 310, 2012.

**SB 1303 (Simitian) Vehicles: automated traffic enforcement systems.** The bill addresses the evidentiary use of red light camera photographs, notification signage, the prohibition against using red light cameras as a revenue generation tool, requirements for data collection with regard to red light camera violations, dismissal of red light camera citations, and the use of courtesy notices. Status: Chapter 735, 2012.

**SB 1574 (Committee on Judiciary) Discovery: electronically stored information.** This bill implements a host of recommendations by the Judicial Council to update and revise existing civil subpoena and discovery statutes to provide for the discovery of electronically stored information, in order to create consistency with the Electronic Discovery Act of 2009. Among other things this bill adds the phrase "electronically stored information" throughout existing discovery and civil subpoena statutes that presently only reference the discovery of documents and other tangible items. Status: Chapter 72, 2012.

## **CONTRACTS, BUSINESS AND COMMERCIAL MATTERS**

### **Business and Consumer Protection**

**AB 361 (Huffman) Benefit corporations.** This bill authorizes and regulates the formation and governance of a new form of corporate entity known as a benefit corporation. Among other things, this bill revises the fiduciary duty of the corporate directors of a benefit corporation to clarify that such duty includes, but does not preclude, consideration of both shareholder and non-financial interests, and provides appropriate accompanying legal protections to the directors of a benefit corporation, even if those actions do not necessarily maximize shareholder value. Status: Chapter 728, 2011.

**AB 473 (Calderon) Unfair competition.** This bill would have made it unlawful for any person to manufacture any article or product that is sold or offered for sale in this state while using stolen or misappropriated information technology, as defined, in its business operations in competition with another article or product manufactured without the use of stolen or misappropriated information technology, except as specified. Status: Dead, Assembly Judiciary.

**AB 899 (Yamada) Home Care Services Act of 2011.** This bill would have established a regulatory and licensing framework, to be administrated and enforced by the Department of Social Services (DSS), for private organizations who employ home care aides to visit clients in their homes to provide non-medical services such as bathing, dressing, and food preparation. Among other things, this bill would have required background checks for the organization's owners and the home care aides they employ, and would have established skills and training requirements for home care aides. Status: Dead, Assembly Appropriations.

**AB 1080 (Calderon) Internet transactions: verification: banking and financial services.** This bill would have required a business that provides banking or other financial services and that allows for the movement of specified funds over the Internet to collect and report, on an annual basis, information relating to unauthorized transfers of funds over the Internet, and to post this report on its Internet Web site, as specified. Status: Failed, Assembly Judiciary.

**AB 1108 (Nielsen) Consumer remedies: attorney's fees.** This bill would have created a "loser pays" rule for attorney's fees in the Consumer Legal Remedies Act, namely by requiring the court to award court costs and attorney's fees to a prevailing party, whether the plaintiff or the defendant, in litigation filed pursuant to the Act. Status: Failed, Assembly Judiciary.

**AB 1151 (Feuer) Public retirement systems: investment: Iran.** This bill amends the California Public Divest from Iran Act to clarify that pension boards must divest pension funds, as specified, unless to do so would fail to satisfy a fiduciary responsibility. This bill also modifies the types of companies that fall within the scope of this requirement and requires that certain findings and determinations must be made in noticed public hearings. Status: Chapter 441, 2011.

**AB 1211 (Silva) Not-for-profit corporations.** This bill makes technical and non-controversial changes to various sections of the Corporations Code pertaining to the organization and operation of nonprofit corporations and unincorporated associations. Status: Chapter 442, 2011.

**AB 1680 (Wieckowski) Dissenting shareholders' rights.** This bill makes various changes to California's dissenter rights law by establishing that the fair market value of both public and private companies as of the day of, and immediately prior to the first announcement of the terms of the proposed reorganization or short-form merger, and eliminates the provision making holders of publicly traded shares only eligible to receive the fair market value of their dissenting shares if five percent or more of the shares are dissenting shares. Status: Chapter 473, 2012.

**AB 1902 (Jones) Publication: newspapers of general circulation.** This bill would have created standards to permit Internet-based newspapers to become adjudicated as "newspapers of general publication" eligible to serve as paid instruments of public announcement for certain legally required notices. Status: Failed, Assembly Local Government.

**AB 2050 (Allen) Corporations: political activity.** This bill would have prohibited a domestic corporation from making any monetary contribution to any candidate for local or state office in this state or any other state. The bill would also would have required every domestic corporation making any monetary contribution in excess of \$1,000 to any candidate for federal office or any statewide ballot, referendum, or initiative voted on in this state to make a specified disclosure to the Secretary of State (SOS) within 10 days thereof, with such disclosure subsequently made public, including on the SOS's Internet Web site. Status: Dead, Assembly Judiciary.

**AB 2290 (Hill) Vacation ownership and time-shares: owners list.** This bill would have allowed time-share associations to control access to membership information, including access to other members with common interests. Status: Dead, Assembly Judiciary.

**AB 2305 (Huffman) Franchises.** This bill would have revised the rights and responsibilities of franchisors and franchisees as well as the rules that govern the franchise relationship in California. Among other things, this bill would have required franchisors to establish good cause as a condition of terminating or failing to renew a franchise agreement or be required to reinstate the franchisee and pay resulting damages, and would have allowed franchisees 60 days after written notice to cure defects that result in noncompliance with terms of the franchise agreement. Status: Failed, Assembly Business and Professions.

**AB 2327 (Feuer) Charitable organizations: enforcement.** This bill authorizes the Attorney General (AG) to issue cease and desist orders for violations of the Supervision of Trustees and Fundraisers for Charitable Purposes Act, including failing or refusing to produce required

records, making a material false statement, failing to file complete financial reports, or engaging in specified prohibited acts. This bill also authorizes the AG, after giving five days' notice, to impose specified civil penalties, and to suspend the registration of any person or entity who the AG had assessed a penalty against pursuant to these provisions. Status: Chapter 483, 2012.

**AB 2374 (Hernández) Consumer credit reports: security freezes.** This bill prohibits a credit reporting agency from charging specified consumers any fee for the initial placement of a security freeze, but allows the agency to still charge a fee of up to \$5 for lifting, removing, or replacing a security freeze. Status: Chapter 645, 2012.

**AB 2492 (Blumenfield) False Claims Act.** This bill implements a number of changes to the California False Claims Act that are needed to conform it to its federal counterpart and preserve the state's eligibility for certain federal funds. Among other things, this bill modifies the definition of some key terms, increases civil penalties, increases anti-retaliation protections for employees and others who pursue false claims actions, and clarifies application of the statute of limitations, all consistent with federal law. Status: Chapter 647, 2012.

**SB 20 (Yee) Public safety: snow sport helmets.** This bill would have required persons under 18 years of age to wear properly fitted and fastened snow sport helmets while downhill skiing or snowboarding, and would have established a penalty for skiers, snowboarders, and/or their parent or legal guardian for noncompliance. Status: Vetoed.

**SB 101 (Corbett) Athletic agents: conflict of interest.** This bill narrows provisions in the Miller-Ayala Athlete Agents Act regarding conflicts of interest for agencies servicing professional athletic teams and leagues in relation to the employment of athletes an agency may also represent. Among other things, this bill prohibits an athlete agent from dividing fees with, or receiving compensation from, a professional sports league, team, or other organization, or its representatives or employees, only if the fees or compensation are directly related to on-field activities of athletes or other representation of the league, team, or organization as it directly relates to the employment of athletes. Status: Chapter 63, 2011.

**SB 146 (Wyland) Healing arts: professional clinical counselors.** This bill revises various provisions that apply to the practice of mental health professionals to also apply to the practice of licensed professional clinical counselors, clinical counselor trainees, and clinical counselor interns. Status: Chapter 381, 2011.

**SB 201 (DeSaulnier) Flexible purpose corporations.** This bill authorizes the creation and governance of a new corporate form called a flexible purpose corporation. Among other things, this bill revises the fiduciary duty of the corporate directors of a flexible purpose corporation to clarify that such duty includes, but does not preclude, consideration of both shareholder and non-financial interests, and provides appropriate accompanying legal protections to the directors of a flexible purpose corporation for decisions that do not necessarily maximize shareholder profit. Status: Chapter 740, 2011.

**SB 238 (De Leon) Athlete agents.** This bill increases the mandatory penalties for athlete agents convicted of violating the Miller-Ayala Athlete Agents Act. The bill mandates a suspension of

an agent's right to practice for at least one year, and requires the agent to disgorge all consideration he or she received for services provided in violation of the Act. Status: Chapter 146, 2011.

**SB 278 (Gaines) Public safety: ski resorts.** This bill would have made available to the general public a ski resort's annual safety plan, as well as information about any fatal incidents. This bill also would have required ski resorts to create their own signage policy regarding skier information. Status: Vetoed.

**SB 279 (Emmerson) Business: self-service storage facilities.** This bill corrects a drafting error in AB 655 (2010) by replacing references to "county" with "judicial district," thus requiring all advertising of lien sales by self-storage facilities to be advertised in newspapers of general circulation in the judicial district of a sale and not the county. Status: Chapter 65, 2011.

**SB 323 (Vargas) California Revised Uniform Limited Liability Company Act.** This bill repeals, as of January 1, 2014, the Beverly-Killea Limited Liability Company Act and enacts the California Revised Uniform Limited Liability Company Act (the Act), which recasts provisions governing the formation and operation of LLCs. More specifically, pursuant to the Act, this bill: (1) allows an LLC to be subject to the nonexclusive jurisdiction of courts in another state and California or the exclusive jurisdiction of California courts; (2) specifies when a member may be dissociated from an LLC and the effects of dissociation on the member; and (3) revises and recasts provisions relating to capital contribution standards and liability of members, and regulates the allocation of profits and losses, distributions of money and property, withdrawal of membership, assignment of interests, and dissolution of LLCs. Status: Chapter 419, 2012.

**SB 491 (Evans) Class actions: waiver.** As heard by this Committee in 2012, this bill would have provided that waivers of class action rights and other representative actions and combinations of legal claims are void in contracts of adhesion. Status: Failed, Assembly Judiciary.

**SB 684 (Corbett) Workers compensation insurance: dispute resolution.** This bill requires an insurer that intends to use a dispute resolution or arbitration agreement to resolve disputes arising in California out of a workers' compensation insurance policy or endorsement issued to a California employer, as defined, to disclose to the employer, contemporaneously with any written quote that offers to provide insurance coverage, that choice of law and choice of venue or forum may be a jurisdiction other than California and that these terms are negotiable between the insurer and the employer. Under this bill, these provisions apply to workers' compensation policies issued or renewed on or after July 1, 2012. Status: Chapter 566, 2011.

**SB 713 (Calderon) Insurance: proceeds: disclosure.** This bill requires life insurers to provide disclosures regarding death settlement payment options, including retained asset accounts, to policyholders and beneficiaries, as specified. Specifically, this bill requires the insurer to provide to the beneficiary a supplemental contract disclosing the rights of the beneficiary and obligations of the insurer if the beneficiary chooses death settlement payment to be placed into a retained asset account. Status: Chapter 130, 2011.

**SB 746 (Lieu) Tanning facilities.** This bill prohibits the use of ultraviolet tanning devices by persons under the age of 18, while clarifying that physicians and surgeons may continue to prescribe the use of a phototherapy device to patients of any age. Status: Chapter 664, 2011.

**SB 823 (Corbett) Consumer protections.** This bill would have established the Made in California Program within the Governor's Office of Economic Development (OED) and would have made it an unfair method of competition or an unfair or deceptive business practice to sell or lease a product using a "Made in California" label to a consumer, unless the product complies with standards adopted by OED. Status: Dead, Assembly Appropriations.

**SB 903 (Anderson) Public retirement systems: investments: Iran.** This bill would have amended the California Public Divest from Iran Act to clarify that the boards of the California Public Employees' Retirement System (CalPERS) and the California Teachers' Retirement System may invest in Iran only if the board determines that to divest would be a breach of fiduciary responsibilities. In addition, this determination would have to be made in a public hearing of the full board after proper notice and with an opportunity for public comment. Status: Dead, Assembly Appropriations.

**SB 1058 (Lieu) Victims of Corporate Fraud Compensation Fund.** This bill revises and recasts the provisions governing administration of the Victims of Corporate Fraud Compensation Fund by the Secretary of State (SOS), by codifying certain existing regulations promulgated by the SOS to administer the Fund, codifying changes to other existing regulations promulgated by the SOS, and adding new statutory language to facilitate the approval of valid claims from the Fund. Status: Chapter 564, 2012.

**SB 1077 (Price) Alarm companies: limited liability companies.** This bill authorizes a licensed alarm company to be organized as a limited liability company (LLC) until January 1, 2016, and authorizes the Bureau of Security and Investigate Services (BSIS) to cite unlicensed alarm company operators. Status: Chapter 291, 2012.

**SB 1193 (Steinberg) Human trafficking: posting requirements.** This bill requires specified businesses most often connected with human trafficking to post informational signs, as specified, at the business entrance or in other areas visible to employees and the public. Under this bill, these signs, posted in English, Spanish, and any other language widely spoken in the county, shall describe what constitutes trafficking, state its illegality and that victims are protected under U.S. law, and provide two toll-free, anonymous hotline numbers for victims or members of the public to call to seek help or report unlawful or suspicious activity. Status: Chapter 515, 2012.

**SB 1208 (Leno) Publicly traded corporations: compensation.** This bill would have required a publicly traded corporation to disclose, in its annual statements to the California Secretary of State (SOS), the names of, and the annual compensation paid to, the corporation's five most highly compensated retirees. Status: Failed, Assembly Floor.

**SB 1212 (Calderon) Insurance: electronic transmission.** This bill would have authorized insurers, if certain conditions are met, to electronically provide offers of coverage or renewal of certain motor vehicle and property-casualty policies. The bill also would have required the

insurer to retain a record of the named insured's consent to receive specified documents electronically with the policy information so that the record of consent is retrievable upon request by the Department of Insurance while the policy is in force and for five years thereafter. Status: Dead, Assembly Judiciary.

**SB 1532 (Pavley) Business filings.** With respect to the business filing system maintained by the Secretary of State (SOS), this bill specifies that the required address information in business filings is the street address and also requires the business entity to provide a mailing address if not the same as the street address. The bill also revises requirements with respect to the maintenance of forms filed with the SOS, and revises provisions relating to the assignment of filing dates and fees by the SOS. Status: Chapter 494, 2012.

## **Vehicles**

**AB 238 (Huber) Motor vehicle conditional sale contracts.** This bill amends the Rees-Levering Motor Vehicle Sales and Finance Act to establish that a conditional sale contract shall not be made unenforceable solely for a violation of existing provisions requiring the disclosure of certain fees paid to public officials, including vehicle license fees, registration fees, and California tire fees. Status: Chapter 526, 2011.

**AB 476 (Lowenthal) Vehicles: tow trucks: impoundment and release.** This bill would have required specified facilities where impounded tow trucks are stored to accept valid bank credit cards, as defined, or cash as payment for towing, storage, and related fees and would make the facility civilly liable, as specified, for a failure to do so. This bill also would have made it a misdemeanor for a legal owner of an impounded tow truck to knowingly release the tow truck to the registered owner of the tow truck in certain circumstances, and would have imposed additional requirements with respect to the release of an impounded tow truck. Status: Dead, Assembly Transportation.

**AB 753 (Monning) Vehicle rental contracts.** This bill would have prohibited the short-term rental of a vehicle that is subject to a federal safety recall notice unless specified conditions are met. The bill also would have prohibited a person engaging in the short-term rental of vehicles from selling a vehicle at retail unless the vehicle meets specified requirements. Status: Dead, Sen. Appropriations.

**AB 817 (Gatto) Vehicle rental contracts.** This bill requires the California Law Revision Commission (CLRC) to study whether the laws regulating rental car companies and their customers would benefit from greater clarity and concision, and to report its findings and recommendations to the Legislature by December 31, 2012. Status: Died on Senate Inactive file.

**AB 1061 (Eng) Consumer warranties: vehicles.** This bill would have amended the Song-Beverly Consumer Warranty Act to require every manufacturer, distributor, or retailer making express warranties with respect to a new vehicle to also fully set forth, in simple and readily understood language, a detailed list of items that are not covered under the warranty. Status: Dead, Assembly Business & Professions.

**AB 1215 (Blumenfield) Vehicle fees, licensing, and registration.** This bill requires dealers of new motor vehicle to participate in the electronic vehicle registration program of the Department of Motor Vehicles (DMV), requires dealers to provide used car buyers with information regarding the vehicle's history, requires license plates to be attached immediately upon receipt by the vehicle owner, and authorizes an increase in the maximum dealer document preparation charge that dealers may charge. Status: Chapter 329, 2011.

**AB 1447 (Feuer) Automobile sales finance: sellers.** This bill establishes basic consumer protections for vehicles bought or leased from "buy-here-pay-here" automobile dealers. Among other things, this bill prohibits a buy-here-pay-here dealer from selling or leasing a used vehicle at retail price without giving the buyer or lessee a limited written warranty, as specified, and prohibits a dealer from requiring a buyer to make payments, other than the down-payment, to the seller in person. Status: Chapter 740, 2012.

**AB 1534 (Wieckowski) Automobile dealers: used vehicle sales.** This bill requires buy-here-pay-here automobile dealers, as defined, to affix a label to every used car for sale that states the reasonable market value of the vehicle, as determined within the last 60 days by a nationally recognized pricing guide, and requires the label to meet certain content and format conditions. Status: Chapter 741, 2012.

**AB 2324 (Gatto) Vehicle sales contracts.** As heard by this Committee, this bill would have revised and updated the consumer disclosure regarding the availability and coverage of insurance policies that may be offered by a dealer. The bill was later amended in the Senate to address an unrelated subject. Status: Dead, Senate Transportation and Housing.

**AB 2379 (Huber) Rental vehicles: damage waivers.** This bill would have increased the amount that a rental company may charge for a damage waiver, as specified, and would have required that the damage waiver prices be adjusted annually to reflect changes from the previous year in the Consumer Price Index. Status: Dead, Assembly Judiciary.

**AB 2502 (Blumenfield) Vehicles: conditional sales contracts.** This bill, as of July 1, 2013, revises the automobile conditional sales contract law to allow electric vehicle charging stations to be sold with, and financed as part, of an automobile purchase, with a required disclosure regarding charges. Status: Chapter 675, 2012.

**AB 2618 (Ma) Vehicle auctions: transaction records.** As referred to this Committee, this bill required every auction company and auctioneer to provide transaction records to the State Board of Equalization when the transaction involves a salvage vehicle and a resale certificate, unless exempted. The bill was subsequently amended to deal with an unrelated subject. Status: Chapter 756, 2012.

**SB 642 (Padilla) Vehicles: manufacturers and distributors.** This bill provides, among other things, that motor vehicles manufacturers, distributors, and their affiliates are prohibited from obtaining or enforcing an agreement that modifies or disclaims a duty of the manufacturer or a right of the dealer, provides for termination of a franchise by a dealer, or requires a controversy to be referred to a person for a binding determination. This bill also prohibits a dealership owned

by a manufacturer or distributor from receiving sales or service incentives, discounts, or promotional programs that are not available to all franchises on an equivalent basis. Status: Chapter 342, 2011.

**SB 956 (Lieu) Buy-here-pay-here (BHPH) automobile sellers and lenders.** This bill would have required BHPH dealers to obtain a finance lender license from the Department of Corporations, subjecting them to existing consumer protections under the existing California Finance Lender's Law. Among other things, this bill also would have capped the interest rates they charge to consumers, as specified, at a rate of 17.25% APR under current parameters, and would have established new rules for repossession of automobiles, including prohibiting repossession until a 10-day grace period has elapsed after a missed payment. Status: Vetoed.

### **Contracts**

**AB 2027 (Valadao) Contractors: lawsuits.** This bill would have specified circumstances under which a court may find that a person, unlicensed but acting in the capacity of a contractor, has substantially complied with the licensing requirements under the law with respect to an act or contract. Status: Dead, Assembly Business and Professions.

**SB 484 (Rubio) Public records: health care services: contract records.** This bill provides the Legislative Analyst Office with the same level of access to confidential California Department of Corrections and Rehabilitation health care services contracts, including rates, as the Joint Legislative Audit Committee and the Bureau of State Audits, as specified. Status: Chapter 336, 2011.

### **Creditor-Debtor Relations**

**AB 513 (Hall) Enforcement of obligations: gambling debt.** This bill would have authorized a tribal gaming operation or a gambling enterprise, or a person acting on behalf of either of those entities, to bring an action in state court to enforce credit instruments that evidence gambling debt, including an action to enforce the debt represented by a credit instrument that is lost or destroyed if the existence of the credit instrument can be proven. Status: Failed, Assembly Judiciary.

**AB 929 (Wieckowski) Debtor exemptions: money judgments.** This bill increases the dollar amount of the exemptions for a debtor's interest in motor vehicles, jewelry, and tools of the trade of the debtor or the debtor's dependent, in addition to increasing the amount of the California homestead exemption for persons age 55 or older. Status: Chapter 678, 2012.

**AB 1111 (Fletcher) Debt collection: homeless youth.** This bill prohibits a court from garnishing the wages or levying a bank account of a homeless youth under age 25 for outstanding unpaid citations related to truancy, loitering, curfew violations, or illegal lodging until the youth is at least 25 years old. Status: Chapter 466, 2011.

**AB 1388 (Wieckowski) Earnings withholding orders.** This bill allows a court to grant a judgment debtor's claim of exemption from wage garnishment in cases where the underlying

debt was incurred for medical care or hospital services rendered to the judgment debtor or his or her family. Status: Chapter 694, 2011.

**AB 1775 (Wieckowski) Wage garnishment: exempt earnings.** This bill increases the amount of a judgment debtor's weekly earnings that are exempt from levy under an earnings withholding order from 30 times the federal minimum wage to 40 times the California minimum wage. Status: Chapter 474, 2012.

**AB 2233 (Atkins) Small Installment Consumer Loan Act.** This bill would have authorized licensed finance lenders and brokers to make small installment consumer loans for a limited term, as specified, of an amount of at least \$750 and no more than \$2,500. The bill also would have authorized licensees to contract for and receive specified alternative interest rates and charges. Finally, the bill would also have specified that the borrower has a right to rescind a small installment consumer loan, as specified, and required the lender to disclose this right to the borrower in the loan agreement. Status: Dead, Assembly Banking and Finance.

**AB 2476 (Veterans Affairs) Service member obligations or liabilities: rate of interest.** This bill extends the period during which interest rates are capped for servicemembers. Specifically, this bill prohibits an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage, that is bearing interest at a rate in excess of 6% per year and incurred by a service member before that person's entry into service from bearing interest in excess of 6% per year for one year after any part of the period of military service. Status: Chapter 101, 2012.

**SB 592 (Harman) Dairy cattle supply liens.** This bill updates and modifies procedures in the dairy cattle supply lien law to provide more certainty to a dairy creditor on obtaining a lien on the proceeds of a dairy's milk products, for contracts entered into after January 1, 2013. Among other things, this bill: (1) expands the lien authority to also include feed used to raise the offspring of dairy cattle; (2) increases, from 45 days to 60 days, the maximum time for which reasonable charges for feed can be secured by the lien; and (3) requires a lien claimant to also provide written notice of the claim to other lienholders or parties who may have a security interest in the milk proceeds, within 10 days of filing the claim with the Secretary of State. Status: Chapter 309, 2012.

**SB 890 (Leno) Debt buyers.** This bill, the Fair Debt Buyers Practices Act, would have imposed various requirements on practices that may be used by debt buyers, as defined, to collect on purchased consumer debt. This bill, among other things, would have: (1) prohibited written statements to collect consumer debt unless the debt buyer has sufficient information to justify his collection efforts; (2) clarified the allegations required in a lawsuit filed by a debt buyer and the evidence required of a debt buyer to obtain a judgment in a collection suit; (3) prohibited collection suits where the statute of limitations has already run; and (4) provided a private right of action against a debt buyer who violates any provision of this act. Status: Failed, Assembly Banking and Finance.

### **Wages and Compensation**

**AB 196 (Carter) Employment: compensation.** As originally referred to this Committee, this bill would have authorized an employer to deposit an employee's wages in an industrial bank or a

trust company, and would have permitted the employer to transfer an employee's wages to a card issued by a specified financial institution, as long as the employee voluntarily authorizes the transfer and the card can be used to access funds at an automated teller machine in California. The bill was later amended to increase the California minimum wage. Status: Dead, Assembly Labor & Employment.

**AB 469 (Swanson) Employees: wages.** This bill, the Wage Theft Prevention Act of 2011, makes a number of changes intended to prevent minimum wage, overtime and other violations of the Labor Code, including provisions to increase criminal penalties for employers and to aid employees in enforcement of court judgments for unpaid wages due to them. Status: Chapter 655, 2011.

**AB 551 (Campos) Public contracts: prevailing wage requirements.** This bill increases the maximum penalty on contractors and subcontractors who fail to pay the prevailing wage from \$50 to \$200 a day, and would increase the minimum penalty (except in certain cases of a good faith mistake) from not less than \$10, to not less than \$40 a day for prevailing wage violations on a public work. Status: Chapter 677, 2011.

**AB 988 (Grove) Prevailing wages.** This bill would have revised the manner in which the Director of Industrial Relations determines the rate of general prevailing wages, including deleting the requirement that he or she consider the applicable wage rates established by collective bargaining agreements. This bill also would have revised the methodology that the Director is required to use in determining the general prevailing rate of per diem wages in the locality in which the public work is to be performed. Status: Failed, Assembly Labor & Employment.

**AB 1789 (Morrell) Wage orders: review.** This bill would have required the Industrial Wage Commission (IWC) to review and, if necessary, revise every wage order in effect as of January 1, 2013, to ensure that each wage order is consistent with current work conditions in the industry covered by the wage order. Furthermore, this bill would have prohibited any action from being brought under the Labor Code Private Attorneys General Act (PAGA) for a violation of a wage order until it has been reviewed, and, if the wage order needs to be revised, until the effective date of any revision. Status: Failed, Assembly Labor Committee.

**AB 2288 (Cedillo) Labor-related liabilities: original contractor.** This bill would have required a direct contractor, as defined, making or taking a contract in the state for the erection, construction, alteration, or repair of a building, structure, or other work, to assume, and be liable for, any debt owed to a wage claimant for labor incurred by a subcontractor or contractor acting under, by, or for the direct contractor in performing labor, construction, or other work included in the subject of the original contract. The bill would have authorized civil actions to enforce this liability, as provided. Status: Dead, Assembly Labor and Employment.

**AB 2517 (Eng) Employment: payment of wages: liens.** This bill would have authorized "wage liens" in the car wash industry against the real and, personal property of an employer for unpaid wages, and made changes to existing mechanics lien law, as specified. Status: Failed on Assembly Floor.

**SB 459 (Corbett) Employment: independent contractors.** This bill enacts a number of provisions related to the classification of individuals as independent contractors. Among other things, this bill prohibits willful misclassification, as defined, of individuals as independent contractors, and prohibits charging such individuals a fee, or deducting from their compensation, where those acts would have violated the law if the individuals had not been mischaracterized. This bill also authorizes the Labor and Workforce Development Agency to take disciplinary measures or assess specified civil damages against persons or employers violating these prohibitions. Status: Chapter 706, 2011.

## **COURTS AND RELATED MATTERS**

### **Courts**

**AB 73 (Feuer) Dependency proceedings: public access.** This bill would have created a four-year pilot program in three counties to test whether California should consider moving from presumptively-closed juvenile dependency hearings to presumptively-open juvenile dependency hearings. Status: Dead, Assembly Human Services.

**AB 141 (Fuentes) Jurors: electronic communications.** This bill requires the court to clearly explain, as part of its admonishment of the jury, that the existing prohibition of research, dissemination of information, and conversation applies to all forms of electronic and wireless communication. This bill also provides that the willful disobedience by a juror of this admonishment constitutes contempt of court. Status: Chapter 181, 2011.

**AB 259 (Smyth) Public defender: eligibility.** This bill would have changed the eligibility criteria for appointment to the office of public defender in a county to allow the appointment of a judge or other elected official who previously practiced law, as specified. Status: Failed on Senate Floor.

**AB 618 (Furutani) Court interpreters.** This bill would have established that a person charged with a crime who is unable to understand English has the right to a competent interpreter provided by the court to provide exclusive and ongoing interpretation services throughout the proceedings, as well as the right not to share an interpreter with a witness. Status: Dead, Sen. Appropriations.

**AB 810 (Wagner) County recorders and court clerks: translators.** This bill would have implemented a recommendation of the California Law Revision Commission to delete and revise statutory provisions regarding court interpreters made obsolete by trial court restructuring, and to update certain statutes to reflect changes in law in light of trial court unification and trial court funding acts. Status: Dead, Sen. Appropriations.

**AB 1089 (Alejo) Translation of court proceedings.** This bill would have authorized a bilingual judge, notwithstanding any other law, to provide an unofficial translation of preliminary court procedures that do not bear on any substantive right of a party when a court interpreter is not immediately available. Status: Dead, Assembly Judiciary.

**AB 1133 (Silva) Grand jurors: conflict of interest.** In order to address potential conflicts of interest in civil grand jury investigations of government agencies, this bill requires any grand juror who is a current employee, or a former or retired employee last employed within the prior three years by an agency within the jurisdiction of the civil grand jury, to inform the superior court of that fact, and to recuse himself or herself from participating in any investigation of that agency, including any discussion or vote concerning a civil investigation of that agency. Status: Chapter 184, 2011.

**AB 1582 (Wagner) Civil actions: telephone appearances.** This bill would have required a court to permit a telephonic appearance by parties and their attorneys, and would have expanded the types of hearings, conferences, and proceedings where those telephonic appearances must be permitted by the court, subject to the court's discretion. Status: Dead, Assembly Judiciary.

**AB 2073 (Silva) Courts: electronic filing and service of documents.** This bill authorizes the Orange County Superior Court to establish a pilot project mandating that parties electronically file documents in specified civil cases and requires the Judicial Council to adopt a rule on mandatory electronic filing before July 1, 2014. Status: Chapter 320, 2012.

**AB 2381 (Hernández) Judicial Council: employer-employee relations.** This bill would have provided that the Ralph C. Dills Act applies to employees of the Judicial Council, including employees of the Administrative Office of the Courts (AOC), thus authorizing collective bargaining rights for AOC employees, as specified. This bill would have required the Administrative Director of the Courts to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment, and would have identified certain matters excluded from the scope of representation. Status: Dead, Senate Public Employment and Retirement.

**AB 2473 (Atkins) Court security.** This bill would have expressly allowed a sheriff to provide security in areas adjacent to a courthouse facility as specified, if agreed to by the court and the sheriff. This bill also would have set out a non-exhaustive list of internal courthouse security functions that a sheriff may perform as contracted with a superior court. Status: Dead, Senate Rules.

**AB 2612 (Achadjian) Courts: witness fees.** This bill increases the amount that the subpoenaing party must advance, together with the subpoena, from \$150 to \$275 for each day that the public employee is required to remain in attendance pursuant to the subpoena. Status: Chapter 377, 2012.

**AB 2684 (Committee on Judiciary) Civil actions: interpreter costs.** This bill provides that court interpreter fees may also be recovered when the court has authorized a court interpreter for an indigent person who is represented by a pro bono attorney, as defined. This bill also provides that the certification of pro bono legal services for a legal services contract with the state exceeding \$50,000 could be fulfilled by a certification to make either a good faith effort to provide the specified minimum number of hours of pro bono legal services or an equivalent

amount of financial contributions to qualified legal services and support centers, as defined. Status: Chapter 758, 2012.

**SB 326 (Yee) Court records: public access.** This bill would have required the Judicial Council, to adopt, within 18 months, a rule of court requiring courts that have fully implemented the California Case Management System (CCMS) to provide same-day public access to "case-initiating civil and criminal court records," as defined. Status: Dead, Assembly Appropriations.

**SB 384 (Evans) Courts: complex case fees.** This bill revises procedures for summary adjudication and payment of the complex case fee. Among other things, this bill authorizes, until January 1, 2015, a motion for summary adjudication of a legal issue or a claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, as specified, as long as the court determines and orders that the motion will further interests of judicial economy. This bill also requires the payment of a single complex case fee on behalf of all plaintiffs, as specified, and would make other conforming changes. Status: Chapter 419, 2011.

**SB 1357 (Cannella) Removal from office: grand jury accusation.** The bill provides that the existing statute authorizing a "grand jury" to present accusations against a local public officer for willful or corrupt misconduct includes a criminal grand jury, as defined. Status: Chapter 134, 2012.

### **Court Reporting and Recording**

**AB 803 (Wagner) Electronic court reporting.** This bill would have required the Judicial Council, by July 1, 2012, to implement electronic court reporting in 20% of all superior court courtrooms and to implement electronic reporting in at least an additional 20% of all superior court courtrooms, annually thereafter. This bill would also have required the Judicial Council to report to the Governor and the Legislature on the efforts undertaken to implement electronic court reporting, as provided, by January 1, 2014. Status: Failed, Assembly Judiciary.

**AB 990 (Allen) Court transcripts.** This bill would have provided that any court, party, or person that does not purchase a court transcript and, pursuant to Rule of Court 8.153, requests another party to lend that party's copy of the transcript or is temporarily in possession of the transcript, shall not distribute, publish, email, sell, or reproduce a copy or portion thereof without paying a fee to the reporter. Status: Dead, Assembly Judiciary.

**AB 1630 (Olsen) Stanislaus County Superior Court: official court reporters.** This bill would have eliminated a statutorily mandated retirement benefit for Stanislaus County Superior Court reporters first hired on or after January 1, 2013. In addition, this bill would have deleted obsolete language regarding county compensation of court employees. Status: Dead, Assembly Judiciary.

**AB 2076 (Ma) Official court reporter fee.** This bill would have increased the fees used to pay for the costs of court reporters and allowed local courts to retain those fees and required that those fees only be used for the provision of court reporters in civil proceedings, unless the court does not provide for court reporters in civil proceedings, in which case any such fees collected

would revert to the Trial Court Trust Fund and be distributed by the Judicial Council only for the provision of court reporter services in civil proceedings. Status: Dead, Senate Appropriations.

**AB 2657 (Calderon) Electronic court reporting.** This bill specifies that transcripts derived from electronic recordings shall include a designation of “inaudible” or “unintelligible” for those portions of the recording that contain no audible sound or are not discernible. Status: Chapter 170, 2012.

### **Judges**

**AB 126 (Davis) Courts: judicial appointments.** This bill requires each member of the State Bar's Commission on Judicial Nominees Evaluation to complete fairness and anti-bias training and clarifies existing requirements for collection of demographic data of judicial applicants. Status: Chapter 667, 2011.

**SB 182 (Corbett) Judiciary: demographic data.** This bill adds gender identity and sexual orientation to the list of demographic data provided by judicial applicants, nominees, appointees, justices, and judges required to be collected and released by the Governor, the Commission on Judicial Nominees Evaluation of the State Bar, and the Administrative Office of the Courts. Status: Chapter 720, 2011.

**SB 405 (Corbett) Judgeships.** This bill ratifies the conversion of ten subordinate judicial officer (SJO) positions to judgeships for juvenile and family law positions, pursuant to AB 2763 (Feuer, 2010). Status: Chapter 705, 2011.

### **Small Claims Court**

**SB 221 (Simitian) Small claims court: jurisdiction.** This bill increases small claims courts jurisdiction in an action by a natural person from \$7,500 to \$10,000, but limits, until January 1, 2015, small claims court jurisdiction to \$7,500 for damages for bodily injury from automobile accidents provided that the defendant is covered by an automobile insurance policy that includes a duty to defend. Status: Chapter 64, 2011.

### **Trial Court Coordination and Funding**

**AB 295 (Lowenthal) California Case Management System (CCMS).** This bill would have required the Judicial Council to include specified information in its annual status report on CCMS projects, including all costs of the trial courts in support of these projects, total estimated costs to complete these projects, and an explanation for deviation from any recommendation of the California Technology Agency (CTA). This bill also would have required the Administrative Office of the Courts to annually provide an independent project oversight report for CCMS to the Budget Committee chairpersons. Finally, this bill would also have made all administrative and infrastructure information technology projects of the Judicial Council or the courts, with total costs estimated at more than \$1,000,000, subject to the review and recommendations of the CTA. Status: Dead, Assembly Judiciary.

**AB 973 (Campos) Trial courts: budget process.** This bill requires each trial court to provide the public with a draft of the trial court's annual budget and the opportunity for input into both the budget process and any closure of courtrooms or reduction in the hours of the clerks' office. Status: Chapter 687, 2011.

**AB 1208 (Calderon) Trial courts: administration.** This bill would have imposed substantial new restrictions on the Judicial Council's authority to reallocate funding appropriated in the budget for trial court operations in California. Among other things, this bill would have: (1) required the Legislature, in the annual Budget Act, to specify the amounts to be allocated for judicial programs of statewide concern, i.e. those operating in the superior courts in multiple counties; (2) required the Judicial Council, or the Administrative Office of the Courts (AOC), to allocate 100% of the funds appropriated for trial court operations according to each court's pro-rata share of total state funding; and (3) prohibited the AOC, subsequent to enactment of the annual Budget Act, from reallocating any statewide information technology or administrative program without first obtaining written approval of two-thirds of the proportional representation of all trial courts. Status: Dead, Senate Rules.

**AB 1529 (Dickinson) Trial courts: restructuring and bail forfeiture appeals.** This bill (1) implements various recommendations of the California Law Revision Commission concerning trial court restructuring and state responsibility for the courts, and specifically provides that a bail forfeiture appeal in which the amount in controversy exceeds \$25,000 shall be heard in the court of appeal and an appeal involving \$25,000 or less shall be heard in an appellate division of a superior court. Status: Chapter 470, 2012.

## **FAMILY LAW, CHILDREN AND RELATED MATTERS**

### **Adoption**

**AB 198 (Beall) Adoption: fingerprinting of adoptive parents.** This bill would have required the State Department of Social Services, the county social services department, or a licensed adoption agency or foster family agency to require each foster-to-adoption applicant, as defined, to submit fingerprint images and related information to the Department of Justice for purposes of conducting a criminal records check in order to obtain approval for adoption or licensure of a family home, as provided. Status: Dead, Assembly Human Services.

**AB 687 (Fletcher) Adoption.** This bill makes various changes to adoption processes and adoptive placement considerations. Among other things, this bill allows the agency doing an adoption investigation to make an attempt to identify the natural father, and requires that the inquiry include the names and whereabouts of every man presumed or alleged to be the father of the child. This bill also requires the court, in any action to set aside an order of adoption, to consider the child's best interests along with other factors required by law, if the facts are legally sufficient to set aside the order. Status: Chapter 462, 2011.

**AB 1757 (Fletcher) Family law: adoption.** This bill, among other things, clarifies the timelines for setting initial hearings and contested trials in cases involving termination of parental rights of presumed fathers and mothers by requiring that a proceeding to declare a child free from parental

custody and control be set for hearing not more than 45 days after filing of the petition. This bill also allows a court to issue an order based on the pleading if no interested person contests the petition. Status: Chapter 638, 2012.

## **Children**

**AB 212 (Beall) Fostering Connections to Success Act.** This bill makes various clarifying and substantive changes to the California Fostering Connections to Success Act of 2010 in order to ensure its proper implementation on January 1, 2012. Among other things, this bill requires a county welfare or probation department to complete a voluntary reentry agreement with a non-minor reentering care and establish a new eligibility determination based on the completed agreement. Status: Chapter 459, 2011.

**AB 499 (Atkins) Minors: consent to medical care.** This bill authorizes a minor who is 12 years of age or older to consent to medical care related to the prevention of a sexually transmitted disease. Status: Chapter 652, 2011.

**AB 717 (Ammiano) Child Abuse Central Index.** This bill makes several changes to the laws concerning the Child Abuse Central Index (CACI) maintained by the Department of Justice (DOJ). Among other things, this bill provides that reports to be forwarded to the DOJ for reporting in the CACI to include only those determined to be "substantiated," rather than those "determined not to be unfounded," as specified. This bill also permits a person listed on the CACI the right to a hearing before the agency that requested his or her inclusion in the CACI to challenge the inclusion, as specified. Status: Chapter 468, 2011.

**AB 791 (Ammiano) Dependent children: birth certificates.** This bill requires the court, when it terminates or declines to order reunification services, to order that the child's caregiver receive the child's birth certificate, or, if the child is 16 years of age or older, that the child receive his or her birth certificate, when appropriate. Status: Chapter 59, 2011.

**AB 1110 (Lara) Dependent children: county responsibilities.** This bill would have required additional reporting and court oversight to appropriately screen foster youth for SSI eligibility after age 16 and would have also required monitoring of who will become the representative payee for SSI-eligible foster youth. Status: Dead, Assembly Appropriations.

**AB 1587 (Galgiani) Vital records: fees: San Joaquin County.** This bill would have authorized the San Joaquin County Board of Supervisors, upon making findings and declarations, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records up to a total maximum increase of \$2 per record, and to annually adjust that amount for inflation. This bill also would have required the fees to be allocated to the Children's Services Coordinating Commission and to Court Appointed Special Advocates (CASAs), as specified. Status: Dead, Assembly Local Government.

**AB 1909 (Ammiano) Foster children: placement: suspension and expulsion.** This bill requires notification of a foster child's attorney and social worker (or appropriate welfare

representative), in addition to parental or guardian notification, in specified situations where the foster child faces possible suspension or expulsion from school. Status: Chapter 849, 2012.

**AB 2060 (Bonilla) Juveniles: educational decisions.** This bill requires the court, after a parent's right to make educational decisions for his/her minor child has been limited, to determine if there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child, who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child. This bill also requires an appointed educational representative or surrogate to meet with the child, investigate the child's educational needs and whether those needs are being met, and present recommendations to the court or attend court to participate in any portion of the hearing which concerns the child's education. Status: Chapter 176, 2012.

**AB 2209 (Hueso) Dependent children: placement.** This bill prohibits the placement of a dependent child with any person, other than the child's parent, outside of the country, unless the party requesting the placement shows by clear and convincing evidence that such placement is in the best interest of the child. This bill also requires that a court consider the following factors in determining whether it is in a child's best interest to place him/her outside the country: (1) placement with a relative; (2) placement of siblings in the same home; (3) amount and nature of contact between parent and potential caretaker; (4) physical and medical needs of child; (5) social, cultural, and educational needs of dependent child; and (6) specific desires of children over 12 years of age. Status: Chapter 144, 2012.

**AB 2292 (Nielsen) Juveniles: reunification orders.** This bill requires that at a review or permanency hearing for a dependent child or a delinquent child in the foster care system, the juvenile court must consider the admissible and relevant evidence when determining whether to return the child to his or her parents or guardian or retain the child in foster care. Status: Chapter 208, 2012.

**SB 926 (Runner) Dependent children: relative placements: disclosure.** This bill authorizes counsel for the child or counsel's agent to disclose to a relative who is being assessed for the possibility of placement of the child the fact that the child is in custody and other related information, as specified. This bill states that the changes made by this bill are declaratory of existing law, and also makes technical, non-substantive changes to those provisions. Status: Chapter 132, 2011.

**SB 1206 (Walters) Child abduction prevention.** This bill provides that, in a dissolution proceeding, parents are also restricted from applying for a passport or replacement passport for the minor child or children without written consent from the other parent or a court order. The bill also provides that a protective custody warrant issued by a court to secure the recovery of an unlawfully detained or concealed child may also contain an order to freeze the California assets, defined as funds held in a California financial institution, of the party alleged to be in possession of the child; and provides that any order to freeze assets may, upon a noticed motion, be terminated, modified or vacated by a court. Status: Chapter 276, 2012.

**SB 1407 (Leno) Medical information of minors: disclosure.** This bill prohibits a psychotherapist from disclosing mental health records or information based solely on an authorization signed by a parent or guardian of that minor if the minor has been removed from the physical custody of that parent or guardian in dependency proceedings for severe abuse or neglect or risk of abuse, unless the court has issued an order authorizing the parent or guardian to be the minor's representative for the release of such information, upon finding that it would not be detrimental to the minor patient. Status: Chapter 657, 2012.

**SB 1425 (Negrete McLeod) Dependent children: order modification.** This bill prohibits a court from granting a hearing to modify a denial of reunification services, or a change in a custody or visitation order, for parents whose children were removed for extreme physical abuse, sexual abuse, or because the parent caused the death of another child, as specified, unless it appears that the best interest of the child would be promoted by the proposed change in order. This bill prohibits a court from granting the modification unless the court finds, by clear and convincing evidence that the proposed change is in the best interest of the child. Status: Chapter 179, 2012.

**SB 1477 (Anderson) Name changes: disclosure to non-custodial parents.** This bill would have permitted a parent, when specified conditions are satisfied, to change a child's name without informing the other parent of the hearing to change the child's name. Under this bill, the specified conditions would have included a court finding that the action is necessary to protect the best interests of the child, the petitioning parent has sole legal and physical custody of the child, the petitioning parent and the child are participants in the Secretary of State's Safe at Home address confidentiality program, and the non-petitioning parent is informed of the changed name after the hearing. Status: Dead: Assembly Appropriations.

### **Child Custody and Visitation**

**AB 225 (Nielsen) Child custody: ex parte orders.** This bill would have required that a party seeking an ex parte child custody order on specified grounds notify all parties or their attorneys of the proceedings at least one court day prior to the matter being heard by the court, unless the party requests shorter notice of a waiver or notice, as specified. The bill also would have required the Judicial Council, on or before January 1, 2012, to adopt a rule of court to implement these provisions. Status: Dead, Senate Judiciary.

**AB 1674 (Ma) Child custody: visitation.** This bill provides that in any case in which the court has determined that there is domestic violence, child abuse, or neglect, and supervision is necessary, the court shall consider whether to use a professional or nonprofessional provider based upon the child's best interest. Among other things, this bill also establishes criteria for professional providers, including requirements that they receive 24 hours of training, and create standards for documentation, as specified. Status: Chapter 692, 2012.

**AB 1807 (Cook) Child custody: evaluation orders.** This bill provides that a court may not order a child custody evaluation unless the party opposing the reversion of the custody order makes a prima facie showing that such reversion is not in the best interest of the child. In addition, this bill provides that neither a child's absence from the state nor the non-deploying

party's relocation during a parent's deployment would terminate the family court's jurisdiction for later custody modifications. Status: Chapter 116, 2012.

**AB 2365 (Nestande) Child custody: drug abuse.** This bill adds either parent's habitual or continual abuse of prescribed controlled substances to the list of factors that a court must consider when making a best interest determination in an action for dissolution or child custody or visitation. In addition, this bill removes the January 1, 2013, sunset date for a court to order drug or alcohol testing for persons seeking custody or visitation of a child, thereby permanently extending that authority. Status: Chapter 258, 2012.

**AB 2689 (Committee on Judiciary) Family law: child custody and visitation.** This bill would have eliminated the requirement that the court considers the mandatory statement of issues and contentions prepared by a child's attorney or appointed counsel when the court determines custody or visitation. Status: Dead, Assembly Judiciary.

**SB 1064 (De Leon) Child custody: immigration.** This bill creates uniform, statewide policies and practices that eliminate family reunification barriers in the child welfare system for immigrant families. The bill, among other things, grants an extension in the family reunification period where parents are detained or deported. Where reunification is not immediately available, the bill ensures that children can be placed with relatives, regardless of their immigration status. Status: Chapter 845, 2012.

### **Paternity and Child, Family and Spousal Support**

**AB 1349 (Hill) Paternity: conflicting presumptions.** This bill authorizes a presumed father to bring a motion within two years of execution of a voluntary declaration of paternity to set aside that declaration. The court will be required to consider the best interests of the child as well as specified factors, including the nature, duration, and quality of the petitioning party's relationship with the child in deciding whether to set aside the voluntary declaration of paternity. This bill also specifies new conditions under which a voluntary declaration of paternity shall be invalid. Status: Chapter 185, 2011.

**AB 1727 (Silva) Support orders: termination.** This bill allows a support obligor to seek ex parte relief to terminate a wage assignment for support if past due support has been paid in full, including any interest due, if any following conditions exist: (1) the death or remarriage of the spouse; (2) the death or emancipation of the child; (3) a previous stay of wage assignment that was improperly terminated, as specified; or (4) where an employer or the child support agency has been unable to deliver the support payments for at least six months due to the obligee's failure to notify them of a change of address. Status: Chapter 77, 2012.

**AB 1751 (Pan) Child support: access to information.** This bill requires that county child welfare agencies and county probation departments be given access to specified child support information related to the noncustodial parents of children who are subject to juvenile court proceedings. Status: Chapter 637, 2012.

**AB 2393 (Davis) Family law: child support formula.** This bill, until January 1, 2018, increases the net disposable income threshold to \$1,500 per month and requires this threshold to be adjusted annually for cost-of-living increases. This bill requires the Judicial Council, on March 1, 2013, and annually until January 1, 2018, to determine the adjustment amount based on the change in the annual California Consumer Price Index, as specified. Status: Chapter 646, 2012.

**AB 2661 (Morrell) Child support: disclosures.** This bill would have provided that, from the date of separation to the date of entry of a judgment for child or spousal support, each party is subject to specified standards as to all issues relating to the support, including immediate, full, and accurate disclosure of all material facts and information regarding the income or expenses of the party. The bill would have suspended the duty to meet those standards upon entry of a judgment for permanent support, but reinstated those duties upon the filing and service of a motion relating to child or spousal support until that motion is resolved. Status: Dead, Assembly Judiciary.

### **Domestic Violence**

**AB 454 (Silva) Protective orders: early termination.** This bill requires that a party protected by a civil protective order be notified prior to a hearing to modify that order or terminate it before its expiration date. Status: Chapter 101, 2011.

**AB 588 (V. Manuel Perez) Tenancy: victims of domestic violence.** This bill extends from 60 days to 180 days the time that a tenant who is a victim of domestic violence is allowed to provide notice of intent to terminate a lease early. Specifically, this bill provides that, upon informing the landlord of intent to terminate a tenancy because he or she is a victim of domestic violence, sexual assault, or stalking, the tenant must also provide the landlord with a substantiating court order or police report issued or written within the last 180 days. Status: Chapter 76, 2011.

**AB 1165 (Achadjian) Domestic violence: probation.** This bill provides that an act or omission by the probation department, relating to the approval of a batterer's treatment program for defendants granted probation for a conviction of domestic violence, is a discretionary act pursuant to Section 820.2 of the Government Code. Status: Chapter 628, 2012.

**AB 1522 (Atkins) Family law: monetary awards.** This bill limits awards of attorney's fees, spousal support, and community property interest in retirement and pension benefits to individuals convicted of violent sexual felonies against their spouses. Status: Chapter 718, 2012.

**AB 1852 (Campos) Vital records: fees.** This bill would have authorized counties and some cities to increase fees by up to \$5 on copies of vital records to fund the coordination of domestic violence and child abuse prevention efforts, as specified. Status: Vetoed.

**AB 2467 (Hueso) Domestic violence protective orders: electronic monitoring.** This bill authorizes a court to order electronic monitoring of a defendant where a protective order has been issued to protect a victim of a violent crime committed by the defendant during the

pendency of the criminal case, or in cases in which a defendant has been convicted of a crime of domestic violence and a protective order has been issued to protect the victim. Status: Chapter 513, 2012.

**SB 154 (Wolk) Vital records: fees.** This bill extends indefinitely the authority of the Solano County Board of Supervisors, to increase fees for marriage licenses and other specified records by up to \$2 to be used for governmental oversight and coordination of domestic violence and family violence prevention programs, as specified. Status: Chapter 120, 2011.

**SB 557 (Kehoe) Family justice centers.** This bill authorizes the City of San Diego, the City of Anaheim, the county of Alameda and the County of Sonoma to create a two-year pilot project, sunseting on January 1, 2014, for the establishment of family justice centers and allows the centers to be staffed by law enforcement, medical, social service, and child welfare personnel. Status: Chapter 262, 2011.

### **Family Law**

**AB 1217 (Fuentes) Assisted reproductive technology.** This bill clarifies parentage rights of parties using assisted reproduction technology and specifies requirements for an assisted reproduction agreement for gestational carriers. Among other things, this bill requires that both parties to an assisted reproduction agreement for gestational carriers, as defined, be represented by separate, independent counsel prior to the signing of the agreement. Status: Chapter 466, 2012.

**AB 1406 (Committee on Judiciary) Dissolution: disclosure.** This bill codifies Elkins Task Force recommendations to: (1) require the petitioner in a marriage dissolution proceeding, to serve the preliminary declaration of disclosure either concurrently or within 60 days of filing the petition, and requires the respondent to serve the other party concurrently with the response to the petition or within 60 days of filing the response; and (2) require the preliminary declaration of disclosure of assets to include all tax returns filed by the declarant within the two years prior to the date that the party served the declaration. Status: Chapter 107, 2012.

**SB 651 (Leno) Family law: domestic partnerships.** This bill eliminates the requirement that domestic partners have a common residence in order to establish a registered domestic partnership, and permits a person under 18 years of age to enter a domestic partnership with the consent of a parent or guardian and a court order, as provided. Status: Chapter 721, 2011.

**SB 1476 (Leno) Family law: parentage.** This bill would have provided that nothing in the Uniform Parentage Act should be construed to preclude a finding that a child has a parent-child relationship with more than two parents. The bill allows a court to find that a presumption of paternity is not necessarily rebutted by a judgment establishing paternity by another person. In addition, this bill would have provided that where two or more claims or presumptions of parentage have been established, a court may find that a child has more than two natural or adoptive parents if it is required to serve the best interests of the child. Status: Vetoes.

### **Marriage**

**SB 991 (Runner) Marriage: solemnization.** This bill provides that in addition to the persons specified in existing law, marriage may also be solemnized by a county supervisor, or mayor of a city elected as specified, while that person holds office. The county supervisor or mayor shall obtain and review from the county clerk all available instructions for marriage solemnization before the county supervisor or mayor first solemnizes a marriage. Status: Chapter 63, 2012.

**SB 1140 (Leno) Marriage.** This bill expressly provides that marriage is a personal relation arising out of a civil, and not religious, contract. This bill specifies that no priest, minister, rabbi, or authorized person of any religious denomination would be required to solemnize a marriage that is contrary to the tenets of his/her faith. This bill additionally states that any refusal to solemnize a marriage under this provision, either by an individual or by a religious denomination shall not affect the tax exempt status of any entity. Status: Chapter 834, 2012.

## HEALTH CARE

**AB 792 (Bonilla) Health care coverage: California Health Benefit Exchange.** This bill establishes notification requirements about the availability of reduced-cost coverage available in the California Health Benefit Exchange (Exchange) and no-cost coverage available in Medi-Cal to an individual filing a dissolution or nullity of marriage, divorce or separation, or petitioning for adoption or for an individual who ceases to be enrolled in health coverage through a health plan or health insurer. Status: Chapter 851, 2012.

**AB 1569 (Allen) Community mental health services: assisted outpatient treatment.** Existing law, until January 1, 2013, regulates designated assisted outpatient treatment services, which counties may choose to provide for their residents. This bill extends authorization for the act to January 1, 2017, and requires the State Department of Health Care Services to submit a specified evaluation report by July 1, 2015. Status: Chapter 441, 2012.

## IMMIGRATION ISSUES

**AB 26 (Donnelly) Illegal immigrants.** This bill would have established an array of measures to regulate immigration and the employment of immigrants in California. Among other things, this bill would have prohibited public officials or agencies from adopting policies that limit enforcement of federal immigration laws, and would have restricted employers and businesses from knowingly employing unauthorized aliens and required them to verify employment eligibility through the Federal e-verify program. Status: Failed, Assembly Judiciary.

**AB 78 (Mendoza) Immigration: undocumented immigrants.** As introduced, this bill would have called an election for the purpose of placing before the voters of the state an advisory question asking whether the President and Congress of the United States should create a pathway to citizenship for undocumented immigrants who have worked in this country for at least 5 years and meet other conditions. The bill was subsequently amended to provide that a person without legal authority to reside in the United States but who has continuously resided in California since January 1, 2007, shall have the same rights and responsibilities that are afforded to any other

legal permanent resident in this state, if the person is in compliance with certain requirements. Status: Dead, Assembly Judiciary.

**AB 1018 (Donnelly) State funded benefits: undocumented immigrants.** This bill would have required that all state, county, and city employees verify each person who requests state-funded benefits through the United States Systematic Alien Verification for Entitlements (SAVE) Program, and would have made any such employee who knowingly gives out any state-funded benefits to a person who is in the state illegally personally liable and subject to disciplinary action in accordance with his or her employer's established human resources reprimanding guidelines. Status: Failed, Assembly Judiciary.

**AB 1546 (V. Manuel Perez) California High-Skilled Worker Retention and Family Act of 2012.** This bill would have required the Employment Development Department to create a program that would authorize a foreign national who meets certain requirements to apply to the department for resident immigrant status. Among other things, this bill would also have authorized a resident immigrant to work, study, and live in this state, and would have require a resident immigrant or his or her to pay all income taxes and employment taxes, fees, or charges. Status: Dead, Assembly Labor and Employment.

**SB 901 (Steinberg) Taxation: undocumented immigrants.** This bill would have authorized, until 2018, a pilot program intended to encourage undocumented immigrants in California to file state income tax returns, which could potentially generate a substantial amount of new tax revenue for the state. In order to incentivize participation in the program, this bill would have requested the federal government not to expend resources on enforcement of immigration laws against qualifying program participants and their employers, potentially allowing participants to work and remain in California at the discretion of federal authorities. Status: Dead, Senate Floor.

## **LIABILITY AND RELATED MATTERS**

### **Damages Provisions**

**AB 249 (Berryhill) Contractors.** This bill would have authorized a person who utilizes the services of a contractor for the construction or improvement of residential property, as specified, to recover twice the amount of compensation paid for work performed during periods when the contractor was not duly licensed. With respect to services for the construction or improvement of property other than specified residential property, this bill would have allowed the same person to bring an action to recover all compensation paid to the contractor for performance of any act or contract during the time the contractor was not properly licensed. Status: Dead, Assembly Business & Professions.

**AB 556 (Wagner) Punitive damages.** This bill would, in any action commenced on or after July 1, 2012, in which exemplary damages are recoverable pursuant to these provisions, have required the trier of fact to determine whether the defendant is liable for exemplary damages, and would have required the trial court to determine the amount of the award and enter an order

setting forth the amount of the award and the reasons supporting the award. Status: Failed, Assembly Judiciary.

**AB 1157 (Nielsen) Public entity liability: claims.** This bill would have required the Victim Compensation and Government Claims Board to provide notice to specified Committee chairpersons in the Legislature prior to allowing either the use of a current year appropriation to pay claims for prior year costs of \$500,000 or more, or claims from a single provider of goods or services with respect to a single department that exceed \$500,000 within one year. Status: Failed, Sen. Judiciary.

**AB 1318 (Davis) Civil damages.** This bill would have prohibited a person, in any action to recover damages due to an unlawful strike, as defined, from recovering damages resulting from revenue losses caused by the strike or damages resulting from expenses incurred by the employer in anticipation of, or in preparation for, the strike. Status: Dead, Assembly Judiciary.

**AB 2071 (Hagman) Civil damages: trees.** This bill would have limited the liability of wrongdoers by reducing the measure of damages recoverable by any person or governmental entity for non-intentional damages to timber, trees or underwood on the land of another from twice the damages to actual damages. Under this bill, damages would have remained at two times actual damages if the landowner intended to make commercial use of the timber, and treble damages would still be available if the wrongdoer acted intentionally. Status: Dead, Assembly Judiciary.

**AB 2599 (Berryhill) Unfair competition: private enforcement actions.** This bill would have defined the injury in fact required for a private person to bring suit under existing unfair competition provisions as damages suffered by each individual plaintiff or member of a class amounting to at least \$500, adjusted for inflation, as specified. Status: Dead, Assembly Judiciary.

**SB 857 (Lieu) Civil damages.** As referred to this Committee, this bill would have prohibited a person, in any action to recover damages due to an unlawful strike, from recovering damages resulting from expenses incurred by the employer in anticipation of, or in preparation for, the strike. The bill would have defined "unlawful strike" for this purpose as any strike determined unlawful by the Public Employment Relations Board. The bill was later amended to relate to a different subject, causing it to be re-referred solely to the Assembly Public Employees, Retirement, and Social Security Committee. Status: Chapter 539, 2011.

**SB 1045 (Emmerson) Metal theft: damages.** This bill provides that any junk dealer or recycler who possesses a fire hydrant, a fire department connection, as specified, or a backflow device or connection to that device or part of that device without a prescribed written certification, from the agency or utility owning or previously owning the material is liable to the agency or utility for the wrongful possession of that material. The liability provided for by this bill would be for the actual damages incurred by the agency or utility, including the value and cost of replacing the material, labor costs, and the costs of repairing any damage caused by the removal of the material, in addition to exemplary damages of three times the actual damages incurred by the agency or utility, with specified exceptions. Status: Chapter 393, 2012.

**SB 1528 (Steinberg) Damages: medical services.** This bill amends various compensation, lien and subrogation rights, primarily with respect to the ability of an injured tort plaintiff to prove and recover the cost of medical expenses. Specifically, this bill provides that an injured person whose health care is provided through a public or private capitated health care service plan shall be entitled to recover as damages the reasonable and necessary value of medical services. In addition, this bill extends a county's existing lien rights against any judgment recovered by an injured tort victim, where the county has furnished medical services to the tort victim, to any amount that the tort victim recovered in a settlement, compromise, arbitration award, mediation settlement, or other recovery for past medical services. Status: Failed, Assembly Floor.

### **Immunity and Scope of Liability**

**AB 158 (Halderman) Civil actions: product liability.** This bill would have established a so-called "government standards defense" in California product liability cases, thereby shielding a manufacturer, distributor, or seller of a product from potential punitive damages liability, so long as its product was in compliance with the regulations set forth by a state or federal agency, unless the defendant intentionally withheld or misrepresented material information to that agency. Status: Failed, Assembly Judiciary.

**AB 246 (Wieckowski) Water quality: enforcement.** As heard by this Committee, this bill would have extended civil prosecution authority for violations of the Porter-Cologne Water Quality Control Act to district attorneys and to certain city attorneys. The bill was later amended in the Senate to address an unrelated issue. Status: Failed, Senate Gov. & Finance.

**AB 326 (Cedillo) Counterfeit marks: immunity provision.** This bill would have provided immunity for any person, including, but not limited to, law enforcement, from liability to any person for costs, damages, or other claims or expenses as a result of actions taken or omitted in good faith in the course of donating goods bearing any counterfeit mark registered with the Secretary of State or registered with the proper federal authorities. Status: Dead, Assembly Public Safety.

**AB 500 (Solorio) Unemployment Insurance Code: penalties.** This bill would have made various changes regarding the penalties for violations of the unemployment insurance law, the law requiring the withholding of state income tax on wages, and the Unemployment Insurance Code, including an increase in specified civil penalties. Status: Dead, Assembly Insurance.

**AB 681 (Wieckowski) Emergency response: hazardous substances costs.** As heard by this Committee, this bill would have expanded the ability of local governments to recover costs for incidents that result in an evacuation from the property where the incident originates, or that result in the spread of hazardous substances or fire beyond the property where the incident originates. This bill was later amended to address a different subject. Status: Chapter 574, 2011.

**AB 713 (Block) State militia: legal benefits.** This bill enhances the availability of certain benefits and protections from liability currently afforded to National Guard and U.S. Military

Reserve service members and their families during periods of active military service. Status: Chapter 105, 2011.

**AB 794 (Wieckowski) Solid waste: hazardous electronic waste.** As heard by this Committee, this bill would have imposed civil liability against a covered electronic waste (CEW) recycler or collector who makes a false statement or representation for purposes of compliance with the Electronic Waste Recycling Act (Act). This bill also would have codified certain regulations authorizing the Department of Resources Recycling and Recovery (CalRecycle) to conduct reviews and audits related to the operations of CEW recyclers and collectors. This bill was later amended in the Senate to address a different subject. Status: Chapter 715, 2012.

**AB 813 (Fletcher) Sex offenders: punishment.** This bill provides immunity from liability, as specified, to Sex Offender Management Board members and certified sex offender management professionals for criminal acts committed by persons convicted of certain sex offenses. Status: Chapter 357, 2011.

**AB 992 (Nielsen) Wildfire liability.** This bill, among other things, would declare that damage caused by an escaping fire shall no longer constitute a trespass for purposes of injuries to timber, trees, or underwood upon the land of another person, and would substantially reduce the measure of money damages, provide new defenses, and shorten the time period for bringing suit. Status: Dead, Assembly Judiciary.

**AB 993 (Wagner) Mediation and counseling services: discipline and immunity.** This bill would have shielded mediators and licensed mental health professionals from liability for damages for an act or omission constituting ordinary negligence during the performance of the court-ordered mediation or counseling services in certain child custody or visitation cases. Status: Dead, Assembly Judiciary.

**AB 1074 (Fuentes) Liability: telecommunication services providers.** This bill provides that a retail or wholesale service provider of telecommunications service involved in providing 9-1-1 service, shall not be liable for any civil claim, damage, or loss caused by an act or omission in the design, development, installation, maintenance, or provision of 9-1-1 service, unless the act or omission that proximately caused the claim, damage, or loss constituted gross negligence, wanton or willful misconduct, or intentional misconduct. Status: Chapter 297, 2011.

**AB 1162 (Chesbro) Wildlife: poaching.** This bill enhances civil and criminal penalties for various poaching violations, including trophy poaching and certain egregious practices used by poachers. The bill also increases the amount that Californians are reimbursed for wildlife stolen from them by illegal poachers to more accurately reflect the value of those animals. Status: Chapter 590, 2012.

**AB 1235 (Hernandez) Redevelopment: immunity.** This bill would have provided qualified immunities from liability, if certain conditions are met, for brownfield cleanup activities conducted by "successor agencies" assuming the authority and duties of redevelopment agencies, if redevelopment agencies are dissolved by Legislative act. The bill was later amended to deal with an unrelated subject. Status: Dead, Senate Rules.

**AB 1407 (Committee on Judiciary) Social host liability.** This bill makes two clarifications to California's social host liability statute, which provides that a claim may be brought against an adult who knowingly furnishes alcohol at his or her residence to a person under 21 years of age. Specifically, this bill clarifies the definition of knowledge in the bill such that a responsible adult must be shown to have known, or to should have known, that the person being served alcohol is under age 21, and further clarifies that a claim under the statute can be brought by, or on behalf of, a minor or a person who was harmed by that minor. Status: Chapter 410, 2011.

**AB 1558 (Eng & Hernández) Liability: flood control and water conservation facilities.** Existing law, until January 1, 2013, provides that neither a public agency that operates flood control and water conservation facilities nor its employees shall be liable for injuries caused by the condition or use of unlined flood control channels or adjacent groundwater recharge spreading grounds under prescribed conditions, except as specified. This bill repeals the sunset provision and extends the operation of those provisions indefinitely. Status: Chapter 110, 2012.

**AB 1666 (Olsen) Automated external defibrillators (AEDs).** Existing law requires persons or entities that acquire AEDs to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2013. This bill would have extended the January 1, 2013 termination date of these provisions to January 1, 2018, and would have required that an AED be checked for readiness at least once every 90 days (instead of 30 days) if the AED has not been used in the preceding 90 days (instead of 30 days.) Status: Dead, Assembly Judiciary.

**AB 1734 (Hagman) Insurance: claims against insolvent insurers.** This bill would have required the Conservation and Liquidation Office (CLO) at the Department of Insurance to publish data identifying the businesses with claims against insurers being liquidated by the CLO. In addition, this bill would have established that a claim purchaser is responsible for ensuring that the seller of the claim has the legal right to do so, and indemnified the CLO for any harm or economic loss resulting from a misrepresentation made to the claim purchaser by the claim seller. Status: Dead, Assembly Judiciary.

**AB 1864 (Wagner) Immunity: court-appointed professionals.** This bill would have prohibited any monetary liability on the part of, and any cause of action for damages against, any professional appointed by court order to provide services to the court as an expert witness or in connection with family law proceedings, for any act, opinion, report, or communication in the performance of those services, as specified. Status: Dead, Assembly Judiciary.

**AB 2231 (Fuentes) Sidewalks: repairs.** This bill would have required voter approval to repeal an existing city or county ordinance that requires the local entity to repair sidewalks. This bill would also have prohibited a city or county that has such an ordinance in place from charging property owners for sidewalk repairs unless the owner consents to the charge. Status: Dead, Senate Appropriations.

**AB 2243 (Knight) Space flight: Space Flight Liability and Immunity Act.** This bill provides qualified immunity from liability to a space flight entity for injuries to a space flight participant, so long as a written warning statement is provided to the participant and the injury was not the

result of space flight entity's gross negligence or intentional acts, as specified. Status: Chapter 416, 2012.

**AB 2466 (Blumenfield) Human trafficking: seizure of assets.** This bill provides that a prosecutor may obtain an injunction and a restraining order to prevent a human trafficking defendant from transferring, hiding or dissipating assets, thus preserving those assets for payment of fines and restitution; and (2) specifies a comprehensive process for preserving the assets and levying upon the assets if the defendant is convicted of the underlying crime. Status: Chapter 512, 2012.

**AB 2605 (Cedillo) Air pollution.** This bill would have required specified city attorneys, with the consent of the district attorney, to recover specified civil penalties in a civil action for specified air pollution violations. The bill would have required, in certain circumstances, the entire amount of the penalty collected be paid to the treasurer of the city, county, or city and county in addition to the district on whose behalf judgment was entered. Status: Dead, Assembly Judiciary.

**SB 264 (Correa) Recreational activities: skateboard parks.** This bill removes the sunset date on existing law establishing that skateboarding at a public skateboard park is a hazardous recreational activity. This bill also requires copies of the records of claims and lawsuits be filed annually by local public agencies with the legislature, as specified. Status: Chapter 232, 2011.

**SB 454 (Pavley) Energy efficiency standards: Energy Commission.** This bill authorizes the California Energy Commission to adopt an administrative enforcement process, including civil penalties, for violations of its appliance efficiency standards. In addition, this bill requires utility energy efficiency rebates to be provided only if work complies with applicable permitting and contractor licensing requirements. Status: Chapter 591, 2011.

**SB 841 (Wolk) Solid waste enterprises: indemnity.** This bill restricts the enforceability of any indemnity obligation, as specified, in a contract or request for proposal between a solid waste enterprise and a local agency, related to liability for failure to obtain voter approval of fees or charges in violation of constitutional requirements enacted by Propositions 218 and 26. Status: Chapter 713, 2011.

**SB 865 (Negrete McLeod) Contractors: legal representation.** This bill would have required the Contractors State License Board to indemnify any person it hires if that individual is named as a defendant in a civil action, as specified. Status: Dead, Assembly Judiciary.

**SB 1134 (Yee) Psychotherapist duty to protect.** This bill deletes the phrase “duty to warn” from the statute providing immunity from liability concerning a psychotherapist’s “duty to warn and protect” threatened violent behavior of a patient, thus keeping the term “duty to protect” as specified. Status: Chapter 149, 2012.

**SB 1213 (Walters) Charter schools: legal claims and actions.** This bill would have required the California Law Revision Commission, by January 15, 2013, to submit to the Legislature its analysis of the legal and policy implications of treating a charter school as a public entity for the

purposes of claims and actions brought against public entities officers and employees as specified. Status: Dead, Assembly Judiciary.

**SB 1365 (Negrete McLeod) Emergency medical services: immunity.** This bill extends the civil liability immunity law to registered nurses trained in emergency services. This bill also provides immunity to other specified professionals rendering medical services during emergency ground or air transport. Status: Chapter 69, 2012.

**SB 1403 (Yee) Emergency medical services: immunity.** This bill extends existing tenant protections to victims of elder or dependent adult physical abuse. This bill also adds protective orders to the list of qualifying documents that a tenant may provide to a landlord to substantiate early termination of a lease. Status: Chapter 516, 2012.

**SB 1436 (Lowenthal) Automated external defibrillators.** This bill makes permanent the existing protections, which would otherwise sunset on January 1, 2013, that provide general immunity from civil damages in connection with the use of AEDs. Status: Chapter 71, 2012.

## **CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS**

### **Civil Rights**

**AB 312 (Lowenthal) Civil rights: homeless persons.** This bill would have added homeless persons to the list of individuals protected from violence and intimidation under the Ralph Civil Rights Act, thereby providing civil remedies to homeless persons who are injured as a result of such violence. Status: Vetoed.

**AB 534 (Swanson) Civil rights: homeless persons.** This bill would specify that homeless persons, as defined, are entitled to the rights set forth under the Ralph Civil Rights Act, and would provide that a homeless person has the right to be free from violence or intimidation by threat of violence directed against that person on the basis of that person's status as a homeless person. Status: Dead, Assembly Judiciary.

**AB 559 (Swanson) Civil actions: costs.** This bill would have revised attorney's fees awards in certain discrimination cases brought under the Fair Employment and Housing Act (FEHA) by prohibiting judges from denying fees in a case, other than a limited civil case, if the prevailing party recovers a judgment that could have been rendered in a limited civil case. Status: Vetoed.

**AB 887 (Atkins) Gender identity and expression.** This bill clarifies the definition of gender in certain anti-discrimination laws to expressly include the terms "gender identity" and "gender expression" where only the term "gender" currently appears. This bill also defines gender expression as meaning a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Status: Chapter 719, 2011.

**AB 1405 (Committee on Judiciary) Civil rights.** This bill would have clarified the Ralph Civil Rights Act by finding and declaring that section 51.7 of the Civil Code was enacted as part of the Ralph Civil Rights Act of 1976, in order to prevent confusion that the Ralph Act is part of the

adjacent Unruh Civil Rights Act (CCP Section 51) when in fact they are separate acts. Status: Dead, Senate Rules.

**AB 1505 (Pan) Department of Veterans Affairs: veterans' benefits: reinstatement.** This bill provides that if the federal government acts to reinstate benefits to discharged veterans, as specified, who were denied those benefits solely on the basis of sexual orientation pursuant to any federal policy prohibiting homosexual personnel from serving in the Armed Forces of the United States, the state shall reinstate to those veterans any state-offered benefits, as provided. Status: Chapter 397, 2012.

**AB 1740 (V. Manuel Perez) Employment discrimination: victims of domestic violence.** This bill would have prohibited employers from discriminating or retaliating against employees who suffer domestic violence, sexual assault or stalking, and would have allowed employees to request reasonable accommodation to ensure their safety in the workplace. Status: Dead, Assembly Appropriations.

**AB 1964 (Yamada) Religious discrimination: reasonable accommodations.** This bill establishes that a religious dress practice or a religious grooming practice is a belief or observance covered by existing protections against religious discrimination, and specifies that an accommodation of an individual's religious dress practice or religious grooming practice that would require that person to be segregated from the public or other employees is not a reasonable accommodation. Status: Chapter 287, 2012.

**AB 1999 (Brownley) Employment: family caregiver status protection.** This bill would have expanded the scope of prohibited bases of discrimination under the employment provisions of the Fair Employment and Housing Act (FEHA) to include "family caregiver status," defined as an individual who provides medical or supervisory care to a family member. Status: Dead, Senate Appropriations.

**AB 2386 (Allen) Employment and housing discrimination: breastfeeding.** This bill clarifies that breastfeeding and related medical conditions are included in the definition of 'sex' as protected category for unlawful employment discrimination under state law, and provides that this clarification is declaratory of existing law. Status: Chapter 701, 2012.

**AJR 43 (Lara) Sexual orientation and gender identity.** This bill calls upon the Congress of the United States and the President of the United States to pass legislation that would expressly include sexual orientation and gender identity in all laws of the United States created to end discrimination. Status: Resolution Chapter 141, 2012.

**SB 111 (Yee) Civil rights: language restrictions.** This bill would have made it a violation of the Unruh Civil Rights Act to adopt or enforce a policy that limits or prohibits the use of any language in a business establishment, unless the language is justified by a business necessity and notification has been provided of the circumstances and the time when the language restriction is required to be observed, and of the consequences for its violation. Status: Vetoed.

**SB 117 (Kehoe) Public contracts: prohibitions: discrimination based on gender or sexual orientation.** This bill prohibits a state agency from entering into a contract in the amount of \$100,000 or more with a contractor who discriminates between employees with spouses or domestic partners of a different sex and employees with spouses or domestic partners of the same sex, or discriminates between same-sex and different-sex domestic partners of employees or between same-sex and different-sex spouses of employees. Status: Chapter 231, 2011.

**SB 559 (Padilla) Discrimination: genetic information.** This bill expands the prohibited bases of discrimination under the Unruh Civil Rights Act and the California Fair Employment and Housing Act to include genetic information, as defined to include an individual's genetic tests, the genetic tests of family members of the individual, and the manifestation of a disease or disorder in family members of the individual. Status: Chapter 261, 2011.

**SB 757 (Lieu) Discrimination.** This bill requires every group health care service plan contract and every policy or certificate of group health insurance marketed, issued, or delivered to a resident of this state, regardless of the site of the contract, to comply with existing law that provides for equal coverage for registered domestic partners. Status: Chapter 722, 2011.

### **Constitutional Rights**

**AJR 22 (Wieckowski and Allen) Campaign finance reform.** This resolution memorializes the Legislature's disagreement with the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission* and calls upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn *Citizens United v. Federal Election Commission* and to restore constitutional rights and fair elections to the people. Status: Resolution Chapter 69, 2012.

**AJR 32 (Allen, Gatto, & Wieckowski) Federal constitutional convention: application.** This resolution would have directed the Legislature to petition Congress to call for a federal constitutional convention for the purpose of solely amending the U.S. Constitution with a single amendment to limit "corporate personhood" and declare that money does not constitute speech. Status: Failed, Assembly Judiciary.

**HR 38 (Hagman) First Amendment.** This measure would have declared that the Assembly condemns all forms of intolerance of religious beliefs and recognizes that the First Amendment protects freedoms of speech and religion from government persecution. Status: Failed, Assembly Judiciary.

**SCR 87 (Anderson) People of faith.** This resolution resolves that the Legislature affirms, among other things, that tolerance by the government toward people of faith is constitutionally guaranteed and necessary to allow an unimpeded flow of good that positively impacts and transforms lives. Status: Resolution Chapter 93, 2012.

### **Disability Rights**

**AB 1610 (Wagner) Special access: liability.** This bill would have required an aggrieved party to follow certain notice requirements before bringing legal action against a business for an alleged ADA (American with Disabilities Act) violation. Specifically, this bill would have required that the owner, agent or other responsible party respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, and at the owner's election, would have provided the owner 120 days to fix the violation. Status: Dead, Assembly Judiciary.

**AB 1878 (Gaines) Disability access: liability.** This bill would have created new procedural requirements for and new prohibitions against recovery for violation of existing disability discrimination laws by certain businesses. Among other things, this bill would have required the aggrieved party, prior to the filing of any claim, to serve a notice by personal service or certified mail on the owner of the property or other responsible person, and would have exempted the defendant from legal responsibility to the victim as well as any attorney's fees liability for disability discrimination if the condition that caused the violation is corrected within the 120-day period or if the defendant has applied for the appropriate permits necessary to remedy the violation. Status: Failed, Assembly Judiciary.

**AB 1994 (Huber) Disability access: causes of action.** This bill would have required every county to establish a program that requires an alleged aggrieved party under the state access laws to file a complaint with the county planning department in which an alleged violation occurred. Among other things, this bill would have: (1) required the county planning department to refer every complaint received under this act to a certified access specialist to determine what measures are necessary to remedy the alleged violation and the estimated timeframe for remedy; (2) required the adoption of a compliance schedule and required the issuance of building permits to the owner, agent, or responsible party of the alleged violation; and (3) required all complaints to be subject to the compliance schedule prior to a cause of action being filed. Status: Dead, Assembly Judiciary.

**AB 2282 (Berryhill) Disability access: injunctive relief.** This bill would have required the California Commission on Disability Access (CCDA) to analyze and make recommendations to the Legislature regarding whether compliance with state and federal construction-related disability accessibility laws would be improved or potentially deterred by changes to state rules regarding legal standing for actions seeking injunctive relief to correct alleged violations of disability access laws or the manner by which these claims are pleaded. Status: Dead, Senate Appropriations.

**AB 2325 (Norby) Disability access: liability.** This bill would have established notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of disability access laws. The bill would have required that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred, and would have required a subsequent response within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. Finally, this bill would have allowed the owner, agent, or other responsible party to have 120 days to fix the alleged violation, at the owner or agent's election. Status: Dead, Assembly Judiciary.

**SB 1186 (Steinberg and Dutton) Disability access.** This bill provides for a comprehensive package of disability litigation reforms. Among other things, this bill: (1) reduces statutory damages and provides litigation protections for specified defendants who timely correct construction-related accessibility violations of the Unruh Civil Rights Act; (2) allows a defendant who promises to correct a violation within a specified time period to request an early evaluation conference and grants that defendant an immediate stay of the proceedings; (3) bans prelitigation "demands for money" and create rules for demand letters and complaints in claims involving accessibility violations. Finally, this bill adds \$1 to business license fees and similar instruments to pay for more local Certified Access Specialists (CASp), reduce costs of CASp testing and certification, and strengthen the CASp program, as specified. Status: Chapter 383, 2012.

### **Personal Rights**

**AB 400 (Ma) Employment: paid sick days.** This bill would have required employers to provide paid sick days for an employee who works for seven or more days in a calendar year, as provided. Among other things, this bill would also have required employers to provide paid sick days, upon the employee's request, for diagnosis, care, or treatment of health conditions of either the employee or a family member, or for leave related to domestic violence or sexual assault. Status: Dead, Assembly Appropriations.

**AB 433 (Lowenthal) Birth certificates: gender change.** This bill provides that an individual who has undergone an appropriate treatment for purposes of gender transition may petition to have the change in gender recognized and receive a new birth certificate. Status: Chapter 718, 2011.

**AB 768 (Gatto) Male circumcision.** This bill precludes any local ordinance, regulation, or administrative action from prohibiting or restricting the practice of male circumcision, or the exercise of a parent's authority to have a child circumcised, and declares Legislative intent that laws affecting male circumcision must have uniform application throughout the state. Status: Chapter 398, 2011.

**AB 905 (Pan) Disposition of remains: authorized agent.** This bill prioritizes the person authorized to direct disposition, as indicated on the appropriate United States Department of Defense form, as the agent authorized to take control of a decedent's remains of a military service member who dies while on duty under state law. This bill is operative only if the specific form and corresponding federal law are amended to allow any person to receive such authorization, regardless of the relationship of the person to the decedent. Status: Chapter 321, 2011.

**AB 1114 (Lowenthal) Inmates: involuntary administration of psychotropic medications.** This bill establishes due process requirements under which the Department of Corrections and Rehabilitation may obtain an order from an administrative law judge to authorize involuntary administration of psychotropic medication to a mentally ill inmate. Status: Chapter 665, 2011.

**AB 1348 (Mansoor) Pupils: mental health screenings.** This bill would have prohibited pupils from receiving sex education or taking any surveys about gender or sexual orientation without parental consent, and also would have prohibited school districts from excusing students from school without parental consent as well as prohibit any mental or psychological screening of a pupil without parental consent. Status: Dead, Assembly Education.

**AB 1450 (Allen) Employment discrimination: status as unemployed.** This bill would have prohibited employers and others from publishing an advertisement or announcement for any job, unless based upon a bona fide occupational qualification, that includes either a provision stating or indicating that an individual's current employment is a requirement for a job, or that an employer will not consider an applicant for employment based on that individual's employment status. This bill also would have enacted specified civil penalties for violations of these prohibitions. Status: Vetoed.

**AB 1810 (Norby) Professions and vocations: occupational regulations.** As introduced, this bill would have established the statutory right of a person to engage in a lawful profession or vocation without the imposition of an occupational regulation, as defined, that imposes a substantial burden on a person unless the state or other person relying upon the occupational regulation demonstrates that (1) it has a compelling interest in protecting against harm to the public health or safety, and (2) the occupational regulation is the least restrictive means of furthering that interest. This bill also would have authorized a person to bring an action for declaratory judgment or equitable relief for a violation of that right, and would have allowed a person to assert as a defense the right to engage in a lawful profession or vocation in a proceeding to enforce a violation of that right. Prior to reaching this Committee, the bill was amended to address an unrelated subject. Status: Failed, Assembly Business & Professions.

**AB 1843 (Hill) Whistleblowers: utilities.** This bill would have required the California Public Utilities Commission (PUC) to establish a comprehensive whistleblower protection program to protect public utility employees, former employees, and contractors from retaliation for disclosing information regarding potential safety problems to the PUC or any other government agency. Status: Dead, Assembly Appropriations.

**AB 1844 (Campos) Social media accounts: employment.** This bill prohibits an employer from requiring or requesting an employee or applicant for employment to disclose a user name or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media. This bill also prohibits an employer from disciplining or retaliating against an employee or applicant for not complying with a request or demand by the employer that violates these provisions. Status: Chapter 618, 2012.

**AB 2256 (Portantino) California Legislature Whistleblower Protection Act.** This bill would have authorized a current, prospective, or former employee of the Legislature, as specified, within one year of the most recent improper act complained of, to file a written complaint with his or her supervisor, manager, or other designated officer alleging actual or attempted violations of "improper governmental activity," as defined. The bill also would have required the FPCC to create the means for the submission of allegations of improper governmental activities to the

commission, and would authorize the FPPC to investigate the allegations or refer them to the Senate Committee on Rules or the Assembly Committee on Rules, the Attorney General, or the appropriate district attorney for investigation. Status: Failed, Assembly Judiciary.

**AB 2370 (Mansoor) Mental retardation: change of term to intellectual disabilities.** This bill deletes in state law references to "mental retardation" or a "mentally retarded person" and instead replaces them with "intellectual disability" or "a person with an intellectual disability." Status: Chapter 448, 2012.

**AB 2699 (Committee on Accountability and Administrative Review) Whistleblower protection.** This bill would have authorized a state employee or an applicant for state employment who files a written complaint with his or her supervisor, manager, or appointing power alleging certain improper acts to also file a copy of the complaint with the State Personnel Board. The bill would have imposed specified fines and penalties on a person who intentionally engages in specified improper acts against a state employee or an applicant for state employment who has made a protected disclosure, as defined. Status: Dead, Assembly Public Employees, Retirement, and Social Security.

**SB 661 (Lieu) Crime: picketing.** This bill provides that it is a misdemeanor punishable by up to six months in jail and or/a fine of \$1,000 for a person, except upon private property, to engage in picketing targeted at a funeral during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. Status: Chapter 354, 2012.

**SB 921 (Lieu) Military Department: Office of the Inspector General.** As referred to this Committee, this bill would have required that disciplinary action be brought against a state officer or employee who intentionally retaliates against a person who made a complaint or allegation of wrongdoing to the State Military Department Inspector General, as provided, and specified that these officers and employees may be liable for civil damages for such actions. The bill was later re-referred solely to the Veterans Affairs Committee after these provisions were amended out of the bill. Status: Chapter 731, 2012.

**SB 1160 (Padilla) Communications: service disruptions.** This bill would have prohibited a government entity, and a provider of communications service acting at the request of a government entity, from intentionally interrupting communication service for the purpose of protecting public safety or preventing use of the service for an illegal purpose except pursuant to a court order based on a finding of probable cause. Status: Vetoed.

**SB 1349 (Yee) Social media accounts: postsecondary education.** This bill prohibits public and private postsecondary educational institutions, and their employees and representatives, from requiring or requesting a student, prospective student, or student group to disclose, access, or divulge personal social media information, as specified. The bill prohibits a public or private postsecondary educational institution from threatening a student, prospective student, or student group with or taking specified pecuniary actions for refusing to comply with a request or demand that violates that prohibition. The bill also requires a private nonprofit or for-profit postsecondary educational institution to post its social media privacy policy on the institution's Internet Web site. Status: Chapter 619, 2012.

**SB 1381 (Pavley, Anderson, and Rubio) Mental retardation: change of term to "intellectual disability".** This bill deletes in state law references to “mental retardation” or a “mentally retarded person” and instead replaces them with “intellectual disability” or “a person with an intellectual disability.” The bill provides that it is the intent of the Legislature that the bill not be construed to change the coverage, eligibility, rights, responsibilities, or substantive definitions referred to in the amended provisions of the bill. Status: Chapter 457, 2012.

### **Privacy Rights**

**AB 143 (Fuentes) Pupil records: privacy rights.** This bill requires legal counsel that have access to pupil records to certify in writing to the holder of those records, that the pupil information will not be disclosed to another party, except as allowed. In addition, this bill further amends current law with respect to requirements relating to the confidentiality and the release, or re-disclosure, of pupil records. Status: Chapter 434, 2011.

**AB 439 (Skinner) Medical records.** This bill provides that, in an action brought on or after January 1, 2012, a court may not award nominal damages if the defendant establishes specified factors as an affirmative defense, including, but not limited to, that it is a covered entity, as defined, and has complied with any obligations to notify persons entitled to receive notice regarding the release of the information. Status: Chapter 437, 2012.

**AB 452 (Ma) Electronic tracking devices: invasion of privacy.** This bill would have expanded the misdemeanor offense of using an electronic tracking device on a non-consenting party to include use of a third party to employ the device, with the exception of law enforcement, legal guardians, authorized and commercial service providers, and others, as specified. This bill also would have made it a misdemeanor to require or compel another person to undergo subcutaneous implantation of an electronic tracking device. Status: Dead, Sen. Public Safety.

**AB 733 (Ma) Pupil records.** This bill amends the California Education Code to conform with federal Family Education Rights and Privacy Act (FERPA) provisions relating to the confidentiality of pupil records. Status: Chapter 388, 2012.

**AB 757 (Blumenfield) Sex offenders: public information.** This bill would have required the Department of Justice, under specified conditions, to make information about certain sex offenders available to the public on the Internet. Specifically, the bill would allow this outcome if at any time after exclusion, a law enforcement agency notifies the department that, based on facts known to the agency about the offender, the agency believes that public safety may be compromised by the continued exclusion of the offender from the website. Status: Dead, Assembly Public Safety.

**AB 906 (Galgiani) Victims and murder witnesses.** This bill would have expanded eligibility to participate in the state's Safe at Home address confidentiality program, administered by the Secretary of State, to include any witness who has testified in a murder trial. Status: Dead, Sen. Appropriations.

**AB 980 (Bonilla) School attendance review boards: communications.** This bill would have specified that, for the purpose of making a proper disposition of a referral, a member of a county or local school attendance review board may disclose and exchange confidential information or writing to other members of the board if the member reasonably believes it is relevant to the prevention, identification, or treatment of truancy. Status: Dead, Assembly Education.

**AB 1219 (Perea) Credit cards: zip codes.** This bill creates an express exemption from the prohibition against the collection retention of zip code information when the zip code is used solely for prevention of fraud, theft, or identify theft in a sales transaction at a retail motor fuel dispenser or retail motor fuel payment island automated cashier. Status: Chapter 690, 2011.

**AB 1604 (Campos) Invasion of privacy: computer crimes.** This bill would have authorized the interception of an electronic transmission of a computer trespasser transmitted to, through or from a computer system if authorized by the owner of the computer system for the sole purpose of recovering the computer system. Status: Dead, Assembly Public Safety.

**AB 1937 (Silva) Pupil records: privacy rights.** This bill would have authorized schools to release information from pupil records to a contractor, consultant or other party to whom a school has outsourced institutional services or functions. Status: Failed, Senate Education.

**AB 2113 (Hueso) Vehicles: enhanced driver's licenses.** This bill would have authorized issuance of enhanced driver licenses--standard driver licenses with transmission technology to denote identity and citizenship--for purposes of entering the United States at land and sea ports of entry. Status: Dead, Assembly Appropriations.

**AB 2337 (Dickinson) Electronic personal records.** With respect to existing law relating to the subpoena duces tecum for the production of personal records pertaining to a consumer, this bill would have expanded the definition of "personal records" to include any data pertaining to a consumer that is maintained by an interactive computer service or access software provider, as specified, and would have made additional changes with respect to authentication of such electronic records. Status: Dead, Assembly Judiciary.

**AB 2455 (Campos) Identity theft: local agencies.** This bill would have required local agencies to comply with the state's existing information privacy breach notification law, which requires an agency that owns or licenses a computer data system including personal information to provide notification to impacted persons following any breach of the data whereby personal information was, or is believed to have been acquired. Status: Dead, Assembly Appropriations.

**AB 2401 (Blumenfield) Secure electronic communications.** This bill would have authorized a business, a government agency, government official, or a person acting with official government authority to communicate with a person in writing by the use of a secure electronic delivery service, as specified. Status: Dead, Assembly Judiciary.

**AB 2483 (Blumenfield) Victims of stalking: address confidentiality.** This bill removes the requirement that victims alleging stalking as the basis of their eligibility for the Secretary of State's current address confidentiality program provide specific attached evidence to the

application. Instead, this bill makes the inclusion of specific evidence in these applications permissive. Status: Chapter 102, 2012.

**SB 24 (Simitian) Privacy: security breach notifications.** This bill amends California's security breach notification law to provide that any agency, person, or business required to issue a notification under existing law must meet additional requirements regarding that notification. Specifically this bill requires that security breach notifications be written in plain language and include, among other things, contact information regarding the breach, the types of information breached, and, if possible to determine, the date, estimated date, or date range of the breach. Status: Chapter 197, 2011.

**SB 242 (Corbett) Social networking Internet Web sites: minors.** This bill would have required social networking Internet Web sites to: (1) establish a default privacy setting for registered users that prohibits the display of any information about the user without the agreement of the user, as specified; (2) establish a process for new users to set their privacy settings as part of the registration process that explains privacy options in plain language; and (3) remove personal identifying information in a timely manner upon request. This bill would have provided for a civil penalty not to exceed \$10,000 for each willful and knowing violation of these provisions. Status: Failed, Senate Floor.

**SB 422 (Wright) Reporting of communicable diseases.** This bill revises existing law that permits the sharing of information related to a positive HIV test between a physician, a local health officer, and the HIV-positive person's sexual partner, spouse, and persons with whom hypodermic needles have been shared. Status: Chapter 151, 2011.

**SB 602 (Yee) Reader Privacy Act.** This bill enacts the Reader Privacy Act, placing restrictions relative to disclosure of user information on commercial businesses that offer "book services," the rental, purchase, borrowing, browsing, or viewing of books, to the public. Status: Chapter 424, 2011.

**SB 636 (Corbett) Personal information: Internet disclosure prohibition.** This bill makes various changes in code sections relating to the disclosure of protected personal information about domestic violence and stalking victims, including changes to the "Safe at Home" program, as specified. Status: Chapter 200, 2011.

**SB 674 (Padilla) Telecommunications: data security.** This bill extends certain privacy provisions for utility customers to include third party contractors, clarifies treatment of photovoltaic rebates when projects are installed in mobilehome parks, and deletes an obsolete provision in law. Status: Chapter 255, 2011.

**SB 850 (Leno) Medical records: confidential information.** This bill requires electronic health record systems or electronic medical record systems to preserve the integrity of electronic medical information and automatically record and preserve any change or deletion of any electronically stored medical information, as specified. Status: Chapter 714, 2011.

**SB 859 (Padilla) Vehicles: records confidentiality.** This bill allows confidential home address information in Department of Motor Vehicles records to be disclosed to an electrical corporation or public utility if the utility or its agent, under penalty of perjury, requests and uses the information only for specified purposes and without using or revealing the name of the electric vehicle owner or utility customer. Status: Chapter 346, 2011.

**SB 1082 (Corbett) Protection of victims: address confidentiality.** This bill requires that applicants seeking enrollment in the “Safe at Home” address confidentiality program for victims of domestic violence, sexual assault, and stalking, as well as reproductive health care providers, employees, volunteers and patients be domiciled in California, and provides the Secretary of State (SOS) the authority to not renew the certification of a program participant who has abandoned his/her domicile in California. Among other things, this bill modifies the permissible grounds for early termination of a participant’s certification in the program by the SOS, while providing for an extended period of time to appeal an intended termination from five days to 30 days. Status: Chapter 270, 2012.

**SB 1377 (Corbett) Protection and advocacy agencies: disclosure of records.** This bill specifies that a protection and advocacy (P&A) agency’s authority to access information and records of persons with disabilities, as otherwise specified, shall include access to specified unredacted records. With respect to persons with developmental disabilities or mental health disabilities, this bill specifies that permissible disclosures of confidential information or records shall also include disclosure to the P&A agency to the extent that the information is contained in specified unredacted records. This bill also provides that the confidentiality of any information obtained as such must be maintained by the P&A agency. Status: Chapter 664, 2012.

## **PROBATE AND RELATED MATTERS**

### **Civil Commitment, Conservatorship and Guardianship**

**AB 458 (Atkins) Guardianship.** This bill establishes venue rules for guardianship cases when a guardianship proceeding is filed in one county and a custody or visitation proceeding has already been filed in one or more other counties. This bill creates the presumption that venue is proper in the county where the guardianship petition is filed if the proposed guardian and child have resided in that county for at least six months prior to the commencement of the guardianship proceeding, but would allow the court to exercise discretion if in the best interest of the child to retain jurisdiction in the county where the initial custody or visitation proceeding was filed. Status: Chapter 102, 2011.

**AB 1288 (Gordon) Public guardians and conservators.** This bill authorizes a public guardian or conservator, if he or she intends to apply for appointment as the guardian or conservator of a person, to restrain any person from transferring, encumbering, or disposing of any real or personal property of the person held in a trust, as specified. This bill also increases, from 15 to 30 days, the period during which the public guardian or conservator can restrain an individual's property. Status: Chapter 370, 2011.

**AB 1997 (Huber) Guardianships and conservatorships: appointment of counsel.** This bill would have allowed a court to appoint private legal counsel for a ward, proposed ward, conservatee, or proposed conservatee if the court determines that the person has not competently retained independent counsel for the proceeding, notwithstanding the fact that the person may also be represented by other legal counsel. Status: Dead, Assembly Judiciary.

### **Elder Abuse**

**AB 641 (Feuer) Health facilities: civil penalties.** This bill eliminates the citation review conference process from the citation appeals process for long-term care (LTC) facilities, and allows fines to be levied from both state and federal agencies when an incident violates both state and federal laws. The bill also requires the Department of Health Care Services to consider, at the initial application or upon redetermination for the Medi-Cal LTC benefit, whether an undue hardship exists for eligibility for home and facility care under specified circumstances relating to transfer of assets. Status: Chapter 729, 2011.

**AB 2149 (Butler) Elder and dependent adult abuse: settlement: gag order.** This bill prohibits a settlement agreement in a civil action alleging elder or dependent adult abuse, as defined, from containing any provision that prevents any party from reporting to, cooperating with, or otherwise contacting specified persons or government agencies. Status: Chapter 644, 2012.

**SB 558 (Simitian) Elder and dependent adult abuse: abuse or neglect.** This bill would have lowered the burden of proof from "clear and convincing" to a "preponderance of evidence" in cases involving an instance of abuse or neglect of an elder or dependent adult. This bill also would have provided that punitive damages may not be imposed against an employer unless the requirements for exemplary damages against employers are satisfied, except that these higher requirements would not apply to the recovery of compensatory damages or attorney's fees and costs against employers. Status: Dead, Assembly Appropriations.

**SB 1170 (Leno) Senior insurance.** This bill restricts marketing strategies used by insurance agents on persons over the age of 65, requires certain disclosures when advertising or marketing the provision of assistance to veterans to obtain veterans benefits from the Department of Veterans Affairs, and prohibits insurance agents from delivering legal documents, including living trust agreements, as a pretext for selling insurance products. Status: Chapter 653, 2012.

### **Probate**

**AB 699 (Wagner) Nonprobate transfers: revocable transfer upon death deeds.** This bill, following recommendations by the California Law Revision Commission, would have allowed owners of real property, until January 1, 2017, to transfer their property upon death, outside the normal probate procedure, through a written instrument known as a "revocable transfer upon death deed." Status: Failed, Sen. Judiciary.

**AB 1082 (Gatto) Powers of attorney: statutory form.** This bill provides the same protections that are granted to non-statutory form powers of attorney to powers of attorney created using the statutory form provided in the Probate Code. Status: Chapter 113, 2011.

**AB 1305 (Huber) Decedents' estates: smaller estates.** This bill increases the monetary value of small estates consisting of real and personal property that may be summarily disposed of using simplified non-probate procedures such as the filing of an affidavit and a petition for a court order of succession to real property. Status: Chapter 117, 2011.

**AB 1624 (Gatto) Multiple-party accounts.** This bill clarifies that a person's ownership interest in a multi-party account is based on that person's net contribution to the account and makes corresponding changes relating to rights of survivorship with respect to withdrawn funds. Status: Chapter 235, 2012.

**AB 1670 (Lara) Estates: administration.** This bill expands, until January 1, 2016, a court's appointment authority by authorizing the court to appoint an administrator who is nominated by a person who is not a United States resident if the nominator would otherwise be entitled to appointment as an administrator of the decedent's estate. Under the bill, the court would be required to consider whether the nominee is capable of faithfully executing the duties of the office, taking into account specified factors. Status: Chapter 635, 2012.

**AB 1893 (Wagner) Probate proceedings: rules of practice.** This bill would have provided that issues of fact in probate proceedings must be tried in conformity with rules of practice for civil actions pursuant to the Code of Civil Procedure, and that proceedings in connection with motions and discovery in the Civil Code and the Code of Civil Procedure constitute the rules of practice for probate proceedings, except as provided otherwise. Status: Dead, Senate Judiciary.

**AB 2335 (Nielsen) Decedents' estates: family allowance.** This bill would have amended law authorizing the provision of a reasonable family allowance out of a decedent's estate to specified relatives to require that the highest priority for a family allowance is to provide for minor children of the decedent. Status: Dead, Assembly Judiciary.

**AB 2683 (Committee on Judiciary) Omnibus bill.** This bill corrects a cross-reference relating to inter-court communications regarding guardianship venue, and also conforms creditor notices contained in a notice of hearing on a petition to administer a decedent's estate and the notice of administration of the estate to the statutory estate creditor claim period. Status: Chapter 207, 2012.

## **Trusts**

**AB 354 (Silva) Estates and trusts: property: wrongful taking.** This bill provides that when a person has taken, concealed, or disposed of the real or personal property of a conservatee, minor, estate of a decedent, or trust by the use of undue influence in bad faith or through the commission of elder or dependent adult financial abuse, the person is liable for twice the value of the property recovered in a conservatorship, guardianship, estate, or trust proceeding. Status: Chapter 55, 2011.

**AB 997 (Wagner) Professional fiduciaries: exemptions.** This bill exempts a nonprofit corporation or charitable trust from the requirements of the Professional Fiduciaries Act, provided that the corporation or trust meets specified requirements. Status: Chapter 321, 2011.

**AB 1683 (Hagman) Revocable trusts.** This bill clarifies who may revoke a trust and when, and what happens to the trust property after a revocation. Specifically, this bill provides that the power of a person other than the settlor (person creating the trust) to revoke a trust applies to all or a portion of the trust contributed by the settlor, regardless of whether the settlor's portion was separate or community property, and regardless of whether the power to revoke is exercisable during the lifetime of the settlor or continues after the settlor's death, or both. Status: Chapter 55, 2012.

**AB 1985 (Silva) Trusts and estates: construction of instruments.** This bill extends protections against the ademption of specific gifts due to the acts of an incapacitated principal's conservator or agent to cover acts of a trustee of a revocable trust whose settlor has become incapacitated. Status: Chapter 195, 2012.

## **PROPERTY AND RELATED MATTERS**

### **Mortgage Lending and Foreclosure**

**AB 1321 (Wieckowski) Mortgages and deeds of trust: recordation.** This bill would have required that mortgages and deeds of trust, as well as assignments of a mortgage or a deed of trust, be recorded within 30 days of the execution of the deed or other document creating a security interest in the real property or within 30 days of execution of the assignment. This bill would also have prohibited the mortgagee, trustee, or beneficiary from recording a notice of default until 45 days after it has recorded the mortgage or deed of trust and any assignment thereof. Status: Dead, Assembly Appropriations.

**AB 1547 (Eng) Residential mortgage loans: foreclosure procedures.** Existing law, until January 1, 2013, requires a legal owner to maintain vacant residential property acquired through foreclosure, and requires a tenant or subtenant in possession of a rental housing unit at the time the property is sold in foreclosure to be given 60 days' written notice to quit the property before being removed. This bill would have deleted the repeal clause for these provisions, thus extending the operation of these provisions indefinitely. Status: Dead, Assembly Banking.

**AB 1599 (Feuer & Fong) Mortgages and deeds of trust: foreclosure.** This bill provides greater language access for homeowners in the non-judicial foreclosure process, by requiring a mortgagee, trustee, beneficiary, or authorized agent to provide to the mortgagor or trustor a summary of the notice of default and a summary of the notice of sale in English and the languages described in Civil Code Section 1632 (i.e. Spanish, Chinese, Tagalog, Vietnamese, and Korean.) This bill also provides that the Department of Corporations shall make available standard summary translations in those languages available without charge on its Internet Web site. Status: Chapter 556, 2012.

**AB 1602 (Eng & Feuer) Mortgages and deeds of trust: foreclosure.** This bill would have codified provisions of the National Mortgage Settlement, approved by the United States District Court of the District of Columbia on April 5, 2012, for mortgage loan servicers servicing mortgage loans in California. Status: Dead, Assembly Banking & Finance. Note: Comparable provisions were chaptered in AB 278 (Eng & Feuer), Chapter 86, 2012.

**AB 1603 (Feuer & Eng) Mortgages and deeds of trust: mortgage servicers: force-placed insurance.** This bill would have regulated the practice of force-placing replacement homeowner's insurance by mortgage servicers, including, among other things, prohibiting mortgage servicers from obtaining force-placed insurance unless there is a reasonable basis to believe the borrower has failed to comply with the loan contract's requirements to maintain hazard, flood, or homeowner's insurance. Status: Dead, Assembly inactive file.

**AB 1745 (Torres) Mortgages: notices of sale.** This bill would have prohibited the recordation of a notice of sale if there is a pending, approved short sale, and would have provided rules to be used by a mortgagee, beneficiary, or authorized agent (i.e., a lender) to withdraw approval of a written short sale, thus allowing a foreclosure to move forward. Status: Dead, Senate Judiciary.

**AB 2425 (Mitchell) Mortgages and deeds of trust: foreclosure.** This bill would have required a mortgage servicer to provide a delinquent borrower with a single point of contact for the purpose of expediting loss mitigation evaluation and activities. Among other things, this bill also would have prohibited an entity from recording a notice of default or otherwise initiating the foreclosure process unless it is the beneficial interest under the deed of trust, and from using robo-signed documents in the foreclosure process. Status: Dead, Assembly Banking and Finance. Note: Comparable provisions were chaptered in AB 278 (Eng & Feuer), Chapter 86, 2012.

**AB 2475 (Veterans Affairs) Military service protections: real and personal property rights.** This bill extends from three months to nine months the time after a servicemember's period of military service is over during which foreclosure upon the servicemember's home is prohibited. This bill also provides that no sale, foreclosure, or seizure of property for nonpayment of any sum due under any obligation secured by mortgage, trust deed, or other security, shall be valid if made during the period of military service or within nine months thereafter, except pursuant to an agreement between the parties, unless upon an order previously granted by the court and a return thereto made and approved by the court. Status: Chapter 204, 2012.

**AB 2528 (John A. Perez) Mortgages and deeds of trust: foreclosure: military members.** This bill would have required that in order for a notice of default to be recorded, it include a declaration stating that the mortgagee, trustee, or authorized agent contacted the borrower to determine if the borrower is an active duty servicemember, and if the borrower is an active duty servicemember, or was an active duty servicemember 90 days prior to the date the notice of default is to be recorded, that the mortgagee, trustee, or authorized agent has complied with the federal Servicemembers Civil Relief Act. Status: Dead, Assembly Judiciary.

**AB 2610 (Skinner) Tenants: foreclosure and unlawful detainer.** This bill revises the requirement of existing law providing 60 days' notice to instead provide, in the case of a month-

to-month lease or periodic tenancy, for 90 days' notice for tenants in a foreclosed property. Additionally, this bill provides that new owners of a foreclosed property must honor a tenant's lease, except in certain cases such as if the new owner will occupy the property as his/her primary residence. In those cases, the new owner must give the tenant a 90 days' notice to vacate. The bill revises the notice that is sent to tenants when the property is noticed for a foreclosure sale to reflect these changes, and permits a tenant in a foreclosed property to file a post-judgment claim of right to possession, as specified. Status: Chapter 562, 2012.

**SB 4 (Calderon) Mortgages.** This bill requires, on and after April 1, 2012, that a notice of non-judicial foreclosure sale contain: (1) language notifying potential bidders of specified risks involved in bidding on the property; and (2) a notice to the property owner informing the owner about how to obtain information regarding any postponement of the sale. This bill additionally requires a trustee handling the foreclosure to make a good faith effort to provide up-to-date information regarding sale dates and postponements, as specified. Status: Chapter 229, 2011.

**SB 62 (Liu) Local government: Los Angeles County: notice of recordation.** This bill allows Los Angeles County and the Los Angeles County Recorder to notify affected parties, including occupants of the property, when a notice of default or notice of sale has been recorded on a property. This bill also allows for the Los Angeles County Recorder to collect a fee of up to \$7 in order to cover the costs of notifying the parties and providing information about housing assistance and counseling. Status: Chapter 141, 2011.

**SB 458 (Corbett) Mortgages: deficiency judgments.** This bill expands existing anti-deficiency protections to further prohibit lenders from receiving a judgment for a deficiency after a short sale on any mortgage or deed of trust, not only the first mortgage or deed of trust, provided that the holder of the mortgage or deed of trust consents to the short sale. This bill also clarifies that the current prohibition does not impact multiple collateral loans. Status: Chapter 82, 2011.

**SB 708 (Corbett) Residential mortgage loans: foreclosure procedures.** As referred to this Committee, this bill would have extended the provisions of law that established requirements that mortgage lenders had to adhere to before issuing a notice of default on a homeowner (SB 1137 of 2008) from January 1, 2013 to January 1, 2018, and would have revised the contents of the notice relating to the rights of residents. The bill was subsequently amended to address an unrelated subject and never heard by this Committee. Status: Chapter 392, 2012.

**SB 825 (Corbett) Residential tenancies and foreclosure.** This bill continues existing law (SB 1149 of 2010) for an additional six years that requires any notice to quit served within one year after a foreclosure sale to include additional notice to renters regarding specified rights and responsibilities with respect to the new owner. Status: Chapter 210, 2012.

**SB 980 (Vargas) Mortgage loans.** This bill extends the sunset date on the state's prohibition against collecting up-front fees in connection with mortgage loan modifications and other forms of mortgage loan forbearance, from January 1, 2013 to January 1, 2017. Status: Chapter 563, 2012.

**SB 1069 (Corbett) Deficiency judgments.** This bill prohibits a lender from receiving a deficiency judgment for any loan, refinance, or other credit transaction that is used to refinance a purchase money loan, applies only to credit transactions occurring on or after January 1, 2013, and does not apply to the principal amount of any new advance, as specified. Status: Chapter 64, 2012.

**SB 1473 (Hancock and Corbett) Tenants: foreclosure and unlawful detainer.** This bill would have made state law consistent with federal law by requiring that tenants of foreclosed properties receive either 90-days written notice before they may be evicted or the remainder of their lease term, except as specified. In addition, this bill would have specified a notice to be used to inform the tenant of these requirements upon posting a notice of sale for a foreclosed property, and would have required the Department of Consumer Affairs to make available translations of the new notice requirements. Finally, this bill would have extended by six years the January 1, 2013 sunset date that would otherwise apply to these provisions of existing law. Status: Dead, Assembly Inactive file.

### **Personal Property**

**AB 1634 (Lowenthal) Unclaimed property.** As heard by this Committee, this bill would have amended the Unclaimed Property Law to require written disclosure of certain information in any solicitation made to consumers to facilitate the recovery of unclaimed funds or other property escheated to the state. The bill was later amended in the Senate to address an unrelated issue. Status: Dead, Senate Rules.

**AB 1978 (Galgiani) Salvageable personal property: collection boxes.** This bill would have provided owners of private property and tow truck operators, when acting reasonably, with specified immunity from civil liability for the lawful removal of an unattended collection box placed on the property without written consent of the property owner. Status: Vetoed.

**AB 2521 (Blumenfield) Landlord and tenant: personal property remaining on premises after termination of tenancy.** This bill increases to \$700, from \$300, the threshold amount of determining whether the landlord must dispose of the departed tenant's unclaimed property via a public sale, with the proceeds of the sale (less storage and sale costs) held for the tenant, or whether the landlord may dispose of the property in any manner or retain it for his/her own use. Among other things, this bill requires a landlord to release the personal property to the former tenant without paying the cost of storage, if, the property remained in the dwelling and the former tenant or other person reasonably believed by the landlord to be its owner reclaims the property within two days of vacating the dwelling. Status: Chapter 560, 2012.

**AB 2536 (Butler) Stray animals: ownership.** This bill, among other things, would have provided that when a person or private entity finds a stray live animal, the finder must immediately notify the owner if the owner's identity is reasonably ascertainable and promptly bring the animal to an animal control agency or humane society for inspection if the finder cannot notify the owner. In cases where the agency cannot identify the animal's owner and the finder wishes to become the animal's owner, the bill would have permitted the finder to retain possession of the animal for 14 days, after which legal title would vest in the finder unless the

animal's owner has notified the agency or finder of his or her intent to reclaim the animal.  
Status: Dead, Assembly Agriculture.

**AB 2667 (Banking and Finance) Personal property: fraudulent transfers.** This bill allows a transferor of personal property to file a financing statement, authorized in an authenticated record, with respect to the property transferred and does not void such a transfer as against the transferor's creditors. Status: Chapter 60, 2012.

**SB 495 (Fuller) Unclaimed property.** This bill extends the period of time, from 18 months to seven years, that unclaimed property of no commercial value must be held by the Controller. This bill also specifies additional circumstances under which certain funds in retirement accounts and plans become due and payable and exempts tangible or intangible property from escheating to the state if the fiduciary and owner of the property have taken specified actions regarding the property. Status: Chapter 305, 2011.

### **Real Property**

**AB 328 (Smyth) Inverse condemnation: comparative fault.** This bill would have applied the doctrine of comparative fault and existing rules governing a plaintiff's ability to recover post-offer costs to inverse condemnation actions. Specifically, this bill would have required a court or arbiter, in an inverse condemnation proceeding, to reduce the compensation to be paid to a plaintiff in direct proportion to his or her percentage of fault, if any, in the damaging of property that constitutes a taking. Status: Dead, Senate Judiciary.

**AB 456 (Wagner) Mechanics liens.** This bill clarifies the procedure for mechanics liens claims by requiring claimants in construction disputes to specify in the required affidavit indicating service of the notice of mechanics lien that the notice was served on the owner or reputed owner of the property consistently with existing obligations regarding service of these claims. Status: Chapter 673, 2011.

**AB 771 (Butler) Common interest developments: requests for documents: fees.** This bill requires a common interest development to provide an estimate of the fees that it will assess for providing the documents required for the sale of a unit and to distinguish these fees from any other fees, fines, or assessments associated with the sale. Status: Chapter 206, 2011.

**AB 1511 (Bradford) Real property: disclosures: transmission pipelines.** This bill requires all contracts for the sale of residential real property entered into on or after July 1, 2013, to contain a specified notice informing purchasers of residential property about the existence of a database where information regarding gas and hazardous liquid transmission pipelines can be obtained. Status: Chapter 91, 2012.

**AB 1920 (Berryhill) Contractors: compensation.** This bill would have authorized a person acting in the capacity of a contractor without a license to bring or maintain an action for recovery of compensation for any act or contract if the person had previously been licensed as a contractor in this state and the board has retroactively reinstated the contractor's license from the date the work commenced through the date of completion. The bill also would have authorized a

licensed contractor who performs work outside the scope of his or her license to bring or maintain an action to recover compensation for the portion of the work that was performed within the scope of his or her license if the value of the unlicensed work does not exceed 20% of the contract price. Finally, this bill would have limited the liability of a contractor performing work outside the scope of his or her license to the value of the unlicensed work if it does not exceed 20% of the contract price. Status: Failed, Assembly Business and Professions.

**AB 1927 (Jones) Easements: maintenance: arbitration.** This bill authorizes the owner of a right-of-way easement to seek a judgment from a small claims court or a superior court, as specified, to determine the proportionate liability of each owner for maintenance costs, and specifies that neither a small claims judgment nor a superior court judgment shall affect apportionment of any future costs not requested in the action. Status: Chapter 244, 2012.

**AB 2018 (Norby) Land use: local planning: religious corporations.** This bill would have prohibited any city, county, city and county, or other local governmental agency from, in the enactment or administration of any zoning ordinance or permitting process, discriminating against any religious corporation, as described, or any religious corporation's affiliation with a superior religious body or general church. Status: Dead, Assembly Local Government.

**AB 2021 (Wagner) Works of improvement: disputed amounts.** This bill would have revised, according to specified rules, the amount that an owner can withhold from a contractor, and a contractor from a subcontractor, for disputed private works of improvement. Status: Dead, Senate Floor.

**AB 2082 (Atkins) Public lands: State Lands Commission: violations.** This bill authorizes the State Lands Commission to impose administrative penalties against a person who constructs, places, maintains, owns, uses, or possesses a structure or facility on land that is under the Commission's jurisdiction, and that is owned by the state, without first obtaining the necessary easements, leases, or permits from the Commission. Status: Chapter 247, 2012.

**AB 2235 (Hagman) Public utilities: inverse condemnation.** This bill would have authorized a property owner to seek compensation for any substantial reduction in property value proximately resulting from the building, expansion, or operation of a plant, line, pipeline, or other facility by a public utility. Under this bill, the evidentiary rules and rules of civil procedures applicable to inverse condemnation actions would have applied to such an action. Status: Failed, Assembly Utilities and Commerce.

**AB 2314 (Carter) Real property: blight.** This bill removes the sunset on a statute that permits local governments to fine property owners for failure to maintain certain property and makes other changes relating to the ability of a local enforcement agency to abate nuisances and correct substandard building violations. Status: Chapter 201, 2012.

**AB 2557 (Feuer) Real property: maintenance and abatement.** This bill would have provided, in the County of Los Angeles, for a period of three years, injunctive relief to a person whose property is injuriously affected by a neighboring owner's failure to maintain a vacant foreclosed

residential property and permits the city attorney, county counsel, or district attorney to seek the appointment of a receiver for a substandard building. Status: Failed, Assembly Floor.

**AB 2654 (Morrell) Mining liens: definitions.** This bill revises the definition of a “mine” as a mining claim or real property worked on as a mine, including, but not limited to, any quarry or pit, from which rock, gravel, sand, or other mineral-containing property is extracted by any mining or surface mining operation. This bill also states the legislative intent to supersede the holding of a California Appellate Court decision in *Sukut Const. Inc. v. Rimrock CA, LLC* (2011) 199 Cal.App.4th. 817. Status: Chapter 263, 2012.

**SB 110 (Rubio) Real property disclosures: mining operations.** This bill requires expert reports used to fulfill natural hazard disclosure requirements in residential property sales to include a specified "Notice of Mining Operations" if the property is within one mile of specified mining operations. Status: Chapter 253, 2011.

**SB 190 (Lowenthal) Mechanics liens.** This bill updates several cross-references and makes technical corrections to various new mechanics liens provisions enacted by SB 189 (2010), which reorganized and recodified the mechanics lien laws. Among other things, this bill clarifies the circumstances under which a mechanic's lien could be invalidated. Status: Chapter 44, 2011.

**SB 284 (Harman) Real property: marketable title.** This bill amends the Marketable Record Title law to clarify that an option to purchase real property whose expiration date is not ascertainable from the recorded instrument shall expire of record six months after recording. Status: Chapter 46, 2011.

**SB 293 (Padilla) Construction contracts: payments.** As heard by this Committee, this bill would have revised the rights and obligations of various parties with regard to payments relating to construction contracts. Among other things, this bill would have reduced the amount of time subcontractors could make certain claims against contractors for nonpayment, and reduced the amount of money that local public agencies can withhold from a contractor (retention proceeds) prior to completion of the job. The bill was later amended in the Senate to relate to a different subject. Status: Chapter 700, 2011.

**SB 328 (Kehoe) Eminent domain: conservation easement.** This bill requires a person seeking to acquire, by eminent domain, a property subject to a conservation easement to give the holder of the conservation easement, and a public entity that contributed to the creation of the easement, a notice containing specified information and an opportunity to comment on the acquisition. Status: Chapter 589, 2011.

**SB 424 (Rubio) Mechanics liens: design professionals.** This bill gives design professionals providing services for private works of improvement the ability to convert a design professionals lien into a mechanics lien, as specified. Status: Chapter 127, 2011.

**SB 474 (Evans) Commercial construction contracts: indemnity.** This bill makes numerous revisions to sections of law relating to indemnification agreements in private commercial and public works construction contracts. Among other things, this bill establishes that a project

owner, not acting as a project manager, general contractor, or materials supplier, is prohibited from shifting liability for its active negligence to a contractor, subcontractor, or materials supplier. Status: Chapter 707, 2011.

**SB 837 (Blakeslee) Residential real property: disclosures.** This bill updates a statutorily prescribed disclosure form relating to real property transfers to note legal requirements and to include a space for disclosing whether or not the property is equipped with water-conserving plumbing fixtures, as required by SB 407 (2009). Status: Chapter 61, 2011.

**SB 1472 (Pavley, Corbett, and DeSaulnier) Real property: blight.** This bill would have removed the sunset on a statute that permits local governments to fine property owners for failure to maintain certain property and makes other changes relating to the ability of a local enforcement agency to abate nuisances and correct substandard building violations. Status: Dead, Assembly Inactive file.

### **Common Interest Developments**

**AB 805 (Torres) Common interest developments.** This bill reorganizes and recodifies the Davis-Stirling Common Interest Development Act to, among other things, revise provisions regarding notices and their delivery, standardize terminology, establish guidelines on the relative authority of governing documents, and establish a single procedure for amendment of a common interest declaration. Status: Chapter 180, 2012.

**AB 806 (Torres) Davis-Stirling Common Interest Development Act.** This bill, a companion to AB 805, makes technical and conforming changes to various code sections so that statutory cross-references to the Davis-Stirling Common Interest Development Act would be consistent with the comprehensive reorganization and recodification of that Act, as proposed by AB 805. Status: Chapter 181, 2012.

**AB 1838 (Calderon) Common interest developments: association records.** This bill prohibits a homeowner's association from charging a cancellation fee for providing certain documents if (1) the request was canceled in writing by the same party that placed the order and the work has not been performed; or (2) the request was canceled in writing and the work that had been performed on the order was compensated. Status: Chapter 475, 2012.

**AB 2273 (Wieckowski) Common interest developments: required documents.** With respect to the sale of a property in a community interest development, this bill requires the mortgagee or trustee to mail the homeowner's association a copy of any trustee's deed upon sale of the separate interest, and to do so within 15 business days following the date of the trustee's sale. The bill also requires, in any case, the sale to be recorded no later than 30 days after the date of the sale, in the recorder's office of the county where the property is located. Status: Chapter 255, 2012.

**SB 150 (Correa) Common interest developments: rental prohibition.** This bill exempts an owner of a unit in a common interest development from any prohibition on renting or leasing the unit, except when the prohibition was effective on or after January 1, 2012. Status: Chapter 62, 2011.

**SB 209 (Corbett) Common interest developments: electric vehicle charging stations.** This bill makes void and unenforceable any covenant, restriction or conditions contained in any deed, contract, or other instrument in a common interest development that prohibits or restricts the installation of an electric vehicle charging station. Status: Chapter 121, 2011.

**SB 561 (Corbett) Common interest developments: delinquent assessments.** As heard by this Committee, this bill would have amended the Davis-Stirling Common Interest Development Act to clarify that a debt collector shall be subject to specified provisions of the Act regarding application of payments, and establish that any waiver by a homeowner of his or her rights is void as contrary to public policy. This bill also would have prohibited a homeowner's association from assigning or pledging its right to collect fees or assessments, and would have prohibited a third party that has contracted to collect those fees or assessments from acting as a trustee in foreclosure proceedings. This bill was later amended to address an unrelated subject. Status: Chapter 308, 2012.

**SB 563 (Transportation and Housing Committee) Common interest developments: meetings.** This bill generally prohibits a common interest development (CID) board from conducting meetings via electronic transmission, including e-mail, except as specified, clarifies that executive sessions are meetings, reduces the notice period for CID board meetings held solely in executive session, and provides standards for teleconference CID board meetings. Status: Chapter 257, 2011.

**SB 880 (Corbett) Community interest developments: vehicle charging stations.** This bill makes a number of changes to the rules on installation of electric vehicle charging stations in common interest developments (CID). Among other things, this bill: (1) provides that the governing documents of a CID may not prohibit the installation of an electric vehicle charging station in an owner's designated parking space, as specified; and (2) requires an association to enter into a licensing agreement with an owner for the use of space in a common area for an electric vehicle charging station. Status: Chapter 6, 2012.

### **Rental Property**

**AB 265 (Ammiano) Tenancies: unlawful detainer.** This bill would have provided tenants who have received a three-day notice to quit or pay rent the right to redeem the tenancy after the three-day period has expired by tendering rent due and other fees and costs, as specified. Status: Died on Assembly Floor.

**AB 934 (Feuer) Privileged communications.** This bill would have protected a tenant's right to bring an action for an unlawful eviction by amending the state's "litigation privilege" statute. The "litigation privilege" statute traditionally protected a litigant from being sued for defamation based upon statements made in judicial proceedings during the course of litigation. In recent years, however, the courts have construed the litigation privilege to bar other types of action outside of the defamation context. This bill would have specified that the litigation privilege shall not apply to bar actions alleging an unlawful eviction, such as actions alleging retaliatory or discriminatory eviction. Status: Died on Assembly Floor.

**AB 1679 (Bonilla) Landlord-tenant relations: security deposits.** This bill permits a landlord and tenant to mutually agree, as specified, to have a security deposit returned to the tenant by electronic transfer and to have any statement itemizing deductions from the security deposit sent to the tenant by electronic mail. Status: Chapter 557, 2012.

**AB 1865 (Alejo) Residential tenancies: eviction: notices.** This bill requires the mandatory notice of filing of unlawful detainer by the clerk of the court to include the name and telephone number of any entity certified as a lawyer referral service that requests inclusion in the notice of filing, as specified, and information on how to locate a lawyer referral service through the State Bar. Status: Chapter 241, 2012.

**AB 1925 (Ma) Real property: rent control.** This bill limits levels of compensation in San Francisco for the temporary displacement of tenant households from rent-controlled units for less than 20 days to \$275 per day per household and actual moving expenses if it is necessary to move the household's possessions. Status: Chapter 243, 2012.

**AB 1938 (Williams) Mobilehomes: rental agreements.** This bill expands the existing prohibition on mobilehome park management passing through various fines, fees, or damages assessed by a court relating to violations of the Mobilehome Residency Law, to also cover violations of the Mobilehome Park Act and amounts assessed by enforcement agencies. Status: Chapter 477, 2012.

**AB 1953 (Ammiano) Rental housing: tenant notice.** This bill prohibits a successor owner or manager from evicting a tenant for nonpayment of rent that accrued during the period of noncompliance by a successor owner or manager with the above-described information requirements. The bill also clarifies that these provisions do not relieve a tenant of any liability for unpaid rent. Status: Chapter 695, 2012.

**AB 2272 (Wagner) Mobilehomes: injunctions.** This bill, until January 1, 2016, authorizes the management of a mobilehome park to file a petition for an order to enjoin violations of a reasonable rule or regulation of the mobilehome park within the limited jurisdiction of the superior court. Status: Chapter 99, 2012.

**AB 2522 (Williams) Mobilehome parks: rental agreements.** This bill would have prohibited a mobilehome park rental agreement from being made contingent upon the homeowner agreeing to binding arbitration or waiving a right to trial by jury for a dispute between the homeowner and management. The bill also would have authorized a homeowner to voluntarily agree to provisions in a rental agreement that impose binding arbitration or waive the right to trial by jury for a dispute between the homeowner and management, provided, however, that the rental agreement clearly states that the homeowner is not required to agree to binding arbitration or to waive the right to trial by jury for a dispute between the homeowner and management. Status: Dead, Assembly Judiciary.

**SB 332 (Padilla) Smoking: rental dwellings.** This bill codifies the ability of a residential landlord to prohibit smoking on the property or in any building or portion of the building,

including any dwelling unit. Specifically, this bill requires every lease entered into on or after January 1, 2012 for residential real property where the landlord has prohibited smoking to include a provision specifying the areas where smoking is prohibited. Status: Chapter 264, 2011.

**SB 337 (Kehoe) Tenancy: noncommercial signs.** This bill prevents a landlord from prohibiting a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote, except under certain circumstances. The bill also requires a tenant to comply with the time period established by the local ordinance for the posting and removal of political signs or, in the absence of those provisions, by reasonable time limits, as specified, established by the landlord. Status: Chapter 383, 2011.

**SB 426 (Calderon) Tenancy: eviction: notices.** This bill establishes that a building or property used to conduct dogfighting or cockfighting in violation of specified criminal provisions is a public nuisance, and specifies that a tenant who commits or maintains this nuisance may be evicted. Status: Chapter 128, 2011.

**SB 1055 (Lieu) Landlord and tenant: payments.** This bill bans the practice of online-only rental payments and protects tenants from being forced to obtain Internet connections and/or PayPal accounts. Specifically, this bill prohibits landlords from requiring cash as the exclusive payment or rent or a security deposit, and requires that any landlord or landlord's agent that offers the option of paying rent or a security deposit online also accept other forms of payment for any lease or rental agreement. Status: Chapter 268, 2012.

**SB 1191 (Simitian) Landlord-tenant relations: disclosure of notice of default.** This bill, until January 1, 2018, requires every landlord who offers for rent a single-family dwelling, or a multifamily dwelling not exceeding four units, and who has received a notice of default that has not been rescinded with respect to a mortgage or deed of trust secured by that property to disclose the notice of default in writing to any prospective tenant prior to executing a lease agreement for the property. Status: Chapter 566, 2012.

**SB 1229 (Pavley) Real property: rentals: animals.** This bill prohibits a landlord who allows tenants or occupants to have animals on the premises from doing any of the following: (1) advertising the property in a way that discourages individuals from applying because their animal is not declawed or devocalized; (2) refusing to allow, negotiate, or make the property available for occupancy because of a person's refusal to declaw or devocalize an animal; or (3) requiring a tenant or occupant to declaw or devocalize an animal that is allowed on the premises. This bill permits a city or district attorney, other law enforcement prosecutorial entity to enforce these provisions and sue for declaratory relief, injunctive relief, or imposition of a civil penalty of \$1,000 for every violation. Status: Chapter 596, 2012.

## **MISCELLANEOUS**

### **State Commissions and Boards**

**AB 2328 (Olsen) California Law Revision Commission: elimination.** This bill would have eliminated the California Law Revision Commission in statute, and would have made conforming changes to related provisions. Status: Failed, Assembly Judiciary.

**ACR 98 (Wagner and Gorell) California Law Revision Commission (CLRC): studies.** This resolution reauthorizes the CLRC's study of specified topics, removes authority to study special assessments for public improvement, adds authority to conduct a substantial review of the Fish and Game Code, and adds authority to study the relationship between mediation confidentiality and attorney malpractice. This resolution provides that before commencing work on any project within the list of topics authorized for study by the Legislature, the CLRC shall submit a detailed description of the scope of work to the Senate and Assembly Judiciary Committees and any policy committee with jurisdiction over the study's subject matter. Status: Resolution Chapter 108, 2012.

**SB 595 (Wolk) Tidelands and submerged lands: removal of vessels.** This bill revises provisions regarding the authorization of the State Lands Commission to remove unattended vessels that obstruct traffic or create a hazard to other vessels or property by allowing the Commission to take immediate action, without notice, to remove vessels and expand the circumstances in which that authority may be exercised. Status: Chapter 595, 2011.

### **Other Topics**

**AB 1023 (Wagner) Maintenance of the codes.** This bill makes various grammatical and other technical changes suggested by the Office of Legislative Counsel in order to correct non-substantive errors that exist in the original bill text. Status: Chapter 296, 2011.

**AB 1242 (Achadjian) Vehicles: special interest license plates: NASCAR.** This bill would have authorized the Foundation for California Community Colleges to apply to the Department of Motor Vehicles to sponsor a program for a series of specialized National Association for Stock Car Auto Racing (NASCAR) license plates. Status: Dead, Assembly Transportation.

**AB 2546 (Donnelly) Pupil instruction: social sciences: instructional materials.** As referred to this committee, this bill would have amended or repealed existing education requirements about teaching diversity and the contributions of various groups. The bill was later amended to add to the existing list of documents that must be covered in a history/social science class the Magna Charta, the Articles of Confederation, and the California Constitution. Status: Dead, Assembly Appropriations.

**AB 2690 (Committee on Judiciary) Civil law: tort claims.** This bill adopts "Government Claims Act" as the short title for Title 1, Division 3.6 (commencing with Section 810) of the Government Code, and replace the reference "Tort Claims Act" with "Government Claims Act" throughout the codes. Status: Chapter 759, 2012.

**ACR 94 (Morrell) Boy Scouts of America.** This resolution would have made various legislative findings to congratulate the Boy Scouts of America on its 102nd anniversary. Status: Failed, Assembly Judiciary.

**ACR 95 (Huber) Constitutional convention.** This measure would have submitted to the voters the question of whether to hold a convention to revise the California Constitution. Status: Failed, Assembly Judiciary.

**ACR 108 (Wieckowski) Girl Scouts.** This resolution honors the Girl Scouts of America for 100 years of service and for inspiring millions of girls with the highest ideals of courage, confidence, and character. Status: Resolution Chapter 5, 2012.

**ACR 116 (Harkey) Sea Scouts.** This measure would have congratulated the Sea Scouts on their Centennial for providing leadership and positive opportunities for America's youth. Status: Dead, Assembly Judiciary.

**ACR 127 (Feuer) Sea Scouts.** This measure would have congratulated the Sea Scouts on their Centennial for providing leadership and positive opportunities for America's youth and would have encouraged the Boy Scouts of America, including the Sea Scouts, to accept for membership and leadership positions all qualified youth and adults, without discriminating on the basis of sexual orientation or religious belief. Status: Dead, Assembly Judiciary.

**ACR 128 (Feuer) Boy Scouts of America.** This measure would have commended the Boy Scouts of America on its 102nd anniversary, while also urging the Boy Scouts to accept all qualified boys and men without discrimination on the basis of sexual orientation or religious belief. This measure also would have declared that the discriminatory policy of the Boy Scouts of America is contrary to the policy of the State of California. Status: Dead, Assembly Floor.

**SB 647 (Committee on Judiciary) Civil law: omnibus bill.** This bill makes numerous non-controversial, technical and clarifying changes to various civil law statutes. Status: Chapter 308, 2011.

**SB 1171 (Harman) Maintenance of the codes.** This bill makes various grammatical and other technical changes suggested by the Office of Legislative Counsel in order to correct non-substantive errors that exist in the original bill text. Status: Chapter 162, 2012.