

ASSEMBLY BILL

No. 1831

Introduced by Assembly Member Runner

January 22, 2002

An act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to limitation of actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1831, as introduced, Runner. Commencement of actions: personal injury.

Existing law provides that the time for commencement of an action for injury or death suffered as a result of a wrongful act or neglect is one year.

This bill would provide instead that the time for commencement of an action for injury or death suffered as a result of a wrongful act or neglect is 2 years.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 339 of the Code of Civil Procedure is
2 amended to read:
3 339. Within two years: ~~+~~
4 (a) An action upon a contract, obligation, or liability not
5 founded upon an instrument of writing, except as provided in
6 Section 2725 of the Commercial Code or subdivision 2 of Section
7 337 of this code; or an action founded upon a contract, obligation,
8 or liability, evidenced by a certificate, or abstract or guaranty of

1 title of real property, or by a policy of title insurance; provided, that
2 the cause of action upon a contract, obligation, or liability
3 evidenced by a certificate, or abstract or guaranty of title of real
4 property or policy of title insurance shall not be deemed to have
5 accrued until the discovery of the loss or damage suffered by the
6 aggrieved party thereunder.

7 ~~2.~~

8 (b) An action against a sheriff or coroner upon a liability
9 incurred by the doing of an act in an official capacity and in virtue
10 of office, or by the omission of an official duty including the
11 nonpayment of money collected in the enforcement of a judgment.

12 ~~3.~~

13 (c) An action based upon the rescission of a contract not in
14 writing. The time begins to run from the date upon which the facts
15 that entitle the aggrieved party to rescind occurred. Where the
16 ground for rescission is fraud or mistake, the time does not begin
17 to run until the discovery by the aggrieved party of the facts
18 constituting the fraud or mistake.

19 (d) *An action for injury to or for the death of one caused by the*
20 *wrongful act or neglect of another.*

21 SEC. 2. Section 340 of the Code of Civil Procedure is
22 amended to read:

23 340. Within one year:

24 ~~(1)~~

25 (a) An action upon a statute for a penalty or forfeiture, when the
26 action is given to an individual, or to an individual and the state,
27 except when the statute imposing it prescribes a different
28 limitation.

29 ~~(2)~~

30 (b) An action upon a statute for a forfeiture or penalty to the
31 people of this state.

32 ~~(3)~~

33 (c) An action for libel, slander, assault, battery, false
34 imprisonment, seduction of a person below the age of legal
35 consent, ~~or for injury to or for the death of one caused by the~~
36 ~~wrongful act or neglect of another~~, or by a depositor against a bank
37 for the payment of a forged or raised check, or a check that bears
38 a forged or unauthorized endorsement, or against any person who
39 boards or feeds an animal or fowl or who engages in the practice
40 of veterinary medicine, as defined in Section 4826 of the Business



1 and Professions Code, for ~~such~~ *that* person's neglect resulting in
2 injury or death to an animal or fowl in the course of boarding or
3 feeding ~~such~~ *the* animal or fowl or in the course of the practice of
4 veterinary medicine on ~~such~~ *the* animal or fowl.

5 ~~(4)~~

6 (d) An action against an officer to recover damages for the
7 seizure of any property for a statutory forfeiture to the state, or for
8 the detention of, or injury to property so seized, or for damages
9 done to any person in making any such seizure.

10 ~~(5)~~

11 (e) An action by a good faith improver for relief under Chapter
12 10 (commencing with Section 871.1) of Title 10 of Part 2 of the
13 Code of Civil Procedure. The time begins to run from the date
14 upon which the good faith improver discovers that the good faith
15 improver is not the owner of the land upon which the
16 improvements have been made.

