

AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3030**

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**Introduced by ~~Committee on Judiciary (Corbett (Chair), Dutra, Jackson, Longville, Shelley, Steinberg, and Wayne)~~ Assembly Member Corbett**

March 12, 2002

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An act to ~~amend Section 1162 of~~ *add Sections 1280.1 and 1286.5 to* the Code of Civil Procedure, relating to ~~unlawful detainer~~ *arbitration*.

LEGISLATIVE COUNSEL'S DIGEST

AB 3030, as amended, ~~Committee on Judiciary~~ *Corbett*. ~~Unlawful detainer~~ *Arbitration*.

(1) Existing law permits consumers to contract to arbitrate and regulates the conduct of arbitrations. Existing law requires a person who is to serve as a neutral arbitrator to disclose all matters that could cause a person aware of the facts to reasonably doubt the person's impartiality, and provides a method for disqualifying a proposed neutral arbitrator.

This bill would provide that, notwithstanding any immunity of a neutral arbitrator acting in a quasi-judicial capacity, a private judging company is not immune from civil liability for a consumer arbitration, except when its liability is based on a theory of vicarious liability for the acts of an arbitrator who enjoys immunity from civil liability.

(2) Existing law requires a court to vacate an arbitration award under specified circumstances.

*This bill would prohibit an arbitrator or private judging company involved in a consumer arbitration from conducting or administering further arbitration of the dispute if a court vacates the award.*

~~Existing law defines unlawful detainer to include circumstances in which the tenant continues in possession of property beyond the term for which it was let, as specified, permits a landlord to regain possession of the property pursuant to summary proceedings, and specifies how certain notices may be served pursuant to these provisions.~~

~~This bill would make technical, nonsubstantive changes to the these provisions.~~

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 1162 of the Code of Civil Procedure is~~  
2 *SECTION 1. Section 1280.1 is added to the Code of Civil*  
3 *Procedure, to read:*

4 *1280.1. Notwithstanding any immunity of a neutral arbitrator*  
5 *acting in a quasi-judicial capacity, a private judging company is*  
6 *not immune from civil liability with respect to a consumer*  
7 *arbitration, except to the extent that its liability is predicated on*  
8 *a theory of vicarious liability for the acts of an arbitrator who*  
9 *enjoys immunity from civil liability for the acts alleged.*

10 *SEC. 2. Section 1286.5 is added to the Code of Civil*  
11 *Procedure, to read:*

12 *1286.5. If a court vacates an award in a consumer arbitration,*  
13 *an arbitrator or private judging company involved in the*  
14 *arbitration may not conduct or administer any further arbitration*  
15 *of the dispute.*

16 ~~amended to read:~~

17 ~~1162. The notices required by sections 1161 and 1161a may~~  
18 ~~be served by any of the following means:~~

19 ~~(a) By delivering a copy to the tenant personally.~~

20 ~~(b) If he or she is absent from his or her place of residence, and~~  
21 ~~from his or her usual place of business, by leaving a copy with~~  
22 ~~some person of suitable age and discretion at either place, and~~  
23 ~~sending a copy through the mail addressed to the tenant at his or~~  
24 ~~her place of residence.~~



1 ~~(c) If that place of residence and business can not be~~  
2 ~~ascertained, or a person of suitable age or discretion there can not~~  
3 ~~be found, then by affixing a copy in a conspicuous place on the~~  
4 ~~property, and also delivering a copy to a person there residing, if~~  
5 ~~such a person can be found; and also sending a copy through the~~  
6 ~~mail addressed to the tenant at the place where the property is~~  
7 ~~situated. Service upon a subtenant may be made in the same~~  
8 ~~manner.~~

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