

AMENDED IN ASSEMBLY JUNE 6, 2001

AMENDED IN SENATE APRIL 16, 2001

AMENDED IN SENATE MARCH 28, 2001

**SENATE BILL**

**No. 562**

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**Introduced by Senator Morrow**

February 22, 2001

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An act to amend Sections 86, 472b, 564, 638, 912, and 1206 of, and to add Section 89 to, the Code of Civil Procedure, to amend Section 11937 of the Food and Agricultural Code, to amend Section 946.6 of the Government Code, and to amend Sections 16370, 16373, 16376, and 16379 of the Vehicle Code, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Morrow. Civil procedure: limited civil cases.

(1) Existing law establishes the parameters for limited civil cases. Existing law provides that actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and all other persons having mechanics' liens, where the total amount of the liens is \$25,000 or less, constitute limited civil cases.

This bill would include petitions to release mechanics' liens where the total amount of a lien is \$25,000 or less, to the list of proceedings that constitute limited civil cases.

(2) Existing law establishes the requisite conditions for an action or proceeding to be treated as a limited civil case.

This bill would specify that the existence of a statute relating to the authority of the court in a limited civil case does not imply that the same authority does or does not apply in an unlimited case. The bill would also provide that the existence of a statute relating to the authority of the

court in an unlimited case does not imply the existence of the same authority in a limited civil case.

(3) Existing law delineates various circumstances in which a superior court may appoint a receiver in a pending action, but limits that authority to cases other than limited civil cases.

This bill would delete the limitation of the provision to cases other than limited civil cases.

(4) Existing law provides that when an application to bring a claim against a public entity or public employee is denied by the governing body of that entity, a person may petition the court for an order relieving the petitioner from the prohibition against bringing a suit against the public entity.

This bill would specify that where an action to which the claim relates would be a limited civil case, the proceeding to petition a court pursuant to these provisions would also constitute a limited civil case.

(5) The bill would also make related changes.

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 86 of the Code of Civil Procedure is  
2 amended to read:

3 86. (a) The following civil cases and proceedings are limited  
4 civil cases:

5 (1) Cases at law in which the demand, exclusive of interest, or  
6 the value of the property in controversy amounts to twenty-five  
7 thousand dollars (\$25,000) or less. This paragraph does not apply  
8 to cases that involve the legality of any tax, impost, assessment,  
9 toll, or municipal fine, except actions to enforce payment of  
10 delinquent unsecured personal property taxes if the legality of the  
11 tax is not contested by the defendant.

12 (2) Actions for dissolution of partnership where the total assets  
13 of the partnership do not exceed twenty-five thousand dollars  
14 (\$25,000); actions of interpleader where the amount of money or  
15 the value of the property involved does not exceed twenty-five  
16 thousand dollars (\$25,000).

17 (3) Actions to cancel or rescind a contract when the relief is  
18 sought in connection with an action to recover money not  
19 exceeding twenty-five thousand dollars (\$25,000) or property of



1 a value not exceeding twenty-five thousand dollars (\$25,000),  
2 paid or delivered under, or in consideration of, the contract; actions  
3 to revise a contract where the relief is sought in an action upon the  
4 contract if the action otherwise is a limited civil case.

5 (4) Proceedings in forcible entry or forcible or unlawful  
6 detainer where the whole amount of damages claimed is  
7 twenty-five thousand dollars (\$25,000) or less.

8 (5) Actions to enforce and foreclose liens on personal property  
9 where the amount of the liens is twenty-five thousand dollars  
10 (\$25,000) or less.

11 (6) Actions to enforce and foreclose, or petitions to release,  
12 liens of mechanics, materialmen, artisans, laborers, and of all other  
13 persons to whom liens are given under the provisions of Chapter  
14 2 (commencing with Section 3109) of Title 15 of Part 4 of Division  
15 3 of the Civil Code, or to enforce and foreclose an assessment lien  
16 on a common interest development as defined in Section 1351 of  
17 the Civil Code, where the amount of the liens is twenty-five  
18 thousand dollars (\$25,000) or less. However, where an action to  
19 enforce the lien affects property that is also affected by a similar  
20 pending action that is not a limited civil case, or where the total  
21 amount of the liens sought to be foreclosed against the same  
22 property aggregates an amount in excess of twenty-five thousand  
23 dollars (\$25,000), the action is not a limited civil case.

24 (7) Actions for declaratory relief when brought pursuant to  
25 either of the following:

26 (A) By way of cross-complaint as to a right of indemnity with  
27 respect to the relief demanded in the complaint or a  
28 cross-complaint in an action or proceeding that is otherwise a  
29 limited civil case.

30 (B) To conduct a trial after a nonbinding fee arbitration  
31 between an attorney and client, pursuant to Article 13  
32 (commencing with Section 6200) of Chapter 4 of Division 3 of the  
33 Business and Professions Code, where the amount in controversy  
34 is twenty-five thousand dollars (\$25,000) or less.

35 (8) Actions to issue temporary restraining orders and  
36 preliminary injunctions, and to take accounts, where necessary to  
37 preserve the property or rights of any party to a limited civil case;  
38 to make any order or perform any act, pursuant to Title 9  
39 (commencing with Section 680.010) of Part 2 (enforcement of  
40 judgments) in a limited civil case; to appoint a receiver pursuant



1 to Section 564 in a limited civil case; to determine title to personal  
2 property seized in a limited civil case.

3 (9) Actions under Article 3 (commencing with Section  
4 708.210) of Chapter 6 of Division 2 of Title 9 of Part 2 for the  
5 recovery of an interest in personal property or to enforce the  
6 liability of the debtor of a judgment debtor where the interest  
7 claimed adversely is of a value not exceeding twenty-five  
8 thousand dollars (\$25,000) or the debt denied does not exceed  
9 twenty-five thousand dollars (\$25,000).

10 (10) Arbitration-related petitions filed pursuant to either of the  
11 following:

12 (A) Article 2 (commencing with Section 1292) of Chapter 5 of  
13 Title 9 of Part 3, except for uninsured motorist arbitration  
14 proceedings in accordance with Section 11580.2 of the Insurance  
15 Code, if the petition is filed before the arbitration award becomes  
16 final and the matter to be resolved by arbitration is a limited civil  
17 case under paragraphs (1) to (9), inclusive, of subdivision (a) or if  
18 the petition is filed after the arbitration award becomes final and  
19 the amount of the award and all other rulings, pronouncements,  
20 and decisions made in the award are within paragraphs (1) to (9),  
21 inclusive, of subdivision (a).

22 (B) To confirm, correct, or vacate a fee arbitration award  
23 between an attorney and client that is binding or has become  
24 binding, pursuant to Article 13 (commencing with Section 6200)  
25 of Chapter 4 of Division 3 of the Business and Professions Code,  
26 where the arbitration award is twenty-five thousand dollars  
27 (\$25,000) or less.

28 (b) The following cases in equity are limited civil cases:

29 (1) Cases to try title to personal property when the amount  
30 involved is not more than twenty-five thousand dollars (\$25,000).

31 (2) Cases when equity is pleaded as a defensive matter in any  
32 case that is otherwise a limited civil case.

33 (3) Cases to vacate a judgment or order of the court obtained in  
34 a limited civil case through extrinsic fraud, mistake, inadvertence,  
35 or excusable neglect.

36 SEC. 2. Section 89 is added to the Code of Civil Procedure,  
37 to read:

38 89. (a) The existence of a statute relating to the authority of  
39 the court in a limited civil case does not, by itself, imply that the  
40 same authority does or does not exist in an unlimited civil case.



1 (b) The existence of a statute relating to the authority of the  
2 court in an unlimited civil case does not, by itself, imply that the  
3 same authority does or does not exist in a limited civil case.

4 SEC. 3. Section 472b of the Code of Civil Procedure is  
5 amended to read:

6 472b. When a demurrer to any pleading is sustained or  
7 overruled, and time to amend or answer is given, the time so given  
8 runs from the service of notice of the decision or order, unless the  
9 notice is waived in open court, and the waiver entered in the  
10 minutes. When an order sustaining a demurrer without leave to  
11 amend is reversed or otherwise remanded by any order issued by  
12 a reviewing court, any amended complaint shall be filed within 30  
13 days after the clerk of the reviewing court mails notice of the  
14 issuance of the remittitur.

15 SEC. 4. Section 564 of the Code of Civil Procedure is  
16 amended to read:

17 564. (a) A receiver may be appointed, in the manner  
18 provided in this chapter, by the court in which an action or  
19 proceeding is pending in any case in which the court is empowered  
20 by law to appoint a receiver.

21 (b) A receiver may be appointed by the court in which an action  
22 or proceeding is pending, or by a judge thereof, in the following  
23 cases:

24 (1) In an action by a vendor to vacate a fraudulent purchase of  
25 property, or by a creditor to subject any property or fund to the  
26 creditor's claim, or between partners or others jointly owning or  
27 interested in any property or fund, on the application of the  
28 plaintiff, or of any party whose right to or interest in the property  
29 or fund, or the proceeds thereof, is probable, and where it is shown  
30 that the property or fund is in danger of being lost, removed, or  
31 materially injured.

32 (2) In an action by a secured lender for the foreclosure of a deed  
33 of trust or mortgage and sale of property upon which there is a lien  
34 under a deed of trust or mortgage, where it appears that the  
35 property is in danger of being lost, removed, or materially injured,  
36 or that the condition of the deed of trust or mortgage has not been  
37 performed, and that the property is probably insufficient to  
38 discharge the deed of trust or mortgage debt.

39 (3) After judgment, to carry the judgment into effect.

1 (4) After judgment, to dispose of the property according to the  
2 judgment, or to preserve it during the pendency of an appeal, or  
3 pursuant to Title 9 (commencing with Section 680.010)  
4 (enforcement of judgments), or after sale of real property pursuant  
5 to a decree of foreclosure, during the redemption period, to collect,  
6 expend, and disburse rents as directed by the court or otherwise  
7 provided by law.

8 (5) Where a corporation has been dissolved, as provided in  
9 Section 565.

10 (6) Where a corporation is insolvent, or in imminent danger of  
11 insolvency, or has forfeited its corporate rights.

12 (7) In an action of unlawful detainer.

13 (8) At the request of the Public Utilities Commission pursuant  
14 to Sections 855 and 5259.5 of the Public Utilities Code.

15 (9) In all other cases where necessary to preserve the property  
16 or rights of any party.

17 (10) At the request of the Office of Statewide Health Planning  
18 and Development, or the Attorney General, pursuant to Section  
19 129173 of the Health and Safety Code.

20 (11) In an action by a secured lender for specific performance  
21 of an assignment of rents provision in a deed of trust, mortgage,  
22 or separate assignment document. The appointment may be  
23 continued after entry of a judgment for specific performance if  
24 appropriate to protect, operate, or maintain real property  
25 encumbered by a deed of trust or mortgage or to collect rents  
26 therefrom while a pending nonjudicial foreclosure under power of  
27 sale in a deed of trust or mortgage is being completed.

28 (12) In a case brought by an assignee under an assignment of  
29 leases, rents, issues, or profits pursuant to subdivision (g) of  
30 Section 2938 of the Civil Code.

31 (c) A receiver may be appointed, in the manner provided in this  
32 chapter, including, but not limited to, Section 566, by the superior  
33 court in an action brought by a secured lender to enforce the rights  
34 provided in Section 2929.5 of the Civil Code, to enable the secured  
35 lender to enter and inspect the real property security for the  
36 purpose of determining the existence, location, nature, and  
37 magnitude of any past or present release or threatened release of  
38 any hazardous substance into, onto, beneath, or from the real  
39 property security. The secured lender shall not abuse the right of  
40 entry and inspection or use it to harass the borrower or tenant of



1 the property. Except in case of an emergency, when the borrower  
2 or tenant of the property has abandoned the premises, or if it is  
3 impracticable to do so, the secured lender shall give the borrower  
4 or tenant of the property reasonable notice of the secured lender's  
5 intent to enter and shall enter only during the borrower's or  
6 tenant's normal business hours. Twenty-four hours' notice shall be  
7 presumed to be reasonable notice in the absence of evidence to the  
8 contrary.

9 (d) Any action by a secured lender to appoint a receiver  
10 pursuant to this section shall not constitute an action within the  
11 meaning of subdivision (a) of Section 726.

12 (e) For purposes of this section:

13 (1) "Borrower" means the trustor under a deed of trust, or a  
14 mortgagor under a mortgage, where the deed of trust or mortgage  
15 encumbers real property security and secures the performance of  
16 the trustor or mortgagor under a loan, extension of credit,  
17 guaranty, or other obligation. The term includes any successor in  
18 interest of the trustor or mortgagor to the real property security  
19 before the deed of trust or mortgage has been discharged,  
20 reconveyed, or foreclosed upon.

21 (2) "Hazardous substance" means (A) any "hazardous  
22 substance" as defined in subdivision (f) of Section 25281 of the  
23 Health and Safety Code as effective on January 1, 1991, or as  
24 subsequently amended, (B) any "waste" as defined in subdivision  
25 (d) of Section 13050 of the Water Code as effective on January 1,  
26 1991, or as subsequently amended, or (C) petroleum, including  
27 crude oil or any fraction thereof, natural gas, natural gas liquids,  
28 liquefied natural gas, or synthetic gas usable for fuel, or any  
29 mixture thereof.

30 (3) "Real property security" means any real property and  
31 improvements, other than a separate interest and any related  
32 interest in the common area of a residential common interest  
33 development, as the terms "separate interest," "common area,"  
34 and "common interest development" are defined in Section 1351  
35 of the Civil Code, or real property consisting of one acre or less that  
36 contains 1 to 15 dwelling units.

37 (4) "Release" means any spilling, leaking, pumping, pouring,  
38 emitting, emptying, discharging, injecting, escaping, leaching,  
39 dumping, or disposing into the environment, including continuing



1 migration, of hazardous substances into, onto, or through soil,  
2 surface water, or groundwater.

3 (5) “Secured lender” means the beneficiary under a deed of  
4 trust against the real property security, or the mortgagee under a  
5 mortgage against the real property security, and any successor in  
6 interest of the beneficiary or mortgagee to the deed of trust or  
7 mortgage.

8 SEC. 5. Section 638 of the Code of Civil Procedure is  
9 amended to read:

10 638. A referee may be appointed upon the agreement of the  
11 parties filed with the clerk, or judge, or entered in the minutes, or  
12 upon the motion of a party to a written contract or lease that  
13 provides that any controversy arising therefrom shall be heard by  
14 a referee if the court finds a reference agreement exists between the  
15 parties:

16 (a) To hear and determine any or all of the issues in an action  
17 or proceeding, whether of fact or of law, and to report a statement  
18 of decision.

19 (b) To ascertain a fact necessary to enable the court to  
20 determine an action or proceeding.

21 (c) In any matter in which a referee is appointed pursuant to this  
22 section, a copy of the order shall be forwarded to the office of the  
23 presiding judge. The Judicial Council shall, by rule, collect  
24 information on the use of these referees. The Judicial Council shall  
25 also collect information on fees paid by the parties for the use of  
26 referees to the extent that information regarding those fees is  
27 reported to the court. The Judicial Council shall report thereon to  
28 the Legislature by January 1, 2003. This subdivision shall become  
29 inoperative on January 1, 2004.

30 SEC. 6. Section 912 of the Code of Civil Procedure is  
31 amended to read:

32 912. Upon final determination of an appeal by the reviewing  
33 court, the clerk of the court shall remit to the trial court a certified  
34 copy of the judgment or order of the reviewing court and of its  
35 opinion, if any. The clerk of the trial court shall file the certified  
36 copy of the judgment and opinion of the reviewing court, shall  
37 attach the same to the judgment roll if the appeal was from a  
38 judgment, and shall enter a note of the judgment of the reviewing  
39 court stating whether the judgment or order appealed from has





1 been affirmed, reversed or modified, in the margin of the original  
2 entry of the judgment or order, and also in the register of actions.

3 SEC. 7. Section 1206 of the Code of Civil Procedure is  
4 amended to read:

5 1206. (a) Upon the levy under a writ of attachment or  
6 execution not founded upon a claim for labor, any miner,  
7 mechanic, salesman, servant, clerk, laborer or other person who  
8 has performed work or rendered personal services for the  
9 defendant within 90 days prior to the levy may file a verified  
10 statement of the claim therefor with the officer executing the writ,  
11 file a copy thereof with the court that issued the writ, and give  
12 copies thereof, containing his or her address, to the plaintiff and the  
13 defendant, or any attorney, clerk or agent representing them, or  
14 mail copies to them by registered mail at their last known address,  
15 return of which by the post office undelivered shall be deemed a  
16 sufficient service if no better address is available, and that claim,  
17 not exceeding nine hundred dollars (\$900), unless disputed, must  
18 be paid by the officer, immediately upon the expiration of the time  
19 for dispute of the claim as prescribed in Section 1207, from the  
20 proceeds of the levy remaining in the officer's hands at the time of  
21 the filing of the statement or collectible by the officer on the basis  
22 of the writ.

23 (b) The court issuing the writ must make a notation in the  
24 register of actions of every preferred labor claim of which it  
25 receives a copy and must endorse on any writ of execution or  
26 abstract of judgment issued subsequently in the case that it is  
27 issued subject to the rights of a preferred labor claimant or  
28 claimants and giving the names and amounts of all preferred labor  
29 claims of which it has notice. In levying under any writ of  
30 execution the officer making the levy shall include in the amount  
31 due under the execution any and all preferred labor claims that  
32 have been filed in the action and of which the officer has notice,  
33 except any claims that may have been finally disallowed by the  
34 court under the procedure provided for herein and of which  
35 disallowance the officer has actual notice. The amount due on  
36 preferred labor claims that have not been finally disallowed by the  
37 court shall be considered a part of the sum due under any writ of  
38 attachment or execution in augmentation of the amount thereof  
39 and it shall be the duty of any person, firm, association or  
40 corporation on whom a writ of attachment or execution is levied



1 to immediately pay to the levying officer the amount of the  
2 preferred labor claims, out of any money belonging to the  
3 defendant in the action, before paying the principal sum called for  
4 in the writ.

5 (c) If any claim is disputed within the time, and in the manner  
6 prescribed in Section 1207, and a copy of the dispute is mailed by  
7 registered mail to the claimant or the claimant's attorney at the  
8 address given in the statement of claim and the registry receipt is  
9 attached to the original of the dispute when it is filed with the  
10 levying officer, or is handed to the claimant or the claimant's  
11 attorney, the claimant, or the claimant's assignee, must within 10  
12 days after the copy is deposited in the mail or is handed to the  
13 claimant or the claimant's attorney petition the court having  
14 jurisdiction of the action on which the writ is based, for a hearing  
15 before it to determine the claim for priority, or the claim to priority  
16 is barred. If more than one attachment or execution is involved, the  
17 petition shall be filed in the court having jurisdiction over the  
18 senior attachment or execution. The hearing shall be held within  
19 20 days from the filing of the petition unless the court continues  
20 it for good cause. Ten days' notice of the hearing shall be given by  
21 the petitioner to the plaintiff and the defendant, and to all parties  
22 claiming an interest in the property, or their attorneys. The notice  
23 may be informal and need specify merely the name of the court,  
24 names of the principal parties to the senior attachment or execution  
25 and name of the wage claimant or claimants on whose behalf it is  
26 filed but shall specify that the hearing is for the purpose of  
27 determining the claim for priority. The plaintiff or the defendant,  
28 or any other party claiming an interest may contest the amount or  
29 validity of the claim in spite of any confession of judgment or  
30 failure to appear or to contest the claim on the part of any other  
31 person.

32 (d) There shall be no cost for filing or hearing the petition and  
33 the hearing on the petition shall be informal but all parties  
34 testifying must be sworn. Any claimant may appear on the  
35 claimant's own behalf at the hearing and may call and examine  
36 witnesses to substantiate his or her claim. An appeal may be taken  
37 from a judgment in a proceeding under this section in the manner  
38 provided for appeals from judgments of the court where the  
39 proceeding is had, in an action of the same jurisdictional  
40 classification.



1 (e) The officer shall retain in possession until the determination  
2 of the claim for priority so much of the proceeds of the writ as may  
3 be necessary to satisfy the claim, and if the claim for priority is  
4 allowed, the officer shall pay the amount due, including the  
5 claimant's cost of suit, from such proceeds, immediately after the  
6 order allowing the claim becomes final.

7 SEC. 8. Section 11937 of the Food and Agricultural Code is  
8 amended to read:

9 11937. Upon the expiration of 30 days after any judgment  
10 becomes final, which is not stayed or satisfied in any action which  
11 results in a judgment for damages, the clerk of a court shall forward  
12 to the director a certified copy of the judgment or a certified copy  
13 of the register of actions, and a certificate of facts relative to the  
14 judgment, on a form which is provided by the director.

15 SEC. 9. Section 946.6 of the Government Code is amended to  
16 read:

17 946.6. (a) Where an application for leave to present a claim  
18 is denied or deemed to be denied pursuant to Section 911.6, a  
19 petition may be made to the court for an order relieving the  
20 petitioner from Section 945.4. The proper court for filing the  
21 petition is a superior court that would be a proper court for the trial  
22 of an action on the cause of action to which the claim relates. If the  
23 petition is filed in a court which is not a proper court for the  
24 determination of the matter, the court, on motion of any party, shall  
25 transfer the proceeding to a proper court. Where an action on the  
26 cause of action to which the claim relates would be a limited civil  
27 case, a proceeding pursuant to this section is a limited civil case.

28 (b) The petition shall show each of the following:

29 (1) That application was made to the board under Section 911.4  
30 and was denied or deemed denied.

31 (2) The reason for failure to present the claim within the time  
32 limit specified in Section 911.2.

33 (3) The information required by Section 910.

34 The petition shall be filed within six months after the application  
35 to the board is denied or deemed to be denied pursuant to Section  
36 911.6.

37 (c) The court shall relieve the petitioner from Section 945.4 if  
38 the court finds that the application to the board under Section 911.4  
39 was made within a reasonable time not to exceed that specified in  
40 subdivision (b) of Section 911.4 and was denied or deemed denied



1 pursuant to Section 911.6 and that one or more of the following is  
2 applicable:

3 (1) The failure to present the claim was through mistake,  
4 inadvertence, surprise, or excusable neglect unless the public  
5 entity establishes that it would be prejudiced in the defense of the  
6 claim if the court relieves the petitioner from Section 945.4.

7 (2) The person who sustained the alleged injury, damage or loss  
8 was a minor during all of the time specified in Section 911.2 for  
9 the presentation of the claim.

10 (3) The person who sustained the alleged injury, damage or loss  
11 was physically or mentally incapacitated during all of the time  
12 specified in Section 911.2 for the presentation of the claim and by  
13 reason of that disability failed to present a claim during that time.

14 (4) The person who sustained the alleged injury, damage or loss  
15 died before the expiration of the time specified in Section 911.2 for  
16 the presentation of the claim.

17 (d) A copy of the petition and a written notice of the time and  
18 place of hearing shall be served before the hearing as prescribed  
19 by subdivision (b) of Section 1005 of the Code of Civil Procedure  
20 on (1) the clerk or secretary or board of the local public entity, if  
21 the respondent is a local public entity, or (2) the Attorney General,  
22 if the respondent is the state. However, if the petition involves a  
23 claim arising out of alleged actions or inactions of the Department  
24 of Transportation, service of the petition and notice of the hearing  
25 shall be made on the Attorney General or the Director of  
26 Transportation. Service on the Attorney General may be  
27 accomplished at any of the Attorney General's offices in Los  
28 Angeles, Sacramento, San Diego, or San Francisco. Service on the  
29 Director of Transportation may be accomplished only at the  
30 Department of Transportation's headquarters office in  
31 Sacramento.

32 (e) The court shall make an independent determination upon  
33 the petition. The determination shall be made upon the basis of the  
34 petition, any affidavits in support of or in opposition to the  
35 petition, and any additional evidence received at the hearing on the  
36 petition.

37 (f) If the court makes an order relieving the petitioner from  
38 Section 945.4, suit on the cause of action to which the claim relates  
39 shall be filed with the court within 30 days thereafter.



1 SEC. 10. Section 16370 of the Vehicle Code is amended to  
2 read:

3 16370. The department shall suspend the privilege of any  
4 person to operate a motor vehicle upon receiving a certified copy  
5 of a judgment, or a certified copy of the register of actions (or a  
6 comparable court record of another jurisdiction) in an action  
7 resulting in a judgment for damages, and a certificate of facts  
8 relative to the judgment, on a form provided by the department,  
9 indicating that the person has failed for a period of 30 days to  
10 satisfy a judgment rendered against him or her.

11 SEC. 11. Section 16373 of the Vehicle Code is amended to  
12 read:

13 16373. (a) The clerk of a court shall, subject to subdivision  
14 (b), issue upon the request of a judgment creditor a certified copy  
15 of any judgment or a certified copy of the register of actions ~~(or a~~  
16 ~~comparable court record of another jurisdiction)~~ in an action  
17 resulting in a judgment for damages, and a certificate of facts  
18 relative to the judgment on a form provided by the department.

19 (b) The judgment creditor may pay the required fees and  
20 request the documents specified in subdivision (a) upon the  
21 expiration of 30 days after the judgment has become final, if the  
22 judgment has not been stayed or satisfied within the amounts  
23 specified in this chapter as shown by the records of the court. The  
24 court shall determine the required fees, which shall be  
25 commensurate with the cost incurred by the court in carrying out  
26 this section.

27 SEC. 12. *Section 16376 of the Vehicle Code is amended to*  
28 *read:*

29 16376. (a) If the person against whom judgment is rendered  
30 is a nonresident and the person fails within the prescribed time to  
31 satisfy the judgment in full or to the extent specified in this chapter,  
32 all privileges of operating a motor vehicle in this state given to the  
33 person under this code shall be suspended while the judgment  
34 remains in effect and unsatisfied and until the nonresident gives  
35 proof of his or her financial responsibility in the manner and to the  
36 extent provided in Chapter 3 (commencing with Section 16430)  
37 for accidents occurring after the date of the giving of proof.

38 (b) The department shall forward a certified copy of the  
39 judgment of a court of record ~~or a certified copy of the docket of~~



1 ~~a court not of record~~ to the appropriate officer in charge of the  
2 licensing of drivers in the state of which the person is a resident.

3 *SEC. 13.* Section 16379 of the Vehicle Code is amended to  
4 read:

5 16379. (a) The department shall not suspend a license and  
6 shall restore any suspended license following nonpayment of a  
7 final judgment when the judgment debtor gives proof of financial  
8 responsibility for future damages and when the trial court in which  
9 the judgment was rendered orders the payment of the judgment in  
10 installments and while the payment of any installment payment is  
11 not in default.

12 (b) Whenever the trial court orders the payment of a judgment  
13 in installments as provided in this section, upon payment of the  
14 required fees by the judgment creditor, it shall forward a certified  
15 copy of the order to the department, together with a certified copy  
16 of the judgment or a certified copy of the register of actions ~~(or a~~  
17 ~~comparable court record of another jurisdiction)~~ in an action  
18 resulting in a judgment for damages and a certificate of facts  
19 relative to the judgment on a form provided by the department.

20 (c) The court shall determine the required fees, which shall be  
21 commensurate with the cost incurred by the court in carrying out  
22 the provisions of this section.

