

Introduced by Senator Speier

February 21, 2003

An act to add Section 1798.855 to the Civil Code, and to amend Sections 408 and 408.1 of, and to add Section 408.15 to, the Revenue and Taxation Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 663, as introduced, Speier. Personal information: public records.

Existing law prohibits specified entities from publicly posting or displaying, as defined, the social security number of any person.

This bill would prohibit a title company from posting or displaying the social security number of any person on any public record. The bill would impose specified penalties for a violation of this provision.

Existing law provides that county assessors may disclose personal information in assessor's records, as specified.

This bill would prohibit an assessor from posting or displaying the name of any natural person on any public record. The bill would instead require the classification of these records by parcel number and address.

By imposing additional duties on county assessors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 1798.855 is added to the Civil Code,
2 immediately following Section 1798.85, to read:

3 1798.855. (a) A title company may not post or display the
4 social security number of any person on any public record.

5 (b) The penalty provisions imposed in Section 790.035 of the
6 Insurance Code shall apply to a violation of this section.

7 SEC. 2. Section 408 of the Revenue and Taxation Code is
8 amended to read:

9 408. (a) Except as otherwise provided in subdivisions (b),
10 (c), (d), and (e) any information and records in the assessor’s office
11 that are not required by law to be kept or prepared by the assessor,
12 and homeowners’ exemption claims, are not public documents and
13 shall may not be open to public inspection. Property receiving the
14 homeowners’ exemption shall be clearly identified on the
15 assessment roll. The assessor shall maintain records which shall be
16 open to public inspection to identify those claimants who have
17 been granted the homeowners’ exemption.

18 (b) The assessor may provide any appraisal data in his or her
19 possession to the assessor of any county.

20 The assessor shall disclose information, furnish abstracts, or
21 permit access to all records in his or her office to law enforcement
22 agencies, the county grand jury, the board of supervisors or their
23 duly authorized agents, employees or representatives when
24 conducting an investigation of the assessor’s office pursuant to
25 Section 25303 of the Government Code, the Controller,
26 employees of the Controller for property tax postponement
27 purposes, probate referees, employees of the Franchise Tax Board
28 for tax administration purposes only, staff appraisers of the
29 Department of Financial Institutions, the Department of
30 Transportation, the Department of General Services, the State
31 Board of Equalization, the State Lands Commission, the State



1 Department of Social Services, The Department of Child Support
2 Services, the Department of Water Resources, and other duly
3 authorized legislative or administrative bodies of the state
4 pursuant to their authorization to examine the records. ~~Whenever~~
5 *If* the assessor discloses information, furnishes abstracts, or
6 permits access to records in his or her office to staff appraisers of
7 the Department of Financial Institutions, the Department of
8 Transportation, the Department of General Services, the State
9 Lands Commission, or the Department of Water Resources
10 pursuant to this section, the department shall reimburse the
11 assessor for any costs incurred as a result thereof.

12 (c) Upon the request of the tax collector, the assessor shall
13 disclose and provide to the tax collector information used in the
14 preparation of that portion of the unsecured roll for which the taxes
15 thereon are delinquent. The tax collector shall certify to the
16 assessor that he or she needs the information requested for the
17 enforcement of the tax lien in collecting those delinquent taxes.
18 Information requested by the tax collector may include social
19 security numbers, and the assessor shall recover from the tax
20 collector his or her actual and reasonable costs for providing the
21 information. The tax collector shall add the costs described in the
22 preceding sentence to the assessee's delinquent tax lien and collect
23 those costs subject to subdivision (e) of Section 2922.

24 (d) The assessor shall, upon the request of an assessee or his or
25 her designated representative, permit the assessee or
26 representative to inspect or copy any market data in the assessor's
27 possession. For purposes of this subdivision, "market data"
28 means any information in the assessor's possession, whether or not
29 required to be prepared or kept by him or her, relating to the sale
30 of any property comparable to the property of the assessee, if the
31 assessor bases his or her assessment of the assessee's property, in
32 whole or in part, on that comparable sale or sales. The assessor
33 shall provide the names of the seller and buyer of each property on
34 which the comparison is based, *except the name of any natural*
35 *person, the parcel number,* the location of that property, the date
36 of the sale, and the consideration paid for the property, whether
37 paid in money or otherwise. However, for purposes of providing
38 market data, the assessor ~~shall~~ *may* not display any document
39 relating to the business affairs or property of another.



1 (e) (1) With respect to information, documents, and records,
2 other than market data as defined in subdivision (d), the assessor
3 shall, upon request of an assessee of property, or his or her
4 designated representative, permit the assessee or representative to
5 inspect or copy all information, documents, and records, including
6 auditors' narrations and workpapers, whether or not required to be
7 kept or prepared by the assessor, relating to the appraisal and the
8 assessment of the assessee's property, and any penalties and
9 interest thereon.

10 (2) After enrolling an assessment, the assessor shall respond to
11 a written request for information supporting the assessment,
12 including, but not limited to, any appraisal and other data
13 requested by the assessee.

14 (3) Except as provided in Section 408.1, an assessee, or his or
15 her designated representative, ~~shall~~ *may* not be permitted to
16 inspect or copy information and records that also relate to the
17 property or business affairs of another, unless that disclosure is
18 ordered by a competent court in a proceeding initiated by a
19 taxpayer seeking to challenge the legality of the assessment of his
20 or her property.

21 (f) (1) Permission for the inspection or copying requested
22 pursuant to subdivision (d) or (e) shall be granted as soon as
23 reasonably possible to the assessee or his or her designated
24 representative.

25 (2) If the assessee, or his or her designated representative,
26 requests the assessor to make copies of any of the requested
27 records, the assessee shall reimburse the assessor for the
28 reasonable costs incurred in reproducing and providing the copies.

29 (3) If the assessor fails to permit the inspection or copying of
30 materials or information as requested pursuant to subdivision (d)
31 or (e) and the assessor introduces any requested materials or
32 information at any assessment appeals board hearing, the assessee
33 or his or her representative may request and shall be granted a
34 continuance for a reasonable period of time. The continuance shall
35 extend the two-year period specified in subdivision (c) of Section
36 1604 for a period of time equal to the period of continuance.

37 SEC. 3. Section 408.1 of the Revenue and Taxation Code is
38 amended to read:

39 408.1. (a) The assessor shall maintain a list of transfers of any
40 interest in property, other than undivided interests, within the



1 county, which have occurred within the preceding two-year
2 period.

3 (b) The list shall be divided into geographical areas and shall
4 be revised on the 30th day of each calendar quarter to include all
5 ~~such of those~~ transactions ~~which that~~ are recorded as of the
6 preceding quarter.

7 (c) The list shall contain *all of* the following information:

8 (1) Transferor and transferee, if available~~;~~, *except the name of*
9 *any natural person.*

10 (2) Assessor's parcel number~~;~~.

11 (3) Address of the sales property~~;~~.

12 (4) Date of transfer~~;~~.

13 (5) Date of recording and recording reference number~~;~~.

14 (6) ~~Where~~ *If* it is known by the assessor, the consideration paid
15 for ~~such the~~ property~~;~~ ~~and~~.

16 (7) Additional information ~~which that~~ the assessor in his *or her*
17 discretion may wish to add to carry out the purpose and intent of
18 this section. Other than sales information, the assessor ~~shall may~~
19 not include information on the list ~~which that~~ relates to the
20 business or business affairs of the owner of the property,
21 information concerning the business carried on upon the subject
22 property, or the income or income stream generated by the
23 property.

24 (d) The list shall be open to inspection by any person. The
25 assessor may require the payment of a nonrefundable fee equal to
26 an amount ~~which that~~ would reimburse local agencies for their
27 actual administrative costs incurred in ~~such those~~ inspections or
28 ten dollars (\$10), whichever is the lesser amount.

29 (e) The provisions of this section ~~shall do~~ not apply to any
30 county with a population of under 50,000 people, as determined
31 by the 1970 federal decennial census.

32 (f) Pursuant to Section 481, the assessor shall not include
33 information on the list which was furnished in the change in
34 ownership statement by the transferee and is not otherwise public
35 information.

36 SEC. 4. Section 408.15 is added to the Revenue and Taxation
37 Code, immediately following Section 408.1, to read:

38 408.15. Notwithstanding Section 408 or 408.1, the assessor
39 may not post or display the name of any natural person on any



1 public record. The assessor shall instead classify those records by
2 parcel number and address.
3 SEC. 5. Notwithstanding Section 17610 of the Government
4 Code, if the Commission on State Mandates determines that this
5 act contains costs mandated by the state, reimbursement to local
6 agencies and school districts for those costs shall be made pursuant
7 to Part 7 (commencing with Section 17500) of Division 4 of Title
8 2 of the Government Code. If the statewide cost of the claim for
9 reimbursement does not exceed one million dollars (\$1,000,000),
10 reimbursement shall be made from the State Mandates Claims
11 Fund.

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