

AMENDED IN SENATE JANUARY 19, 2006

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 12, 2005

AMENDED IN SENATE MARCH 31, 2005

SENATE BILL

No. 504

Introduced by Senator Torlakson

February 18, 2005

An act to ~~amend Section 10029 of the Business and Professions Code, and~~ to amend Section 2985 of the Civil Code, relating to real property sales contracts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 504, as amended, Torlakson. Real property sales contracts.

Existing law defines "real property sales contract" for purposes of provisions regulating, among other things, the transfer of real property sales contracts and the encumbering of real property sold under unrecorded real property sales contracts, and provisions specifying the required contents of real property sales contracts. The violation of these provisions is a crime.

This bill would provide, for purposes of these provisions, that a real property sales contract does not include a contract for purchase of an attached residential condominium unit entered into pursuant to a conditional public report issued by the Department of Real Estate, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 10029 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~10029. “Real property sales contract,” as used in this part, has~~
4 ~~the same meaning as that set forth in subdivision (a) of Section~~
5 ~~2985 of the Civil Code.~~

6 ~~SEC. 2.~~

7 ~~SECTION 1.~~ Section 2985 of the Civil Code is amended to
8 read:

9 2985. (a) A real property sales contract is an agreement in
10 which one party agrees to convey title to real property to another
11 party upon the satisfaction of specified conditions set forth in the
12 contract and that does not require conveyance of title within one
13 year from the date of formation of the contract.

14 (b) For purposes of this chapter only, a real property sales
15 contract does not include a contract for purchase of an attached
16 residential condominium unit entered into pursuant to a
17 conditional public report issued by the Department of Real Estate
18 pursuant to Section 11018.12 of the Business and Professions
19 Code.

20 ~~SEC. 3.~~

21 ~~SEC. 2.~~ This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety
23 within the meaning of Article IV of the Constitution and shall go
24 into immediate effect. The facts constituting the necessity are:

25 To avoid subjecting developers to criminal liability for
26 unknowingly violating Chapter 2c (commencing with Section
27 ~~2985) of 2985) of Title 14 of Part 4 of Division 3 of the Civil~~
28 Code.