

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 349

Introduced by Assembly Member Salas

February 14, 2007

An act to amend Section 27293 of the Government Code, relating to recorded instruments.

LEGISLATIVE COUNSEL'S DIGEST

AB 349, as amended, Salas. Recorded instruments: translation certificates.

Existing law prohibits the county recorder from accepting for record an instrument executed or certified in whole or in part in any language other than English without the translation certification of the county clerk. Existing law requires the county clerk to verify that the translation in English of the instrument is a true translation, and to certify that fact under seal of the county. The clerk may charge a fee of \$1.50 for these services.

This bill, instead, would provide that a translation in English of an instrument executed or certified in whole or in part in any language other than English may be presented to the county clerk, and upon certification by a certified, registered, or ~~qualified~~ *accredited* translator that the translation is accurate and complete, would require the clerk to certify that fact under seal of the county. The bill would authorize the clerk to charge a fee of \$10 for certification of each document, or a greater amount as reasonably necessary to recover the cost of providing

that service. By imposing new duties on county clerks, 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.

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 27293 of the Government Code is
 2 amended to read:
 3 27293. (a) Except as otherwise provided in subdivision (b), if
 4 an instrument intended for record is executed or certified in whole
 5 or in part in any language other than English, the recorder shall
 6 not accept the instrument for record. A translation in English of
 7 an instrument executed or certified in whole or in part in any
 8 language other than English may be presented to the county clerk,
 9 and upon certification by a certified, ~~registered, or qualified~~
 10 ~~translator~~ *or registered translator, or a translator accredited by*
 11 *the American Translators Association*, that the translation is
 12 accurate and complete, the clerk shall duly make certification of
 13 the fact under seal of the county, attach the certification to the
 14 translation, and attach the certified translation to the original
 15 instrument. For this certification, a fee of ten dollars (\$10), or a
 16 greater amount as reasonably necessary to recover the cost of
 17 providing those services, shall be paid to the county clerk for each
 18 document submitted for certification. The attached original
 19 instrument and certified translation may be presented to the
 20 recorder, and upon payment of the usual fees, the recorder shall
 21 accept and permanently file the instrument and record the certified
 22 translation. The recording of the certified translation gives notice
 23 and is of the same effect as the recording of an original instrument.
 24 Certified copies of the recorded translation may be recorded in
 25 other counties, with the same effect as the recording of the original
 26 translation; provided, however, that in those counties where

1 photostatic or photographic method of recording is employed, the
2 whole instrument, including the foreign language and the
3 translation may be recorded, and the original instrument returned
4 to the party leaving it for record or upon his or her order.

5 (b) The provisions of subdivision (a) do not apply to any
6 instrument offered for record that contains provisions in English
7 and a translation of the English provisions in any language other
8 than English, provided that the English provisions and the
9 translation thereof are specifically set forth in state or federal law.

10 (c) The county clerk is not required to issue a translation
11 certificate if he or she is unable to confirm the certification,
12 registration, or ~~qualifications~~ *accreditation* of the translator, as
13 required in subdivision (a).

14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.