

Assembly Bill No. 1678

CHAPTER 68

An act to amend Section 1092 of the Government Code, relating to conflicts of interest.

[Approved by Governor July 12, 2007. Filed with
Secretary of State July 12, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, De La Torre. Public officials: conflicts of interest.

Existing law provides that Members of the Legislature, and state, county, district, judicial district, and county officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. A contract made in violation of any of these provisions may be avoided at the instance of any party except the officer interested in the contract, and may not be avoided because of the interest of an officer therein unless the contract is made in the official capacity of the officer, or by a board or body of which the officer is a member.

This bill would provide that the applicable statute of limitations for commencing an action under the provisions governing the avoidance of contracts in violation of existing law is 4 years after the plaintiff has discovered, or in the exercise of reasonable care should have discovered, the violation.

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

SECTION 1. Section 1092 of the Government Code is amended to read:

1092. (a) Every contract made in violation of any of the provisions of Section 1090 may be avoided at the instance of any party except the officer interested therein. No such contract may be avoided because of the interest of an officer therein unless the contract is made in the official capacity of the officer, or by a board or body of which he or she is a member.

(b) An action under this section shall be commenced within four years after the plaintiff has discovered, or in the exercise of reasonable care should have discovered, a violation described in subdivision (a).

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