

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1718

Introduced by Assembly Member Monning

February 2, 2010

~~An act to amend Sections 470.5 and 6322.1 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70658, and 70670 of the Government Code, to amend Section 103470 of the Health and Safety Code, and to amend Section 7660 of the Probate Code, relating to~~ *An act to amend Section 470.5 of the Business and Professions Code, relating to courts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1718, as amended, Monning. Court fees.

Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees for the support of specified dispute resolution programs established by counties. Existing law provides that the total amount to be distributed for those programs may be no more than \$8 per filing fee.

~~This bill would increase the authorized amount of those distributions to no more than \$13 per filing fee~~ *instead limit the amount to be distributed to an unspecified amount.*

~~Existing law specifies various uniform fees for filing specified documents in connection with certain civil proceedings, including the fee for filing the first paper in a civil action or proceeding in the superior court. Existing law specifies the disposition of those proceeds, including;~~

but not limited to, to the county law library fund, for support of dispute resolution programs, and to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

~~This bill would increase each of those fees in the amount of \$5. The bill would make other conforming changes.~~

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

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

1 SECTION 1. Section 470.5 of the Business and Professions
2 Code is amended to read:

3 470.5. (a) On and after January 1, 2006, as described in Section
4 68085.1 of the Government Code, the Administrative Office of
5 the Courts shall make monthly distributions from superior court
6 filing fees for the support of dispute resolution programs under
7 this chapter in each county that has acted to establish a program.
8 The amount distributed in each county shall be equal to the
9 following:

10 (1) From each first paper filing fee collected by the court as
11 provided under Section 70611 or 70612, subdivision (a) of Section
12 70613, subdivision (a) of Section 70614, or Section 70670 of the
13 Government Code, and each first paper or petition filing fee
14 collected by the court in a probate matter as provided under Section
15 70650, 70651, 70652, 70653, or 70655 of the Government Code,
16 the same amount as was required to be collected for the support
17 of dispute resolution programs in that county as of December 31,
18 2005, when a fee was collected for the filing of a first paper in a
19 civil action under Section 26820.4 of the Government Code.

20 (2) From each first paper filing fee in a limited civil case
21 collected by the court as provided under subdivision (b) of Section
22 70613 or subdivision (b) of Section 70614 of the Government
23 Code, and each first paper or petition filing fee collected by the
24 court in a probate matter as provided under Section 70654, 70656,
25 or 70658 of the Government Code, the same amount as was
26 required to be collected for the support of dispute resolution
27 programs in that county as of December 31, 2005, when a fee was
28 collected for the filing of a first paper in a civil action under Section
29 72055 of the Government Code where the amount demanded,

1 excluding attorney's fees and costs, was ten thousand dollars
2 (\$10,000) or less.

3 (b) Distributions under this section shall be used only for the
4 support of dispute resolution programs authorized by this chapter.
5 The county shall deposit the amounts distributed under this section
6 in an account created and maintained for this purpose by the
7 county. Records of these distributions shall be available for
8 inspection by the public upon request.

9 (c) After January 1, 2006, a county that does not already have
10 a distribution from superior court filing fees under this section and
11 that establishes a dispute resolution program authorized by this
12 chapter may approve a distribution under this section. A county
13 that already has a distribution under this section may change the
14 amount of the distribution. The total amount to be distributed for
15 the support of dispute resolution programs under this section may
16 not exceed ~~thirteen~~ _____ dollars ~~(\$13)~~ (\$_____) per filing fee.

17 (d) The county may make changes under subdivision (c) to be
18 effective January 1 or July 1 of any year, on and after January 1,
19 2006. The county shall provide the Administrative Office of the
20 Courts with a copy of the action of the board of supervisors that
21 establishes the change at least 15 days before the date that the
22 change goes into effect.

23 ~~SEC. 2. Section 6322.1 of the Business and Professions Code~~
24 ~~is amended to read:~~

25 ~~6322.1. (a) Until the end of the moratorium described in~~
26 ~~Section 70601 of the Government Code, the board of supervisors~~
27 ~~of any county may increase, as provided in this section, the amount~~
28 ~~distributed to its county law library fund from the uniform filing~~
29 ~~fees listed in Section 6321 whenever it determines that the increase~~
30 ~~is necessary to defray the expenses of the law library.~~

31 ~~Any increase in the amount distributed to the law library fund~~
32 ~~in any county under this subdivision shall not be effective until~~
33 ~~January 1 of the next year after the adoption by the board of~~
34 ~~supervisors of the increase. The amount of the increase in any~~
35 ~~calendar year shall be no greater than three dollars (\$3) over the~~
36 ~~previous calendar year. A copy of the action of the board of~~
37 ~~supervisors that establishes the increase shall be provided to the~~
38 ~~Administrative Office of the Courts as soon as it becomes available~~
39 ~~but no later than December 15 of the year before the increased~~
40 ~~distribution goes into effect.~~

~~(b) Distribution changes after January 1, 2008, shall be determined by the process described in Section 70601 of the Government Code.~~

~~(c) (1) In an action or proceeding in which a claim for money damages falls within the monetary jurisdiction of the small claims court and is filed by an assignee who is prohibited from filing or maintaining a claim pursuant to Section 116.420 of the Code of Civil Procedure, the uniform filing fee shall be reduced by twenty-four dollars (\$24) to one hundred eighty-six dollars (\$186) if the complaint contains a declaration under penalty of perjury, executed by the party requesting the reduction in fees, that the case qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.~~

~~(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:~~

Jurisdiction	Amount
Alameda.....	\$12.00
Alpine.....	1.00
Amador.....	6.00
Butte.....	12.00
Calaveras.....	7.00
Colusa.....	12.00
Contra Costa.....	8.00
Del Norte.....	6.00
El Dorado.....	9.00
Fresno.....	9.00
Glenn.....	6.00
Humboldt.....	12.00
Imperial.....	12.00
Inyo.....	6.00
Kern.....	12.00
Kings.....	12.00
Lake.....	12.00
Lassen.....	12.00
Los Angeles.....	5.00
Madera.....	12.00
Marin.....	12.00

1	Mariposa.....	4.00
2	Mendocino.....	12.00
3	Merced.....	12.00
4	Modoc.....	6.00
5	Mono.....	6.00
6	Monterey.....	10.00
7	Napa.....	12.00
8	Nevada.....	7.00
9	Orange.....	8.00
10	Placer.....	7.00
11	Plumas.....	6.00
12	Riverside.....	12.00
13	Sacramento.....	8.50
14	San Benito.....	6.00
15	San Bernardino.....	12.00
16	San Diego.....	12.00
17	San Francisco.....	12.00
18	San Joaquin.....	10.00
19	San Luis Obispo.....	12.00
20	San Mateo.....	12.00
21	Santa Barbara.....	12.00
22	Santa Clara.....	8.00
23	Santa Cruz.....	12.00
24	Shasta.....	8.50
25	Sierra.....	9.00
26	Siskiyou.....	8.00
27	Solano.....	9.00
28	Sonoma.....	12.00
29	Stanislaus.....	6.50
30	Sutter.....	1.00
31	Tehama.....	9.00
32	Trinity.....	6.00
33	Tulare.....	12.00
34	Tuolumne.....	2.00
35	Ventura.....	12.00
36	Yolo.....	10.00
37	Yuba.....	7.00

38
39 The increases described in subdivision (a) do not apply to the
40 law library distributions in this subdivision.

1 ~~(3) Notwithstanding subdivision (d) of Section 68085.4 of the~~
2 ~~Government Code, when the uniform filing fee is reduced as~~
3 ~~provided in this subdivision, the amounts distributed to dispute~~
4 ~~resolution programs, the State Court Facilities Construction Fund,~~
5 ~~the Judges’ Retirement Fund, children’s waiting rooms, and the~~
6 ~~Equal Access Fund shall remain as provided under subdivisions~~
7 ~~(b) and (c) of Section 68085.4 of the Government Code and shall~~
8 ~~not be changed. Only the amounts distributed to the Trial Court~~
9 ~~Trust Fund, the law libraries, and the Immediate and Critical Needs~~
10 ~~Account of the State Court Facilities Construction Fund shall be~~
11 ~~adjusted. The amount distributed from each uniform filing fee~~
12 ~~under this section to the Immediate and Critical Needs Account~~
13 ~~of the State Court Facilities Construction Fund, established in~~
14 ~~Section 70371.5, shall be eleven dollars (\$11). If the fee is further~~
15 ~~reduced below one hundred eighty-six dollars (\$186), as with a~~
16 ~~partial waiver or partial payment, the proportional reductions~~
17 ~~described in subdivision (g) of Section 68085.1 of the Government~~
18 ~~Code shall apply.~~

19 ~~(d) Distributions under this section to the law library fund in~~
20 ~~each county shall be used only for the purposes authorized by this~~
21 ~~chapter.~~

22 ~~(e) As used in this section and Section 6321, “law library fund”~~
23 ~~includes a law library account described in the second paragraph~~
24 ~~of Section 6320.~~

25 ~~SEC. 3.— Section 68085.3 of the Government Code is amended~~
26 ~~to read:~~

27 ~~68085.3.— (a) Fees collected under Sections 70611, 70612,~~
28 ~~70650, 70651, 70652, 70653, 70655, 70658, and 70670 shall be~~
29 ~~deposited in a bank account established by the Administrative~~
30 ~~Office of the Courts for deposit of fees collected by the courts.~~

31 ~~(b) For each three-hundred-sixty-dollar (\$360) fee listed in~~
32 ~~subdivision (a), the Administrative Office of the Courts shall~~
33 ~~distribute specified amounts in each county as follows:~~

34 ~~(1) To the county law library fund, the amount described in~~
35 ~~Sections 6321 and 6322.1 of the Business and Professions Code.~~

36 ~~(2) To the account to support dispute resolution programs, the~~
37 ~~amount described in Section 470.5 of the Business and Professions~~
38 ~~Code.~~

39 ~~(c) The remainder of the fees in subdivision (a) shall be~~
40 ~~transmitted monthly to the Treasurer for deposit. For each~~

1 ~~three-hundred-sixty-dollar (\$360) fee listed in subdivision (a), the~~
2 ~~Controller shall make deposits as follows:~~

3 ~~(1) To the State Court Facilities Construction Fund, as provided~~
4 ~~in Article 6 (commencing with Section 70371) of Chapter 5.7,~~
5 ~~thirty-five dollars (\$35).~~

6 ~~(2) To the Immediate and Critical Needs Account of the State~~
7 ~~Court Facilities Construction Fund, established in Section 70371.5,~~
8 ~~thirty dollars (\$30), unless the fee is collected under Section 70658,~~
9 ~~in which case the amount distributed to that fund shall be one~~
10 ~~hundred seventy dollars (\$170).~~

11 ~~(3) To the Judges' Retirement Fund, as established in Section~~
12 ~~75100, two dollars and fifty cents (\$2.50).~~

13 ~~(4) To the Trial Court Trust Fund for use as part of the Equal~~
14 ~~Access Fund program administered by the Judicial Council, four~~
15 ~~dollars and eighty cents (\$4.80).~~

16 ~~(5) To the Trial Court Trust Fund, as provided in Section~~
17 ~~68085.1, the remainder of the fee.~~

18 ~~(d) If any of the fees listed in subdivision (a) are reduced or~~
19 ~~partially waived, the amount of the reduction or partial waiver~~
20 ~~shall be deducted from the amount to be distributed to each fund~~
21 ~~or account in the same proportion as the amount of each~~
22 ~~distribution bears to the total amount of the fee.~~

23 ~~(e) As used in this section, "law library fund" includes a law~~
24 ~~library account described in Section 6320 of the Business and~~
25 ~~Professions Code.~~

26 ~~SEC. 4. Section 68085.4 of the Government Code is amended~~
27 ~~to read:~~

28 ~~68085.4. (a) Fees collected under Sections 70613, 70614,~~
29 ~~70621, 70654, and 70656 of this code, Section 103470 of the~~
30 ~~Health and Safety Code, and Section 7660 of the Probate Code~~
31 ~~shall be deposited in a bank account established by the~~
32 ~~Administrative Office of the Courts for deposit of fees collected~~
33 ~~by the courts.~~

34 ~~(b) For each three-hundred-thirty-five-dollar (\$335) fee and~~
35 ~~each two-hundred-ten-dollar (\$210) fee listed in subdivision (a),~~
36 ~~the Administrative Office of the Courts shall distribute specified~~
37 ~~amounts in each county as follows:~~

38 ~~(1) To the county law library fund, the amount described in~~
39 ~~Sections 6321 and 6322.1 of the Business and Professions Code.~~

1 ~~(2) To the account to support dispute resolution programs, the~~
2 ~~amount described in Section 470.5 of the Business and Professions~~
3 ~~Code.~~

4 ~~(e) The remainder of the fees in subdivision (a) shall be~~
5 ~~transmitted monthly to the Treasurer for deposit. For each~~
6 ~~three-hundred-thirty-five-dollar (\$335) fee and each~~
7 ~~two-hundred-ten-dollar (\$210) fee listed in subdivision (a), the~~
8 ~~Controller shall make deposits as follows:~~

9 ~~(1) To the State Court Facilities Construction Fund, as provided~~
10 ~~in Article 6 (commencing with Section 70371) of Chapter 5.7,~~
11 ~~twenty-five dollars (\$25) if the fee is three hundred thirty-five~~
12 ~~dollars (\$335), and twenty dollars (\$20) if the fee is two hundred~~
13 ~~ten dollars (\$210).~~

14 ~~(2) To the Immediate and Critical Needs Account of the State~~
15 ~~Court Facilities Construction Fund, established in Section 70371.5,~~
16 ~~twenty-five dollars (\$25) if the fee is three hundred thirty-five~~
17 ~~dollars (\$335), and twenty dollars (\$20) if the fee is two hundred~~
18 ~~ten dollars (\$210), except as otherwise provided in Section 6322.1~~
19 ~~of the Business and Professions Code.~~

20 ~~(3) To the Judges’ Retirement Fund, as established in Section~~
21 ~~75100, two dollars and fifty cents (\$2.50).~~

22 ~~(4) To the Trial Court Trust Fund for use as part of the Equal~~
23 ~~Access Fund program administered by the Judicial Council, four~~
24 ~~dollars and eighty cents (\$4.80).~~

25 ~~(5) To the Trial Court Trust Fund, as provided in Section~~
26 ~~68085.1, the remainder of the fee.~~

27 ~~(d) If any of the fees listed in subdivision (a) are reduced or~~
28 ~~partially waived, the amount of the reduction or partial waiver~~
29 ~~shall be deducted from the amount to be distributed to each fund~~
30 ~~or account in the same proportion as the amount of each~~
31 ~~distribution bears to the total amount of the fee.~~

32 ~~(e) As used in this section, “law library fund” includes a law~~
33 ~~library account described in Section 6320 of the Business and~~
34 ~~Professions Code.~~

35 ~~SEC. 5. Section 68086.1 of the Government Code is amended~~
36 ~~to read:~~

37 ~~68086.1. (a) For each three-hundred-sixty-dollar (\$360) fee~~
38 ~~collected under Section 70611, 70612, or 70670, thirty dollars~~
39 ~~(\$30) of the amount distributed to the Trial Court Trust Fund shall~~

1 ~~be used for services of an official court reporter in civil~~
2 ~~proceedings.~~

3 ~~(b) For each three-hundred-thirty-five-dollar (\$335) fee collected~~
4 ~~under subdivision (a) of Section 70613 or subdivision (a) of Section~~
5 ~~70614, thirty dollars (\$30) of the amount distributed to the Trial~~
6 ~~Court Trust Fund shall be used for services of an official court~~
7 ~~reporter in civil proceedings.~~

8 ~~(e) It is the intent of the Legislature, in approving the~~
9 ~~thirty-dollar (\$30) distribution out of each filing fee listed in~~
10 ~~subdivisions (a) and (b), to continue an incentive to courts to use~~
11 ~~the services of an official court reporter in civil proceedings.~~
12 ~~However, nothing in this section shall affect the Judicial Council's~~
13 ~~authority to allocate these revenues to replace reductions in the~~
14 ~~General Fund appropriation to the Trial Court Trust Fund.~~

15 ~~(d) The portion of the distribution to the Trial Court Trust Fund~~
16 ~~to be used for services of an official court reporter in civil~~
17 ~~proceedings pursuant to subdivisions (a) and (b) shall be used only~~
18 ~~in trial courts that utilize the services of an official court reporter~~
19 ~~in civil proceedings.~~

20 ~~SEC. 6. Section 70611 of the Government Code is amended~~
21 ~~to read:~~

22 ~~70611. The uniform fee for filing the first paper in a civil action~~
23 ~~or proceeding in the superior court, other than in a limited civil~~
24 ~~case, an adoption proceeding, a proceeding under the Probate Code,~~
25 ~~or a proceeding under the Family Code, is three hundred sixty~~
26 ~~dollars (\$360). The fee shall be distributed as provided in Section~~
27 ~~68085.3.~~

28 ~~This section applies to the initial complaint, petition, or~~
29 ~~application, and the papers transmitted from another court on the~~
30 ~~transfer of a civil action or proceeding, but does not include~~
31 ~~documents filed pursuant to Section 491.150, 704.750, or 708.160~~
32 ~~of the Code of Civil Procedure.~~

33 ~~SEC. 7. Section 70612 of the Government Code is amended~~
34 ~~to read:~~

35 ~~70612. (a) The uniform fee for filing the first paper in the~~
36 ~~action or proceeding described in Section 70611 on behalf of any~~
37 ~~defendant, intervenor, respondent, or adverse party, whether~~
38 ~~separately or jointly, except for the purpose of making disclaimer,~~
39 ~~is three hundred sixty dollars (\$360). The fee shall be distributed~~
40 ~~as provided in Section 68085.3.~~

1 (b) ~~As used in this section, the term “paper” does not include a~~
2 ~~stipulation for the appointment of a temporary judge or of a court~~
3 ~~investigator, or the report made by the court investigator.~~

4 SEC. 8. ~~Section 70613 of the Government Code is amended~~
5 ~~to read:~~

6 70613. (a) ~~The uniform fee for filing the first paper in a limited~~
7 ~~civil case is three hundred thirty-five dollars (\$335), except as~~
8 ~~provided in subdivision (b).~~

9 (b) ~~In a case where the amount demanded, excluding attorney’s~~
10 ~~fees and costs, is ten thousand dollars (\$10,000) or less, the uniform~~
11 ~~fee for filing the first paper is two hundred ten dollars (\$210). The~~
12 ~~first page of the first paper shall state whether the amount~~
13 ~~demanded exceeds or does not exceed ten thousand dollars~~
14 ~~(\$10,000).~~

15 (c) ~~This section applies to the initial complaint, petition, or~~
16 ~~application, and any papers transmitted from another court on the~~
17 ~~transfer of a civil action or proceeding, but does not include~~
18 ~~documents filed pursuant to Section 491.150, 704.750, or 708.160~~
19 ~~of the Code of Civil Procedure.~~

20 (d) ~~The fee for a paper filed under this section shall be~~
21 ~~distributed as provided in Section 68085.4.~~

22 (e) ~~The fee shall be waived in any action for damages against~~
23 ~~a defendant, based upon the defendant’s commission of a felony~~
24 ~~offense, upon presentation to the clerk of the court of a certified~~
25 ~~copy of the abstract of judgment of conviction of the defendant of~~
26 ~~the felony giving rise to the claim for damages. If the plaintiff~~
27 ~~would have been entitled to recover those fees from the defendant~~
28 ~~had they been paid, the court may assess the amount of the waived~~
29 ~~fees against the defendant and order the defendant to pay that sum~~
30 ~~to the court.~~

31 SEC. 9. ~~Section 70614 of the Government Code is amended~~
32 ~~to read:~~

33 70614. (a) ~~The uniform fee for filing the first paper in a limited~~
34 ~~civil case on behalf of any party other than a plaintiff is three~~
35 ~~hundred thirty-five dollars (\$335), except as provided in~~
36 ~~subdivision (b).~~

37 (b) ~~In a case where the amount demanded, excluding attorney’s~~
38 ~~fees and costs, is ten thousand dollars (\$10,000) or less, the uniform~~
39 ~~fee for filing the first paper is two hundred ten dollars (\$210).~~

1 ~~(e) The fees in this section do not apply to papers filed for the~~
2 ~~purpose of making disclaimer.~~

3 ~~(d) The fee for a paper filed under this section shall be~~
4 ~~distributed as provided in Section 68085.4.~~

5 ~~SEC. 10. Section 70621 of the Government Code is amended~~
6 ~~to read:~~

7 ~~70621. (a) (1) The fee for filing a notice of appeal to the~~
8 ~~appellate division of the superior court in a limited civil case is~~
9 ~~three hundred thirty-five dollars (\$335), except as provided in~~
10 ~~subdivision (b).~~

11 ~~(2) The fee for filing a petition for a writ within the original~~
12 ~~jurisdiction of the appellate division of the superior court is three~~
13 ~~hundred thirty-five dollars (\$335), except as provided in~~
14 ~~subdivision (b).~~

15 ~~(b) If the amount demanded in the limited civil case, excluding~~
16 ~~attorney's fees and costs, is ten thousand dollars (\$10,000) or less,~~
17 ~~the fee for filing a petition for a writ or a notice of appeal to the~~
18 ~~appellate division of the superior court is two hundred ten dollars~~
19 ~~(\$210).~~

20 ~~(e) The fees provided for in this section shall be distributed as~~
21 ~~provided in Section 68085.4.~~

22 ~~(d) The Judicial Council may make rules governing the time~~
23 ~~and method of payment of the fees in this section and providing~~
24 ~~for excuse.~~

25 ~~SEC. 11. Section 70650 of the Government Code is amended~~
26 ~~to read:~~

27 ~~70650. (a) The uniform filing fee for the first petition for letters~~
28 ~~of administration or letters testamentary, or the first petition for~~
29 ~~special letters of administration with the powers of a general~~
30 ~~personal representative pursuant to Section 8545 of the Probate~~
31 ~~Code, is three hundred sixty dollars (\$360).~~

32 ~~(b) The uniform filing fee for the first objections to the probate~~
33 ~~of any will or codicil under Section 8250 of the Probate Code, or~~
34 ~~the first petition for revocation of probate of any will or codicil~~
35 ~~under Section 8270 of the Probate Code, is three hundred sixty~~
36 ~~dollars (\$360). The uniform filing fee for the first petition for~~
37 ~~special letters of administration without the powers of a general~~
38 ~~personal representative is the fee provided in Section 70657.5.~~
39 ~~Where objections to the probate of a will or codicil or a petition~~
40 ~~for revocation of probate of a will or codicil are filed together with~~

1 a petition for appointment of a personal representative described
2 in subdivision (e) filed by the same person, only the fee provided
3 in subdivision (e) shall be charged to that person.

4 (e) A fee of three hundred sixty dollars (\$360) shall also be
5 charged for filing each subsequent petition or objections of a type
6 described in subdivision (a) in the same proceeding by a person
7 other than the original petitioner or contestant. The same fee as
8 provided in subdivision (b) shall be charged for filing each
9 subsequent petition or objections of a type described in that
10 subdivision in the same proceeding by a person other than the
11 original petitioner or contestant.

12 (d) Notwithstanding Section 70658.5, if a petition for special
13 letters of administration is filed together with a petition for letters
14 of administration or letters testamentary under subdivision (a) or
15 (e) by the same person, the person filing the petitions shall be
16 charged the applicable filing fees for both petitions.

17 (e) The uniform filing fee charged under this section shall be
18 distributed as provided in Section 68085.3.

19 SEC. 12. Section 70651 of the Government Code is amended
20 to read:

21 70651. (a) The uniform filing fee for objections or any other
22 paper in opposition to a petition described in subdivision (a) of
23 Section 70650, other than a petition described in subdivision (c)
24 of Section 70650, is three hundred sixty dollars (\$360). If
25 objections or any other paper in opposition are filed together with
26 a petition described in subdivision (c) of Section 70650 by the
27 same person, only the fee provided in subdivision (e) of Section
28 70650 shall be charged to that person.

29 (b) The uniform filing fee charged under this section shall be
30 distributed as provided in Section 68085.3.

31 SEC. 13. Section 70652 of the Government Code is amended
32 to read:

33 70652. (a) The uniform filing fee for each petition concerning
34 the internal affairs of a trust under Chapter 3 (commencing with
35 Section 17200) of Part 5 of Division 9 of the Probate Code, or a
36 first account of a trustee of a testamentary trust that is subject to
37 the continuing jurisdiction of the court pursuant to Chapter 4
38 (commencing with Section 17300) of Part 5 of Division 9 of the
39 Probate Code, is three hundred sixty dollars (\$360).

1 ~~(b) The uniform filing fee for each paper filed in opposition to~~
2 ~~a petition or first account of a trustee of a testamentary trust under~~
3 ~~subdivision (a) is three hundred sixty dollars (\$360).~~

4 ~~(c) To avoid hardship, or for other good cause, the court may~~
5 ~~direct the clerk of the court to refund all or any part of a filing fee~~
6 ~~paid under this section.~~

7 ~~(d) This section does not apply to petitions or opposition filed~~
8 ~~concerning trusts created by court order under Article 10~~
9 ~~(commencing with Section 2580) of Chapter 6 of Part 3 of Division~~
10 ~~4 of the Probate Code, Article 1 (commencing with Section 3100)~~
11 ~~of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article~~
12 ~~1 (commencing with Section 3600) of Chapter 4 of Part 8 of~~
13 ~~Division 4 of the Probate Code.~~

14 ~~(e) The uniform filing fee charged under this section shall be~~
15 ~~distributed as provided in Section 68085.3.~~

16 ~~SEC. 14. Section 70653 of the Government Code is amended~~
17 ~~to read:~~

18 ~~70653. (a) The uniform filing fee for a petition for appointment~~
19 ~~of a conservator, a guardian of the estate, or a guardian of the~~
20 ~~person and estate, pursuant to Division 4 (commencing with~~
21 ~~Section 1400) of the Probate Code, is three hundred sixty dollars~~
22 ~~(\$360).~~

23 ~~(b) Except as provided in subdivision (f), the uniform filing fee~~
24 ~~for objections or any other paper in opposition to a petition under~~
25 ~~subdivision (a) or (d) is three hundred sixty dollars (\$360).~~

26 ~~(c) If a competing petition for appointment of a guardian or~~
27 ~~conservator subject to the fee under subdivision (a) is filed together~~
28 ~~with opposition to the petition of another by the same person, the~~
29 ~~person filing the competing petition and opposition shall be charged~~
30 ~~a filing fee only for the competing petition.~~

31 ~~(d) Notwithstanding Section 70658.5, if a petition for~~
32 ~~appointment of a temporary guardian or conservator is filed~~
33 ~~together with a petition for appointment of a guardian or~~
34 ~~conservator under subdivision (a), or a competing petition under~~
35 ~~subdivision (c) by the same person, the person filing the petitions~~
36 ~~shall be charged the applicable filing fees for both petitions.~~

37 ~~(e) The uniform filing fee charged under this section shall be~~
38 ~~distributed as provided in Section 68085.3.~~

39 ~~(f) No fee under this section shall be charged for objections or~~
40 ~~any other paper in opposition filed by or on behalf of the proposed~~

1 conservatee, or the minor or a parent of the minor who is the
2 subject of a guardianship proceeding.

3 SEC. 15. Section 70654 of the Government Code is amended
4 to read:

5 70654. (a) The uniform filing fee for a petition for appointment
6 of a guardian of the person only, is two hundred ten dollars (\$210).

7 (b) Except as provided in subdivision (c), the uniform filing fee
8 for objections or any other paper in opposition to a petition under
9 subdivision (a) is two hundred ten dollars (\$210).

10 (c) If a competing petition for appointment of a guardian subject
11 to the fee under subdivision (a) is filed together with opposition
12 to the petition of another by the same person, the person filing the
13 competing petition and opposition shall be charged a filing fee
14 only for the competing petition.

15 (d) Notwithstanding Section 70658.5, if a petition for
16 appointment of a temporary guardian is filed together with a
17 petition for appointment of a guardian under subdivision (a), or a
18 competing petition under subdivision (c) by the same person, the
19 person filing the petitions shall be charged the applicable filing
20 fees for both petitions.

21 (e) No fee under this section shall be charged for objections or
22 any other paper in opposition filed by or on behalf of the minor or
23 a parent of the minor who is the subject of the proceeding.

24 (f) The uniform filing fee charged under this section shall be
25 distributed as provided in Section 68085.4.

26 (g) No other fees shall be charged for filing a paper under this
27 section in addition to the uniform filing fee provided for in this
28 section.

29 SEC. 16. Section 70655 of the Government Code is amended
30 to read:

31 70655. (a) The uniform filing fee for a petition that commences
32 any of the proceedings under the Probate Code listed in subdivision
33 (e) is three hundred sixty dollars (\$360).

34 (b) The uniform filing fee for objections or any other paper filed
35 in opposition to a petition under subdivision (a) is three hundred
36 sixty dollars (\$360).

37 (c) This section applies to petitions or opposition concerning
38 the following proceedings:

39 (1) A petition for compromise of a minor's claim pursuant to
40 Section 3600 of the Probate Code.

1 ~~(2) A petition to determine succession to real property pursuant~~
2 ~~to Section 13151 of the Probate Code.~~

3 ~~(3) A spousal or domestic partnership property petition pursuant~~
4 ~~to Section 13650 of the Probate Code, except as provided in Section~~
5 ~~13652 of the Probate Code.~~

6 ~~(4) A petition to establish the fact of death to determine title to~~
7 ~~real property under Section 200 of the Probate Code.~~

8 ~~(5) A petition for an order concerning a particular transaction~~
9 ~~pursuant to Section 3100 of the Probate Code.~~

10 ~~(6) A petition concerning capacity determination and health~~
11 ~~care decision for an adult without conservator pursuant to Section~~
12 ~~3200 of the Probate Code.~~

13 ~~(7) A petition concerning an advance health care directive~~
14 ~~pursuant to Section 4766 of the Probate Code.~~

15 ~~(8) A petition concerning a power of attorney pursuant to Section~~
16 ~~4541 of the Probate Code.~~

17 ~~(9) A petition for approval, compromise, or settlement of claims~~
18 ~~against a deceased settlor, or for allocation of amounts due between~~
19 ~~trusts, pursuant to Section 19020 of the Probate Code.~~

20 ~~(10) Any other petition that commences a proceeding under the~~
21 ~~Probate Code not otherwise provided for in this article.~~

22 ~~(d) The uniform filing fee charged under this section shall be~~
23 ~~distributed as provided in Section 68085.3.~~

24 ~~SEC. 17. Section 70656 of the Government Code is amended~~
25 ~~to read:~~

26 ~~70656. (a) The uniform filing fee for a petition requesting an~~
27 ~~order setting aside a decedent's estate of small value pursuant to~~
28 ~~Section 6602 of the Probate Code, if no estate proceeding is~~
29 ~~pending for the decedent, is two hundred ten dollars (\$210).~~

30 ~~(b) The uniform filing fee for objections or any other paper filed~~
31 ~~in opposition to a petition under subdivision (a) is two hundred~~
32 ~~ten dollars (\$210).~~

33 ~~(c) If a petition or objections or any other paper in opposition~~
34 ~~under this section is filed concurrently with a petition for~~
35 ~~appointment of a personal representative described in Section~~
36 ~~70650, the petitioner or objector shall be charged only for the filing~~
37 ~~fee provided in Section 70650.~~

38 ~~(d) The uniform filing fee charged under this section shall be~~
39 ~~distributed as provided in Section 68085.4.~~

1 ~~(e) Except as provided in subdivision (c), no other fee shall be~~
2 ~~charged for filing a paper under this section in addition to the~~
3 ~~uniform filing fee provided for in this section.~~

4 SEC. 18. Section 70658 of the Government Code is amended
5 to read:

6 ~~70658. (a) Except as provided in subdivision (c), the uniform~~
7 ~~fee for filing a petition or application, or objections or any other~~
8 ~~paper in opposition to a petition or application listed in this~~
9 ~~subdivision, filed after issuance of letters testamentary, letters of~~
10 ~~administration, letters of special administration to a personal~~
11 ~~representative of a decedent's estate, or letters of guardianship or~~
12 ~~conservatorship, or letters of temporary guardianship or~~
13 ~~conservatorship to a guardian or conservator, is three hundred sixty~~
14 ~~dollars (\$360). This section shall apply to the following petitions~~
15 ~~or applications, or opposition:~~

16 ~~(1) Petition or application for or opposition to an order directing,~~
17 ~~authorizing, approving, or confirming the sale, lease, encumbrance,~~
18 ~~grant of an option, purchase, conveyance, or exchange of property.~~

19 ~~(2) Petition or application for or opposition to an order settling~~
20 ~~an account of a fiduciary.~~

21 ~~(3) Petition or application for or opposition to an order~~
22 ~~authorizing, instructing, or directing a fiduciary, or approving or~~
23 ~~confirming the acts of a fiduciary.~~

24 ~~(4) Petition or application for or opposition to an order fixing,~~
25 ~~authorizing, allowing, or directing payment of compensation or~~
26 ~~expenses of an attorney.~~

27 ~~(5) Petition or application for or opposition to an order fixing,~~
28 ~~authorizing, allowing, or directing payment of compensation or~~
29 ~~expenses of a fiduciary.~~

30 ~~(6) Petition or application for or opposition to an order~~
31 ~~surcharging or removing a fiduciary.~~

32 ~~(7) Petition or application for or opposition to an order~~
33 ~~transferring or authorizing the transfer of the property of an estate~~
34 ~~to a fiduciary in another jurisdiction.~~

35 ~~(8) Petition or application for or opposition to an order allowing~~
36 ~~a fiduciary's request to resign.~~

37 ~~(9) Petition or application for or opposition to an order~~
38 ~~adjudicating the merits of a claim made under Part 19 (commencing~~
39 ~~with Section 850) of Division 2 of the Probate Code.~~

1 ~~(10) Petition or application for or opposition to an order granting~~
2 ~~permission to fix the residence of a ward or conservatee at a place~~
3 ~~not within this state.~~

4 ~~(11) Petition or application for or opposition to an order~~
5 ~~directing, authorizing, approving, or modifying payments for~~
6 ~~support, maintenance, or education of a ward or conservatee or~~
7 ~~for a person entitled to support, maintenance, or education from a~~
8 ~~ward or conservatee.~~

9 ~~(12) Petition or application for or opposition to an order granting~~
10 ~~or denying a request under Section 2423, concerning payment of~~
11 ~~surplus income to the relatives of a conservatee, or Section 2580,~~
12 ~~concerning substituted judgment, of the Probate Code.~~

13 ~~(13) Petition or application for or opposition to an order affecting~~
14 ~~the legal capacity of a conservatee pursuant to Chapter 4~~
15 ~~(commencing with Section 1870) of Part 3 of Division 4 of the~~
16 ~~Probate Code.~~

17 ~~(14) Petition or application for or opposition to an order~~
18 ~~adjudicating the merits of a claim under Article 5 (commencing~~
19 ~~with Section 2500) of Chapter 6 of Part 4 of Division 4 of the~~
20 ~~Probate Code.~~

21 ~~(b) The uniform fee in subdivision (a) shall be distributed as~~
22 ~~provided in Section 68085.3. No other fee shall be charged for~~
23 ~~filing a paper under this section in addition to the uniform filing~~
24 ~~fee provided for in this section.~~

25 ~~(e) The fee provided in this section shall not be charged for~~
26 ~~filing any of the following papers:~~

27 ~~(1) A petition or application, or opposition, in a guardianship~~
28 ~~proceeding under Section 70654.~~

29 ~~(2) A disclaimer of an interest in a decedent's estate.~~

30 ~~(d) One hundred seventy dollars (\$170) of each~~
31 ~~three-hundred-sixty-dollar (\$360) fee collected under this section~~
32 ~~shall be transmitted to the Controller for deposit into the Immediate~~
33 ~~and Critical Needs Account of the State Court Facilities~~
34 ~~Construction Fund, established in Section 70371.5.~~

35 ~~SEC. 19. Section 70670 of the Government Code is amended~~
36 ~~to read:~~

37 ~~70670. (a) The uniform fee for filing the first paper in a~~
38 ~~proceeding under the Family Code, other than a proceeding for~~
39 ~~dissolution of marriage or domestic partnership, legal separation,~~

1 or nullity, is three hundred sixty dollars (\$360). The fee shall be
2 distributed as provided in Section 68085.3.

3 (b) ~~The uniform fee for filing the first paper in a proceeding for
4 dissolution of marriage or domestic partnership, legal separation,
5 or nullity, is three hundred sixty dollars (\$360). The fee shall be
6 distributed as provided in Section 68085.3, except that two dollars
7 (\$2) of the funds that would otherwise be distributed to the Trial
8 Court Trust Fund shall be transmitted to the Treasurer for deposit
9 in the Health Statistics Special Fund.~~

10 (e) ~~The uniform fee for filing the first paper in a proceeding
11 under subdivision (a) on behalf of any respondent, defendant,
12 intervenor, or adverse party, whether separately or jointly, is three
13 hundred sixty dollars (\$360). The fee shall be distributed as
14 provided in Section 68085.3.~~

15 (d) ~~The uniform fee for filing the first paper in a proceeding
16 under subdivision (b) on behalf of any respondent, defendant,
17 intervenor, or adverse party, whether separately or jointly, is three
18 hundred sixty dollars (\$360). The fee shall be distributed as
19 provided in Section 68085.3.~~

20 (e) ~~The fees in this section do not apply to papers filed for the
21 purpose of making a disclaimer.~~

22 SEC. 20. ~~Section 103470 of the Health and Safety Code is
23 amended to read:~~

24 ~~103470. The fee for filing the petition is two hundred ten dollars
25 (\$210). This fee shall be distributed as provided in Section 68085.4
26 of the Government Code. The petition may be heard by any judge
27 hearing probate matters, or if a probate department has been
28 designated for hearing probate matters, the matter shall be assigned
29 to the probate department for hearing.~~

30 SEC. 21. ~~Section 7660 of the Probate Code is amended to read:~~

31 ~~7660. (a) If a public administrator takes possession or control
32 of an estate pursuant to this chapter, the public administrator may,
33 acting as personal representative of the estate, summarily dispose
34 of the estate in the manner provided in this article in either of the
35 following circumstances:~~

36 ~~(1) The total value of the property in the decedent's estate does
37 not exceed the amount prescribed in Section 13100. The authority
38 provided by this paragraph may be exercised only upon order of
39 the court. The order may be made upon ex parte application. The
40 fee to be allowed to the clerk for the filing of the application is~~

1 two hundred ten dollars (\$210). The authority for this summary
2 administration of the estate shall be evidenced by a court order for
3 summary disposition.

4 (2) ~~The total value of the property in the decedent's estate does~~
5 ~~not exceed thirty thousand dollars (\$30,000). The authority~~
6 ~~provided by this paragraph may be exercised without court~~
7 ~~authorization.~~

8 (A) ~~A public administrator who is authorized to summarily~~
9 ~~dispose of property of a decedent pursuant to this paragraph may~~
10 ~~issue a written certification of Authority for Summary~~
11 ~~Administration. The written certification is effective for 30 days~~
12 ~~after the date of issuance.~~

13 (B) ~~A financial institution, government or private agency,~~
14 ~~retirement fund administrator, insurance company, licensed~~
15 ~~securities dealer, or other person shall, without the necessity of~~
16 ~~inquiring into the truth of the written certification of Authority for~~
17 ~~Summary Administration and without court order or letters being~~
18 ~~issued do all of the following:~~

19 (i) ~~Provide the public administrator complete information~~
20 ~~concerning any property held in the name of the decedent,~~
21 ~~including the names and addresses of any beneficiaries or joint~~
22 ~~owners.~~

23 (ii) ~~Grant the public administrator access to a safe-deposit box~~
24 ~~or storage facility rented in the name of the decedent for the~~
25 ~~purpose of inspection and removal of property of the decedent.~~
26 ~~Costs and expenses incurred in accessing a safe-deposit box or~~
27 ~~storage facility shall be borne by the estate of the decedent.~~

28 (iii) ~~Surrender to the public administrator any property of the~~
29 ~~decedent that is held or controlled by the financial institution,~~
30 ~~agency, retirement fund administrator, insurance company, licensed~~
31 ~~securities dealer, or other person.~~

32 (C) ~~Receipt by a financial institution, government or private~~
33 ~~agency, retirement fund administrator, insurance company, licensed~~
34 ~~securities dealer, or other person of the written certification~~
35 ~~provided by this article shall do both of the following:~~

36 (i) ~~Constitute sufficient acquittance for providing information~~
37 ~~or granting access to a safe-deposit box or a storage facility and~~
38 ~~for surrendering any property of the decedent.~~

39 (ii) ~~Fully discharge the financial institution, government or~~
40 ~~private agency, retirement fund administrator, insurance company,~~

1 ~~licensed securities dealer, or other person from liability for any~~
2 ~~act or omission of the public administrator with respect to the~~
3 ~~property, a safe-deposit box, or a storage facility.~~
4 ~~(b) Summary disposition may be made notwithstanding the~~
5 ~~existence of the decedent's will, if the will does not name an~~
6 ~~executor or if the named executor refuses to act.~~
7 ~~(c) Nothing in this article precludes the public administrator~~
8 ~~from filing a petition with the court under any other provision of~~
9 ~~this code concerning the administration of the decedent's estate.~~
10 ~~(d) Petitions filed pursuant to this article shall contain the~~
11 ~~information required by Section 8002.~~
12 ~~(e) If a public administrator takes possession or control of an~~
13 ~~estate pursuant to this chapter, this article conveys the authority~~
14 ~~of a personal representative as described in Section 9650 to the~~
15 ~~public administrator to summarily dispose of the estates pursuant~~
16 ~~to the procedures described in paragraphs (1) and (2) of subdivision~~
17 ~~(a).~~
18 ~~(f) The fee charged under paragraph (1) of subdivision (a) shall~~
19 ~~be distributed as provided in Section 68085.4 of the Government~~
20 ~~Code. When an application is filed under that paragraph, no other~~
21 ~~fees shall be charged in addition to the uniform filing fee provided~~
22 ~~for in Section 68085.4 of the Government Code.~~