

AMENDED IN SENATE MARCH 31, 2009

AMENDED IN SENATE MARCH 9, 2009

SENATE BILL

No. 40

Introduced by Senator Correa

January 6, 2009

An act to ~~amend~~ *repeal and add* Section 1798.89 of the Civil Code, *and* to amend Section 4506 of the Family Code, ~~and to amend Sections 102200, 102230, 102360, and 102425 of the Health and Safety Code,~~ relating to social security numbers.

LEGISLATIVE COUNSEL'S DIGEST

SB 40, as amended, Correa. Personal information: social security numbers.

Existing law requires any person, entity, or government agency that is presenting a document for recording or filing with a county recorder to only list the last 4 digits of a social security number.

This bill would provide that a document containing more than the last 4 digits of a social security number is not entitled for recording. This bill would also provide a recorder shall be deemed to be in compliance if he or she uses due diligence to locate social security numbers in documents presented for recording.

Existing law requires an abstract of judgment ordering a party to pay spousal, child, or family support to contain the social security number of the party who is ordered to pay.

This bill would instead require an abstract of judgment to contain only the last 4 digits of the social security number of the party who is ordered to pay.

~~Existing law requires the State Registrar of Vital Statistics, to administer the registration of births and deaths. Existing law requires~~

the State Registrar to arrange and permanently preserve the certificates in a systematic manner and to prepare and maintain a comprehensive and continuous index of all certificates registered. Existing law requires the comprehensive birth and death record indices prepared and maintained by the State Registrar and by local registrars and county recorders to be kept confidential. Existing law requires that certain birth and death records include specified information, including certain social security numbers.

This bill would instead require only the last 4 digits of a person's social security number to be displayed on birth and death certificates.

The provisions of this bill would not apply to documents created prior to January 1, 2010.

Vote: majority. 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 Section 1798.89 of the Civil Code is repealed.

2 ~~1798.89. Unless otherwise required to do so by state or federal~~
3 ~~law, no person, entity, or government agency shall present for~~
4 ~~recording or filing with a county recorder a document that is~~
5 ~~required by any provision of law to be open to the public if that~~
6 ~~record displays more than the last four digits of a social security~~
7 ~~number.~~

8 SEC. 2. Section 1798.89 is added to the Civil Code, to read:

9 1798.89. (a) Unless otherwise required to do so by state or
10 federal law, no person, entity, or governmental agency shall
11 present for recording or filing with a county recorder a document
12 that is required by any provision of law to be open to the public
13 if that record displays more than the last four digits of a social
14 security number. Unless otherwise authorized by state or federal
15 law, a document containing more than the last four digits of a
16 social security number is not entitled for recording.

17 (b) A recorder shall be deemed to be in compliance with the
18 requirements of this section if he or she uses due diligence to locate
19 social security numbers in documents presented for recording.

20 (c) This section shall not apply to documents created prior to
21 January 1, 2010.

22 SECTION 1. ~~Section 1798.89 of the Civil Code is amended~~
23 ~~to read:~~

1 ~~1798.89. Unless otherwise required to do so by state or federal~~
2 ~~law, no person, entity, or governmental agency shall present for~~
3 ~~recording or filing with a county recorder a document that is~~
4 ~~required by any provision of law to be open to the public if that~~
5 ~~record displays more than the last four digits of a social security~~
6 ~~number. Unless otherwise authorized by state or federal law, a~~
7 ~~document containing more than the last four digits of a social~~
8 ~~security number is not entitled for recording. A recorder shall be~~
9 ~~deemed to be in compliance with the requirements of this section~~
10 ~~if he or she uses due diligence to locate social security numbers~~
11 ~~in documents presented for recording.~~

12 ~~SEC. 2.~~

13 SEC. 3. Section 4506 of the Family Code is amended to read:

14 4506. (a) An abstract of a judgment ordering a party to pay
15 spousal, child, or family support to the other party shall be certified
16 by the clerk of the court where the judgment was entered and shall
17 contain all of the following:

18 (1) The title of the court where the judgment is entered and the
19 cause and number of the proceeding.

20 (2) The date of entry of the judgment and of any renewal of the
21 judgment.

22 (3) Where the judgment and any renewals are entered in the
23 records of the court.

24 (4) The name and last known address of the party ordered to
25 pay support.

26 (5) The name and address of the party to whom support
27 payments are ordered to be paid.

28 (6) Only the last four digits of the social security number, birth
29 date, and driver's license number of the party who is ordered to
30 pay support. If any of those numbers are not known to the party
31 to whom support payments are to be paid, that fact shall be
32 indicated on the abstract of the court judgment. *This paragraph*
33 *shall not apply to documents created prior to January 1, 2010.*

34 (7) Whether a stay of enforcement has been ordered by the court
35 and, if so, the date the stay ends.

36 (8) The date of issuance of the abstract.

37 (9) Any other information deemed reasonable and appropriate
38 by the Judicial Council.

39 (b) The Judicial Council may develop a form for an abstract of
40 a judgment ordering a party to pay child, family, or spousal support

1 to another party which contains the information required by
2 subdivision (a).

3 (c) Notwithstanding any other provision of law, when a support
4 obligation is being enforced pursuant to Title IV-D of the Social
5 Security Act, the agency enforcing the obligation may record a
6 notice of support judgment. The notice of support judgment shall
7 contain the same information as the form adopted by the Judicial
8 Council pursuant to subdivision (b) and Section 4506.1. The notice
9 of support judgment shall have the same force and effect as an
10 abstract of judgment certified by the clerk of the court where the
11 judgment was entered. The local child support agency or other
12 Title IV-D agency shall not be subject to any civil liability as a
13 consequence of causing a notice of support judgment to be
14 recorded.

15 (d) As used in this section, “judgment” includes an order for
16 child, family, or spousal support.

17
18
19
20
21
22

**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
March 9, 2009 (JR11)**