

ASSEMBLY BILL

No. 75

Introduced by Assembly Member Hill

December 22, 2010

An act to amend Sections 17533.6 and 17537.9 of the Business and Professions Code, to amend Section 1195 of the Civil Code, to amend Section 3505 of the Commercial Code, and to amend Sections 8205, 8208, 8211, and 27287 of, and to add Section 12181 to, the Government Code, relating to documents.

LEGISLATIVE COUNSEL'S DIGEST

AB 75, as introduced, Hill. Documents: notaries public: solicitations.

(1) Existing law makes it unlawful for a nongovernmental entity to solicit funds or information by means of a mailing, electronic message, or Internet Web site that contains a seal, insignia, trade, or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any state or local government connection, approval, or endorsement, unless the nongovernmental entity has an expressed connection with a state or local entity or unless the solicitation contains specified disclosures in conspicuous and legible type. Existing law requires a business to include the contact information for a referenced governmental agency in an unsolicited mailing that offers to assist the recipient in dealing with the governmental agency. A violation of these or other provisions related to advertising is a misdemeanor, punishable by imprisonment in the county jail not exceeding 6 months, a fine not exceeding \$1,000, or both.

This bill would additionally make it unlawful for a nongovernmental entity to solicit funds or information by any of those means that contains an emblem or content that reasonably could be interpreted or construed

as implying any federal, state, or local government connection, approval, or endorsement, unless the nongovernmental entity has an expressed connection with a federal, state, or local entity or unless the solicitation contains the specified disclosures and meets other requirements. The bill would require the disclosures to be conspicuously displayed in specified locations, type, and manner. The bill would increase the maximum criminal fine for a violation of these provisions to \$2,500 and would authorize a person to recover specified damages resulting from a violation of these provisions. The bill would delete the provisions requiring a business to include the contact information for a referenced governmental agency in an unsolicited mailing that offers to assist the recipient in dealing with the governmental agency.

Existing law makes it unlawful for a person to make any untrue or misleading statements in any manner in connection with the offering or performance of an assessment reduction filing service. Existing law provides that an untrue or misleading statement includes representing that an offeror of an assessment reduction filing service is, or is affiliated with, any governmental entity by, among other things, the use of a business name including the word “appeal” or “tax” and any of a list of terms, including “agency,” “bureau,” or “department.”

This bill would provide that it is also an untrue or misleading statement in connection with the offering or performance of an assessment reduction filing service if the words “board” or “commission” are used with the word “appeal” or “tax” in the business name of an assessment reduction filing service.

Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(2) Existing law authorizes proof of the execution of an instrument by certain persons and prescribes the form for that proof. Existing law prohibits a proof of the execution of any of several types of specified instruments, including a grant deed, mortgage, deed of trust, quitclaim deed, or security agreement.

This bill would add a power of attorney to the types of instruments for which a proof of the execution is prohibited and would further prohibit a proof of the execution for any instrument requiring a notary public to obtain a thumbprint from the party signing the document in the notary public’s journal. The bill would also revise the form of certificate that may be used for proof of execution.

(3) Existing law prescribes the duties of a notary public, including the duty to demand acceptance and payment of foreign and inland bills

of exchange, or promissory notes, to protest them for nonacceptance or nonpayment, and to exercise any other powers and duties that by the law of nations and according to commercial usages, or by the laws of any other state, government, or country, may be performed by notaries. Existing law provides that a protest is a certificate of dishonor of a negotiable instrument made by, among others, a notary public. Existing law provides that the protest of a notary public of a bill of exchange or promissory note for nonacceptance or nonpayment is prima facie evidence of the facts recited therein.

This bill would limit the application of these provisions to a notary public employed by a financial institution, during the course and scope of the notary’s employment with the financial institution.

(4) Existing law prescribes the maximum fees a notary public may charge for specified services.

This bill would delete the prescribed maximum fees for every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, for serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, and for recording every protest.

(5) Existing law sets forth the fees the Secretary of State is authorized to charge for the provision of specified business services.

This bill would authorize the Secretary of State’s office to refuse to perform a service or refuse a filing based on a reasonable belief that the service or filing is being requested for any of a number of specified improper purposes.

(6) 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 no reimbursement is required by this act for a specified reason.

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 17533.6 of the Business and Professions
- 2 Code is amended to read:
- 3 17533.6. (a) It is unlawful for any person, firm, corporation,
- 4 or association that is a nongovernmental entity to solicit

1 information, or to solicit the purchase of or payment for a product
2 or service, or to solicit the contribution of funds or membership
3 fees, by means of a mailing, electronic message, or Internet Web
4 site that contains a seal, *emblem*, insignia, trade or brand name, or
5 any other term ~~or~~, symbol, *or content* that reasonably could be
6 interpreted or construed as implying any *federal*, state, or local
7 government connection, approval, or endorsement, unless the
8 requirements of paragraph (1) or (2) have been met, as follows:

9 (1) The nongovernmental entity has an expressed connection
10 with, or the approval or endorsement of, a *federal*, state, or local
11 government entity, if permitted by other provisions of law.

12 (2) The solicitation meets ~~both~~ all of the following requirements:

13 (A) The solicitation ~~bears on its face, in conspicuous and legible~~
14 ~~type in contrast by typography, layout, or color with other type on~~
15 ~~its face, the following notice:~~ *conspicuously displays the following*
16 *disclosure on the front and back of every page of the solicitation:*
17

18 “THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED
19 OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND
20 THIS OFFER IS NOT BEING MADE BY AN AGENCY OF
21 THE GOVERNMENT.”

22

23 (B) In the case of a mailed solicitation, the *front of the envelope*
24 ~~or~~, outside cover, or wrapper in which the matter is mailed ~~bears~~
25 ~~on its face in capital letters and in conspicuous and legible type,~~
26 *conspicuously displays the following notice:* *disclosure:*
27

28 “THIS IS NOT A GOVERNMENT DOCUMENT.”

29

30 (C) *The disclosure in subparagraph (A) shall be displayed*
31 *conspicuously, as provided in subdivision (d), and immediately*
32 *below each portion of the solicitation that reasonably could be*
33 *construed to specify an amount due and payable by the recipient.*
34 *The disclosure in subparagraph (B) shall be displayed*
35 *conspicuously, as provided in subdivision (d), and immediately*
36 *below the area of the envelope, outside cover, or wrapper that is*
37 *used for a return address. The disclosures in subparagraphs (A)*
38 *and (B) shall not be preceded, followed, or surrounded by symbols,*
39 *terms, or other content that result in the disclosures not being*

1 conspicuous or that introduce, modify, qualify, or explain the text
2 of those disclosures.

3 (D) The solicitation does not use a title or trade or brand name
4 that reasonably could be interpreted or construed as implying any
5 federal, state, or local government connection, approval, or
6 endorsement, including, but not limited to, use of the term
7 “agency,” “administrative,” “assessor,” “board,” “bureau,”
8 “collector,” “commission,” “committee,” “department,”
9 “division,” “recorder,” “unit,” “federal,” “state,” “county,”
10 “city,” or “municipal,” or the name or division of any government
11 agency.

12 ~~(b) Except~~

13 (E) The solicitation does not specify a date or time period when
14 payment to the soliciting nongovernmental person, firm,
15 corporation, or association is due, including, but not limited to,
16 use of the terms “due date,” “due now,” “remit by,” “remit
17 immediately,” “payment due,” “pay now,” “pay immediately,”
18 or “pay no later than,” unless the solicitation displays, in the same
19 sentence as provided in subdivision (c), any business that solicits
20 the purchase of, or payment for, the date or time period specified,
21 how the information being solicited will be used, a service by
22 means of an unsolicited mailing description of the product or
23 service that offers is to assist the recipient in dealing with a state
24 be provided and to what government agency it shall be rendered,
25 or how the solicited funds or local governmental agency shall do
26 both of the following: membership fees will be used, as applicable.

27 ~~(1) State on the envelope and in the mailing~~

28 (F) The solicitation does not state or imply that the business
29 payment to any person, firm, corporation, or association that is
30 not a governmental agency and government entity is mandatory
31 or required by law, or state or imply that penalties, fines, or
32 consequences will occur if payment is not associated with made
33 to the governmental agency referenced soliciting nongovernmental
34 person, firm, corporation, or association.

35 ~~(2) Include in the mailing the contact information for the~~
36 ~~governmental agency referenced.~~

37 (b) Notwithstanding Section 17534, any violation of this section
38 is a misdemeanor punishable by imprisonment in a county jail not
39 exceeding six months, or by a fine not exceeding two thousand five
40 hundred dollars (\$2,500), or by both that fine and imprisonment.

1 (c) ~~Subdivision (b)~~ Any person who is harmed as a result of a
 2 violation of this section shall ~~not apply if either of~~ be entitled to
 3 recover, in addition to any other available remedies, damages in
 4 an amount equal to three times the ~~following requirements has~~
 5 ~~been met:~~ amount solicited.

6 ~~(1) The business has an expressed connection with,~~
 7 (d) For purposes of this section, “conspicuous” or
 8 “conspicuously” means displayed apart from other print on the
 9 approval page, envelope, outside cover, or endorsement of, a state
 10 wrapper and in not less than 12-point boldface font type in capital
 11 letters that is at least 2-point boldface font type sizes larger than
 12 the next largest print on the page, envelope, outside cover, or ~~local~~
 13 governmental entity, if permitted by other provisions of law
 14 wrapper and in contrasting type, layout, font, or color in a manner
 15 that clearly calls attention to the language.

16 ~~(2) The business has an “established business relationship,” as~~
 17 ~~defined in Section 1798.83 of the Civil Code, with the recipient.~~

18 SEC. 2. Section 17537.9 of the Business and Professions Code
 19 is amended to read:

20 17537.9. (a) It is unlawful for any person to make any untrue
 21 or misleading statements in any manner in connection with the
 22 offering or performance of an assessment reduction filing service.
 23 For the purpose of this section, an “untrue or misleading statement”
 24 includes, but is not limited to, any representation that any of the
 25 following is true:

26 (1) The preparation of a request for review or an assessment
 27 appeal application will result in a guaranteed reduction of property
 28 taxes.

29 (2) A fee is required in order for the county to process a
 30 reduction of a property’s value where the county has no applicable
 31 fee.

32 (3) The offeror of the assessment reduction filing service will
 33 be physically present to represent the person to whom a solicitation
 34 is made before county assessor staff, an assessment appeals board,
 35 county board of equalization, or an assessment hearing officer,
 36 unless the fee includes this service.

37 (4) The offeror of the assessment reduction filing service will
 38 prepare or complete informal assessor review data or prepare or
 39 complete the application in full, with the exception of the property

1 owner’s signature, on behalf of the person to whom a solicitation
2 is made, unless the fee includes this service.

3 (5) The offeror of the assessment reduction filing service has a
4 file or record covering a person to whom a solicitation is made.

5 (6) The offeror of the assessment reduction filing service is, or
6 is affiliated with, any governmental entity. A violation of this
7 paragraph includes, but is not limited to, the following:

8 (A) The misleading use of any governmental seal, emblem, or
9 other similar symbol.

10 (B) The use of a business name including the word “appeal” or
11 “tax” and the word “agency,” “assessor,” ~~“agency,”~~ “board,”
12 “bureau,” “commission,” “department,” “division,” “federal,”
13 “state,” “county,” “city,” or “municipal,” or the name of any city,
14 county, city and county, or any governmental entity.

15 (C) The use of an envelope that simulates an envelope containing
16 a government check, tax bill, or government notice or an envelope
17 that otherwise has the capacity to be confused with, or mistaken
18 for, an envelope sent by a governmental entity.

19 (D) The use of an envelope or outside cover or wrapper in which
20 a solicitation is mailed that does not bear on its face in capital
21 letters and in conspicuous and legible type the following notice:
22 “THIS IS NOT A GOVERNMENT DOCUMENT.”

23
24 *“THIS IS NOT A GOVERNMENT DOCUMENT.”*

25
26 (7) A late fee is required if the person to whom the solicitation
27 is sent fails to respond to the offeror of the assessment reduction
28 filing service by a date stated in the solicitation.

29 (b) (1) It is unlawful to offer to perform an assessment reduction
30 filing service without making the following disclosure:

31
32 “THIS ASSESSMENT REDUCTION FILING SERVICE IS NOT
33 ASSOCIATED WITH ANY GOVERNMENT AGENCY. IF YOU
34 DISAGREE WITH THE ASSESSED VALUE OF YOUR
35 PROPERTY, YOU HAVE THE RIGHT TO AN INFORMAL
36 ASSESSMENT REVIEW, AT NO COST, BY CONTACTING
37 THE ASSESSOR’S OFFICE DIRECTLY. IF YOU AND THE
38 ASSESSOR CANNOT AGREE TO THE VALUE OF THE
39 PROPERTY OR IF YOU DO NOT WISH TO CONTACT THE
40 ASSESSOR YOU CAN OBTAIN AND FILE AN APPLICATION

1 FOR CHANGED ASSESSMENT WITH THE COUNTY BOARD
 2 OF EQUALIZATION OR ASSESSMENT APPEALS BOARD
 3 ON YOUR OWN BEHALF. AN APPEALS BOARD HAS THE
 4 AUTHORITY TO RAISE PROPERTY VALUES (BUT IN NO
 5 CASE HIGHER THAN THE PROPOSITION 13 PROTECTED
 6 VALUE) AS WELL AS TO LOWER PROPERTY VALUES.”

7
 8 (2) The disclosures specified in paragraph (1) shall be placed
 9 at the top of each page of every advertisement or promotional
 10 material disseminated by an offeror of an assessment reduction
 11 filing service and shall be printed in 12-point boldface type
 12 enclosed in a box formed by a heavy line.

13 (3) The disclosure specified in paragraph (1) shall be recited at
 14 the beginning of every oral solicitation and every broadcast
 15 advertisement and shall be delivered in printed form as prescribed
 16 by paragraph (2) before the time each person who responds to the
 17 oral solicitation or broadcast advertisement is obligated to pay for
 18 the service.

19 (c) (1) No offeror of an assessment reduction filing service
 20 shall charge, demand, or collect any money in connection with a
 21 request for review until after the request is filed with the assessor.

22 (2) No offeror of an assessment reduction filing service shall
 23 charge, demand, or collect any money in connection with an
 24 assessment appeal application until after the application is filed
 25 with the clerk of the assessment appeals board.

26 (d) For the purposes of this section, the following definitions
 27 apply:

28 (1) “Assessment reduction filing service” means any service
 29 performed or offered to be performed for compensation in
 30 connection with the preparation or completion of an application
 31 or request of any kind for reduction in assessment of residential
 32 property or in connection with the assistance in any manner of
 33 another person to either (A) prepare or complete an application or
 34 request of any kind for reduction in assessment of residential
 35 property or (B) provide comparable sales information in connection
 36 with an application or request for reduction in assessment of
 37 residential property.

38 (2) “Assessment appeal application” has the meaning described
 39 in Section 1603 of the Revenue and Taxation Code.

1 (e) (1) It is unlawful for an offeror of an assessment reduction
2 filing service to file a request or application of any kind for
3 reduction in assessment without first obtaining a written
4 authorization from the property owner.

5 (2) A true and correct copy of the written authorization shall be
6 submitted with any request or application for reduction in
7 assessment. The offeror shall maintain the original written
8 authorization for a period of three years and shall make it available
9 for inspection and copying within 24 hours of a request without a
10 warrant to law enforcement, the Attorney General, district attorney,
11 or city attorney.

12 SEC. 3. Section 1195 of the Civil Code is amended to read:

13 1195. (a) Proof of the execution of an instrument, when not
14 acknowledged, may be made *by* any of the following:

- 15 1. By the party executing it, or either of them.
- 16 2. By a subscribing witness.
- 17 3. By other witnesses, in cases mentioned in Section 1198.

18 (b) (1) Proof of the execution of a *power of attorney*, grant
19 deed, mortgage, deed of trust, quitclaim deed, or security agreement
20 is not permitted pursuant to Section 27287 of the Government
21 Code, though proof of the execution of a trustee’s deed or deed of
22 reconveyance is permitted.

23 (2) *Proof of the execution for any instrument requiring a notary
24 public to obtain a thumbprint from the party signing the document
25 in the notary public’s journal is not permitted.*

26 (c) Any certificate for proof of execution taken within this state
27 may be in the following form, although the use of other,
28 substantially similar forms is not precluded:

29
30 State of California)
31 County of _____) ss.

32
33 On ____ (date), before me, the undersigned, a notary public
34 for the state, personally appeared ____ (subscribing witness’s name), personally
35 ~~known to me~~ (or (name of subscribing witness), proved to me ~~on the oath of~~
36 ~~_____ [credible witness’s name], who is personally known to me~~)
37 to be the person whose name is subscribed to the within instrument,
38 as a witness thereto, ~~who~~, on the oath of ____ (name of credible witness), a
39 credible witness who is known to me and provided a satisfactory identifying

1 document. ____ (name of subscribing witness), being by me duly sworn, ~~deposed~~
 2 ~~and~~ said
 3 that he/she was present and ~~saw~~ saw/heard ____ (name[s] of principal[s]),
 4 the same person(s) described in and whose name(s) is/are
 5 subscribed to the within ~~and annexed~~ or attached instrument in his/her/their
 6 authorized capacity(ies) as (a) party(ies) thereto, execute or acknowledge
 7 executing the same,
 8 and that said affiant subscribed his/her name to the within
 9 or attached instrument as a witness at the request of ____ (name[s] of
 10 principal[s]).

11
 12 WITNESS my hand and official seal.
 13 Signature _____ (Seal) _____ (Notary public seal)
 14

15 SEC. 4. Section 3505 of the Commercial Code is amended to
 16 read:

17 3505. (a) The following are admissible as evidence and create
 18 a presumption of dishonor and of any notice of dishonor stated:

19 (1) A document regular in form as provided in subdivision (b)
 20 which purports to be a protest.

21 (2) A purported stamp or writing of the drawee, payor bank, or
 22 presenting bank on or accompanying the instrument stating that
 23 acceptance or payment has been refused unless reasons for the
 24 refusal are stated and the reasons are not consistent with dishonor.

25 (3) A book or record of the drawee, payor bank, or collecting
 26 bank, kept in the usual course of business ~~which~~ that shows
 27 dishonor, even if there is no evidence of who made the entry.

28 (b) A protest is a certificate of dishonor made by a United States
 29 consul or vice consul, or a notary public *during the course and*
 30 *scope of employment with a financial institution* or other person
 31 authorized to administer oaths by the ~~law~~ laws of any other state,
 32 government, or country in the place where dishonor occurs. It may
 33 be made upon information satisfactory to that person. The protest
 34 shall identify the instrument and certify either that presentment
 35 has been made or, if not made, the reason why it was not made,
 36 and that the instrument has been dishonored by nonacceptance or
 37 nonpayment. The protest may also certify that notice of dishonor
 38 has been given to some or all parties.

39 SEC. 5. Section 8205 of the Government Code is amended to
 40 read:

1 8205. (a) It is the duty of a notary public, when requested:

2 (1) To demand acceptance and payment of foreign and inland
3 bills of exchange, or promissory notes, to protest them for
4 nonacceptance and nonpayment, and, with regard only to the
5 nonacceptance or nonpayment of bills and notes, to exercise any
6 other powers and duties that by the law of nations and according
7 to commercial usages, or by the laws of any other state,
8 government, or country, may be performed by ~~notaries~~ *a notary*.
9 *This paragraph applies only to a notary public employed by a*
10 *financial institution, during the course and scope of the notary's*
11 *employment with the financial institution.*

12 (2) To take the acknowledgment or proof of advance health care
13 directives, powers of attorney, mortgages, deeds, grants, transfers,
14 and other instruments of writing executed by any person, and to
15 give a certificate of that proof or acknowledgment, endorsed on
16 or attached to the instrument. The certificate shall be signed by
17 the notary public in the notary public's own handwriting. A notary
18 public may not accept any acknowledgment or proof of any
19 instrument that is incomplete.

20 (3) To take depositions and affidavits, and administer oaths and
21 affirmations, in all matters incident to the duties of the office, or
22 to be used before any court, judge, officer, or board. Any
23 deposition, affidavit, oath, or affirmation shall be signed by the
24 notary public in the notary public's own handwriting.

25 (4) To certify copies of powers of attorney under Section 4307
26 of the Probate Code. The certification shall be signed by the notary
27 public in the notary public's own handwriting.

28 (b) It shall further be the duty of a notary public, upon written
29 request:

30 (1) To furnish to the Secretary of State certified copies of the
31 notary's journal.

32 (2) To respond within 30 days of receiving written requests sent
33 by certified mail from the Secretary of State's office for
34 information relating to official acts performed by the notary.

35 SEC. 6. Section 8208 of the Government Code is amended to
36 read:

37 8208. The protest of a notary public *acting in the course and*
38 *scope of employment by a financial institution*, under his or her
39 hand and official seal, of a bill of exchange or promissory note for

1 nonacceptance or nonpayment, specifying any of the following is
2 prima facie evidence of the facts recited therein:

- 3 (a) The time and place of presentment.
- 4 (b) The fact that presentment was made and the manner thereof.
- 5 (c) The cause or reason for protesting the bill.
- 6 (d) The demand made and the answer given, if any, or the fact
7 that the drawee or acceptor could not be found.

8 SEC. 7. Section 8211 of the Government Code is amended to
9 read:

10 8211. Fees charged by a notary public for the following services
11 shall not exceed the fees prescribed by this section.

12 (a) For taking an acknowledgment or proof of a deed, or other
13 instrument, to include the seal and the writing of the certificate,
14 the sum of ten dollars (\$10) for each signature taken.

15 (b) For administering an oath or affirmation to one person and
16 executing the jurat, including the seal, the sum of ten dollars (\$10).

17 (c) For all services rendered in connection with the taking of
18 any deposition, the sum of twenty dollars (\$20), and in addition
19 thereto, the sum of five dollars (\$5) for administering the oath to
20 the witness and the sum of five dollars (\$5) for the certificate to
21 the deposition.

22 ~~(d) For every protest for the nonpayment of a promissory note~~
23 ~~or for the nonpayment or nonacceptance of a bill of exchange,~~
24 ~~draft, or check, the sum of ten dollars (\$10).~~

25 ~~(e) For serving every notice of nonpayment of a promissory~~
26 ~~note or of nonpayment or nonacceptance of a bill of exchange,~~
27 ~~order, draft, or check, the sum of five dollars (\$5).~~

28 ~~(f) For recording every protest, the sum of five dollars (\$5).~~

29 ~~(g)~~

30 (d) No fee may be charged to notarize signatures on vote by
31 mail ballot identification envelopes or other voting materials.

32 ~~(h)~~

33 (e) For certifying a copy of a power of attorney under Section
34 4307 of the Probate Code the sum of ten dollars (\$10).

35 ~~(i)~~

36 (f) In accordance with Section 6107, no fee may be charged to
37 a United States military veteran for notarization of an application
38 or a claim for a pension, allotment, allowance, compensation,
39 insurance, or any other veteran's benefit.

1 SEC. 8. Section 12181 is added to the Government Code, to
2 read:

3 12181. The Secretary of State's office may refuse to perform
4 a service or refuse a filing based on a reasonable belief that the
5 service or filing is being requested for an unlawful, false, or
6 fraudulent purpose, to promote or conduct an illegitimate object
7 or purpose, or is being requested or submitted in bad faith or for
8 the purpose of harassing or defrauding a person or entity.

9 SEC. 9. Section 27287 of the Government Code, as amended
10 by Section 7 of Chapter 319 of the Statutes of 1997, is amended
11 to read:

12 27287. Unless it belongs to the class provided for in either
13 Sections 27282 to 27286, inclusive, or ~~Sections~~ Section 1202 or
14 1203, of the Civil Code, or is a fictitious mortgage or deed of trust
15 as provided in ~~Sections~~ Section 2952; or 2963; of the Civil Code,
16 or is a fictitious oil and gas lease as provided in Section 1219 of
17 the Civil Code, or is a claim of lien, as provided in Section 3084
18 of the Civil Code, or a notice of completion, as provided in Section
19 3093 of the Civil Code, before an instrument can be recorded its
20 execution shall be acknowledged by the person executing it, or if
21 executed by a corporation, by its president or secretary or other
22 person executing it on behalf of the corporation, or, except for any
23 *power of attorney*, quitclaim deed, or grant deed other than a
24 trustee's deed or a deed of reconveyance, mortgage, deed of trust,
25 or security agreement, proved by subscribing witness or as provided
26 in Sections 1198 and 1199 of the Civil Code, and the
27 acknowledgment or proof certified as prescribed by law.

28 SEC. 10. Section 27287 of the Government Code, as amended
29 by Section 33 of Chapter 697 of the Statutes of 2010, is amended
30 to read:

31 27287. Unless it belongs to the class provided for in either
32 Sections 27282 to 27286, inclusive, or Section 1202 or 1203, of
33 the Civil Code, or is a fictitious mortgage or deed of trust as
34 provided in Section 2952 or 2963 of the Civil Code, or is a
35 fictitious oil and gas lease as provided in Section 1219 of the Civil
36 Code, or is a claim of lien under Section 8416 of the Civil Code
37 or a notice of completion under Section 8182 or 9204 of the Civil
38 Code, before an instrument can be recorded its execution shall be
39 acknowledged by the person executing it, or if executed by a
40 corporation, by its president or secretary or other person executing

1 it on behalf of the corporation, or, except for any *power of attorney*,
2 quitclaim deed, or grant deed other than a trustee’s deed or a deed
3 of reconveyance, mortgage, deed of trust, or security agreement,
4 proved by subscribing witness or as provided in Sections 1198 and
5 1199 of the Civil Code, and the acknowledgment or proof certified
6 as prescribed by law.

7 SEC. 11. No reimbursement is required by this act pursuant
8 to Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

O