

**Introduced by Committee on Judiciary (Senators Evans (Chair),
Blakeslee, Corbett, Harman, and Leno)**

February 18, 2011

An act to amend Sections 116.780 and 116.820 of the Code of Civil Procedure, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 647, as introduced, Committee on Judiciary. Civil law: omnibus bill.

Existing law, the Small Claims Act, governs the procedures in small claims court. The act provides that the judgment of the superior court of a small claims appeal is final, and specifies the procedures for the enforcement of judgments.

This bill would make technical changes to those provisions by deleting erroneous cross-references.

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 116.780 of the Code of Civil Procedure
- 2 is amended to read:
- 3 116.780. (a) The judgment of the superior court after a hearing
- 4 on appeal is final and not appealable.
- 5 (b) Article 6 (commencing with Section 116.610) on judgments
- 6 of the small claims court applies to judgments of the superior court
- 7 after a hearing on appeal, except as provided in ~~subdivisions (c)~~
- 8 ~~and (d)~~ *subdivision (c)*.

1 (c) For good cause and where necessary to achieve substantial
2 justice between the parties, the superior court may award a party
3 to an appeal reimbursement of (1) attorney's fees actually and
4 reasonably incurred in connection with the appeal, not exceeding
5 one hundred fifty dollars (\$150), and (2) actual loss of earnings
6 and expenses of transportation and lodging actually and reasonably
7 incurred in connection with the appeal, not exceeding one hundred
8 fifty dollars (\$150).

9 SEC. 2. Section 116.820 of the Code of Civil Procedure is
10 amended to read:

11 116.820. (a) The judgment of a small claims court, *or the*
12 *judgment of the superior court after a hearing on appeal*, may be
13 enforced as provided in Title 9 (commencing with Section 680.010)
14 of Part 2 and in Sections 674 and 1174 on the enforcement of
15 judgments of other courts. ~~A judgment of the superior court after~~
16 ~~a hearing on appeal, and after transfer to the small claims court~~
17 ~~under subdivision (d) of Section 116.780, may be enforced like~~
18 ~~other judgments of the small claims court, as provided in Title 9~~
19 ~~(commencing with Section 680.010) of Part 2 and in Sections 674~~
20 ~~and 1174 on the enforcement of judgments of other courts.~~

21 (b) The clerk of the court shall charge and collect all fees
22 associated with the enforcement of judgments under Title 9
23 (commencing with Section 680.010) of Part 2. The clerk shall
24 immediately deposit all the fees collected under this section into
25 a bank account established for this purpose by the Administrative
26 Office of the Courts. The money shall be remitted to the State
27 Treasury under rules adopted by, or trial court financial policies
28 and procedures authorized by, the Judicial Council under
29 subdivision (a) of Section 77206 of the Government Code. The
30 Controller shall distribute the fees to the Trial Court Trust Fund
31 as provided in Section 68085.1 of the Government Code.

32 (c) The prevailing party in any action subject to this chapter is
33 entitled to the costs of enforcing the judgment and accrued interest.