

**ASSEMBLY BILL**

**No. 1002**

---

---

**Introduced by Assembly Member Wilk**

February 26, 2015

---

---

An act to amend Section 1033.5 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1002, as introduced, Wilk. Civil actions: interpreter costs.

Existing law enumerates costs that a prevailing party in a civil action may recover. Existing law allows a prevailing party to recover court interpreter fees if the court authorized the use of a qualified court interpreter for an indigent person represented by a qualified legal services project.

This bill would allow a prevailing party to recover court interpreter fees without this condition.

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 1033.5 of the Code of Civil Procedure
- 2 is amended to read:
- 3 1033.5. (a) The following items are allowable as costs under
- 4 Section 1032:
- 5 (1) Filing, motion, and jury fees.
- 6 (2) Juror food and lodging while they are kept together during
- 7 trial and after the jury retires for deliberation.

- 1 (3) Taking, video recording, and transcribing necessary
- 2 depositions including an original and one copy of those taken by
- 3 the claimant and one copy of depositions taken by the party against
- 4 whom costs are allowed, and travel expenses to attend depositions.
- 5 (4) Service of process by a public officer, registered process
- 6 server, or other means, as follows:
- 7 (A) When service is by a public officer, the recoverable cost is
- 8 the fee authorized by law at the time of service.
- 9 (B) If service is by a process server registered pursuant to
- 10 Chapter 16 (commencing with Section 22350) of Division 8 of the
- 11 Business and Professions Code, the recoverable cost is the amount
- 12 actually incurred in effecting service, including, but not limited
- 13 to, a stakeout or other means employed in locating the person to
- 14 be served, unless those charges are successfully challenged by a
- 15 party to the action.
- 16 (C) When service is by publication, the recoverable cost is the
- 17 sum actually incurred in effecting service.
- 18 (D) When service is by a means other than that set forth in
- 19 subparagraph (A), (B), or (C), the recoverable cost is the lesser of
- 20 the sum actually incurred, or the amount allowed to a public officer
- 21 in this state for that service, except that the court may allow the
- 22 sum actually incurred in effecting service upon application pursuant
- 23 to paragraph (4) of subdivision (c).
- 24 (5) Expenses of attachment including keeper’s fees.
- 25 (6) Premiums on necessary surety bonds.
- 26 (7) Ordinary witness fees pursuant to Section 68093 of the
- 27 Government Code.
- 28 (8) Fees of expert witnesses ordered by the court.
- 29 (9) Transcripts of court proceedings ordered by the court.
- 30 (10) Attorney’s fees, when authorized by any of the following:
- 31 (A) Contract.
- 32 (B) Statute.
- 33 (C) Law.
- 34 (11) Court reporter fees as established by statute.
- 35 (12) Court interpreter fees ~~for a qualified court interpreter~~
- 36 ~~authorized by the court for an indigent person represented by a~~
- 37 ~~qualified legal services project, as defined in Section 6213 of the~~
- 38 ~~Business and Professions Code or a pro bono attorney as defined~~
- 39 ~~in Section 8030.4 of the Business and Professions Code.~~

1 (13) Models and blowups of exhibits and photocopies of exhibits  
2 may be allowed if they were reasonably helpful to aid the trier of  
3 fact.

4 (14) Any other item that is required to be awarded to the  
5 prevailing party pursuant to statute as an incident to prevailing in  
6 the action at trial or on appeal.

7 (b) The following items are not allowable as costs, except when  
8 expressly authorized by law:

9 (1) Fees of experts not ordered by the court.

10 (2) Investigation expenses in preparing the case for trial.

11 (3) Postage, telephone, and photocopying charges, except for  
12 exhibits.

13 (4) Costs in investigation of jurors or in preparation for voir  
14 dire.

15 (5) Transcripts of court proceedings not ordered by the court.

16 (c) Any award of costs shall be subject to the following:

17 (1) Costs are allowable if incurred, whether or not paid.

18 (2) Allowable costs shall be reasonably necessary to the conduct  
19 of the litigation rather than merely convenient or beneficial to its  
20 preparation.

21 (3) Allowable costs shall be reasonable in amount.

22 (4) Items not mentioned in this section and items assessed upon  
23 application may be allowed or denied in the court's discretion.

24 (5) When any statute of this state refers to the award of "costs  
25 and attorney's fees," attorney's fees are an item and component  
26 of the costs to be awarded and are allowable as costs pursuant to  
27 subparagraph (B) of paragraph (10) of subdivision (a). Any claim  
28 not based upon the court's established schedule of attorney's fees  
29 for actions on a contract shall bear the burden of proof. Attorney's  
30 fees allowable as costs pursuant to subparagraph (B) of paragraph  
31 (10) of subdivision (a) may be fixed as follows: (A) upon a noticed  
32 motion, (B) at the time a statement of decision is rendered, (C)  
33 upon application supported by affidavit made concurrently with a  
34 claim for other costs, or (D) upon entry of default judgment.  
35 Attorney's fees allowable as costs pursuant to subparagraph (A)  
36 or (C) of paragraph (10) of subdivision (a) shall be fixed either  
37 upon a noticed motion or upon entry of a default judgment, unless  
38 otherwise provided by stipulation of the parties.

39 Attorney's fees awarded pursuant to Section 1717 of the Civil  
40 Code are allowable costs under Section 1032 of this code as

- 1 authorized by subparagraph (A) of paragraph (10) of subdivision
- 2 (a).

O