

ASSEMBLY BILL

No. 1521

Introduced by Committee on Judiciary (Assembly Members Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, Holden, and O'Donnell)

March 10, 2015

An act to amend Sections 17, 581d, 582, and 1003 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1521, as introduced, Committee on Judiciary. Civil procedure: electronic signatures.

(1) Existing law provides definitions for particular terms used within the Code of Civil Procedure, including the terms “signature” or “subscription,” which are defined to include a mark of a person, when the person cannot write, with his or her name being written near it by a person who writes his or her own name as a witness, as specified.

This bill would provide that the terms “signature” or “subscription” also include an electronic signature, defined as an electronic image or symbol of a person’s signature that is attached to, or logically associated with, a document and executed or adopted by the person with an intent to sign the document.

(2) Existing law provides, in a dismissal of an action by a court, that the court is required to sign a written order and file the order in the action, which constitutes a judgment that is effective for all purposes. In all other cases, existing law provides that a judgment is required to be rendered on the merits.

This bill would require all judgments to be signed by the court, and would provide that an electronic signature is as effective as an original signature.

The bill also would include technical changes to these provisions.

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 17 of the Code of Civil Procedure is
2 amended to read:

3 17. (a) Words used in this code in the present tense include
4 the future as well as the ~~present~~; words *present*. Words used in the
5 masculine gender include the feminine and ~~neuter~~; the *neuter*. The
6 singular number includes the plural and the plural *number includes*
7 the ~~singular~~; the word “person” includes a corporation as well as
8 a natural person; the word “county” includes “city and county”;
9 ~~writing includes printing and typewriting; oath includes affirmation~~
10 ~~or declaration; and every mode of oral statement, under oath or~~
11 ~~affirmation, is embraced by the term “testify,” and every written~~
12 ~~one in the term “depose”; signature or subscription includes mark,~~
13 ~~when the person cannot write, his or her name being written near~~
14 ~~it by a person who writes his or her own name as a witness;~~
15 ~~provided, that when a signature is by mark it must, in order that~~
16 ~~the same may be acknowledged or may serve as the signature to~~
17 ~~any sworn statement, be witnessed by two persons who must~~
18 ~~subscribe their own names as witness thereto. *singular*.~~

19 (b) The following words have in this code the signification
20 attached to them in this section, unless otherwise apparent from
21 the context:

22 (1) The word “property” includes both real and personal
23 property.

24 (2) The words “real property” are coextensive with lands,
25 tenements, and hereditaments.

26 (3) The words “personal property” include money, goods,
27 chattels, things in action, and evidences of debt.

28 (4) The word “month” means a calendar month, unless otherwise
29 expressed.

30 (5) The word “will” includes codicil.

1 ~~(6) The word “writ” signifies an order or precept in writing,~~
2 ~~issued in the name of the people, or of a court or judicial officer,~~
3 ~~and the word “process” signifies a writ or summons issued in the~~
4 ~~course of judicial proceedings.~~

5 ~~(7) The word “state,” when applied to the different parts of the~~
6 ~~United States, includes the District of Columbia and the territories,~~
7 ~~and the words “United States” may include the district and~~
8 ~~territories.~~

9 ~~(8) The word “section,” whenever hereinafter employed, refers~~
10 ~~to a section of this code, unless some other code or statute is~~
11 ~~expressly mentioned.~~

12 ~~(9) The word “affinity,” when applied to the marriage relation,~~
13 ~~signifies the connection existing in consequence of marriage,~~
14 ~~between each of the married persons and the blood relatives of the~~
15 ~~other.~~

16 ~~(10) The word “sheriff” shall include “marshal.”~~

17 *(b) As used in this code, the following words have the following*
18 *meanings, unless otherwise apparent from the context:*

19 *(1) “Affinity,” when applied to the marriage relation, signifies*
20 *the connection existing in consequence of marriage between each*
21 *of the married persons and the blood relatives of the other.*

22 *(2) “County” includes “city and county.”*

23 *(3) “Month” means a calendar month, unless otherwise*
24 *expressed.*

25 *(4) “Oath” includes an affirmation or declaration.*

26 *(A) “Depose” includes any written statement made under oath*
27 *or affirmation.*

28 *(B) “Testify” includes any mode of oral statement made under*
29 *oath.*

30 *(5) “Person” includes a corporation as well as a natural person.*

31 *(6) “Process” means a writ or summons issued in the course*
32 *of a judicial proceeding.*

33 *(7) “Property” includes both personal and real property.*

34 *(A) “Personal property” includes money, goods, chattels, things*
35 *in action, and evidences of debt.*

36 *(B) “Real property” is coextensive with lands, tenements, and*
37 *hereditaments.*

38 *(8) “Section” means to a section of this code, unless some other*
39 *code or statute is expressly mentioned.*

40 *(9) “Sheriff” includes marshal.*

1 (10) “Signature” is synonymous with “subscription,” and
2 includes both of the following:

3 (A) An electronic signature, which is an electronic image or
4 symbol of a person’s signature that is attached to, or logically
5 associated with, a document and executed or adopted by the person
6 with an intent to sign the document.

7 (B) A mark of a person’s name, if the person cannot write, with
8 his or her name being written near it by a person who writes his
9 or her own name as a witness. In order that a mark may be
10 acknowledged or serve as the signature to any sworn statement,
11 it shall be witnessed by two persons who shall subscribe their own
12 names as witnesses thereto.

13 (11) “State,” when applied to the different parts of the United
14 States, includes the District of Columbia and the territories of the
15 United States.

16 (12) “United States” may include the District of Columbia and
17 the territories of the United States.

18 (13) “Will” includes codicil.

19 (14) “Writ” means an order or precept in writing, issued in the
20 name of the people or of a court or judicial officer.

21 (15) “Writing” includes printing and typewriting.

22 SEC. 2. Section 581d of the Code of Civil Procedure is
23 amended to read:

24 581d. ~~A~~(a) A written dismissal of an action shall be entered
25 in the clerk’s register and is effective for all purposes when so
26 entered.

27 ~~All dismissals~~

28 (b) A dismissal ordered by the court shall be in the form of a
29 written order signed by the court and filed in the action, and ~~those~~
30 ~~orders when so filed, once filed, shall constitute a judgment and~~
31 ~~be judgment, which is effective for all purposes, and the purposes.~~
32 An electronic signature, as defined in subdivision (b) of Section
33 17, of the court shall be effective as an original signature. The
34 clerk shall note ~~those~~ judgments in the register of actions in the
35 case.

36 SEC. 3. Section 582 of the Code of Civil Procedure is amended
37 to read:

38 582. In all other cases, a judgment shall be rendered on the
39 merits. *The judgment shall be signed by the court. An electronic*

1 *signature, as defined in subdivision (b) of Section 17, of the court*
2 *shall be effective as an original signature.*

3 SEC. 4. Section 1003 of the Code of Civil Procedure is
4 amended to read:

5 1003. (a) Every direction of a court or judge, made or entered
6 in writing, and not included in a judgment, is denominated an
7 order. An application for an order is a motion.

8 (b) *If any provision of this code requires the court to sign an*
9 *order, an electronic signature, as defined in subdivision (b) of*
10 *Section 17, of the court shall be as effective as an original*
11 *signature.*