

ASSEMBLY BILL

No. 2801

Introduced by Assembly Member Gallagher

February 19, 2016

An act to amend Section 869 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2801, as introduced, Gallagher. Civil procedure: validation actions.

Existing law authorizes a public agency to bring an action in court to determine the validity of certain matters within 60 days of the existence of the matter, as specified. If the public agency does not bring this action, existing law authorizes any interested person to bring the same action in court to determine the validity within 60 days of the existence of the matter, as specified. Existing law prohibits a contest of any thing or matter under these provisions from being made other than within the specified time and manner, except by the public agency or its officer or agent.

This bill would delete the prohibition on a contest of any thing or matter under these provisions being made other than within the specified time and manner, except by the public agency or its officer or agent.

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 869 of the Code of Civil Procedure is
- 2 amended to read:

1 869. ~~No contest except by the public agency or its officer or~~
2 ~~agent of any thing or matter under this chapter shall be made other~~
3 ~~than within the time and the manner herein specified. The~~
4 availability to ~~any~~ *a* public agency, including ~~any~~ *a* local agency,
5 or to its officers or agents, of the remedy provided by this chapter,
6 shall not be construed to preclude the use by ~~such~~ *the* public agency
7 or its officers or agents, of mandamus or any other remedy to
8 determine the validity of any thing or matter.