

## Assembly Bill No. 2953

### CHAPTER 942

An act to amend Sections 26820.6 and 72055 of the Government Code, relating to dispute resolution.

[Approved by Governor September 25, 1996. Filed  
with Secretary of State September 26, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2953, Villaraigosa. Dispute resolution: fees.

Existing law prescribes the amount of the total fee for filing the first paper in a civil action or proceeding in the municipal and superior courts. Existing law provides that the total fee includes, among other things, any dispute resolution fee imposed for the support of dispute resolution programs.

This bill would revise these provisions to provide that the board of supervisors of a county may exclude any portion of the fee imposed for the support of dispute resolution programs from the amount of the total fee for filing that first paper.

Existing law encourages the use of alternative dispute resolution.

This bill would state the intent of the Legislature to support the Dispute Resolution Program Act, as specified.

The bill would incorporate additional changes to Section 72055 of the Government Code, proposed by AB 2553, to become operative only if AB 2553 and this bill are chaptered and become effective on or before January 1, 1997, and this bill is chaptered last.

*The people of the State of California do enact as follows:*

SECTION 1. Section 26820.6 of the Government Code is amended to read:

26820.6. The term "total fee" as used in Sections 26820.4, 26826, and 26827, includes the amount allocated to the Judges' Retirement Fund pursuant to Section 26822.3, the vital statistic fee imposed pursuant to Section 26859, the fee for the automation and conversion of court records imposed pursuant to Section 26863 any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term "total fee" as used in Sections 26820.4, 26826, and 26827, also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term "total fee."

SEC. 2. Section 72055 of the Government Code is amended to read:

72055. The total fee for filing of the first paper in a civil action or proceeding in the municipal court, shall be eighty dollars (\$80).

This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

The term “total fee” as used in this section and Section 72056 includes any amount allocated to the Judges’ Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term “total fee” as used in Section 72056 includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code. The term “total fee” as used in this section also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term “total fee.”

The fee shall be waived in any action for damages against a defendant, based upon the defendant’s commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

SEC. 3. Section 72055 of the Government Code is amended to read:

72055. The total fee for filing of the first paper in a civil action or proceeding in the municipal court, shall be ninety dollars (\$90) except that in cases where the amount demanded, excluding attorneys’ fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83).

This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

The term “total fee” as used in this section and Section 72056 includes any amount allocated to the Judges’ Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2



(commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code.

The term “total fee” as used in Section 72056 includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code. The term “total fee” as used in this section also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term “total fee.”

SEC. 4. It is the intent of the Legislature to support the Dispute Resolution Program Act (DRPA), which enables individuals to resolve conflicts outside of the courtroom and thereby alleviate court congestion. It is further the intent of the Legislature that, in counties that elect to be subject to the provisions of this act, the following procedures shall be implemented:

(1) Parties shall be notified of the availability of the programs funded pursuant to the DRPA in a manner that is determined by the Judicial Council. In no event, shall any new duties be imposed upon attorneys, including, but not limited to, a requirement that attorneys notify clients or others of the existence of DRPA programs.

(2) Consideration of a waiver, if necessary, from applicable provisions of the Trial Court Delay Reduction Act for up to 90 days shall be available in cases where both parties agree to participate in a program funded pursuant to the DRPA to resolve their conflict.

SEC. 5. Section 3 of this bill incorporates amendments to Section 72055 of the Government Code proposed by this bill and AB 2553. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1997, (2) each bill amends Section 72055 of the Government Code, and (3) this bill is enacted after AB 2553, in which case Section 72055 of the Government Code, as amended by AB 2553, shall remain operative only until the operative date of this bill, at which time Section 3 of this bill shall become operative, and Section 2 of this bill shall not become operative.

