

AMENDED IN ASSEMBLY AUGUST 18, 1998

AMENDED IN ASSEMBLY JULY 23, 1998

AMENDED IN ASSEMBLY JULY 7, 1998

AMENDED IN ASSEMBLY JUNE 25, 1998

AMENDED IN ASSEMBLY JUNE 10, 1998

AMENDED IN ASSEMBLY JUNE 4, 1998

AMENDED IN SENATE MARCH 25, 1998

AMENDED IN SENATE MARCH 18, 1998

AMENDED IN SENATE FEBRUARY 25, 1998

**SENATE BILL**

**No. 1418**

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**Introduced by Senator Rosenthal**

January 20, 1998

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An act to amend Section 6405 of, to amend the heading of Chapter 5.5 (commencing with Section 6400) of Division 3 of, to amend, repeal, and add Sections 6401, 6402, 6403, *6406*, 6407, 6408, 6409, 6410, 6411, 6412, 6413, and 6415 of, to add and repeal Sections 6401.6, 6402.1, ~~and 6412.1~~ *6412.1*, and *6416* of, and to repeal and add Section 6400 of, the Business and Professions Code, relating to legal document assistants.

LEGISLATIVE COUNSEL'S DIGEST

SB 1418, as amended, Rosenthal. Legal document assistants.

Existing law generally regulates unlawful detainer assistants, as defined, and, among other things, requires an unlawful detainer assistant, by the filing of an application, to register with the county clerk of the county in which he or she performs acts for which registration is required.

This bill would revise and recast these provisions to, in addition, apply to legal document assistants, as defined, so as to prohibit any self-help service for compensation after January 1, 2000, unless the legal document assistant is registered in the county in which the services are provided. This bill would prohibit a legal document assistant from providing service to a client who requires assistance that exceeds “self-help service” as defined. The bill would require the application for registration to be made under penalty of perjury, thereby expanding the scope of the crime of perjury and, consequently, imposing a state-mandated local program. The bill would require the denial of a certificate of registration for specified reasons and would provide for an appeal to the ~~Office of Administrative Hearings~~ *Director of Consumer Affairs*. It would also require certain disclosures to consumers. This bill would repeal these changes on January 1, 2003, *or upon a determination by the Director of Consumer Affairs that fewer than 200 legal document assistants have registered, whichever first occurs*, and at that time would restore current law applicable exclusively to unlawful detainer assistants, with certain changes.

Existing law provides that the failure of a person who engages in acts of an unlawful detainer assistant to comply with certain provisions of existing law is a misdemeanor.

Since this bill would make the current penal provisions applicable to persons registered as legal document assistants, this bill would impose a state-mandated local program by increasing the scope of an existing crime. The bill would also impose a state-mandated local program by expanding the duties of the county clerk.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do



not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. The heading of Chapter 5.5  
2 (commencing with Section 6400) of Division 3 of the  
3 Business and Professions Code is amended to read:

4

5 CHAPTER 5.5. LEGAL DOCUMENT ASSISTANTS AND  
6 UNLAWFUL DETAINER ASSISTANTS

7

8 SEC. 2. Section 6400 of the Business and Professions  
9 Code is repealed.

10 SEC. 3. Section 6400 is added to the Business and  
11 Professions Code, to read:

12 6400. (a) “Unlawful detainer assistant” means any  
13 individual who for compensation renders assistance or  
14 advice in the prosecution or defense of an unlawful  
15 detainer claim or action, including any bankruptcy  
16 petition that may affect the unlawful detainer claim or  
17 action.

18 (b) “Unlawful detainer claim” means a proceeding,  
19 filing, or action affecting rights or liabilities of any person  
20 that arises under Chapter 4 (commencing with Section  
21 1159) of Title 3 of Part 3 of the Code of Civil Procedure  
22 and that contemplates an adjudication by a court.

23 (c) “Legal document assistant” means:

24 (1) Any person who is not exempted under Section  
25 6401 and who provides, or assists in providing, or offers to



1 provide, or ~~assists~~ *offers to assist* in providing, for  
2 compensation, any ~~self-help service to the public.~~  
3 *self-help service to a member of the public who is*  
4 *representing himself or herself in a legal matter, or who*  
5 *holds himself or herself out as someone who offers that*  
6 *service or has that authority. This paragraph shall not*  
7 *apply to any individual whose assistance consists merely*  
8 *of secretarial or receptionist services.*

9 (2) A corporation, partnership, association, or other  
10 entity that employs or *contracts with* any person not  
11 exempted under Section 6401 who, as part of his or her  
12 responsibilities, ~~provides self-help service or who holds~~  
13 ~~himself or herself~~ *provides, or assists in providing, or*  
14 *offers to provide, or offers to assist in providing, for*  
15 *compensation, any self-help service to a member of the*  
16 *public who is representing himself or herself in a legal*  
17 *matter or holds himself or herself out as someone who*  
18 *offers that service or has that authority. This paragraph*  
19 *shall not apply to an individual whose assistance consists*  
20 *merely of secretarial or receptionist services.*

21 (d) “Self-help service” means all of the following:

22 (1) Completing legal documents *in a ministerial*  
23 *manner, selected by a person who is representing himself*  
24 *or herself in a legal matter, ~~and at the specific direction~~*  
25 ~~*of that person, in a ministerial manner,*~~ by typing or  
26 otherwise completing the documents *at the person’s*  
27 *specific direction.*

28 (2) ~~In conjunction with paragraph (1), doing any of~~  
29 ~~the following:~~

30 ~~(A)~~ Providing general published factual information  
31 that has been written or approved by an attorney,  
32 pertaining to legal procedures, rights, or obligations to a  
33 person who is representing himself or herself in a legal  
34 matter, to assist the person in representing himself or  
35 herself. *This service in and of itself, shall not require*  
36 *registration as a legal document assistant.*

37 ~~(B)~~

38 (3) Making published legal documents available to a  
39 person who is representing himself or herself in a legal  
40 matter.



1 ~~(C) Filing and serving legal documents at the specific~~  
2 *(4) Filing and serving legal forms and documents at*  
3 *the specific* direction of a person who is representing  
4 himself or herself in a legal matter.

5 (e) “Compensation” means money, property, or  
6 anything else of value.

7 (f) A legal document assistant shall not provide any  
8 self-help service for compensation after January 1, 2000,  
9 unless the legal document assistant is registered in the  
10 county in which the services are being provided.

11 (g) A legal document assistant shall not provide any  
12 kind of advice, explanation, opinion, or recommendation  
13 to a consumer about possible legal rights, remedies,  
14 defenses, options, selection of forms, or strategies. A legal  
15 document assistant shall complete documents only in the  
16 manner prescribed by paragraph (3) of subdivision (d).

17 ~~(h) This section shall remain in effect only until~~  
18 ~~January 1, 2003, and as of that date is repealed, unless a~~  
19 ~~later enacted statute, that is enacted before January 1,~~  
20 ~~2003, deletes or extends that date.~~

21 *(h) This section shall remain in effect only until*  
22 *January 1, 2003, or the date the director suspends the*  
23 *requirements of this chapter applicable to legal*  
24 *document assistants pursuant to Section 6416, whichever*  
25 *first occurs, and as of that date is repealed, unless a later*  
26 *enacted statute, that is enacted before that date, deletes*  
27 *or extends that date.*

28 SEC. 4. Section 6400 is added to the Business and  
29 Professions Code, to read:

30 6400. (a) “Unlawful detainer assistant” means any  
31 individual who for compensation renders assistance or  
32 advice in the prosecution or defense of an unlawful  
33 detainer claim or action, including any bankruptcy  
34 petition that may affect the unlawful detainer claim or  
35 action.

36 (b) “Unlawful detainer claim” means a proceeding,  
37 filing, or action affecting rights or liabilities of any person  
38 that arises under Chapter 4 (commencing with Section  
39 1159) of Title 3 of Part 3 of the Code of Civil Procedure  
40 and that contemplates an adjudication by a court.



1 (c) “Compensation” means money, property, or  
2 anything else of value.

3 (d) This section shall become operative January 1,  
4 2003, *or the date the director suspends the requirements*  
5 *of this chapter applicable to legal document assistants*  
6 *pursuant to Section 6416, whichever first occurs.*

7 SEC. 5. Section 6401 of the Business and Professions  
8 Code is amended to read:

9 6401. This chapter does not apply to any of the  
10 following:

11 (a) Any government employee who is acting in the  
12 course of his or her employment.

13 (b) A member of the State Bar of California, or his or  
14 her employee, paralegal, or agent, or an independent  
15 contractor while acting on behalf of a member of the  
16 State Bar.

17 (c) Any employee of a nonprofit, tax-exempt  
18 corporation who assists clients free of charge.

19 (d) A licensed real estate broker or licensed real estate  
20 salesperson, as defined in Chapter 3 (commencing with  
21 Section 10130) of Part 1 of Division 4, who acts pursuant  
22 to subdivision (b) of Section 10131 on an unlawful  
23 detainer claim as defined in subdivision (b) of Section  
24 6400, and who is a party to the unlawful detainer action.

25 (e) An immigration consultant, as defined in Chapter  
26 19.5 (commencing with Section 22441) of Division 8.

27 (f) A person registered as a process server under  
28 Chapter 16 (commencing with Section 22350) or a person  
29 registered as a professional photocopier under Chapter 20  
30 (commencing with Section 22450) of Division 8.

31 (g) A person who provides services relative to the  
32 preparation of security instruments or conveyance  
33 documents as an integral part of the provision of title or  
34 escrow service.

35 (h) A person who provides services that are regulated  
36 by federal law.

37 (i) A person who ~~provides services to~~ *is employed by,*  
38 *and provides services to,* a supervised financial  
39 institution, holding company, subsidiary or affiliate.



1 ~~(j) A person who works with a legal document assistant~~  
2 ~~and does not provide self help service directly to a~~  
3 ~~consumer.~~

4 ~~(k) This section shall remain in effect only until~~  
5 ~~January 1, 2003, and as of that date is repealed, unless a~~  
6 ~~later enacted statute, that is enacted before January 1,~~  
7 ~~2003, deletes or extends that date.~~

8 *(j) This section shall remain in effect only until*  
9 *January 1, 2003, or the date the director suspends the*  
10 *requirements of this chapter applicable to legal*  
11 *document assistants pursuant to Section 6416, whichever*  
12 *first occurs, and as of that date is repealed, unless a later*  
13 *enacted statute, that is enacted before that date, deletes*  
14 *or extends that date.*

15 SEC. 6. Section 6401 is added to the Business and  
16 Professions Code, to read:

17 6401. This chapter does not apply to any of the  
18 following:

19 (a) Any government employee who is acting in the  
20 course of his or her employment.

21 (b) ~~A~~ *An active member of the State Bar of California,*  
22 *or his or her employee or agent, acting under the*  
23 *member's supervision, or an independent contractor*  
24 ~~while acting on behalf of a member of the State Bar. while~~  
25 *acting on behalf of, and under the supervision of, the*  
26 *member.*

27 (c) Any employee of a nonprofit, tax-exempt  
28 corporation who assists clients free of charge.

29 (d) A licensed real estate broker or licensed real estate  
30 salesperson, as defined in Chapter 3 (commencing with  
31 Section 10130) of Part 1 of Division 4, who acts pursuant  
32 to subdivision (b) of Section 10131 on an unlawful  
33 detainer claim as defined in subdivision (b) of Section  
34 6400, and who is a party to the unlawful detainer action.

35 (e) This section shall become operative January 1,  
36 2003, *or the date the director suspends the requirements*  
37 *of this chapter applicable to legal document assistants*  
38 *pursuant to Section 6416, whichever first occurs.*

39 SEC. 7. Section 6401.6 is added to the Business and  
40 Professions Code, to read:



1 6401.6. A legal document assistant shall not provide  
2 service to a client who requires assistance that exceeds  
3 the definition of self-help service in subdivision (b) of  
4 Section 6400, and shall inform the client that the client  
5 requires the services of an attorney.

6 This section shall remain in effect only until January 1,  
7 2003, and as of that date is repealed, unless a later enacted  
8 statute that is enacted before January 1, 2003, deletes or  
9 extends that date.

10 SEC. 8. Section 6402 of the Business and Professions  
11 Code is amended to read:

12 6402. A legal document assistant or unlawful detainer  
13 assistant shall be registered pursuant to this chapter by  
14 the county clerk of each county in which he or she  
15 performs acts for which registration is required. No  
16 person who has been disbarred or suspended from the  
17 practice of law pursuant to Article 6 (commencing with  
18 Section 6100) of Chapter 4 shall, during the period of any  
19 disbarment or suspension, register as a legal document  
20 assistant or unlawful detainer assistant. The Department  
21 of Consumer Affairs shall, by July 1, 1999, develop the  
22 application that shall be completed by a person for  
23 purposes of registration as a legal document assistant. The  
24 application shall specify the types of proof that the  
25 applicant shall provide to the county clerk in order to  
26 demonstrate the qualification and requirements of  
27 Section 6402.1.

28 ~~This section shall remain in effect only until January 1,~~  
29 ~~2003, and as of that date is repealed, unless a later enacted~~  
30 ~~statute, that is enacted before January 1, 2003, deletes or~~  
31 ~~extends that date.~~

32 *This section shall remain in effect only until January 1,*  
33 *2003, or the date the director suspends the requirements*  
34 *of this chapter applicable to legal document assistants*  
35 *pursuant to Section 6416, whichever first occurs, and as of*  
36 *that date is repealed, unless a later enacted statute, that*  
37 *is enacted before that date, deletes or extends that date.*

38 SEC. 9. Section 6402 is added to the Business and  
39 Professions Code, to read:



1 6402. An unlawful detainer assistant shall be  
2 registered pursuant to this chapter by the county clerk of  
3 each county in which he or she performs acts for which  
4 registration is required. No person who has been  
5 disbarred or suspended from the practice of law pursuant  
6 to Article 6 (commencing with Section 6100) of Chapter  
7 4 shall, during the period of any disbarment or suspension,  
8 register as an unlawful detainer assistant.

9 This section shall become operative January 1, 2003, *or*  
10 *the date the director suspends the requirements of this*  
11 *chapter applicable to legal document assistants pursuant*  
12 *to Section 6416, whichever first occurs.*

13 SEC. 9.5. Section 6402.1 is added to the Business and  
14 Professions Code, to read:

15 6402.1. To be eligible to apply for registration under  
16 this chapter as a legal document assistant, the applicant  
17 shall possess at least one of the following:

18 (a) A high school diploma or general equivalency  
19 diploma, and either a minimum of two years of  
20 law-related experience under the supervision of a  
21 licensed attorney, or a minimum of two years experience,  
22 prior to January 1, 1999, providing self-help service.

23 (b) A baccalaureate degree in any field and either a  
24 minimum of one year of law-related experience under  
25 the supervision of a licensed attorney, or a minimum of  
26 one year of experience, prior to January 1, 1999, providing  
27 self-help service.

28 (c) A certificate of completion from a paralegal  
29 program that is institutionally accredited but not  
30 approved by the American Bar Association, that requires  
31 successful completion of a minimum of 24 semester units,  
32 or the equivalent, in legal specialization courses.

33 (d) A certificate of completion from a paralegal  
34 program approved by the American Bar Association.

35 ~~(e) This section shall remain in effect only until~~  
36 ~~January 1, 2003, and as of that date is repealed, unless a~~  
37 ~~later enacted statute, that is enacted before January 1,~~  
38 ~~2003, deletes or extends that date.~~

39 *(e) This section shall remain in effect only until*  
40 *January 1, 2003, or the date the director suspends the*



1 *requirements of this chapter applicable to legal*  
2 *document assistants pursuant to Section 6416, whichever*  
3 *first occurs, and as of that date is repealed, unless a later*  
4 *enacted statute, that is enacted before that date, deletes*  
5 *or extends that date.*

6 SEC. 10. Section 6403 of the Business and Professions  
7 Code is amended to read:

8 6403. (a) The application for registration of a natural  
9 person shall contain all of the following statements about  
10 the applicant:

11 (1) Name, age, address, and telephone number.

12 (2) Whether he or she has been convicted of a felony,  
13 or of a misdemeanor under Section 6126 or 6127.

14 (3) Whether he or she has been held liable in a civil  
15 action by final judgment or ~~consented to the~~ entry of a  
16 stipulated judgment, if the action alleged fraud, or the use  
17 of *an* untrue or misleading ~~representations~~  
18 *representation*, or the use of an unfair, unlawful, or  
19 deceptive business practice.

20 (4) Whether he or she has ever been convicted of a  
21 misdemeanor violation of this chapter.

22 (5) Whether he or she has had a civil judgment  
23 entered against him or her in an action arising out of the  
24 applicant's *negligent, reckless, or willful* failure to  
25 properly perform his or her obligation as a legal  
26 document assistant or unlawful detainer assistant.

27 (6) Whether he or she has had a registration revoked  
28 pursuant to Section 6413.

29 (b) The application for registration of a natural person  
30 shall be accompanied by the display of personal  
31 identification, such as a California driver's license, birth  
32 certificate, or other identification acceptable to the  
33 county clerk to adequately determine the identity of the  
34 applicant.

35 (c) The application for registration of a partnership or  
36 corporation shall contain all of the following statements  
37 about the applicant:

38 (1) The names, ages, addresses, and telephone  
39 numbers of the general partners or officers.



1 (2) Whether the general partners or officers have ever  
2 been convicted of a felony, or a misdemeanor under  
3 Section 6126 or 6127.

4 (3) Whether the general partners or officers have ever  
5 been held liable in a civil action by final judgment or ~~have~~  
6 ~~consented to the entry of a stipulated judgment. If the~~  
7 ~~entry of a stipulated judgment, if the~~ action alleged fraud,  
8 ~~whether it involved~~ or the use of an untrue or misleading  
9 ~~representations~~ representation, or the use of an unfair,  
10 unlawful, or deceptive business practice.

11 (4) Whether the general partners or officers have ever  
12 been convicted of a misdemeanor violation of this  
13 chapter.

14 (5) Whether the general partners or officers have had  
15 a civil judgment entered against them in an action arising  
16 out of a *negligent, reckless, or willful* failure to properly  
17 perform the obligations of a legal document assistant or  
18 unlawful detainer assistant.

19 (6) Whether the general partners or officers have ever  
20 had a registration revoked pursuant to Section 6413.

21 ~~(d) (1) Except as provided in paragraph (5), an~~  
22 ~~applicant shall be denied registration or renewal of~~  
23 ~~registration if, the applicant has been any of the following:~~

24 ~~(A) Convicted of a felony, or of a misdemeanor under~~  
25 ~~Section 6126 or 6127.~~

26 ~~(B) Held liable in a civil action by final judgment or~~  
27 ~~consented to the entry of a stipulated judgment, if the~~  
28 ~~action alleged fraud, or the use of untrue or misleading~~  
29 ~~representations, or the use of an unfair, unlawful, or~~  
30 ~~deceptive business practice.~~

31 ~~(C) Convicted of a misdemeanor violation of this~~  
32 ~~chapter.~~

33 ~~(D) Had a civil judgment entered against him or her~~  
34 ~~in an action arising out of the applicant's gross negligence~~  
35 ~~to properly perform his or her obligation as a legal~~  
36 ~~document assistant or unlawful detainer assistant.~~

37 ~~(E) Had his or her registration revoked pursuant to~~  
38 ~~Section 6413.~~

39 (2) If the county clerk finds that any of the  
40 subparagraphs of paragraph (1) apply, the county clerk



1 shall return the application and fee to the applicant with  
2 a notice to the applicant indicating the reason for the  
3 denial and the method of appeal. The denial of an  
4 application may be appealed by the applicant by  
5 submitting, to the Office of Administrative Hearings, the  
6 following:

7 (A) A fifty dollar (\$50) nonrefundable filing fee for an  
8 administrative law judge to review the case.

9 (B) An additional fifty dollar (\$50) nonrefundable fee  
10 if the applicant wishes the Office of Administrative  
11 Hearings to set the matter for hearing.

12 (C) The completed application and notice from the  
13 county clerk specifying the reasons for the denial of the  
14 application.

15 (D) A copy of any final judgment or order that  
16 resulted from any conviction or civil judgment listed on  
17 the application.

18 (E) A letter from the applicant requesting an oral  
19 hearing, or a waiver of the hearing and a decision based  
20 on the documents submitted.

21 (F) Any relevant information the applicant wishes to  
22 include for the record.

23 (3) The Office of Administrative Hearings shall set the  
24 matter for hearing if requested. The matter shall be set  
25 for hearing no later than 30 days after receiving a request  
26 from the applicant, unless the applicant requests an  
27 extension of time. The applicant may choose to be  
28 represented at the hearing by counsel. The  
29 administrative law judge shall direct that the applicant's  
30 certificate of registration be granted if the judge  
31 determines that the issuance of a certificate of  
32 registration is not likely to expose consumers to a  
33 significant risk of harm based on a review of the  
34 application and any other information relating to the  
35 applicant's unlawful or unfair practice described in  
36 subparagraphs (A) to (E), inclusive, of paragraph (1).  
37 The administrative law judge shall direct that the  
38 applicant's certificate of registration be denied if the  
39 judge determines that issuance of a certificate of  
40 registration is likely to expose consumers to a significant



1 ~~risk of harm based on a review of the application and any~~  
2 ~~other information relating to the applicant's unlawful or~~  
3 ~~unfair practice described in subparagraphs (A) to (E),~~  
4 ~~inclusive, of paragraph (1). The decision shall be sent to~~  
5 ~~the applicant and the county clerk within 30 days of the~~  
6 ~~submission of the matter.~~

7 ~~(4) The Office of Administrative Hearings shall adopt~~  
8 ~~regulations to implement this article.~~

9 ~~(5) If the administrative law judge directs that the~~  
10 ~~certificate of registration be granted, the applicant may~~  
11 ~~resubmit the application, with the appropriate~~  
12 ~~application fee and the written decision of the~~  
13 ~~administrative law judge. The county clerk shall grant the~~  
14 ~~certificate of registration to the applicant within three~~  
15 ~~business days of being supplied this information.~~

16 ~~(e)~~

17 ~~(d) The applications made under this section shall be~~  
18 ~~made under penalty of perjury.~~

19 ~~(f) This section shall remain in effect only until~~  
20 ~~January 1, 2003, and as of that date is repealed, unless a~~  
21 ~~later enacted statute, that is enacted before January 1,~~  
22 ~~2003, deletes or extends that date.~~

23 ~~(e) This section shall remain in effect only until~~  
24 ~~January 1, 2003, or the date the director suspends the~~  
25 ~~requirements of this chapter applicable to legal~~  
26 ~~document assistants pursuant to Section 6416, whichever~~  
27 ~~first occurs, and as of that date is repealed, unless a later~~  
28 ~~enacted statute, that is enacted before that date, deletes~~  
29 ~~or extends that date.~~

30 SEC. 11. Section 6403 is added to the Business and  
31 Professions Code, to read:

32 6403. (a) The application for registration of a natural  
33 person shall contain all of the following statements about  
34 the applicant:

35 (1) Name, age, address, and telephone number.

36 (2) Whether he or she has been convicted of a felony,  
37 or of a misdemeanor under Section 6126 or 6127.

38 (3) Whether he or she has been held liable in a civil  
39 action by final judgment or consented to the entry of a  
40 stipulated judgment, if the action alleged fraud, or the use



1 of untrue or misleading representations, or the use of an  
2 unfair, unlawful, or deceptive business practice.

3 (b) The application for registration of a partnership or  
4 corporation shall contain all of the following statements  
5 about the applicant:

6 (1) The names, ages, addresses, and telephone  
7 numbers of the general partners or officers.

8 (2) Whether the general partners or officers have ever  
9 been convicted of a felony.

10 (3) Whether the general partners or officers have ever  
11 been held liable in a civil action by final judgment or have  
12 consented to the entry of a stipulated judgment. If the  
13 action alleged fraud, whether it involved the use of  
14 untrue or misleading representations, or the use of an  
15 unfair, unlawful, or deceptive business practice.

16 (c) This section shall become operative January 1,  
17 2003, *or the date the director suspends the requirements*  
18 *of this chapter applicable to legal document assistants*  
19 *pursuant to Section 6416, whichever first occurs.*

20 SEC. 12. Section 6405 of the Business and Professions  
21 Code is amended to read:

22 6405. (a) An application for a certificate of  
23 registration shall be accompanied by a bond of  
24 twenty-five thousand dollars (\$25,000) executed by a  
25 corporate surety qualified to do business in this state and  
26 conditioned upon compliance with this chapter. The total  
27 aggregate liability on the bond shall be limited to  
28 twenty-five thousand dollars (\$25,000). The bond may be  
29 terminated pursuant to Section 995.440 of, and Article 13  
30 (commencing with Section 996.310) of Chapter 2 of Title  
31 14 of Part 2 of, the Code of Civil Procedure.

32 (b) The county clerk shall, upon filing of the bond,  
33 deliver the bond forthwith to the county recorder for  
34 recording. The recording fee specified in Section 27361 of  
35 the Government Code shall be paid by the registrant. The  
36 fee may be paid to the county clerk, who shall transmit it  
37 to the recorder.

38 (c) The fee for filing, canceling, revoking, or  
39 withdrawing the bond is seven dollars (\$7).



1 (d) The county recorder shall record the bond and any  
2 notice of cancellation, revocation, or withdrawal of the  
3 bond, and shall thereafter mail the instrument, unless  
4 specified to the contrary, to the person named in the  
5 instrument and, if no person is named, to the party  
6 leaving it for recording. The recording fee specified in  
7 Section 27361 of the Government Code for notice of  
8 cancellation, revocation, or withdrawal of the bond shall  
9 be paid to the county clerk, who shall transmit it to the  
10 county recorder.

11 (e) In lieu of the bond required by subdivision (a), a  
12 registrant may deposit twenty-five thousand dollars  
13 (\$25,000) in cash with the county clerk.

14 (f) If the certificate is revoked, the bond or cash  
15 deposit shall be returned to the bonding party or  
16 depositor subject to subdivision (g) and the right of a  
17 person to recover against the bond or cash deposit under  
18 Section 6412.

19 (g) The county clerk may retain a cash deposit until  
20 the expiration of three years from the date the registrant  
21 has ceased to do business, or three years from the  
22 expiration or revocation date of the registration, in order  
23 to ensure there are no outstanding claims against the  
24 deposit. A judge of a municipal or superior court may  
25 order the return of the deposit prior to the expiration of  
26 three years upon evidence satisfactory to the judge that  
27 there are no outstanding claims against the deposit.

28 *SEC. 12.5. Section 6406 of the Business and*  
29 *Professions Code is amended to read:*

30 6406. ~~A~~ (a) *If granted, a certificate of registration*  
31 *shall be effective for a period of two years. Thereafter, a*  
32 *registrant shall file an application for renewal of*  
33 *registration and pay the fee required by Section 6404.*

34 (b) *Except as provided in subdivisions (d) to (f),*  
35 *inclusive, an applicant shall be denied registration or*  
36 *renewal of registration if the applicant has been any of the*  
37 *following:*

38 (1) *Convicted of a felony, or of a misdemeanor under*  
39 *Section 6126 or 6127.*



1 (2) Held liable in a civil action by final judgment or  
2 entry of a stipulated judgment, if the action alleged fraud,  
3 or the use of an untrue or misleading representation, or  
4 the use of an unfair, unlawful, or deceptive business  
5 practice.

6 (3) Convicted of a misdemeanor violation of this  
7 chapter.

8 (4) Had a civil judgment entered against him or her in  
9 an action arising out of the applicant's negligent, reckless,  
10 or willful failure to properly perform his or her obligation  
11 as a legal document assistant or unlawful detainer  
12 assistant.

13 (5) Had his or her registration revoked pursuant to  
14 Section 6413.

15 (c) If the county clerk finds that the applicant has  
16 failed to demonstrate having met the requisite  
17 requirements of Section 6402 or 6402.1, or that any of the  
18 paragraphs of subdivision (b) apply, the county clerk,  
19 within three business days of submission of the  
20 application and fee, shall return the application and fee  
21 to the applicant with a notice to the applicant indicating  
22 the reason for the denial and the method of appeal.

23 (d) The denial of an application may be appealed by  
24 the applicant by submitting, to the director, the  
25 following:

26 (1) The completed application and notice from the  
27 county clerk specifying the reasons for the denial of the  
28 application.

29 (2) A copy of any final judgment or order that resulted  
30 from any conviction or civil judgment listed on the  
31 application.

32 (3) Any relevant information the applicant wishes to  
33 include for the record.

34 (e) The director shall order the applicant's certificate  
35 of registration to be granted if the director determines  
36 that the issuance of a certificate of registration is not likely  
37 to expose consumers to a significant risk of harm based on  
38 a review of the application and any other information  
39 relating to the applicant's unlawful act or unfair practice  
40 described in paragraphs (1) to (5), inclusive, of



1 subdivision (b). The director shall order the applicant's  
2 certificate of registration to be denied if the director  
3 determines that issuance of a certificate of registration is  
4 likely to expose consumers to a significant risk of harm  
5 based on a review of the application and any other  
6 information relating to the applicant's unlawful act or  
7 unfair practice described in paragraphs (1) to (5),  
8 inclusive, of subdivision (b). The director shall send to the  
9 applicant and the county clerk a written decision listing  
10 the reasons registration shall be granted or denied within  
11 30 days of the submission of the matter.

12 (f) If the director orders that the certificate of  
13 registration be granted, the applicant may resubmit the  
14 application, with the appropriate application fee and the  
15 written decision of the director. The county clerk shall  
16 grant the certificate of registration to the applicant  
17 within three business days of being supplied this  
18 information.

19 (g) This section shall remain in effect only until  
20 January 1, 2003, or the date the director suspends the  
21 requirements of this chapter applicable to legal  
22 document assistants pursuant to Section 6416, whichever  
23 first occurs and as of that date is repealed, unless a later  
24 enacted statute, that is enacted before that date, deletes  
25 or extends that date.

26 SEC. 12.6. Section 6406 is added to the Business and  
27 Professions Code, to read:

28 6406. (a) A certificate of registration shall be  
29 effective for a period of two years. Thereafter, a registrant  
30 shall file an application for renewal of registration and pay  
31 the fee required by Section 6404.

32 (b) This section shall become operative January 1,  
33 2003, or the date the director suspends the requirements  
34 of this chapter applicable to legal document assistants  
35 pursuant to Section 6416, whichever first occurs.

36 SEC. 13. Section 6407 of the Business and Professions  
37 Code is amended to read:

38 6407. (a) The county clerk shall maintain a register  
39 of legal document assistants, and a register of unlawful  
40 detainer assistants, assign a unique number to each legal



1 document assistant, or unlawful detainer assistant, and  
2 issue an identification card to each one. Additional cards  
3 for employees of legal document assistants or unlawful  
4 detainer assistants shall be issued upon the payment of  
5 ten dollars (\$10) for each card. Upon renewal of  
6 registration, the same number shall be assigned, provided  
7 there is no lapse in the period of registration.

8 (b) The identification card shall be a card 3 1/2 inches  
9 by 2 1/4 inches, and shall contain at the top, the title  
10 “Legal Document Assistant” or “Unlawful Detainer  
11 Assistant,” as appropriate, followed by the registrant’s  
12 name, address, registration number, date of expiration,  
13 and county of registration. It shall also contain a  
14 photograph of the registrant in the lower left corner. *The*  
15 *front of the card, above the title, shall also contain the*  
16 *following statement in 12-point boldface type: “This*  
17 *person is not a lawyer.” The front of the card, at the*  
18 *bottom, shall also contain the following statement in*  
19 *12-point boldface type: “The county clerk has not*  
20 *evaluated this person’s knowledge, experience, or*  
21 *services.”*

22 ~~(e) This section shall remain in effect only until~~  
23 ~~January 1, 2003, and as of that date is repealed, unless a~~  
24 ~~later enacted statute, that is enacted before January 1,~~  
25 ~~2003, deletes or extends that date.~~

26 *(c) This section shall remain in effect only until*  
27 *January 1, 2003, or the date the director suspends the*  
28 *requirements of this chapter applicable to legal*  
29 *document assistants pursuant to Section 6416, whichever*  
30 *first occurs, and as of that date is repealed, unless a later*  
31 *enacted statute, that is enacted before that date, deletes*  
32 *or extends that date.*

33 SEC. 14. Section 6407 is added to the Business and  
34 Professions Code, to read:

35 6407. (a) The county clerk shall maintain a register  
36 of unlawful detainer assistants, assign a unique number to  
37 each unlawful detainer assistant, and issue an  
38 identification card to each one. Additional cards for  
39 employees of unlawful detainer assistants shall be issued  
40 upon the payment of ten dollars (\$10) for each card.



1 Upon renewal of registration, the same number shall be  
2 assigned, provided there is no lapse in the period of  
3 registration.

4 (b) The identification card shall be a card 3 1/2 inches  
5 by 2 1/4 inches, and shall contain at the top, the title  
6 “Unlawful Detainer Assistant” followed by the  
7 registrant’s name, address, registration number, date of  
8 expiration, and county of registration. It shall also contain  
9 a photograph of the registrant in the lower left corner.

10 (c) This section shall become operative January 1,  
11 2003, *or the date the director suspends the requirements*  
12 *of this chapter applicable to legal document assistants*  
13 *pursuant to Section 6416, whichever first occurs.*

14 SEC. 15. Section 6408 of the Business and Professions  
15 Code is amended to read:

16 6408. The registrant’s name, business address,  
17 telephone number, registration number, and county of  
18 registration shall appear on any solicitation or  
19 advertisement, and ~~on the registrant’s work product any~~  
20 *appropriate papers or documents prepared or used by*  
21 *the registrant*, including, but not limited to, *contracts,*  
22 letterhead, business cards, correspondence, documents,  
23 forms, claims, petitions, ~~checks, receipts, money orders,~~  
24 ~~pleadings, and other papers prepared or used by the~~  
25 ~~registrant.~~

26 ~~This section shall remain in effect only until January 1,~~  
27 ~~2003, and as of that date is repealed, unless a later enacted~~  
28 ~~statute, that is enacted before January 1, 2003, deletes or~~  
29 ~~extends that date.~~

30 *checks, receipts, money orders, and pleadings.*

31 *This section shall remain in effect only until January 1,*  
32 *2003, or the date the director suspends the requirements*  
33 *of this chapter applicable to legal document assistants*  
34 *pursuant to Section 6416, whichever first occurs, and as of*  
35 *that date is repealed, unless a later enacted statute, that*  
36 *is enacted before that date, deletes or extends that date.*

37 SEC. 16. Section 6408 is added to the Business and  
38 Professions Code, to read:

39 6408. The registrant’s registration number and  
40 county of registration shall appear on any solicitation or



1 advertisement, and on the registrant's work product,  
2 including, but not limited to, letterhead, correspondence,  
3 documents, forms, claims, petitions, checks, receipts,  
4 money orders, pleadings, and other papers relating to  
5 unlawful detainer claims or actions.

6 This section shall become operative January 1, 2003, *or*  
7 *the date the director suspends the requirements of this*  
8 *chapter applicable to legal document assistants pursuant*  
9 *to Section 6416, whichever first occurs.*

10 SEC. 17. Section 6409 of the Business and Professions  
11 Code is amended to read:

12 6409. No legal document assistant or unlawful  
13 detainer assistant shall retain in his or her possession  
14 original documents of a client. *A legal document assistant*  
15 *or an unlawful detainer assistant shall immediately return*  
16 *all of a client's original documents to the client in any one*  
17 *or more of the following circumstances: if the client so*  
18 *requests at any time; if the written contract required by*  
19 *Section 6410 is not executed or is rescinded, canceled, or*  
20 *voided for any reason; or when the services described*  
21 *pursuant to paragraph (1) of subdivision (b) of Section*  
22 *6410 have been completed.*

23 ~~This section shall remain in effect only until January 1,~~  
24 ~~2003, and as of that date is repealed, unless a later enacted~~  
25 ~~statute, that is enacted before January 1, 2003, deletes or~~  
26 ~~extends that date.~~

27 *This section shall remain in effect only until January 1,*  
28 *2003, or the date the director suspends the requirements*  
29 *of this chapter applicable to legal document assistants*  
30 *pursuant to Section 6416, whichever first occurs, and as of*  
31 *that date is repealed, unless a later enacted statute, that*  
32 *is enacted before that date, deletes or extends that date.*

33 SEC. 18. Section 6409 is added to the Business and  
34 Professions Code, to read:

35 6409. No unlawful detainer assistant shall retain in his  
36 or her possession original documents of a client.

37 This section shall become operative January 1, 2003, *or*  
38 *the date the director suspends the requirements of this*  
39 *chapter applicable to legal document assistants pursuant*  
40 *to Section 6416, whichever first occurs.*



1 SEC. 19. Section 6410 of the Business and Professions  
2 Code is amended to read:

3 6410. (a) Every legal document assistant or unlawful  
4 detainer assistant who enters into a contract or  
5 agreement with a client to provide services shall, prior to  
6 providing any services, provide the client with a written  
7 contract, the contents of which shall be prescribed by  
8 regulations adopted by the Department of Consumer  
9 Affairs.

10 (b) The written contract shall include provisions  
11 relating to the following:

12 (1) The services to be performed.

13 (2) The costs of the services to be performed.

14 (3) There shall be printed on the face of the contract  
15 in 12-point boldface type a statement that the legal  
16 document assistant or unlawful detainer assistant is not an  
17 attorney and may not perform the legal services that an  
18 attorney performs.

19 (4) The contract shall contain a statement in 12-point  
20 ~~boldface type that registration with the county clerk is~~  
21 ~~not an endorsement by the county clerk of the quality of~~  
22 ~~the legal document assistant's or unlawful detainer~~  
23 ~~assistant's services or experience. *boldface type that the*~~  
24 ~~*county clerk has not evaluated or approved the*~~  
25 ~~*registrant's knowledge or experience, or the quality of*~~  
26 ~~*the registrant's services.*~~

27 (5) The contract shall contain a statement in 12-point  
28 boldface type that the consumer may obtain information  
29 regarding free or low-cost representation through a local  
30 bar association or legal aid foundation and that the  
31 consumer may contact local law enforcement, a district  
32 attorney, or a legal aid foundation if the consumer  
33 believes that he or she has been a victim of fraud, the  
34 unauthorized practice of law, or any other injury.

35 (6) The contract shall contain a statement in 12-point  
36 boldface type that a legal document assistant or unlawful  
37 detainer assistant is not permitted to engage in the  
38 practice of law, including providing any kind of advice,  
39 explanation, opinion, or recommendation to a consumer

1 about possible legal rights, remedies, defenses, options,  
2 selection of forms, or strategies.

3 (c) The provisions of the written contract shall be  
4 stated both in English and in any other language  
5 comprehended by the client and principally used in any  
6 oral sales presentation or negotiation leading to execution  
7 of the contract. *The legal document assistant or the*  
8 *unlawful detainer assistant shall be responsible for*  
9 *translating the contract into the language principally*  
10 *used in any oral sales presentation or negotiation leading*  
11 *to the execution of the contract.*

12 (d) Failure of a legal document assistant or unlawful  
13 detainer assistant to comply with subdivisions (a), (b),  
14 and (c) shall make the contract or agreement for services  
15 voidable at the option of the client. Upon the voiding of  
16 the contract, the legal document assistant or unlawful  
17 detainer assistant shall immediately return in full any fees  
18 paid by the client.

19 (e) ~~The~~ *In addition to any other right to rescind, the*  
20 *client shall have the right to rescind the contract within*  
21 *24 hours of the signing of the contract. The client may*  
22 *cancel the contract by giving the legal document assistant*  
23 *or the unlawful detainer assistant any written statement*  
24 *to the effect that the contract is canceled. If the client*  
25 *gives notice of cancellation by mail addressed to the legal*  
26 *document assistant or unlawful detainer assistant, with*  
27 *first-class postage prepaid, cancellation is effective upon*  
28 *the date indicated on the postmark. Upon the voiding or*  
29 *rescinding of the contract or agreement for services, the*  
30 *legal document assistant or unlawful detainer assistant*  
31 *shall immediately return to the client any fees paid by the*  
32 *client, except fees for services that were actually,*  
33 *necessarily, and reasonably performed on the client's*  
34 *behalf by the legal document assistant or unlawful*  
35 *detainer assistant with the client's knowing and express*  
36 *written consent. The requirements of this subdivision*  
37 *shall be conspicuously set forth in the written contract.*

38 ~~(f) This section shall remain in effect only until~~  
39 ~~January 1, 2003, and as of that date is repealed, unless a~~



1 ~~later enacted statute, that is enacted before January 1,~~  
2 ~~2003, deletes or extends that date.~~

3 *(f) This section shall remain in effect only until*  
4 *January 1, 2003, or the date the director suspends the*  
5 *requirements of this chapter applicable to legal*  
6 *document assistants pursuant to Section 6416, whichever*  
7 *first occurs, and as of that date is repealed, unless a later*  
8 *enacted statute, that is enacted before that date, deletes*  
9 *or extends that date.*

10 SEC. 20. Section 6410 is added to the Business and  
11 Professions Code, to read:

12 6410. (a) Every unlawful detainer assistant who  
13 enters into a contract or agreement with a client to  
14 provide services shall, prior to providing any services,  
15 provide the client with a written contract, the contents  
16 of which shall be prescribed by regulations adopted by  
17 the Department of Consumer Affairs.

18 (b) The written contract shall include provisions  
19 relating to the following:

20 (1) The services to be performed.

21 (2) The costs of the services to be performed.

22 (3) There shall be printed on the face of the contract  
23 in 12-point boldface type a statement that the unlawful  
24 detainer assistant is not an attorney and may not perform  
25 the legal services that an attorney performs.

26 (c) The provisions of the written contract shall be  
27 stated both in English and, if the client is non-English  
28 speaking, in the language of the client.

29 (d) Failure of an unlawful detainer assistant to comply  
30 with the provisions of subdivisions (a), (b), and (c) shall  
31 make the contract or agreement for services voidable at  
32 the option of the client. Upon the voiding of the contract,  
33 the unlawful detainer assistant shall immediately return  
34 in full any fees paid by the client.

35 (e) The client shall have the right to rescind the  
36 contract within 24 hours of the signing of the contract.  
37 Upon the voiding or rescinding of the contract or  
38 agreement for services, the unlawful detainer assistant  
39 shall immediately return to the client any fees paid by the  
40 client, except fees for services that were actually,



1 necessarily, and reasonably performed on the client's  
2 behalf by the unlawful detainer assistant. The  
3 requirements of this subdivision shall be conspicuously  
4 set forth in the written contract in both English and, if the  
5 client is non-English speaking, in the language of the  
6 client.

7 (f) This section shall become operative January 1, 2003,  
8 *or the date the director suspends the requirements of this*  
9 *chapter applicable to legal document assistants pursuant*  
10 *to Section 6416, whichever first occurs.*

11 SEC. 21. Section 6411 of the Business and Professions  
12 Code is amended to read:

13 6411. It is unlawful for any person engaged in the  
14 business or acting in the capacity of a legal document  
15 assistant or unlawful detainer assistant to do any of the  
16 following:

17 (a) Make false or misleading statements to the  
18 consumer concerning the *subject matter, legal issues, or*  
19 *self-help service being provided by the legal document*  
20 *assistant or unlawful detainer assistant.*

21 (b) Make any guarantee or promise to a client or  
22 prospective client, unless the guarantee or promise is in  
23 writing and the legal document assistant or unlawful  
24 detainer assistant has ~~some~~ *a reasonable factual* basis for  
25 making the guarantee or promise.

26 (c) Make any statement that the legal document  
27 assistant or unlawful detainer assistant can or will obtain  
28 favors or has special influence with a court, or a state or  
29 federal agency.

30 (d) Provide assistance or advice which constitutes the  
31 unlawful practice of law pursuant to Section 6125, 6126,  
32 or 6127.

33 ~~(e) Nothing in this chapter shall be construed to~~  
34 ~~permit the unauthorized practice of law by a legal~~  
35 ~~document assistant or unlawful detainer assistant,~~

36 (e) *Engage in the unauthorized practice of law,*  
37 *including, but not limited to, giving any kind of advice,*  
38 *explanation, opinion, or recommendation to a consumer*  
39 *about possible legal rights, remedies, defenses, options,*  
40 *selection of forms, or strategies. A legal document*



1 assistant shall complete documents only in the manner  
2 prescribed by paragraph (3) of subdivision (d) of Section  
3 6400.

4 ~~(f) This section shall remain in effect only until~~  
5 ~~January 1, 2003, and as of that date is repealed, unless a~~  
6 ~~later enacted statute, that is enacted before January 1,~~  
7 ~~2003, deletes or extends that date.~~

8 *(f) This section shall remain in effect only until*  
9 *January 1, 2003, or the date the director suspends the*  
10 *requirements of this chapter applicable to legal*  
11 *document assistants pursuant to Section 6416, whichever*  
12 *first occurs, and as of that date is repealed, unless a later*  
13 *enacted statute, that is enacted before that date, deletes*  
14 *or extends that date.*

15 SEC. 22. Section 6411 is added to the Business and  
16 Professions Code, to read:

17 6411. It is unlawful for any person engaged in the  
18 business or acting in the capacity of an unlawful detainer  
19 assistant to do any of the following:

20 (a) Make false or misleading statements to a client  
21 while providing services to that client.

22 (b) Make any guarantee or promise to a client, unless  
23 the guarantee or promise is in writing and the unlawful  
24 detainer assistant has some basis for making the  
25 guarantee or promise.

26 (c) Make any statement that the unlawful detainer  
27 assistant can or will obtain special favors or has special  
28 influence with a court, or a state or federal agency.

29 (d) Provide assistance or advice which constitutes the  
30 unlawful practice of law pursuant to Section 6125, 6126,  
31 or 6127.

32 (e) This section shall become operative January 1,  
33 2003, *or the date the director suspends the requirements*  
34 *of this chapter applicable to legal document assistants*  
35 *pursuant to Section 6416, whichever first occurs.*

36 SEC. 23. Section 6412 of the Business and Professions  
37 Code is amended to read:

38 6412. (a) Any owner or manager of residential or  
39 commercial rental property, tenant, or other person who  
40 is awarded damages in any action or proceeding for



1 injuries caused by the acts of a registrant while in the  
2 performance of his or her duties as a legal document  
3 assistant or unlawful detainer assistant may recover  
4 damages from the bond or cash deposit required by  
5 Section 6405.

6 (b) Whenever there has been a recovery against a  
7 bond or cash deposit under subdivision (a) and the  
8 registration has not been revoked pursuant to Section  
9 6413, the registrant shall file a new bond or deposit an  
10 additional amount of cash within 30 days to reinstate the  
11 bond or cash deposit to the amount required by Section  
12 6405. If the registrant does not file a bond, or deposit this  
13 amount within 30 days, his or her certificate of  
14 registration shall be revoked.

15 ~~(c) This section shall remain in effect only until~~  
16 ~~January 1, 2003, and as of that date is repealed, unless a~~  
17 ~~later enacted statute, that is enacted before January 1,~~  
18 ~~2003, deletes or extends that date.~~

19 *(c) This section shall remain in effect only until*  
20 *January 1, 2003, or the date the director suspends the*  
21 *requirements of this chapter applicable to legal*  
22 *document assistants pursuant to Section 6416, whichever*  
23 *first occurs, and as of that date is repealed, unless a later*  
24 *enacted statute, that is enacted before that date, deletes*  
25 *or extends that date.*

26 SEC. 24. Section 6412 is added to the Business and  
27 Professions Code, to read:

28 6412. (a) Any owner or manager of residential or  
29 commercial rental property, tenant, or other person who  
30 is awarded damages in any action or proceeding for  
31 injuries caused by the acts of a registrant while in the  
32 performance of his or her duties as an unlawful detainer  
33 assistant may recover damages from the bond or cash  
34 deposit required by Section 6405.

35 (b) Whenever there has been a recovery against a  
36 bond or cash deposit under subdivision (a) and the  
37 registration has not been revoked pursuant to Section  
38 6413, the registrant shall file a new bond or deposit an  
39 additional amount of cash within 30 days to reinstate the  
40 bond or cash deposit to the amount required by Section



1 6405. If the registrant does not file a bond, or deposit this  
2 amount within 30 days, his or her certificate of  
3 registration shall be revoked.

4 (c) This section shall become operative January 1,  
5 2003, *or the date the director suspends the requirements*  
6 *of this chapter applicable to legal document assistants*  
7 *pursuant to Section 6416, whichever first occurs.*

8 SEC. 25. Section 6412.1 is added to the Business and  
9 Professions Code, to read:

10 6412.1. (a) Any person injured by the unlawful act of  
11 a legal document assistant or unlawful detainer assistant  
12 shall retain all rights and remedies cognizable under law.  
13 The penalties, relief, and remedies provided in this  
14 chapter are not exclusive, and do not affect any other  
15 penalties, relief, and remedies provided by law.

16 (b) Any person injured by a violation of this chapter by  
17 a legal document assistant or unlawful detainer assistant  
18 may file a complaint and seek redress in any municipal or  
19 superior court for injunctive relief, restitution, and  
20 damages. Attorney's fees shall be awarded to the  
21 prevailing plaintiff.

22 ~~(c) This section shall remain in effect only until~~  
23 ~~January 1, 2003, and as of that date is repealed, unless a~~  
24 ~~later enacted statute, that is enacted before January 1,~~  
25 ~~2003, deletes or extends that date.~~

26 *(c) This section shall remain in effect only until*  
27 *January 1, 2003, or the date the director suspends the*  
28 *requirements of this chapter applicable to legal*  
29 *document assistants pursuant to Section 6416, whichever*  
30 *first occurs, and as of that date is repealed, unless a later*  
31 *enacted statute, that is enacted before that date, deletes*  
32 *or extends that date.*

33 SEC. 26. Section 6413 of the Business and Professions  
34 Code is amended to read:

35 6413. The county clerk shall revoke the registration of  
36 a legal document assistant or unlawful detainer assistant  
37 upon receipt of an official document or record stating that  
38 the registrant has been found guilty of the unauthorized  
39 practice of law pursuant to Section 6125, 6126, or 6127, has  
40 been found guilty of a misdemeanor violation of this



1 chapter, or that a civil judgment has been entered against  
2 the registrant in an action arising out of the registrant's  
3 ~~gross negligence~~ *negligent, reckless, or willful failure* to  
4 properly perform his or her obligation as a legal  
5 document assistant or unlawful detainer assistant. The  
6 county clerk shall be given notice of the disposition in any  
7 court action by the city attorney, district attorney, or  
8 plaintiff, as applicable. A registrant whose registration is  
9 revoked pursuant to this section may reapply for  
10 registration after three years.

11 ~~This section shall remain in effect only until January 1,~~  
12 ~~2003, and as of that date is repealed, unless a later enacted~~  
13 ~~statute, that is enacted before January 1, 2003, deletes or~~  
14 ~~extends that date.~~

15 *This section shall remain in effect only until January 1,*  
16 *2003, or the date the director suspends the requirements*  
17 *of this chapter applicable to legal document assistants*  
18 *pursuant to Section 6416, whichever first occurs, and as of*  
19 *that date is repealed, unless a later enacted statute, that*  
20 *is enacted before that date, deletes or extends that date.*

21 SEC. 27. Section 6413 is added to the Business and  
22 Professions Code, to read:

23 6413. The county clerk shall revoke the registration of  
24 an unlawful detainer assistant upon receipt of an official  
25 document or record stating that the registrant has been  
26 found guilty of the unauthorized practice of law pursuant  
27 to Section 6125, 6126, or 6127, has been found guilty of a  
28 misdemeanor violation of this chapter, or that a civil  
29 judgment has been entered against the registrant in an  
30 action arising out of the registrant's failure to properly  
31 perform his or her obligation as an unlawful detainer  
32 assistant. The county clerk shall be given notice of the  
33 disposition in any court action by the city attorney,  
34 district attorney, or plaintiff, as applicable. A registrant  
35 whose registration is revoked pursuant to this section may  
36 reapply for registration after one year.

37 This section shall become operative January 1, 2003, *or*  
38 *the date the director suspends the requirements of this*  
39 *chapter applicable to legal document assistants pursuant*  
40 *to Section 6416, whichever first occurs.*



1 SEC. 28. Section 6415 of the Business and Professions  
2 Code is amended to read:

3 6415. A failure, by a person who engages in acts of a  
4 legal document assistant or unlawful detainer assistant, to  
5 comply with any of the requirements of Section 6401.6,  
6 6402, 6408, or 6410, or subdivision (a), (b), or (c) of  
7 Section 6411 is punishable as a misdemeanor punishable  
8 by a fine of not less than one thousand dollars (\$1,000) or  
9 more than two thousand dollars (\$2,000), as to each client  
10 with respect to whom a violation occurs, or imprisonment  
11 for not more than one year, or by both that fine and  
12 imprisonment. Payment of restitution to a client shall  
13 take precedence over payment of a fine.

14 ~~This section shall remain in effect only until January 1,~~  
15 ~~2003, and as of that date is repealed, unless a later enacted~~  
16 ~~statute, that is enacted before January 1, 2003, deletes or~~  
17 ~~extends that date.~~

18 *This section shall remain in effect only until January 1,*  
19 *2003, or the date the director suspends the requirements*  
20 *of this chapter applicable to legal document assistants*  
21 *pursuant to Section 6416, whichever first occurs, and as of*  
22 *that date is repealed, unless a later enacted statute, that*  
23 *is enacted before that date, deletes or extends that date.*

24 SEC. 29. Section 6415 is added to the Business and  
25 Professions Code, to read:

26 6415. A failure, by a person who engages in acts of an  
27 unlawful detainer assistant, to comply with any of the  
28 requirements of Section 6402 or 6408, or subdivision (a),  
29 (b), or (c) of Section 6411 is punishable as a misdemeanor  
30 punishable by a fine of not less than one thousand dollars  
31 (\$1,000) or more than two thousand dollars (\$2,000), as to  
32 each client with respect to whom a violation occurs, or  
33 imprisonment for not more than one year, or by both that  
34 fine and imprisonment. Payment of restitution to a client  
35 shall take precedence over payment of a fine.

36 This section shall become operative January 1, 2003, *or*  
37 *the date the director suspends the requirements of this*  
38 *chapter applicable to legal document assistants pursuant*  
39 *to Section 6416, whichever first occurs.*



1 SEC. 29.5. Section 6416 is added to the Business and  
2 Professions Code, to read:

3 6416. The director may conduct an audit of all  
4 counties to determine the number of legal document  
5 assistants registered pursuant to this chapter. The  
6 director may suspend the requirements of this chapter  
7 applicable to legal document assistants if the director  
8 finds that fewer than 200 legal document assistants have  
9 registered with all county clerks by December 31, 2000.  
10 Upon suspension of this chapter by the director, unlawful  
11 detainer assistants shall be subject to the remaining  
12 provisions of this chapter.

13 This section shall remain in effect only until January 1,  
14 2003, and as of that date is repealed, unless a later enacted  
15 statute, that is enacted before January 1, 2003, deletes or  
16 extends that date.

17 SEC. 30. No reimbursement is required by this act  
18 pursuant to Section 6 of Article XIII B of the California  
19 Constitution for certain costs that may be incurred by a  
20 local agency or school district because in that regard this  
21 act creates a new crime or infraction, eliminates a crime  
22 or infraction, or changes the penalty for a crime or  
23 infraction, within the meaning of Section 17556 of the  
24 Government Code, or changes the definition of a crime  
25 within the meaning of Section 6 of Article XIII B of the  
26 California Constitution.

27 However, notwithstanding Section 17610 of the  
28 Government Code, if the Commission on State Mandates  
29 determines that this act contains other costs mandated by  
30 the state, reimbursement to local agencies and school  
31 districts for those costs shall be made pursuant to Part 7  
32 (commencing with Section 17500) of Division 4 of Title  
33 2 of the Government Code. If the statewide cost of the  
34 claim for reimbursement does not exceed one million  
35 dollars (\$1,000,000), reimbursement shall be made from  
36 the State Mandates Claims Fund.

37 Notwithstanding Section 17580 of the Government  
38 Code, unless otherwise specified, the provisions of this act  
39 shall become operative on the same date that the act  
40 takes effect pursuant to the California Constitution.



1		_____
2	CORRECTIONS	_____
3	Text — Pages 3 and 4.	
4		_____
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