

AMENDED IN SENATE JUNE 5, 2000  
AMENDED IN ASSEMBLY JANUARY 5, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1669**

**Introduced by Committee on Judiciary (Kuehl (Chair),  
Aroner, Corbett, Hertzberg, Jackson, Knox, Shelley, and  
Steinberg)**

March 15, 1999

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~~An act to amend Section 2459.6 of the Business and Professions Code, to amend Section 3512 of the Civil Code, to amend Section 182 of the Code of Civil Procedure, to amend Section 918 of the Evidence Code, to amend Section 68110 of the Government Code, to amend Section 1368 of the Health and Safety Code, and to amend Section 1600 of the Probate Code, relating to civil law.~~ *An act to amend Section 1788.17 of the Civil Code, to amend Sections 86, 403, 404, 527, 527.6, 527.8, 564, 569, 871.3, 1250.410, 1258.260, 1277, 1731, 1738, 2024, 2031, and 2094 of, to repeal Sections 2095, 2096, and 2097 of, the Code of Civil Procedure, to amend Sections 66909.2 and 66909.5 of the Government Code, to amend Section 14029 of the Penal Code, to amend Section 1310 of the Probate Code, and to amend Section 2805 of the Vehicle Code, relating to civil procedure.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, as amended, Committee on Judiciary. ~~Civil law: nonsubstantive changes~~ *procedure.*

*Existing law sets forth the requirements of federal law that shall apply to the collection of consumer debts; specifies the civil cases and proceedings that are limited civil cases; provides for the appointment of a receiver in certain actions and proceedings; sets forth the procedure for the transfer or consolidation of civil actions; exempts certain petitions for protective orders, restraining orders, and injunctions from filing fee requirements; authorizes the deposit of receivership funds in financial institutions; sets forth procedures for the relief of good faith improvers of land; regulates the procedures governing eminent domain proceedings; specifies the procedure for a change of name; establishes early mediation pilot programs in 4 superior courts; sets the time limits for discovery in civil actions; regulates supplemental demands for the inspection of documents in a civil action; prescribes the form of an oath, affirmation, declaration; and specifies the effect of an appeal in a proceeding under the Probate Code.*

*This bill would revise the provisions regarding the requirements of federal law that shall apply to the collection of consumer debts; the civil cases and proceedings that are limited civil cases; the appointment of a receiver in certain actions and proceedings; the procedure for the transfer or consolidation of civil actions; the exemption of certain petitions for protective orders, restraining orders, and injunctions from filing fee the requirements; the deposit of receivership funds in financial institutions; the procedures for the relief of good faith improvers of land; the procedures governing eminent domain proceedings; the procedure for a change of name; provisions governing early mediation pilot programs in 4 superior courts; the time limits for discovery in civil actions; the authorization for supplemental demand for the inspection of documents in a civil action; the form of an oath, affirmation, declaration; and the effect of an appeal in a proceeding under the Probate Code.*

*Existing law establishes the California Tahoe Conservancy, to be repealed January 1, 2001, by which date the conservancy shall report to the Legislature, as specified, and exempts the conservancy from liability for injuries caused by a natural condition of unimproved land. Existing law also authorizes*



*specified law enforcement officers to inspect vehicles and vehicle components to establish rightful ownership or possession.*

*This bill would extend the date by which the California Tahoe Conservancy shall be repealed and by which the conservancy shall report to the Legislature to January 1, 2006, and expand the exemption for the conservancy from liability for injuries caused by a natural condition of unimproved land.*

*The bill would also add district attorney investigators to the law enforcement officers authorized to inspect vehicles and vehicle components to establish rightful ownership or possession.*

~~Existing law defines terms used in regulating the provision of treatment by osteopathic physicians and surgeons and osteopathic aides.~~

~~This bill would make nonsubstantive changes to these provisions:~~

~~Existing law lists certain maxims of jurisprudence to aid in the application of the law.~~

~~This bill would make nonsubstantive changes to these provisions:~~

~~Existing law groups certain miscellaneous provisions regulating the proceedings in courts of justice in a single chapter, and provides that the effect of the chapter heading shall not govern or limit the scope or meaning of the chapter.~~

~~This bill would make nonsubstantive changes to these provisions:~~

~~Existing law provides that a party to a proceeding, as defined, may base a claim of an alleged error by the court regarding an evidentiary privilege only if the party is the holder of the privilege, or the holder's spouse, as specified.~~

~~This bill would make nonsubstantive changes to these provisions:~~

~~Existing law requires every judge of a California court to wear a robe when court is in session, and the Judicial Council prescribes the style of such robes.~~

~~This bill would make nonsubstantive changes to these provisions:~~

~~Existing law provides a comprehensive set of requirements that all health care service plans must meet.~~



~~This bill would make nonsubstantive changes to these provisions.~~

~~Existing law provides that a guardianship of the person or estate terminates when the ward reaches his or her majority or dies.~~

~~This bill would make a nonsubstantive change to these provisions.~~

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

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

1     ~~SECTION 1.—Section 2459.6 of the Business and~~  
2     *SECTION 1. Section 1788.17 of the Civil Code is*  
3     *amended to read:*  
4     1788.17. Notwithstanding any other provision of this  
5     title, every debt collector collecting or attempting to  
6     collect a consumer debt shall comply with the provisions  
7     of Sections 1692b to 1692j, inclusive, of, and shall be  
8     subject to the remedies in Section 1692k of, Title 15 of the  
9     United States Code. However, subsection (11) of Section  
10    1692e and Section 1692g shall not apply to any person  
11    specified in paragraphs (A) and (B) of subsection (6) of  
12    Section 1692a of Title 15 of the United States Code *or that*  
13    *person's principal.* The references to federal codes in this  
14    section refer to those codes as they read January 1, ~~2000~~  
15    2001.  
16    *SEC. 2. Section 86 of the Code of Civil Procedure is*  
17    *amended to read:*  
18    86. (a) The following civil cases and proceedings are  
19    limited civil cases:  
20    (1) Cases at law in which the demand, exclusive of  
21    interest, or the value of the property in controversy  
22    amounts to twenty-five thousand dollars (\$25,000) or less.  
23    This paragraph does not apply to cases that involve the  
24    legality of any tax, impost, assessment, toll, or municipal  
25    fine, except actions to enforce payment of delinquent  
26    unsecured personal property taxes if the legality of the tax  
27    is not contested by the defendant.



1 (2) Actions for dissolution of partnership where the  
2 total assets of the partnership do not exceed twenty-five  
3 thousand dollars (\$25,000); actions of interpleader where  
4 the amount of money or the value of the property  
5 involved does not exceed twenty-five thousand dollars  
6 (\$25,000).

7 (3) Actions to cancel or rescind a contract when the  
8 relief is sought in connection with an action to recover  
9 money not exceeding twenty-five thousand dollars  
10 (\$25,000) or property of a value not exceeding  
11 twenty-five thousand dollars (\$25,000), paid or delivered  
12 under, or in consideration of, the contract; actions to  
13 revise a contract where the relief is sought in an action  
14 upon the contract if the action otherwise is a limited civil  
15 case.

16 (4) Proceedings in forcible entry or forcible or  
17 unlawful detainer where the whole amount of damages  
18 claimed is twenty-five thousand dollars (\$25,000) or less.

19 (5) Actions to enforce and foreclose liens on personal  
20 property where the amount of the liens is twenty-five  
21 thousand dollars (\$25,000) or less.

22 (6) Actions to enforce and foreclose liens of  
23 mechanics, materialmen, artisans, laborers, and of all  
24 other persons to whom liens are given under the  
25 provisions of Chapter 2 (commencing with Section 3109)  
26 of Title 15 of Part 4 of Division 3 of the Civil Code, or to  
27 enforce and foreclose an assessment lien on a common  
28 interest development as defined in Section 1351 of the  
29 Civil Code, where the amount of the liens is twenty-five  
30 thousand dollars (\$25,000) or less. However, where an  
31 action to enforce the lien affects property that is also  
32 affected by a similar pending action that is not a limited  
33 civil case, or where the total amount of the liens sought  
34 to be foreclosed against the same property aggregates an  
35 amount in excess of twenty-five thousand dollars  
36 (\$25,000), the action is not a limited civil case, and if the  
37 action is pending in a municipal court, upon motion of any  
38 interested party, the municipal court shall order the  
39 action or actions pending therein transferred to the  
40 proper superior court. Upon making the order, the same



1 proceedings shall be taken as are provided by Section 399  
2 with respect to the change of place of trial.

3 (7) Actions for declaratory relief when brought  
4 pursuant to either of the following:

5 (A) By way of cross-complaint as to a right of  
6 indemnity with respect to the relief demanded in the  
7 complaint or a cross-complaint in an action or proceeding  
8 that is otherwise a limited civil case.

9 (B) To conduct a trial after a nonbinding fee  
10 arbitration between an attorney and client, pursuant to  
11 Article 13 (commencing with Section 6200) of Chapter 4  
12 of Division 3 of the Business and Professions Code, where  
13 the amount in controversy is twenty-five thousand dollars  
14 (\$25,000) or less.

15 (8) Actions to issue temporary restraining orders and  
16 preliminary injunctions, *and* to take accounts, ~~and to~~  
17 ~~appoint receivers~~ where necessary to preserve the  
18 property or rights of any party to a limited civil case; ~~to~~  
19 ~~appoint a receiver and~~ to make any order or perform any  
20 act, pursuant to Title 9 (commencing with Section  
21 680.010) of Part 2 (enforcement of judgments) in a  
22 limited civil case; to determine title to personal property  
23 seized in a limited civil case.

24 (9) Actions under Article 3 (commencing with Section  
25 708.210) of Chapter 6 of Division 2 of Title 9 of Part 2 for  
26 the recovery of an interest in personal property or to  
27 enforce the liability of the debtor of a judgment debtor  
28 where the interest claimed adversely is of a value not  
29 exceeding twenty-five thousand dollars (\$25,000) or the  
30 debt denied does not exceed twenty-five thousand dollars  
31 (\$25,000).

32 (10) Arbitration-related petitions filed pursuant to  
33 either of the following:

34 (A) Article 2 (commencing with Section 1292) of  
35 Chapter 5 of Title 9 of Part 3, except for uninsured  
36 motorist arbitration proceedings in accordance with  
37 Section 11580.2 of the Insurance Code, if the petition is  
38 filed before the arbitration award becomes final and the  
39 matter to be resolved by arbitration is a limited civil case  
40 under paragraphs (1) to (9), inclusive, of subdivision (a)



1 or if the petition is filed after the arbitration award  
2 becomes final and the amount of the award and all other  
3 rulings, pronouncements, and decisions made in the  
4 award are within paragraphs (1) to (9), inclusive, of  
5 subdivision (a).

6 (B) To confirm, correct, or vacate a fee arbitration  
7 award between an attorney and client that is binding or  
8 has become binding, pursuant to Article 13 (commencing  
9 with Section 6200) of Chapter 4 of Division 3 of the  
10 Business and Professions Code, where the arbitration  
11 award is twenty-five thousand dollars (\$25,000) or less.

12 (b) The following cases in equity are limited civil  
13 cases:

14 (1) Cases to try title to personal property when the  
15 amount involved is not more than twenty-five thousand  
16 dollars (\$25,000).

17 (2) Cases when equity is pleaded as a defensive matter  
18 in any case that is otherwise a limited civil case.

19 (3) Cases to vacate a judgment or order of the court  
20 obtained in a limited civil case through extrinsic fraud,  
21 mistake, inadvertence, or excusable neglect.

22 *SEC. 3. Section 403 of the Code of Civil Procedure is*  
23 *amended to read:*

24 403. A judge may, on motion, transfer an action or  
25 actions from another court to that judge's court for  
26 coordination with an action involving a common question  
27 of fact or law within the meaning of Section 404. The  
28 motion shall be supported by a declaration stating facts  
29 showing that the actions meet the standards specified in  
30 Section 404.1, are not complex as defined by the Judicial  
31 Council ~~pursuant to Section 19 of the Standards of Judicial~~  
32 ~~Administration~~, and that the moving party has made a  
33 good faith effort to obtain agreement to the transfer from  
34 all parties to each action. Notice of the motion shall be  
35 served on all parties to each action and on each court in  
36 which an action is pending. Any party to that action may  
37 file papers opposing the motion within the time  
38 permitted by rule of the Judicial Council. The court to  
39 which a case is transferred may order the cases



1 consolidated for trial pursuant to Section 1048 without  
2 any further motion or hearing.

3 If the cases are pending in different courts of the same  
4 county, the judge who grants the motion to transfer may  
5 also order the cases consolidated for trial in the receiving  
6 court.

7 The Judicial Council may adopt rules to implement this  
8 section, including rules prescribing procedures for  
9 preventing duplicative or conflicting transfer orders  
10 issued by different courts.

11 *SEC. 4. Section 404 of the Code of Civil Procedure is*  
12 *amended to read:*

13 404. When civil actions sharing a common question of  
14 fact or law are pending in different courts, a petition for  
15 coordination may be submitted to the Chairperson of the  
16 Judicial Council, by the presiding judge of any such court,  
17 or by any party to one of the actions after obtaining  
18 permission from the presiding judge, or by all of the  
19 parties plaintiff or defendant in any such action. A  
20 petition for coordination, or a motion for permission to  
21 submit a petition, shall be supported by a declaration  
22 stating facts showing that the actions are complex, as  
23 defined by the Judicial Council ~~in Section 19 of the~~  
24 ~~Standards of Judicial Administration~~, and that the actions  
25 meet the standards specified in Section 404.1. On receipt  
26 of a petition for coordination, the Chairperson of the  
27 Judicial Council may assign a judge to determine whether  
28 the actions are complex, and if so, whether coordination  
29 of the actions is appropriate, or the Chairperson of the  
30 Judicial Council may authorize the presiding judge of a  
31 court to assign the matter to judicial officers of the court  
32 to make the determination in the same manner as  
33 assignments are made in other civil cases.

34 Notwithstanding any other provision of law, when civil  
35 actions sharing a common question of fact or law are  
36 pending in a superior court and in a municipal court of  
37 the same county, the superior court may, on the motion  
38 of any party supported by an affidavit stating facts  
39 showing that the actions meet the standards specified in



1 Section 404.1, order transfer from the municipal court  
2 and consolidation of the actions in the superior court.

3 *SEC. 5. Section 527 of the Code of Civil Procedure is*  
4 *amended to read:*

5 527. (a) A preliminary injunction may be granted at  
6 any time before judgment upon a verified complaint, or  
7 upon affidavits if the complaint in the one case, or the  
8 affidavits in the other, show satisfactorily that sufficient  
9 grounds exist therefor. No preliminary injunction shall be  
10 granted without notice to the opposing party.

11 (b) A temporary restraining order or a preliminary  
12 injunction, or both, may be granted in a class action, in  
13 which one or more of the parties sues or defends for the  
14 benefit of numerous parties upon the same grounds as in  
15 other actions, whether or not the class has been certified.

16 (c) No temporary restraining order shall be granted  
17 without notice to the opposing party, unless both of the  
18 following requirements are satisfied:

19 (1) It appears from facts shown by affidavit or by the  
20 verified complaint that great or irreparable injury will  
21 result to the applicant before the matter can be heard on  
22 notice.

23 (2) The applicant or the applicant's attorney certifies  
24 one of the following to the court under oath:

25 (A) That within a reasonable time prior to the  
26 application the applicant informed the opposing party or  
27 the opposing party's attorney at what time and where the  
28 application would be made.

29 (B) That the applicant in good faith attempted but was  
30 unable to inform the opposing party and the opposing  
31 party's attorney, specifying the efforts made to contact  
32 them.

33 (C) That for reasons specified the applicant should not  
34 be required to so inform the opposing party or the  
35 opposing party's attorney.

36 (d) In case a temporary restraining order is granted  
37 without notice in the contingency specified in subdivision  
38 (c):

39 (1) The matter shall be made returnable on an order  
40 requiring cause to be shown why a preliminary injunction



1 should not be granted, on the earliest day that the  
2 business of the court will admit of, but not later than 15  
3 days or, if good cause appears to the court, 22 days from  
4 the date the temporary restraining order is issued.

5 (2) The party who obtained the temporary restraining  
6 order shall, within five days from the date the temporary  
7 restraining order is issued or two days prior to the  
8 hearing, whichever is earlier, serve on the opposing party  
9 a copy of the complaint if not previously served, the order  
10 to show cause stating the date, time, and place of the  
11 hearing, any affidavits to be used in the application, and  
12 a copy of the points and authorities in support of the  
13 application. The court may for good cause, on motion of  
14 the applicant or on its own motion, shorten the time  
15 required by this paragraph for service on the opposing  
16 party.

17 (3) When the matter first comes up for hearing, if the  
18 party who obtained the temporary restraining order is  
19 not ready to proceed, or if the party has failed to effect  
20 service as required by paragraph (2), the court shall  
21 dissolve the temporary restraining order.

22 (4) The opposing party is entitled to one continuance  
23 for a reasonable period of not less than 15 days or any  
24 shorter period requested by the opposing party, to enable  
25 the opposing party to meet the application for a  
26 preliminary injunction. If the opposing party obtains a  
27 continuance under this paragraph, the temporary  
28 restraining order shall remain in effect until the date of  
29 the continued hearing.

30 (5) Upon the filing of an affidavit by the applicant that  
31 the opposing party could not be served within the time  
32 required by paragraph (2), the court may reissue any  
33 temporary restraining order previously issued. The  
34 reissued order shall be made returnable as provided by  
35 paragraph (1), with the time for hearing measured from  
36 the date of reissuance. No fee shall be charged for  
37 reissuing the order.

38 (e) The opposing party may, in response to an order  
39 to show cause, present affidavits relating to the granting  
40 of the preliminary injunction, and if the affidavits are



1 served on the applicant at least two days prior to the  
2 hearing, the applicant shall not be entitled to any  
3 continuance on account thereof. On the day the order is  
4 made returnable, the hearing shall take precedence of all  
5 other matters on the calendar of the day, except older  
6 matters of the same character, and matters to which  
7 special precedence may be given by law. When the cause  
8 is at issue it shall be set for trial at the earliest possible date  
9 and shall take precedence of all other cases, except older  
10 matters of the same character, and matters to which  
11 special precedence may be given by law.

12 (f) Notwithstanding failure to satisfy the time  
13 requirements of this section, the court may nonetheless  
14 hear the order to show cause why a preliminary  
15 injunction should not be granted if the moving and  
16 supporting papers are served within the time required by  
17 Section 1005 and one of the following conditions is  
18 satisfied:

19 (1) The order to show cause is issued without a  
20 temporary restraining order.

21 (2) The order to show cause is issued with a temporary  
22 restraining order, but is either not set for hearing within  
23 the time required by paragraph (1) of subdivision (d), or  
24 the party who obtained the temporary restraining order  
25 fails to effect service within the time required by  
26 paragraph (2) of subdivision (d).

27 (g) This section does not apply to an order issued  
28 under the Family Code.

29 ~~(h) There shall be no filing fee for a petition or~~  
30 ~~response relating to a protective order, restraining order,~~  
31 ~~or a permanent injunction restraining violence or threats~~  
32 ~~of violence in any action brought pursuant to this chapter.~~

33 ~~(i) As used in this section:~~

34 (1) "Complaint" means a complaint or a  
35 cross-complaint.

36 (2) "Court" means the court in which the action is  
37 pending.

38 *SEC. 6. Section 527.6 of the Code of Civil Procedure*  
39 *is amended to read:*



1 527.6. (a) A person who has suffered harassment as  
2 defined in subdivision (b) may seek a temporary  
3 restraining order and an injunction prohibiting  
4 harassment as provided in this section.

5 (b) For the purposes of this section, “harassment” is  
6 unlawful violence, a credible threat of violence, or a  
7 knowing and willful course of conduct directed at a  
8 specific person that seriously alarms, annoys, or harasses  
9 the person, and that serves no legitimate purpose. The  
10 course of conduct must be such as would cause a  
11 reasonable person to suffer substantial emotional distress,  
12 and must actually cause substantial emotional distress to  
13 the plaintiff.

14 As used in this subdivision:

15 (1) “Unlawful violence” is any assault or battery, or  
16 stalking as prohibited in Section 646.9 of the Penal Code,  
17 but shall not include lawful acts of self-defense or defense  
18 of others.

19 (2) “Credible threat of violence” is a knowing and  
20 willful statement or course of conduct that would place  
21 a reasonable person in fear for his or her safety, or the  
22 safety of his or her immediate family, and that serves no  
23 legitimate purpose.

24 (3) “Course of conduct” is a pattern of conduct  
25 composed of a series of acts over a period of time,  
26 however short, evidencing a continuity of purpose,  
27 including following or stalking an individual, making  
28 harassing telephone calls to an individual, or sending  
29 harassing correspondence to an individual by any means,  
30 including, but not limited to, the use of public or private  
31 mails, interoffice mail, fax, or computer e-mail.  
32 Constitutionally protected activity is not included within  
33 the meaning of “course of conduct.”

34 (c) Upon filing a petition for an injunction under this  
35 section, the plaintiff may obtain a temporary restraining  
36 order in accordance with Section 527, except to the extent  
37 this section provides a rule that is inconsistent. A  
38 temporary restraining order may be issued with or  
39 without notice upon an affidavit that, to the satisfaction  
40 of the court, shows reasonable proof of harassment of the



1 plaintiff by the defendant, and that great or irreparable  
2 harm would result to the plaintiff. In the discretion of the  
3 court, and on a showing of good cause, a temporary  
4 restraining order issued under this section may include  
5 other named family or household members who reside  
6 with the plaintiff. A temporary restraining order issued  
7 under this section shall remain in effect, at the court's  
8 discretion, for a period not to exceed 15 days, or, if the  
9 court extends the time for hearing under subdivision (d),  
10 not to exceed 22 days, unless otherwise modified or  
11 terminated by the court.

12 (d) Within 15 days, or, if good cause appears to the  
13 court, 22 days from the date the temporary restraining  
14 order is issued, a hearing shall be held on the petition for  
15 the injunction. The defendant may file a response that  
16 explains, excuses, justifies, or denies the alleged  
17 harassment or may file a cross-complaint under this  
18 section. At the hearing, the judge shall receive any  
19 testimony that is relevant, and may make an independent  
20 inquiry. If the judge finds by clear and convincing  
21 evidence that unlawful harassment exists, an injunction  
22 shall issue prohibiting the harassment. An injunction  
23 issued pursuant to this section shall have a duration of not  
24 more than three years. At any time within the three  
25 months before the expiration of the injunction, the  
26 plaintiff may apply for a renewal of the injunction by  
27 filing a new petition for an injunction under this section.

28 (e) Nothing in this section shall preclude either party  
29 from representation by private counsel or from  
30 appearing on the party's own behalf.

31 (f) In a proceeding under this section where there are  
32 allegations or threats of domestic violence, a support  
33 person may accompany a party in court and, where the  
34 party is not represented by an attorney, may sit with the  
35 party at the table that is generally reserved for the party  
36 and the party's attorney. The support person is present to  
37 provide moral and emotional support for a person who  
38 alleges he or she is a victim of domestic violence. The  
39 support person is not present as a legal adviser and shall  
40 not give legal advice. The support person shall assist the



1 person who alleges he or she is a victim of domestic  
2 violence in feeling more confident that he or she will not  
3 be injured or threatened by the other party during the  
4 proceedings where the person who alleges he or she is a  
5 victim of domestic violence and the other party must be  
6 present in close proximity. Nothing in this subdivision  
7 precludes the court from exercising its discretion to  
8 remove the support person from the courtroom if the  
9 court believes the support person is prompting, swaying,  
10 or influencing the party assisted by the support person.

11 (g) Upon filing of a petition for an injunction under  
12 this section, the defendant shall be personally served with  
13 a copy of the petition, temporary restraining order, if any,  
14 and notice of hearing of the petition. Service shall be  
15 made at least five days before the hearing. The court may  
16 for good cause, on motion of the plaintiff or on its own  
17 motion, shorten the time for service on the defendant.

18 (h) The court shall order the plaintiff or the attorney  
19 for the plaintiff to deliver a copy of each temporary  
20 restraining order or injunction, or modification or  
21 termination thereof, granted under this section, by the  
22 close of the business day on which the order was granted,  
23 to the law enforcement agencies within the court's  
24 discretion as are requested by the plaintiff. Each  
25 appropriate law enforcement agency shall make  
26 available information as to the existence and current  
27 status of these orders to law enforcement officers  
28 responding to the scene of reported harassment.

29 An order issued under this section shall, on request of  
30 the plaintiff, be served on the defendant, whether or not  
31 the defendant has been taken into custody, by any law  
32 enforcement officer who is present at the scene of  
33 reported harassment involving the parties to the  
34 proceeding. The plaintiff shall provide the officer with an  
35 endorsed copy of the order and a proof of service that the  
36 officer shall complete and send to the issuing court.

37 Upon receiving information at the scene of an incident  
38 of harassment that a protective order has been issued  
39 under this section, or that a person who has been taken  
40 into custody is the subject of an order, if the protected



1 person cannot produce a certified copy of the order, a law  
2 enforcement officer shall immediately attempt to verify  
3 the existence of the order.

4 If the law enforcement officer determines that a  
5 protective order has been issued, but not served, the  
6 officer shall immediately notify the defendant of the  
7 terms of the order and shall at that time also enforce the  
8 order. Verbal notice of the terms of the order shall  
9 constitute service of the order and is sufficient notice for  
10 the purposes of this section and for the purposes of  
11 Section 273.6 and subdivision (g) of Section 12021 of the  
12 Penal Code.

13 (i) The prevailing party in any action brought under  
14 this section may be awarded court costs and attorney's  
15 fees, if any.

16 (j) Any willful disobedience of any temporary  
17 restraining order or injunction granted under this section  
18 is punishable pursuant to Section 273.6 of the Penal Code.

19 (k) This section does not apply to any action or  
20 proceeding covered by Title 1.6C (commencing with  
21 Section 1788) of the Civil Code or by Division 10  
22 (commencing with Section 6200) of the Family Code.  
23 Nothing in this section shall preclude a plaintiff's right to  
24 use other existing civil remedies.

25 (l) The Judicial Council shall promulgate forms and  
26 instructions therefor, and rules for service of process,  
27 scheduling of hearings, and any other matters required  
28 by this section. The petition and response forms shall be  
29 simple and concise, *and their use by parties in actions*  
30 *brought pursuant to this section shall be mandatory.*

31 (m) A temporary restraining order or injunction  
32 relating to harassment or domestic violence issued by a  
33 court pursuant to this section shall be issued on forms  
34 adopted by the Judicial Council of California and that  
35 have been approved by the Department of Justice  
36 pursuant to subdivision (i) of Section 6380 of the Family  
37 Code. However, the fact that an order issued by a court  
38 pursuant to this section was not issued on forms adopted  
39 by the Judicial Council and approved by the Department



1 of Justice shall not, in and of itself, make the order  
2 unenforceable.

3 (n) Information on any temporary restraining order  
4 or injunction relating to harassment or domestic violence  
5 issued by a court pursuant to this section shall be  
6 transmitted to the Department of Justice in accordance  
7 with subdivision (b) of Section 6380 of the Family Code.

8 *(o) There shall be no filing fee for a petition that*  
9 *alleges that a person has inflicted or threatened violence*  
10 *against the plaintiff, or stalked the plaintiff, or acted or*  
11 *spoke in any other manner that has placed the plaintiff in*  
12 *reasonable fear of violence, and that seeks a protective or*  
13 *restraining order or injunction restraining stalking or*  
14 *future violence or threats of violence, in any action*  
15 *brought pursuant to this section. No fee shall be paid for*  
16 *filing a response to a petition alleging these acts.*

17 *SEC. 7. Section 527.8 of the Code of Civil Procedure*  
18 *is amended to read:*

19 527.8. (a) Any employer, whose employee has  
20 suffered unlawful violence or a credible threat of violence  
21 from any individual, that can reasonably be construed to  
22 be carried out or to have been carried out at the  
23 workplace, may seek a temporary restraining order and  
24 an injunction on behalf of the employee prohibiting  
25 further unlawful violence or threats of violence by that  
26 individual.

27 (b) For the purposes of this section:

28 (1) “Unlawful violence” is any assault or battery, or  
29 stalking as prohibited in Section 646.9 of the Penal Code,  
30 but shall not include lawful acts of self-defense or defense  
31 of others.

32 (2) “Credible threat of violence” is a knowing and  
33 willful statement or course of conduct that would place  
34 a reasonable person in fear for his or her safety, or the  
35 safety of his or her immediate family, and that serves no  
36 legitimate purpose.

37 (3) “Course of conduct” is a pattern of conduct  
38 composed of a series of acts over a period of time,  
39 however short, evidencing a continuity of purpose,  
40 including following or stalking an employee to or from



1 the place of work; entering the workplace; following an  
2 employee during hours of employment; making  
3 telephone calls to an employee; or sending  
4 correspondence to an employee by any means, including,  
5 but not limited to, the use of the public or private mails,  
6 interoffice mail, fax, or computer e-mail.

7 (c) Nothing in this section shall be construed to permit  
8 a court to issue a temporary restraining order or  
9 injunction prohibiting speech or other activities that are  
10 constitutionally protected, or otherwise protected by  
11 Section 527.3 or any other provision of law.

12 (d) For purposes of this section, the terms “employer”  
13 and “employee” mean persons defined in Section 350 of  
14 the Labor Code. The term “employer” also includes a  
15 federal agency, the state, a state agency, a city, county, or  
16 district, and a private, public, or quasi-public corporation,  
17 or any public agency thereof or therein. The term  
18 “employee” also includes the members of boards of  
19 directors of private, public, and quasi-public corporations  
20 and elected and appointed public officers. For purposes  
21 of this section only, the term “employee” also includes a  
22 volunteer or independent contractor who performs  
23 services for the employer at the employer’s worksite.

24 (e) Upon filing a petition for an injunction under this  
25 section, the plaintiff may obtain a temporary restraining  
26 order in accordance with subdivision (a) of Section 527,  
27 if the plaintiff also files an affidavit that, to the satisfaction  
28 of the court, shows reasonable proof that an employee has  
29 suffered unlawful violence or a credible threat of violence  
30 by the defendant, and that great or irreparable harm  
31 would result to an employee. In the discretion of the  
32 court, and on a showing of good cause, a temporary  
33 restraining order issued under this section may include  
34 other named family or household members who reside  
35 with the employee.

36 A temporary restraining order granted under this  
37 section shall remain in effect, at the court’s discretion, for  
38 a period not to exceed 15 days, unless otherwise modified  
39 or terminated by the court.



1 (f) Within 15 days of the filing of the petition, a hearing  
2 shall be held on the petition for the injunction. The  
3 defendant may file a response that explains, excuses,  
4 justifies, or denies the alleged unlawful violence or  
5 credible threats of violence or may file a cross-complaint  
6 under this section. At the hearing, the judge shall receive  
7 any testimony that is relevant and may make an  
8 independent inquiry. Moreover, if the defendant is a  
9 current employee of the entity requesting the injunction,  
10 the judge shall receive evidence concerning the  
11 employer's decision to retain, terminate, or otherwise  
12 discipline the defendant. If the judge finds by clear and  
13 convincing evidence that the defendant engaged in  
14 unlawful violence or made a credible threat of violence,  
15 an injunction shall issue prohibiting further unlawful  
16 violence or threats of violence. An injunction issued  
17 pursuant to this section shall have a duration of not more  
18 than three years. At any time within the three months  
19 before the expiration of the injunction, the plaintiff may  
20 apply for a renewal of the injunction by filing a new  
21 petition for an injunction under this section.

22 (g) Nothing in this section shall preclude either party  
23 from representation by private counsel or from  
24 appearing on his or her own behalf.

25 (h) Upon filing of a petition for an injunction under  
26 this section, the defendant shall be personally served with  
27 a copy of the petition, temporary restraining order, if any,  
28 and notice of hearing of the petition. Service shall be  
29 made at least five days before the hearing. The court may,  
30 for good cause, on motion of the plaintiff or on its own  
31 motion, shorten the time for service on the defendant.

32 (i) The court shall order the plaintiff or the attorney  
33 for the plaintiff to deliver a copy of each temporary  
34 restraining order or injunction, or modification or  
35 termination thereof, granted under this section, by the  
36 close of the business day on which the order was granted,  
37 to the law enforcement agencies within the court's  
38 discretion as are requested by the plaintiff. Each  
39 appropriate law enforcement agency shall make  
40 available information as to the existence and current



1 status of these orders to law enforcement officers  
2 responding to the scene of reported unlawful violence or  
3 a credible threat of violence.

4 (j) Any intentional disobedience of any temporary  
5 restraining order or injunction granted under this section  
6 is punishable pursuant to Section 273.6 of the Penal Code.

7 (k) Nothing in this section shall be construed as  
8 expanding, diminishing, altering, or modifying the duty,  
9 if any, of an employer to provide a safe workplace for  
10 employees and other persons.

11 (l) The Judicial Council shall develop forms,  
12 instructions, and rules for scheduling of hearings and  
13 other procedures established pursuant to this section. The  
14 forms for the petition and response shall be simple and  
15 concise, *and their use by parties in actions brought*  
16 *pursuant to this section shall be mandatory.*

17 (m) A temporary restraining order or injunction  
18 relating to harassment or domestic violence issued by a  
19 court pursuant to this section shall be issued on forms  
20 adopted by the Judicial Council of California and that  
21 have been approved by the Department of Justice  
22 pursuant to subdivision (i) of Section 6380 of the Family  
23 Code. However, the fact that an order issued by a court  
24 pursuant to this section was not issued on forms adopted  
25 by the Judicial Council and approved by the Department  
26 of Justice shall not, in and of itself, make the order  
27 unenforceable.

28 (n) Information on any temporary restraining order  
29 or injunction relating to harassment or domestic violence  
30 issued by a court pursuant to this section shall be  
31 transmitted to the Department of Justice in accordance  
32 with subdivision (b) of Section 6380 of the Family Code.

33 (o) *There shall be no filing fee for a petition that*  
34 *alleges that a person has inflicted or threatened violence*  
35 *against an employee of the petitioner, or stalked the*  
36 *employee, or acted or spoke in any other manner that has*  
37 *placed the employee in reasonable fear of violence, and*  
38 *that seeks protective or restraining orders or injunctions*  
39 *restraining stalking or future violence or threats of*  
40 *violence, in any action brought pursuant to this section.*



1 *No fee shall be paid for filing a response to a petition*  
2 *alleging these acts.*

3 *SEC. 8. Section 564 of the Code of Civil Procedure is*  
4 *amended to read:*

5 564. (a) A receiver may be appointed, in the manner  
6 provided in this chapter, by the court in which an action  
7 or proceeding is pending in any case in which the court  
8 is empowered by law to appoint a receiver.

9 (b) ~~In superior court a~~ A receiver may be appointed  
10 by the court in which an action or proceeding is pending,  
11 or by a judge thereof, in the following cases, ~~other than~~  
12 ~~in a limited civil case:~~

13 (1) In an action by a vendor to vacate a fraudulent  
14 purchase of property, or by a creditor to subject any  
15 property or fund to the creditor's claim, or between  
16 partners or others jointly owning or interested in any  
17 property or fund, on the application of the plaintiff, or of  
18 any party whose right to or interest in the property or  
19 fund, or the proceeds thereof, is probable, and where it  
20 is shown that the property or fund is in danger of being  
21 lost, removed, or materially injured.

22 (2) In an action by a secured lender for the foreclosure  
23 of ~~the a~~ deed of trust or mortgage and sale of ~~the~~ property  
24 upon which there is a lien under a deed of trust or  
25 mortgage, where it appears that the property is in danger  
26 of being lost, removed, or materially injured, or that the  
27 condition of the deed of trust or mortgage has not been  
28 performed, and that the property is probably insufficient  
29 to discharge the deed of trust or mortgage debt.

30 (3) After judgment, to carry the judgment into effect.

31 (4) After judgment, to dispose of the property  
32 according to the judgment, or to preserve it during the  
33 pendency of an appeal, or pursuant to Title 9  
34 (commencing with Section 680.010) (enforcement of  
35 judgments), or after sale of real property pursuant to a  
36 decree of foreclosure, during the redemption period, to  
37 collect, expend, and disburse rents as directed by the  
38 court or otherwise provided by law.



1 (5) ~~In the cases when~~ *Where* a corporation has been  
2 dissolved, or is insolvent, or in imminent danger of  
3 insolvency, or has forfeited its corporate rights.

4 (6) In an action of unlawful detainer.

5 (7) At the request of the Public Utilities Commission  
6 pursuant to Sections 855 and 5259.5 of the Public Utilities  
7 Code.

8 (8) In all other cases where *necessary to preserve the*  
9 *property or rights of any party, or where* receivers have  
10 heretofore been appointed by the usages of courts of  
11 equity.

12 (9) At the request of the Office of Statewide Health  
13 Planning and Development, or the Attorney General,  
14 pursuant to Section ~~436.222~~ *129173* of the Health and  
15 Safety Code.

16 (10) In an action by a secured lender for ~~specified~~  
17 *specific* performance of an assignment of rents provision  
18 in a deed of trust, mortgage, or separate assignment  
19 document. ~~In addition, that~~ *The* appointment may be  
20 continued after entry of a judgment for specific  
21 performance ~~in that action~~, if appropriate to protect,  
22 operate, or maintain real property encumbered by ~~the a~~  
23 deed of trust or mortgage or to collect ~~the~~ rents therefrom  
24 while a pending nonjudicial foreclosure under power of  
25 sale in ~~the a~~ deed of trust or mortgage is being completed.

26 (11) In a case brought by an assignee under an  
27 assignment of leases, rents, issues, or profits pursuant to  
28 subdivision (g) of Section 2938 of the Civil Code.

29 (c) A receiver may be appointed, in the manner  
30 provided in this chapter, including, but not limited to,  
31 Section 566, by the superior court in an action ~~other than~~  
32 ~~a limited civil case~~ brought by a secured lender to enforce  
33 the rights provided in Section 2929.5 of the Civil Code, to  
34 enable the secured lender to enter and inspect the real  
35 property security for the purpose of determining the  
36 existence, location, nature, and magnitude of any past or  
37 present release or threatened release of any hazardous  
38 substance into, onto, beneath, or from the real property  
39 security. The secured lender shall not abuse the right of  
40 entry and inspection or use it to harass the borrower or



1 tenant of the property. Except in case of an emergency,  
2 when the borrower or tenant of the property has  
3 abandoned the premises, or if it is impracticable to do so,  
4 the secured lender shall give the borrower or tenant of  
5 the property reasonable notice of the secured lender's  
6 intent to enter and shall enter only during the borrower's  
7 or tenant's normal business hours. Twenty-four hours'  
8 notice shall be presumed to be reasonable notice in the  
9 absence of evidence to the contrary.

10 (d) Any action by a secured lender to appoint a  
11 receiver pursuant to this section shall not constitute an  
12 action within the meaning of subdivision (a) of Section  
13 726.

14 (e) For purposes of this section:

15 (1) "Borrower" means the trustor under a deed of  
16 trust, or a mortgagor under a mortgage, where the deed  
17 of trust or mortgage encumbers real property security  
18 and secures the performance of the trustor or mortgagor  
19 under a loan, extension of credit, guaranty, or other  
20 obligation. The term includes any successor-in-interest of  
21 the trustor or mortgagor to the real property security  
22 before the deed of trust or mortgage has been discharged,  
23 reconveyed, or foreclosed upon.

24 (2) "Hazardous substance" means (A) any "hazardous  
25 substance" as defined in subdivision (f) of Section 25281  
26 of the Health and Safety Code as effective on January 1,  
27 1991, or as subsequently amended, (B) any "waste" as  
28 defined in subdivision (d) of Section 13050 of the Water  
29 Code as effective on January 1, 1991, or as subsequently  
30 amended, or (C) petroleum, including crude oil or any  
31 fraction thereof, natural gas, natural gas liquids, liquefied  
32 natural gas, or synthetic gas usable for fuel, or any mixture  
33 thereof.

34 (3) "Real property security" means any real property  
35 and improvements, other than a separate interest and  
36 any related interest in the common area of a residential  
37 common interest development, as the terms "separate  
38 interest," "common area," and "common interest  
39 development" are defined in Section 1351 of the Civil



1 Code, or real property consisting of one acre or less that  
2 contains 1 to 15 dwelling units.

3 (4) “Release” means any spilling, leaking, pumping,  
4 pouring, emitting, emptying, discharging, injecting,  
5 escaping, leaching, dumping, or disposing into the  
6 environment, including continuing migration, of  
7 hazardous substances into, onto, or through soil, surface  
8 water, or groundwater.

9 (5) “Secured lender” means the beneficiary under a  
10 deed of trust against the real property security, or the  
11 mortgagee under a mortgage against the real property  
12 security, and any successor-in-interest of the beneficiary  
13 or mortgagee to the deed of trust or mortgage.

14 *SEC. 9. Section 569 of the Code of Civil Procedure is*  
15 *amended to read:*

16 569. Funds in the hands of a receiver may be  
17 deposited in one or more interest bearing accounts in the  
18 name and for the benefit of the receivership estate with  
19 one or more financial institutions, provided that all of the  
20 following conditions are satisfied:

21 (a) ~~The deposits are fully guaranteed or financial~~  
22 ~~institution or institutions are insured under federal law~~  
23 ~~by the Federal Deposit Insurance Corporation.~~

24 (b) ~~The~~ No financial institution in which the funds are  
25 deposited is ~~not~~ a party to the action in which the receiver  
26 was appointed.

27 (c) The receiver does not own 1 percent or more in  
28 value of the outstanding stock of the financial institution  
29 *or institutions*, is not an officer, director, or employee of  
30 the financial institution, and is not a sibling, whether by  
31 the whole or half-blood, spouse, aunt, uncle, nephew,  
32 niece, ancestor, or lineal descendant of an owner, officer,  
33 employee, or director.

34 *SEC. 10. Section 871.3 of the Code of Civil Procedure*  
35 *is amended to read:*

36 871.3. ~~A good faith improver may bring an action in~~  
37 ~~the superior court or, subject to Section 396 and Chapter~~  
38 ~~2 (commencing with Section 403.010) of Title 4, may file~~  
39 ~~a cross-complaint in a pending action in the superior or~~  
40 ~~municipal court for relief under this chapter. In (a) An~~



1 *action for relief under this chapter shall be treated as an*  
2 *unlimited civil case, regardless of the amount in*  
3 *controversy and regardless of whether a defendant*  
4 *cross-complains for relief under this chapter. Any other*  
5 *case in which a defendant cross-complains for relief*  
6 *under this chapter shall be treated as a limited civil case*  
7 *if the cross-complaint is defensive and the case otherwise*  
8 *satisfies the amount in controversy and other*  
9 *requirements of Section 85.*

10 (b) *In every case, the burden is on the good faith*  
11 *improver to establish that the good faith improver is*  
12 *entitled to relief under this chapter, and the degree of*  
13 *negligence of the good faith improver should be taken*  
14 *into account by the court in determining whether the*  
15 *improver acted in good faith and in determining the*  
16 *relief, if any, that is consistent with substantial justice to*  
17 *the parties under the circumstances of the particular*  
18 *case.*

19 *SEC. 11. Section 1250.410 of the Code of Civil*  
20 *Procedure is amended to read:*

21 1250.410. (a) *At least 20 days prior to the date of the*  
22 *trial on issues relating to compensation, the plaintiff shall*  
23 *file with the court and serve on the defendant its final*  
24 *offer of compensation in the proceeding and the*  
25 *defendant shall file and serve on the plaintiff its final*  
26 *demand for compensation in the proceeding. The offer*  
27 *and the demand shall include all compensation required*  
28 *pursuant to this title, including compensation for loss of*  
29 *goodwill if any, and shall state whether interest and costs*  
30 *are included.* Such offers and demands shall be the only  
31 offers and demands considered by the court in  
32 determining the entitlement, if any, to litigation  
33 expenses. Service shall be in the manner prescribed by  
34 Chapter 5 (commencing with Section 1010) of Title 14 of  
35 Part 2.

36 (b) *If the court, on motion of the defendant made*  
37 *within 30 days after entry of judgment, finds that the offer*  
38 *of the plaintiff was unreasonable and that the demand of*  
39 *the defendant was reasonable viewed in the light of the*  
40 *evidence admitted and the compensation awarded in the*



1 proceeding, the costs allowed pursuant to Section  
2 1268.710 shall include the defendant's litigation expenses.

3 In determining the amount of such litigation expenses,  
4 the court shall consider the offer required to be made by  
5 the plaintiff pursuant to Section 7267.2 of the  
6 Government Code and any other written offers and  
7 demands filed and served prior to or during the trial.

8 (c) If timely made, the offers and demands as provided  
9 in subdivision (a) shall be considered by the court on the  
10 issue of determining an entitlement to litigation  
11 expenses.

12 *SEC. 12. Section 1258.260 of the Code of Civil*  
13 *Procedure is amended to read:*

14 1258.260. (a) The statement of valuation data shall  
15 give the name and business or residence address of the  
16 witness and shall include a statement whether the witness  
17 will testify to an opinion as to any of the matters listed in  
18 Section 1258.250 and, as to each ~~such~~ matter upon which  
19 ~~he the witness~~ will give an opinion, what that opinion is  
20 and the following items to the extent that the opinion ~~on~~  
21 ~~such matter~~ is based ~~thereon~~ on them:

- 22 (1) The interest being valued.
- 23 (2) The date of valuation used by the witness.
- 24 (3) The highest and best use of the property.
- 25 (4) The applicable zoning and the opinion of the  
26 witness as to the probability of any change in ~~such~~ zoning.
- 27 (5) The sales, contracts to sell and purchase, and leases  
28 supporting the opinion.
- 29 (6) The cost of reproduction or replacement of the  
30 existing improvements on the property, the depreciation  
31 or obsolescence the improvements have suffered, and the  
32 method of calculation used to determine depreciation.
- 33 (7) The gross income from the property, the  
34 deductions from gross income, and the resulting net  
35 income; the reasonable net rental value attributable to  
36 the land and existing improvements ~~thereon~~, and the  
37 estimated gross rental income and deductions therefrom  
38 upon which ~~such the~~ reasonable net rental value is  
39 computed; the rate of capitalization used; and the value  
40 indicated by ~~such the~~ capitalization.



1 (8) If the property is a portion of a larger parcel, a  
2 description of the larger parcel and its value.

3 (9) *If the opinion concerns loss of goodwill, the*  
4 *method used to determine the loss and a summary of the*  
5 *data supporting the opinion.*

6 (b) With respect to each sale, contract, or lease listed  
7 under paragraph (5) of subdivision (a), the statement of  
8 valuation data shall give:

9 (1) The names and business or residence addresses, if  
10 known, of the parties to the transaction.

11 (2) The location of the property subject to the  
12 transaction.

13 (3) The date of the transaction.

14 (4) If recorded, the date of recording and the volume  
15 and page or other identification of the record of the  
16 transaction.

17 (5) The price and other terms and circumstances of  
18 the transaction. In lieu of stating the terms contained in  
19 any contract, lease, or other document, the statement  
20 may, if the document is available for inspection by the  
21 adverse party, state the place where and the times when  
22 it is available for inspection.

23 (6) The total area and shape of the property subject to  
24 the transaction.

25 (c) If any opinion referred to in Section 1258.250 is  
26 based in whole or in substantial part upon the opinion of  
27 another person, the statement of valuation data shall  
28 include the name and business or residence address of  
29 ~~such other person, his~~ *and the* business, occupation, or  
30 *profession of the other person*, and a statement as to the  
31 subject matter to which ~~his opinion~~ *the opinion of the*  
32 *other person* relates.

33 (d) Except when an appraisal report is used as a  
34 statement of valuation data as permitted by subdivision  
35 (e), the statement of valuation data shall include a  
36 statement, signed by the witness, that the witness has  
37 read the statement of valuation data and that it fairly and  
38 correctly states ~~his~~ *the* opinions and knowledge of *the*  
39 *witness* as to the matters ~~therein~~ *stated in it*.



1 (e) An appraisal report that has been prepared by the  
2 witness which includes the information required to be  
3 included in a statement of valuation data may be used as  
4 a statement of valuation data under this article.

5 *SEC. 13. Section 1277 of the Code of Civil Procedure*  
6 *is amended to read:*

7 1277. (a) Where an action for a change of name is  
8 commenced by the filing of a petition, the court shall  
9 thereupon make an order reciting the filing of the  
10 petition, the name of the person by whom it is filed and  
11 the name proposed, and directing all persons interested  
12 in the matter to appear before the court at a time and  
13 place specified, which shall be not less than four or more  
14 than eight weeks from the time of making the order, to  
15 show cause why the application for change of name  
16 should not be granted. A copy of the order to show cause  
17 shall be published pursuant to Section 6064 of the  
18 Government Code in a newspaper of general circulation  
19 to be designated in the order published in the county. If  
20 no newspaper of general circulation is published in the  
21 county, a copy of the order to show cause shall be posted  
22 by the clerk of the court in three of the most public places  
23 in the county in which the court is located, for a like  
24 period. Proof shall be made to the satisfaction of the court  
25 of this publication or posting, at the time of the hearing  
26 of the application.

27 Four weekly publications shall be sufficient publication  
28 of the order to show cause. If the order is published in a  
29 daily newspaper, publication once a week for four  
30 successive weeks shall be sufficient.

31 Where a petition has been filed for a minor and the  
32 other parent, if living, does not join in consenting thereto,  
33 the petitioner shall cause, not less than 30 days prior to the  
34 hearing, to be served notice of the time and place of the  
35 hearing or a copy of the order to show cause on the other  
36 parent pursuant to Section 413.10, 414.10, 415.10, or 415.40.

37 (b) *An action for a change of name for a witness*  
38 *participating in the state Witness Protection Program*  
39 *established by Title 7.5 (commencing with Section 14020)*  
40 *of Part 4 of the Penal Code who has been approved for a*



1 *change of name by the program is exempt from the*  
2 *requirement for publication of the order to show cause*  
3 *under subdivision (a).*

4 (c) Where application for change of name is brought  
5 as part of an action under the Uniform Parentage Act  
6 (Part 3 (commencing with Section 7600) of Division 12 of  
7 the Family Code), whether as part of a petition or  
8 cross-complaint or as a separate order to show cause in a  
9 pending action thereunder, service of the application  
10 shall be made upon all other parties to the action in a like  
11 manner as prescribed for the service of a summons, as is  
12 set forth in Article 3 (commencing with Section 415.10)  
13 of Chapter 4 of Title 5 of Part 2. Upon the setting of a  
14 hearing on the issue, notice of the hearing shall be given  
15 to all parties in the action in a like manner and within the  
16 time limits prescribed generally for the type of hearing  
17 (whether trial or order to show cause) at which the issue  
18 of the change of name is to be decided.

19 *SEC. 14. Section 1731 of the Code of Civil Procedure*  
20 *is amended to read:*

21 1731. As used in this title:

22 (a) “Alternative dispute resolution process” or “ADR  
23 process” means a process in which parties meet with a  
24 third party neutral to assist them in resolving their  
25 dispute outside of formal litigation.

26 (b) “General civil case” means all civil cases except  
27 probate, guardianship, conservatorship, family law  
28 (including proceedings under the Family Law Act,  
29 Uniform Parentage Act, and Uniform Child Custody  
30 Jurisdiction Act; freedom from parental custody and  
31 control proceedings; and adoption proceedings), juvenile  
32 court proceedings, small claims—~~appeals~~, and other civil  
33 petitions, as defined in ~~the Regulations on Superior Court~~  
34 ~~Reports to~~ by the Judicial Council on the effective date  
35 of this section, including petitions for a writ of mandate  
36 or prohibition, temporary restraining orders, harassment  
37 restraining orders, domestic violence restraining orders,  
38 writs of possession, appointment of a receiver, release of  
39 property from lien, and change of name.



1 (c) “Mediation” means a process in which a neutral  
2 person or persons facilitate communication between  
3 disputants to assist them in reaching a mutually  
4 acceptable agreement.

5 *SEC. 15. Section 1738 of the Code of Civil Procedure*  
6 *is amended to read:*

7 1738. (a) All statements made by the parties during  
8 a mediation under this title shall be subject to Sections  
9 703.5 and 1152, and Chapter 2 (commencing with Section  
10 1115) of Division 9 of, the Evidence Code.

11 (b) Any reference to a mediation *or the statement of*  
12 *nonagreement filed pursuant to Section 1739* during any  
13 subsequent trial shall constitute an irregularity in the  
14 proceedings of the trial for the purposes of Section 657.

15 *SEC. 16. Section 2024 of the Code of Civil Procedure*  
16 *is amended to read:*

17 2024. (a) Except as otherwise provided in this  
18 section, any party shall be entitled as a matter of right to  
19 complete discovery proceedings on or before the 30th  
20 day, and to have motions concerning discovery heard on  
21 or before the 15th day, before the date initially set for the  
22 trial of the action. *If either of these dates falls on a*  
23 *Saturday, Sunday, or holiday as specified in Section 10, the*  
24 *last day shall be the next successive court day.* As used in  
25 this section, discovery is considered completed on the day  
26 a response is due or on the day a deposition begins. Except  
27 as provided in subdivision (e), a continuance or  
28 postponement of the trial date does not operate to reopen  
29 discovery proceedings.

30 (b) The time limit on completing discovery in an  
31 action to be arbitrated under Chapter 2.5 (commencing  
32 with Section 1141.10) of Title 3 of Part 3 is subject to  
33 Judicial Council Rule. After an award in a case ordered to  
34 judicial arbitration, completion of discovery is limited by  
35 Section 1141.24.

36 (c) This section does not apply to (1) summary  
37 proceedings for obtaining possession of real property  
38 governed by Chapter 4 (commencing with Section 1159)  
39 of Title 3 of Part 3, in which discovery shall be completed  
40 on or before the fifth day before the date set for trial



1 except as provided in subdivisions (e) and (f), or (2)  
2 eminent domain proceedings governed by Title 7  
3 (commencing with Section 1230.010) of Part 3.

4 (d) Any party shall be entitled as a matter of right to  
5 complete discovery proceedings pertaining to a witness  
6 identified under Section 2034 on or before the 15th day,  
7 and to have motions concerning that discovery heard on  
8 or before the 10th day, before the date initially set for the  
9 trial of the action.

10 (e) On motion of any party, the court may grant leave  
11 to complete discovery proceedings, or to have a motion  
12 concerning discovery heard, closer to the initial trial date,  
13 or to reopen discovery after a new trial date has been set.  
14 This motion shall be accompanied by a declaration stating  
15 facts showing a reasonable and good faith attempt at an  
16 informal resolution of each issue presented by the motion.

17 In exercising its discretion to grant or deny this motion,  
18 the court shall take into consideration any matter  
19 relevant to the leave requested, including, but not limited  
20 to, the following:

- 21 (1) The necessity and the reasons for the discovery.
- 22 (2) The diligence or lack of diligence of the party  
23 seeking the discovery or the hearing of a discovery  
24 motion, and the reasons that the discovery was not  
25 completed or that the discovery motion was not heard  
26 earlier.
- 27 (3) Any likelihood that permitting the discovery or  
28 hearing the discovery motion will prevent the case from  
29 going to trial on the date set, or otherwise interfere with  
30 the trial calendar, or result in prejudice to any other  
31 party.
- 32 (4) The length of time that has elapsed between any  
33 date previously set, and the date presently set, for the trial  
34 of the action.

35 The court shall impose a monetary sanction under  
36 Section 2023 against any party, person, or attorney who  
37 unsuccessfully makes or opposes a motion to extend or to  
38 reopen discovery, unless it finds that the one subject to  
39 the sanction acted with substantial justification or that



1 other circumstances make the imposition of the sanction  
2 unjust.

3 (f) Parties to the action may, with the consent of any  
4 party affected by it, enter into an agreement to extend  
5 the time for the completion of discovery proceedings or  
6 for the hearing of motions concerning discovery, or to  
7 reopen discovery after a new date for trial of the action  
8 has been set. This agreement may be informal, but it shall  
9 be confirmed in a writing that specifies the extended  
10 date. In no event shall this agreement require a court to  
11 grant a continuance or postponement of the trial of the  
12 action.

13 (g) When the last day to perform or complete any act  
14 provided for in this article falls on a Saturday, Sunday, or  
15 holiday as specified in Section 10, the time limit is  
16 extended until the next day not a Saturday, Sunday, or  
17 holiday.

18 *SEC. 17. Section 2031 of the Code of Civil Procedure*  
19 *is amended to read:*

20 2031. (a) Any party may obtain discovery within the  
21 scope delimited by Section 2017, and subject to the  
22 restrictions set forth in Section 2019, by inspecting  
23 documents, tangible things, and land or other property  
24 that are in the possession, custody, or control of any other  
25 party to the action.

26 (1) A party may demand that any other party produce  
27 and permit the party making the demand, or someone  
28 acting on that party's behalf, to inspect and to copy a  
29 document that is in the possession, custody, or control of  
30 the party on whom the demand is made.

31 (2) A party may demand that any other party produce  
32 and permit the party making the demand, or someone  
33 acting on that party's behalf, to inspect and to  
34 photograph, test, or sample any tangible things that are  
35 in the possession, custody, or control of the party on  
36 whom the demand is made.

37 (3) A party may demand that any other party allow the  
38 party making the demand, or someone acting on that  
39 party's behalf, to enter on any land or other property that  
40 is in the possession, custody, or control of the party on



1 whom the demand is made, and to inspect and to  
2 measure, survey, photograph, test, or sample the land or  
3 other property, or any designated object or operation on  
4 it.

5 (b) A defendant may make a demand for inspection  
6 without leave of court at any time. A plaintiff may make  
7 a demand for inspection without leave of court at any  
8 time that is 10 days after the service of the summons on,  
9 or in unlawful detainer actions within five days after  
10 service of the summons on or appearance by, the party to  
11 whom the demand is directed, whichever occurs first.  
12 However, on motion with or without notice, the court, for  
13 good cause shown, may grant leave to a plaintiff to make  
14 an inspection demand at an earlier time.

15 (c) A party demanding an inspection shall number  
16 each set of demands consecutively. In the first paragraph  
17 immediately below the title of the case, there shall appear  
18 the identity of the demanding party, the set number, and  
19 the identity of the responding party. Each demand in a  
20 set shall be separately set forth, identified by number or  
21 letter, and shall do all of the following:

22 (1) Designate the documents, tangible things, or land  
23 or other property to be inspected either by specifically  
24 describing each individual item or by reasonably  
25 particularizing each category of item.

26 (2) Specify a reasonable time for the inspection that is  
27 at least 30 days after service of the demand, or in unlawful  
28 detainer actions at least five days after service of the  
29 demand, unless the court for good cause shown has  
30 granted leave to specify an earlier date.

31 (3) Specify a reasonable place for making the  
32 inspection, copying, and performing any related activity.

33 (4) Specify any related activity that is being  
34 demanded in addition to an inspection and copying, as  
35 well as the manner in which that related activity will be  
36 performed, and whether that activity will permanently  
37 alter or destroy the item involved.

38 (d) The party demanding an inspection shall serve a  
39 copy of the inspection demand on the party to whom it



1 is directed and on all other parties who have appeared in  
2 the action.

3 (e) In addition to the inspection demands permitted  
4 by this section, a party may propound a supplemental  
5 demand to inspect any later acquired or discovered  
6 documents, tangible things, or land or other property that  
7 are in the possession, custody, or control of the party on  
8 whom the demand is made, ~~provided that a demand for~~  
9 ~~inspection was previously served by the demanding party~~  
10 (1) twice prior to the initial setting of a trial date, and (2)  
11 subject to the time limits on discovery proceedings and  
12 motions provided in Section 2024, once after the initial  
13 setting of a trial date. However, on motion, for good cause  
14 shown, the court may grant leave to a party to propound  
15 an additional number of supplemental demands for  
16 inspection.

17 (f) When an inspection of documents, tangible things  
18 or places has been demanded, the party to whom the  
19 demand has been directed, and any other party or  
20 affected person or organization, may promptly move for  
21 a protective order. This motion shall be accompanied by  
22 a declaration stating facts showing a reasonable and good  
23 faith attempt at an informal resolution of each issue  
24 presented by the motion.

25 The court, for good cause shown, may make any order  
26 that justice requires to protect any party or other natural  
27 person or organization from unwarranted annoyance,  
28 embarrassment, or oppression, or undue burden and  
29 expense. This protective order may include, but is not  
30 limited to, one or more of the following directions:

31 (1) That all or some of the items or categories of items  
32 in the inspection demand need not be produced or made  
33 available at all.

34 (2) That the time specified in subdivision (i) to  
35 respond to the set of inspection demands, or to a  
36 particular item or category in the set, be extended.

37 (3) That the place of production be other than that  
38 specified in the inspection demand.

39 (4) That the inspection be made only on specified  
40 terms and conditions.



1 (5) That a trade secret or other confidential research,  
2 development, or commercial information not be  
3 disclosed, or be disclosed only to specified persons or only  
4 in a specified way.

5 (6) That the items produced be sealed and thereafter  
6 opened only on order of the court.

7 If the motion for a protective order is denied in whole  
8 or in part, the court may order that the party to whom the  
9 demand was directed provide or permit the discovery  
10 against which protection was sought on terms and  
11 conditions that are just.

12 The court shall impose a monetary sanction under  
13 Section 2023 against any party, person, or attorney who  
14 unsuccessfully makes or opposes a motion for a protective  
15 order, unless it finds that the one subject to the sanction  
16 acted with substantial justification or that other  
17 circumstances make the imposition of the sanction unjust.

18 (g) The party to whom an inspection demand has  
19 been directed shall respond separately to each item or  
20 category of item by a statement that the party will comply  
21 with the particular demand for inspection and any  
22 related activities, a representation that the party lacks the  
23 ability to comply with the demand for inspection of a  
24 particular item or category of item, or an objection to the  
25 particular demand.

26 In the first paragraph of the response immediately  
27 below the title of the case, there shall appear the identity  
28 of the responding party, the set number, and the identity  
29 of the demanding party. Each statement of compliance,  
30 each representation, and each objection in the response  
31 shall bear the same number and be in the same sequence  
32 as the corresponding item or category in the demand, but  
33 the text of that item or category need not be repeated.

34 (1) A statement that the party to whom an inspection  
35 demand has been directed will comply with the  
36 particular demand shall state that the production,  
37 inspection, and related activity demanded will be allowed  
38 either in whole or in part, and that all documents or things  
39 in the demanded category that are in the possession,



1 custody, or control of that party and to which no objection  
2 is being made will be included in the production.

3 Any documents demanded shall either be produced as  
4 they are kept in the usual course of business, or be  
5 organized and labeled to correspond with the categories  
6 in the demand. If necessary, the responding party at the  
7 reasonable expense of the demanding party shall,  
8 through detection devices, translate any data  
9 compilations included in the demand into reasonably  
10 usable form.

11 (2) A representation of inability to comply with the  
12 particular demand for inspection shall affirm that a  
13 diligent search and a reasonable inquiry has been made  
14 in an effort to comply with that demand. This statement  
15 shall also specify whether the inability to comply is  
16 because the particular item or category has never existed,  
17 has been destroyed, has been lost, misplaced, or stolen, or  
18 has never been, or is no longer, in the possession, custody,  
19 or control of the responding party. The statement shall set  
20 forth the name and address of any natural person or  
21 organization known or believed by that party to have  
22 possession, custody, or control of that item or category of  
23 item.

24 (3) If only part of an item or category of item in an  
25 inspection demand is objectionable, the response shall  
26 contain a statement of compliance, or a representation of  
27 inability to comply with respect to the remainder of that  
28 item or category. If the responding party objects to the  
29 demand for inspection of an item or category of item, the  
30 response shall (A) identify with particularity any  
31 document, tangible thing, or land falling within any  
32 category of item in the demand to which an objection is  
33 being made, and (B) set forth clearly the extent of, and  
34 the specific ground for, the objection. If an objection is  
35 based on a claim of privilege, the particular privilege  
36 invoked shall be stated. If an objection is based on a claim  
37 that the information sought is protected work product  
38 under Section 2018, that claim shall be expressly asserted.

39 (h) The party to whom the demand for inspection is  
40 directed shall sign the response under oath unless the



1 response contains only objections. If that party is a public  
2 or private corporation or a partnership or association or  
3 governmental agency, one of its officers or agents shall  
4 sign the response under oath on behalf of that party. If the  
5 officer or agent signing the response on behalf of that  
6 party is an attorney acting in that capacity for a party, that  
7 party waives any lawyer-client privilege and any  
8 protection for work product under Section 2018 during  
9 any subsequent discovery from that attorney concerning  
10 the identity of the sources of the information contained  
11 in the response. The attorney for the responding party  
12 shall sign any responses that contain an objection.

13 (i) Within 30 days after service of an inspection  
14 demand, or in unlawful detainer actions within five days  
15 of an inspection demand, the party to whom the demand  
16 is directed shall serve the original of the response to it on  
17 the party making the demand, and a copy of the response  
18 on all other parties who have appeared in the action,  
19 unless on motion of the party making the demand the  
20 court has shortened the time for response, or unless on  
21 motion of the party to whom the demand has been  
22 directed, the court has extended the time for response. In  
23 unlawful detainer actions, the party to whom the demand  
24 is directed shall have at least five days from the date of  
25 service of the demand to respond unless on motion of the  
26 party making the demand the court has shortened the  
27 time for the response.

28 (j) The party demanding an inspection and the  
29 responding party may agree to extend the time for  
30 service of a response to a set of inspection demands, or to  
31 particular items or categories of items in a set, to a date  
32 beyond that provided in subdivision (i). This agreement  
33 may be informal, but it shall be confirmed in a writing  
34 that specifies the extended date for service of a response.  
35 Unless this agreement expressly states otherwise, it is  
36 effective to preserve to the responding party the right to  
37 respond to any item or category of item in the demand to  
38 which the agreement applies in any manner specified in  
39 subdivision (g).



1 (k) The inspection demand and the response to it shall  
2 not be filed with the court. The party demanding an  
3 inspection shall retain both the original of the inspection  
4 demand, with the original proof of service affixed to it,  
5 and the original of the sworn response until six months  
6 after final disposition of the action. At that time, both  
7 originals may be destroyed, unless the court, on motion  
8 of any party and for good cause shown, orders that the  
9 originals be preserved for a longer period.

10 (l) If a party to whom an inspection demand has been  
11 directed fails to serve a timely response to it, that party  
12 waives any objection to the demand, including one based  
13 on privilege or on the protection for work product under  
14 Section 2018. However, the court, on motion, may relieve  
15 that party from this waiver on its determination that (1)  
16 the party has subsequently served a response that is in  
17 substantial compliance with subdivision (g), and (2) the  
18 party's failure to serve a timely response was the result of  
19 mistake, inadvertence, or excusable neglect.

20 The party making the demand may move for an order  
21 compelling response to the inspection demand. The court  
22 shall impose a monetary sanction under Section 2023  
23 against any party, person, or attorney who unsuccessfully  
24 makes or opposes a motion to compel a response to an  
25 inspection demand, unless it finds that the one subject to  
26 the sanction acted with substantial justification or that  
27 other circumstances make the imposition of the sanction  
28 unjust. If a party then fails to obey the order compelling  
29 a response, the court may make those orders that are just,  
30 including the imposition of an issue sanction, an evidence  
31 sanction, or a terminating sanction under Section 2023. In  
32 lieu of or in addition to that sanction, the court may  
33 impose a monetary sanction under Section 2023.

34 (m) If the party demanding an inspection, on receipt  
35 of a response to an inspection demand, deems that (1) a  
36 statement of compliance with the demand is incomplete,  
37 (2) a representation of inability to comply is inadequate,  
38 incomplete, or evasive, or (3) an objection in the  
39 response is without merit or too general, that party may  
40 move for an order compelling further response to the



1 demand. This motion (A) shall set forth specific facts  
2 showing good cause justifying the discovery sought by the  
3 inspection demand, and (B) shall be accompanied by a  
4 declaration stating facts showing a reasonable and good  
5 faith attempt at an informal resolution of any issue  
6 presented by it.

7 Unless notice of this motion is given within 45 days of  
8 the service of the response, or any supplemental  
9 response, or on or before any specific later date to which  
10 the demanding party and the responding party have  
11 agreed in writing, the demanding party waives any right  
12 to compel a further response to the inspection demand.

13 The court shall impose a monetary sanction under  
14 Section 2023 against any party, person, or attorney who  
15 unsuccessfully makes or opposes a motion to compel  
16 further response to an inspection demand, unless it finds  
17 that the one subject to the sanction acted with substantial  
18 justification or that other circumstances make the  
19 imposition of the sanction unjust.

20 If a party fails to obey an order compelling further  
21 response, the court may make those orders that are just,  
22 including the imposition of an issue sanction, an evidence  
23 sanction, or a terminating sanction under Section 2023. In  
24 lieu of or in addition to that sanction, the court may  
25 impose a monetary sanction under Section 2023.

26 (n) If a party filing a response to a demand for  
27 inspection under subdivision (g) thereafter fails to  
28 permit the inspection in accordance with that party's  
29 statement of compliance, the party demanding the  
30 inspection may move for an order compelling  
31 compliance.

32 The court shall impose a monetary sanction under  
33 Section 2023 against any party, person, or attorney who  
34 unsuccessfully makes or opposes a motion to compel  
35 compliance with an inspection demand, unless it finds  
36 that the one subject to the sanction acted with substantial  
37 justification or that other circumstances make the  
38 imposition of the sanction unjust.

39 If a party then fails to obey an order compelling  
40 inspection, the court may make those orders that are just,



1 including the imposition of an issue sanction, an evidence  
2 sanction, or a terminating sanction under Section 2023. In  
3 lieu of or in addition to that sanction, the court may  
4 impose a monetary sanction under Section 2023.

5 *SEC. 18. Section 2094 of the Code of Civil Procedure*  
6 *is amended to read:*

7 ~~2094. Section Two Thousand and Ninety-four. An~~

8 (a) ~~An oath, or affirmation, or declaration in an action~~  
9 ~~or a proceeding, may be administered as follows, the~~  
10 ~~person who swears, or affirms, expressing his assent when~~  
11 ~~addressed in the following form:— by obtaining an~~  
12 ~~affirmative response to one of the following:~~

13 (1) ~~“You do solemnly swear (or affirm, as the case may~~  
14 ~~be), state that the evidence you shall give in this issue (or~~  
15 ~~matter), pending between \_\_\_\_\_ and \_\_\_\_\_, shall~~  
16 ~~be the truth, the whole truth, and nothing but the truth,~~  
17 ~~so help you God.”~~

18 (2) ~~“You do solemnly state, under penalty of perjury,~~  
19 ~~that the evidence that you shall give in this issue or matter~~  
20 ~~shall be the truth, the whole truth, and nothing but the~~  
21 ~~truth.”~~

22 (b) ~~In the alternative to the forms prescribed in~~  
23 ~~subdivision (a), the court may administer an oath,~~  
24 ~~affirmation, or declaration in an action or a proceeding in~~  
25 ~~a manner that is calculated to awaken the person’s~~  
26 ~~conscience and impress the person’s mind with the duty~~  
27 ~~to tell the truth. The court shall satisfy itself that the~~  
28 ~~person testifying understands that his or her testimony is~~  
29 ~~being given under penalty of perjury.~~

30 *SEC. 19. Section 2095 of the Code of Civil Procedure*  
31 *is repealed.*

32 ~~2095. Whenever the Court before which a person is~~  
33 ~~offered as a witness is satisfied that he has a peculiar mode~~  
34 ~~of swearing, connected with or in addition to the usual~~  
35 ~~form of administration, which, in his opinion, is more~~  
36 ~~solemn or obligatory, the Court may, in its discretion,~~  
37 ~~adopt that mode.~~

38 *SEC. 20. Section 2096 of the Code of Civil Procedure*  
39 *is repealed.*



1 ~~2096. When a person is sworn who believes in any~~  
2 ~~other than the Christian religion, he may be sworn~~  
3 ~~according to the peculiar ceremonies of his religion, if~~  
4 ~~there be any such.~~

5 *SEC. 21. Section 2097 of the Code of Civil Procedure*  
6 *is repealed.*

7 ~~2097. Any person who desires it may, at his option,~~  
8 ~~instead of taking an oath make his solemn affirmation or~~  
9 ~~declaration, by assenting, when addressed, in the~~  
10 ~~following form: "You do solemnly affirm (or declare)~~  
11 ~~that," etc., as in Section 2094.~~

12 *SEC. 22. Section 66909.2 of the Government Code is*  
13 *amended to read:*

14 66909.2. (a) The Legislature finds and declares that  
15 accomplishment of the goals and objectives of the Lake  
16 Tahoe Acquisitions Bond Act (Title 7.43 (commencing  
17 with Section 66950)) depends upon prompt and efficient  
18 acquisition of property within the Lake Tahoe region.

19 (b) The Legislature further finds and declares that the  
20 conservancy is a unique entity, that some lands acquired  
21 in furtherance of the goals and objectives of *this title and*  
22 *the Lake Tahoe Acquisitions Bond Act (Title 7.43*  
23 *(commencing with Section 66950)),* though not wholly  
24 unimproved, are equivalent in character and uses to  
25 unimproved public lands coming within the purview of  
26 Section 831.2, and that, for the above reasons, the  
27 immunity provisions of Section 831.2 should be extended  
28 to provide an immunity from liability for injuries  
29 resulting from a natural condition of certain partially  
30 improved lands acquired in furtherance of the goals and  
31 objectives of the Lake Tahoe Acquisitions Bond Act *and*  
32 *this title.*

33 (c) It is the intent of the Legislature that the extension  
34 of Section 831.2 pursuant to this chapter apply only to  
35 lands acquired in furtherance of the goals and objectives  
36 of the Lake Tahoe Acquisitions Bond Act *and this title*  
37 and that this chapter does not affect the construction of  
38 Section 831.2, or justify a provision similar to this chapter,  
39 with respect to any other public property.



1 *SEC. 23. Section 66909.5 of the Government Code is*  
2 *amended to read:*

3 66909.5. (a) This chapter shall remain in effect only  
4 until January 1, ~~2004~~ 2006, and as of that date is repealed,  
5 unless a later enacted statute, which is chaptered before  
6 January 1, ~~2004~~ 2006, deletes or extends that date.

7 (b) On or before January 1, ~~2004~~ 2006, the conservancy  
8 shall report to the Legislature, with respect to any  
9 property ~~which~~ *that* is subject to the immunity provided  
10 by this chapter, both of the following:

11 (1) The nature and extent of any injury sustained by  
12 any person on that property since September 17, 1984.

13 (2) Any personal injury or wrongful death litigation  
14 brought by, on behalf of, or against, any public entity  
15 since September 17, 1984, arising from occurrences on  
16 that property.

17 *SEC. 24. Section 14029 of the Penal Code is amended*  
18 *to read:*

19 14029. All information relating to any witness  
20 participating in the program established pursuant to this  
21 title shall remain confidential and is not subject to  
22 disclosure pursuant to the California Public Records Act  
23 (Chapter 3.5 (commencing with Section 6250) of  
24 Division 7 of Title 1 of the Government Code) *and, if a*  
25 *change of name has been approved by the program, the*  
26 *order to show cause is not subject to the publication*  
27 *requirement of Section 1277 of the Code of Civil*  
28 *Procedure.*

29 *SEC. 25. Section 1310 of the Probate Code is amended*  
30 *to read:*

31 1310. (a) Except as provided in subdivisions (b), (c),  
32 ~~and~~ (d), *and* (e), an appeal pursuant to Chapter 1  
33 (*commencing with Section 1300*) stays the operation and  
34 effect of the judgment or order.

35 (b) Notwithstanding that an appeal is taken from the  
36 judgment or order, for the purpose of preventing injury  
37 or loss to a person or property, the trial court may direct  
38 the exercise of the powers of the fiduciary, or may appoint  
39 a temporary guardian or conservator of the person or  
40 estate, or both, or special administrator, to exercise the



1 powers, from time to time, as if no appeal were pending.  
2 All acts of the fiduciary pursuant to the directions of the  
3 court made under this subdivision are valid, irrespective  
4 of the result of the appeal. An appeal of the directions  
5 made by the court under this subdivision shall not stay  
6 these directions.

7 (c) In proceedings for guardianship of the person,  
8 Section 917.7 of the Code of Civil Procedure shall apply.

9 (d) An appeal shall not stay the operation and effect of  
10 the *judgment or order* if the court requires an  
11 undertaking, as provided in Section 917.9 of the Code of  
12 Civil Procedure, and the undertaking is not given.

13 (e) *An appeal shall not stay the operation and effect of*  
14 *a judgment for money or an order directing payment of*  
15 *money, unless one of the following applies:*

16 (1) *A bond is posted as provided in Section 917.1 of the*  
17 *Code of Civil Procedure.*

18 (2) *The payment is to be made from a decedent's*  
19 *estate being administered under Division 7*  
20 *(commencing with Section 7000) or from the estate of a*  
21 *person who is subject to a guardianship or*  
22 *conservatorship of the estate under Division 4*  
23 *(commencing with Section 1400). However, a court may*  
24 *require bond as provided in subdivision (d).*

25 SEC. 26. *Section 2805 of the Vehicle Code is amended*  
26 *to read:*

27 2805. (a) For the purpose of locating stolen vehicles,  
28 a member of the California Highway Patrol, ~~or~~ a member  
29 of a city police department or county sheriff's office, *or*  
30 *a district attorney investigator* whose primary  
31 responsibility is to conduct vehicle theft investigations,  
32 may inspect any vehicle of a type required to be  
33 registered under this code, or any identifiable vehicle  
34 component thereof, on a highway or in any public garage,  
35 repair shop, terminal, parking lot, new or used car lot,  
36 automobile dismantler's lot, vehicle shredding facility,  
37 vehicle leasing or rental lot, vehicle equipment rental  
38 yard, vehicle salvage pool, or other similar establishment,  
39 or any agricultural or construction work location where  
40 work is being actively performed, and may inspect the



1 title or registration of vehicles, in order to establish the  
2 rightful ownership or possession of the vehicle or  
3 identifiable vehicle component.

4 As used in this subdivision, “identifiable vehicle  
5 component” means any component which can be  
6 distinguished from other similar components by a serial  
7 number or other unique distinguishing number, sign, or  
8 symbol.

9 (b) A member of the California Highway Patrol, ~~or~~ a  
10 member of a city police department or county sheriff’s  
11 office, *or a district attorney investigator* whose primary  
12 responsibility is to conduct vehicle theft investigations,  
13 may also inspect, for the purposes specified in subdivision  
14 (a), implements of husbandry, special construction  
15 equipment, forklifts, and special mobile equipment in the  
16 places described in subdivision (a) or when ~~such a~~ *that*  
17 vehicle is incidentally operated or transported upon a  
18 highway.

19 (c) Whenever possible, inspections conducted  
20 pursuant to subdivision (a) or (b) shall be conducted at  
21 a time and in a manner so as to minimize any interference  
22 with, or delay of, business operations.

23 Professions Code is amended to read:

24 ~~2459.6. (a) For the purposes of Section 2459.5 and this~~  
25 ~~section:~~

26 (1) ~~“Osteopathic physician and surgeon” means a~~  
27 ~~person defined in the Osteopathic Initiative Act.~~

28 (2) ~~“Osteopathic manipulative treatment” means the~~  
29 ~~therapeutic application of manually guided forces by an~~  
30 ~~osteopathic physician and surgeon to alleviate somatic~~  
31 ~~dysfunction.~~

32 (3) ~~“Somatic dysfunction” means an impaired or~~  
33 ~~altered function of related components of the somatic~~  
34 ~~system.~~

35 (4) ~~An “osteopathic aide” means an unlicensed person~~  
36 ~~who assists an osteopathic physician and surgeon in the~~  
37 ~~provision of osteopathic manipulative treatment~~  
38 ~~provided that assistance is rendered under the~~  
39 ~~supervision of an osteopathic physician and surgeon~~  
40 ~~licensed pursuant to the Osteopathic Initiative Act. An~~



1 aide is not authorized to perform osteopathic  
2 manipulative procedures.

3 (5) “Under the orders, direction and immediate  
4 supervision” means the evaluation of the patient by the  
5 osteopathic physician and surgeon prior to the  
6 performing of an osteopathic manipulative treatment  
7 patient-related task by the aide, the formulation and  
8 recording in the patient’s record by the osteopathic  
9 physician and surgeon of an osteopathic manipulative  
10 treatment program based upon the evaluation, and any  
11 other information available to the osteopathic physician  
12 and surgeon prior to any delegation of a task to an aide.  
13 The osteopathic physician and surgeon shall assign only  
14 those patient-related tasks that can be safely and  
15 effectively performed by the aide. The supervising  
16 osteopathic physician and surgeon shall be responsible at  
17 all times for the conduct of the aide while he or she is on  
18 duty and shall provide continuous and immediate  
19 supervision of the aide. The osteopathic physician and  
20 surgeon shall be in the same facility as, and in proximity  
21 to, the location where the aide is performing  
22 patient-related tasks and shall be readily available at all  
23 times to provide advice or instructions to the aide.

24 (6) A “patient-related task” is restricted to assisting  
25 the osteopathic physician and surgeon in the rendering of  
26 osteopathic manipulative treatment.

27 (b) Osteopathic aides may not use roentgen rays and  
28 radioactive materials.

29 (c) The board shall require the supervising  
30 osteopathic physician and surgeon to conduct orientation  
31 of the aide regarding patient-related tasks.

32 (d) No osteopathic physician and surgeon shall  
33 supervise more than two osteopathic aides at any one  
34 time.

35 SEC. 2. Section 3512 of the Civil Code is amended to  
36 read:

37 3512. One must not change his or her purpose to the  
38 injury of another.

39 SEC. 3. Section 182 of the Code of Civil Procedure is  
40 amended to read:



1 ~~182. The heading to this chapter shall not be deemed~~  
2 ~~to govern or limit its scope or meaning.~~

3 ~~SEC. 4. Section 918 of the Evidence Code is amended~~  
4 ~~to read:~~

5 ~~918. A party may predicate error on a ruling~~  
6 ~~disallowing a claim of privilege only if he or she is the~~  
7 ~~holder of the privilege, except that a party may predicate~~  
8 ~~error on a ruling disallowing a claim of privilege by his or~~  
9 ~~her spouse under Section 970 or 971.~~

10 ~~SEC. 5. Section 68110 of the Government Code is~~  
11 ~~amended to read:~~

12 ~~68110. Every judge of a court of this state shall, in open~~  
13 ~~court during the presentation of causes before him or her,~~  
14 ~~wear a judicial robe, which he or she shall furnish at his~~  
15 ~~or her own expense. The Judicial Council shall, by rule,~~  
16 ~~prescribe the style of such robes.~~

17 ~~SEC. 6. Section 1368 of the Health and Safety Code is~~  
18 ~~amended to read:~~

19 ~~1368. (a) Every health care service plan shall do all~~  
20 ~~of the following:~~

21 ~~(1) Establish and maintain a grievance system~~  
22 ~~approved by the department under which enrollees may~~  
23 ~~submit their grievances to the plan. Each system shall~~  
24 ~~provide reasonable procedures in accordance with~~  
25 ~~department regulations that shall ensure adequate~~  
26 ~~consideration of enrollee grievances and rectification~~  
27 ~~when appropriate.~~

28 ~~(2) Inform its subscribers and enrollees upon~~  
29 ~~enrollment in the plan and annually thereafter of the~~  
30 ~~procedure for processing and resolving grievances. The~~  
31 ~~information shall include the location and telephone~~  
32 ~~number where grievances may be submitted.~~

33 ~~(3) Provide forms for grievances to be given to~~  
34 ~~subscribers and enrollees who wish to register written~~  
35 ~~grievances. The forms used by plans licensed pursuant to~~  
36 ~~Section 1353 shall be approved by the commissioner in~~  
37 ~~advance as to format.~~

38 ~~(4) Provide subscribers and enrollees with written~~  
39 ~~responses to grievances, with a clear and concise~~  
40 ~~explanation of the reasons for the plan's response. For~~



1 ~~grievances involving the delay, denial, or modification of~~  
2 ~~health care services, the plan response shall describe the~~  
3 ~~criteria used and the clinical reasons for its decision,~~  
4 ~~including all criteria and clinical reasons related to~~  
5 ~~medical necessity. If a plan, or one of its contracting~~  
6 ~~providers, issues a determination delaying, denying, or~~  
7 ~~modifying health care services based in whole or in part~~  
8 ~~on a finding that the proposed health care services are not~~  
9 ~~a covered benefit under the contract that applies to the~~  
10 ~~enrollee, the decision shall clearly specify the provisions~~  
11 ~~in the contract that exclude that coverage.~~

12 ~~(5) Keep in its files all copies of grievances, and the~~  
13 ~~responses thereto, for a period of five years.~~

14 ~~(b) (1) (A) After either completing the grievance~~  
15 ~~process described in subdivision (a), or participating in~~  
16 ~~the process for at least 30 days, a subscriber or enrollee~~  
17 ~~may submit the grievance to the department for review.~~  
18 ~~In any case determined by the department to be a case~~  
19 ~~involving an imminent and serious threat to the health of~~  
20 ~~the patient, including, but not limited to, severe pain, the~~  
21 ~~potential loss of life, limb, or major bodily function, or in~~  
22 ~~any other case where the department determines that an~~  
23 ~~earlier review is warranted, a subscriber or enrollee shall~~  
24 ~~not be required to complete the grievance process or~~  
25 ~~participate in the process for at least 30 days before~~  
26 ~~submitting a grievance to the department for review.~~

27 ~~(B) A grievance may be submitted to the department~~  
28 ~~for review and resolution prior to any arbitration.~~

29 ~~(C) Notwithstanding subparagraphs (A) and (B), the~~  
30 ~~department may refer any grievance that does not~~  
31 ~~pertain to compliance with this chapter to the State~~  
32 ~~Department of Health Services, the California~~  
33 ~~Department of Aging, the federal Health Care Financing~~  
34 ~~Administration, or any other appropriate governmental~~  
35 ~~entity for investigation and resolution.~~

36 ~~(2) If the subscriber or enrollee is a minor, or is~~  
37 ~~incompetent or incapacitated, the parent, guardian,~~  
38 ~~conservator, relative, or other designee of the subscriber~~  
39 ~~or enrollee, as appropriate, may submit the grievance to~~  
40 ~~the department as the agent of the subscriber or enrollee.~~



1 Further, a provider may join with, or otherwise assist, a  
2 subscriber or enrollee, or the agent, to submit the  
3 grievance to the department. In addition, following  
4 submission of the grievance to the department, the  
5 subscriber or enrollee, or the agent, may authorize the  
6 provider to assist, including advocating on behalf of the  
7 subscriber or enrollee. For purposes of this section, a  
8 “relative” includes the parent, stepparent, spouse, adult  
9 son or daughter, grandparent, brother, sister, uncle, or  
10 aunt of the subscriber or enrollee.

11 (3) The department shall review the written  
12 documents submitted with the subscriber’s or the  
13 enrollee’s request for review, or submitted by the agent  
14 on behalf of the subscriber or enrollee. The department  
15 may ask for additional information, and may hold an  
16 informal meeting with the involved parties, including  
17 providers who have joined in submitting the grievance,  
18 or who are otherwise assisting or advocating on behalf of  
19 the subscriber or enrollee.

20 (4) The department shall send a written notice of the  
21 final disposition of the grievance, and the reasons  
22 therefor, to the subscriber or enrollee, the agent, to any  
23 provider that has joined with or is otherwise assisting the  
24 subscriber or enrollee, and to the plan, within 30 calendar  
25 days of receipt of the request for review unless the  
26 commissioner, in his or her discretion, determines that  
27 additional time is reasonably necessary to fully and fairly  
28 evaluate the relevant grievance.

29 (5) Distribution of the written notice shall not be  
30 deemed a waiver of any exemption or privilege under  
31 existing law, including, but not limited to, Section 6254.5  
32 of the Government Code, for any information in  
33 connection with and including the written notice, nor  
34 shall any person employed or in any way retained by the  
35 department be required to testify as to that information  
36 or notice.

37 (6) The commissioner shall establish and maintain a  
38 system of aging of grievances that are pending and  
39 unresolved for 30 days or more, that shall include a brief



1 ~~explanation of the reasons each grievance is pending and~~  
2 ~~unresolved for 30 days or more.~~

3 ~~(7) A subscriber or enrollee, or the agent acting on~~  
4 ~~behalf of a subscriber or enrollee, may also request~~  
5 ~~voluntary mediation with the plan prior to exercising the~~  
6 ~~right to submit a grievance to the department. The use of~~  
7 ~~mediation services shall not preclude the right to submit~~  
8 ~~a grievance to the department upon completion of~~  
9 ~~mediation. In order to initiate mediation, the subscriber~~  
10 ~~or enrollee, or the agent acting on behalf of the subscriber~~  
11 ~~or enrollee, and the plan shall voluntarily agree to~~  
12 ~~mediation. Expenses for mediation shall be borne equally~~  
13 ~~by both sides. The department shall have no~~  
14 ~~administrative or enforcement responsibilities in~~  
15 ~~connection with the voluntary mediation process~~  
16 ~~authorized by this paragraph.~~

17 ~~(e) The plan's grievance system shall include a system~~  
18 ~~of aging of grievances that are pending and unresolved~~  
19 ~~for 30 days or more. The plan shall provide a quarterly~~  
20 ~~report to the commissioner of grievances pending and~~  
21 ~~unresolved for 30 or more days with separate categories~~  
22 ~~of grievances for Medicare enrollees and Medi-Cal~~  
23 ~~enrollees. The plan shall include with the report a brief~~  
24 ~~explanation of the reasons each grievance is pending and~~  
25 ~~unresolved for 30 days or more. The plan may include the~~  
26 ~~following statement in the quarterly report that is made~~  
27 ~~available to the public by the commissioner:~~

28  
29 ~~“Under Medicare and Medi-Cal law, Medicare~~  
30 ~~enrollees and Medi-Cal enrollees each have separate~~  
31 ~~avenues of appeal that are not available to other~~  
32 ~~enrollees. Therefore, grievances pending and~~  
33 ~~unresolved may reflect enrollees pursuing their~~  
34 ~~Medicare or Medi-Cal appeal rights.”~~

35  
36 ~~If requested by a plan, the commissioner shall include this~~  
37 ~~statement in a written report made available to the public~~  
38 ~~and prepared by the commissioner that describes or~~  
39 ~~compares grievances that are pending and unresolved~~  
40 ~~with the plan for 30 days or more. Additionally, the~~



1 commissioner shall, if requested by a plan, append to that  
2 written report a brief explanation, provided in writing by  
3 the plan, of the reasons why grievances described in that  
4 written report are pending and unresolved for 30 days or  
5 more. The commissioner shall not be required to include  
6 a statement or append a brief explanation to a written  
7 report that the commissioner is required to prepare  
8 under this chapter, including Sections 1380 and 1397.5.

9 (d) Subject to subparagraph (C) of paragraph (1) of  
10 subdivision (b), the grievance or resolution procedures  
11 authorized by this section shall be in addition to any other  
12 procedures that may be available to any person, and  
13 failure to pursue, exhaust, or engage in the procedures  
14 described in this section shall not preclude the use of any  
15 other remedy provided by law.

16 (e) Nothing in this section shall be construed to allow  
17 the submission to the department of any provider  
18 complaint under this section. However, as part of a  
19 provider's duty to advocate for medically appropriate  
20 health care for his or her patients pursuant to Sections 510  
21 and 2056 of the Business and Professions Code, nothing in  
22 this subdivision shall be construed to prohibit a provider  
23 from contacting and informing the department about any  
24 concerns he or she has regarding compliance with or  
25 enforcement of this chapter.

26 (f) Upon the operation of the Department of Managed  
27 Care and the appointment of its director, the  
28 responsibilities of the Department of Corporations and its  
29 commissioner shall be transferred to the Department of  
30 Managed Care and its director.

31 (g) If Assembly Bill 55 of the 1999 2000 Regular  
32 Session is enacted, this section shall remain in effect only  
33 until January 1, 2001, and as of that date is repealed, unless  
34 a later enacted statute, that is enacted before January 1,  
35 2001, deletes or extends that date.

36 SEC. 7. Section 1600 of the Probate Code is amended  
37 to read:

38 1600. (a) A guardianship of either the person or the  
39 estate or both terminates when the ward attains majority  
40 or dies.



1   ~~(b) A guardianship of the person terminates upon the~~  
2   ~~adoption of the ward or upon the emancipation of the~~  
3   ~~ward under Section 7002 of the Family Code.~~

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