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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 1788.17 of the Civil Code, to amend Sections 403, 404, 527, 527.6, 527.8, 871.3, 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 procedure.

Existing law sets forth the requirements of federal law that shall apply to the collection of consumer debts; 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; sets forth procedures for the relief of good faith improvers of land; 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 procedure for the transfer or consolidation of civil actions; the exemption of certain petitions for protective orders, restraining orders, and injunctions from filing fee requirements; the procedures for the relief of good faith improvers of land; 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. *The bill would also incorporate changes to Section 1277 of the Code of Civil Procedure proposed by AB 205 and AB 2155, contingent upon their prior enactment.*

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.

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

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

1 SECTION 1. Section 1788.17 of the Civil Code is  
2 amended to read:

3 1788.17. Notwithstanding any other provision of this  
4 title, every debt collector collecting or attempting to  
5 collect a consumer debt shall comply with the provisions  
6 of Sections 1692b to 1692j, inclusive, of, and shall be  
7 subject to the remedies in Section 1692k of, Title 15 of the  
8 United States Code. However, subsection (11) of Section  
9 1692e and Section 1692g shall not apply to any person  
10 specified in paragraphs (A) and (B) of subsection (6) of  
11 Section 1692a of Title 15 of the United States Code or that  
12 person's principal. The references to federal codes in this  
13 section refer to those codes as they read January 1, 2001.

14 SEC. 2. Section 403 of the Code of Civil Procedure is  
15 amended to read:

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



1 pursuant to Section 1048 without any further motion or  
2 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. 3. 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 and that the actions meet  
24 the standards specified in Section 404.1. On receipt of a  
25 petition for coordination, the Chairperson of the Judicial  
26 Council may assign a judge to determine whether the  
27 actions are complex, and if so, whether coordination of  
28 the actions is appropriate, or the Chairperson of the  
29 Judicial Council may authorize the presiding judge of a  
30 court to assign the matter to judicial officers of the court  
31 to make the determination in the same manner as  
32 assignments are made in other civil cases.

33 Notwithstanding any other provision of law, when civil  
34 actions sharing a common question of fact or law are  
35 pending in a superior court and in a municipal court of  
36 the same county, the superior court may, on the motion  
37 of any party supported by an affidavit stating facts  
38 showing that the actions meet the standards specified in  
39 Section 404.1, order transfer from the municipal court  
40 and consolidation of the actions in the superior court.



1 SEC. 4. Section 527 of the Code of Civil Procedure is  
2 amended to read:

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

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

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

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

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

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

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

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

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

37 (1) The matter shall be made returnable on an order  
38 requiring cause to be shown why a preliminary injunction  
39 should not be granted, on the earliest day that the  
40 business of the court will admit of, but not later than 15



1 days or, if good cause appears to the court, 22 days from  
2 the date the temporary restraining order is issued.

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

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

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

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

36 (e) The opposing party may, in response to an order  
37 to show cause, present affidavits relating to the granting  
38 of the preliminary injunction, and if the affidavits are  
39 served on the applicant at least two days prior to the  
40 hearing, the applicant shall not be entitled to any



1 continuance on account thereof. On the day the order is  
2 made returnable, the hearing shall take precedence over  
3 all other matters on the calendar of the day, except older  
4 matters of the same character, and matters to which  
5 special precedence may be given by law. When the cause  
6 is at issue it shall be set for trial at the earliest possible date  
7 and shall take precedence over all other cases, except  
8 older matters of the same character, and matters to which  
9 special precedence may be given by law.

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

17 (1) The order to show cause is issued without a  
18 temporary restraining order.

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

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

27 (h) As used in this section:

28 (1) "Complaint" means a complaint or a  
29 cross-complaint.

30 (2) "Court" means the court in which the action is  
31 pending.

32 SEC. 5. Section 527.6 of the Code of Civil Procedure  
33 is amended to read:

34 527.6. (a) A person who has suffered harassment as  
35 defined in subdivision (b) may seek a temporary  
36 restraining order and an injunction prohibiting  
37 harassment as provided in this section.

38 (b) For the purposes of this section, "harassment" is  
39 unlawful violence, a credible threat of violence, or a  
40 knowing and willful course of conduct directed at a



1 specific person that seriously alarms, annoys, or harasses  
2 the person, and that serves no legitimate purpose. The  
3 course of conduct must be such as would cause a  
4 reasonable person to suffer substantial emotional distress,  
5 and must actually cause substantial emotional distress to  
6 the plaintiff.

7 As used in this subdivision:

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

12 (2) “Credible threat of violence” is a knowing and  
13 willful statement or course of conduct that would place  
14 a reasonable person in fear for his or her safety, or the  
15 safety of his or her immediate family, and that serves no  
16 legitimate purpose.

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

27 (c) Upon filing a petition for an injunction under this  
28 section, the plaintiff may obtain a temporary restraining  
29 order in accordance with Section 527, except to the extent  
30 this section provides a rule that is inconsistent. A  
31 temporary restraining order may be issued with or  
32 without notice upon an affidavit that, to the satisfaction  
33 of the court, shows reasonable proof of harassment of the  
34 plaintiff by the defendant, and that great or irreparable  
35 harm would result to the plaintiff. In the discretion of the  
36 court, and on a showing of good cause, a temporary  
37 restraining order issued under this section may include  
38 other named family or household members who reside  
39 with the plaintiff. A temporary restraining order issued  
40 under this section shall remain in effect, at the court’s



1 discretion, for a period not to exceed 15 days, or, if the  
2 court extends the time for hearing under subdivision (d),  
3 not to exceed 22 days, unless otherwise modified or  
4 terminated by the court.

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

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

24 (f) In a proceeding under this section where there are  
25 allegations or threats of domestic violence, a support  
26 person may accompany a party in court and, where the  
27 party is not represented by an attorney, may sit with the  
28 party at the table that is generally reserved for the party  
29 and the party's attorney. The support person is present to  
30 provide moral and emotional support for a person who  
31 alleges he or she is a victim of domestic violence. The  
32 support person is not present as a legal adviser and shall  
33 not give legal advice. The support person shall assist the  
34 person who alleges he or she is a victim of domestic  
35 violence in feeling more confident that he or she will not  
36 be injured or threatened by the other party during the  
37 proceedings where the person who alleges he or she is a  
38 victim of domestic violence and the other party must be  
39 present in close proximity. Nothing in this subdivision  
40 precludes the court from exercising its discretion to



1 remove the support person from the courtroom if the  
2 court believes the support person is prompting, swaying,  
3 or influencing the party assisted by the support person.

4 (g) Upon filing of a petition for an injunction under  
5 this section, the defendant shall be personally served with  
6 a copy of the petition, temporary restraining order, if any,  
7 and notice of hearing of the petition. Service shall be  
8 made at least five days before the hearing. The court may  
9 for good cause, on motion of the plaintiff or on its own  
10 motion, shorten the time for service on the defendant.

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

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

30 Upon receiving information at the scene of an incident  
31 of harassment that a protective order has been issued  
32 under this section, or that a person who has been taken  
33 into custody is the subject of an order, if the protected  
34 person cannot produce a certified copy of the order, a law  
35 enforcement officer shall immediately attempt to verify  
36 the existence of the order.

37 If the law enforcement officer determines that a  
38 protective order has been issued, but not served, the  
39 officer shall immediately notify the defendant of the  
40 terms of the order and shall at that time also enforce the



1 order. Verbal notice of the terms of the order shall  
2 constitute service of the order and is sufficient notice for  
3 the purposes of this section and for the purposes of  
4 Section 273.6 and subdivision (g) of Section 12021 of the  
5 Penal Code.

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

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

12 (k) This section does not apply to any action or  
13 proceeding covered by Title 1.6C (commencing with  
14 Section 1788) of the Civil Code or by Division 10  
15 (commencing with Section 6200) of the Family Code.  
16 Nothing in this section shall preclude a plaintiff's right to  
17 use other existing civil remedies.

18 (l) The Judicial Council shall promulgate forms and  
19 instructions therefor, and rules for service of process,  
20 scheduling of hearings, and any other matters required  
21 by this section. The petition and response forms shall be  
22 simple and concise, and their use by parties in actions  
23 brought pursuant to this section shall be mandatory.

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

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



1 (o) There shall be no filing fee for a petition that  
2 alleges that a person has inflicted or threatened violence  
3 against the petitioner, or stalked the petitioner, or acted  
4 or spoke in any other manner that has placed the  
5 petitioner in reasonable fear of violence, and that seeks  
6 a protective or restraining order or injunction restraining  
7 stalking or future violence or threats of violence, in any  
8 action brought pursuant to this section. No fee shall be  
9 paid for filing a response to a petition alleging these acts.

10 SEC. 6. Section 527.8 of the Code of Civil Procedure  
11 is amended to read:

12 527.8. (a) Any employer, whose employee has  
13 suffered unlawful violence or a credible threat of violence  
14 from any individual, that can reasonably be construed to  
15 be carried out or to have been carried out at the  
16 workplace, may seek a temporary restraining order and  
17 an injunction on behalf of the employee prohibiting  
18 further unlawful violence or threats of violence by that  
19 individual.

20 (b) For the purposes of this section:

21 (1) "Unlawful violence" is any assault or battery, or  
22 stalking as prohibited in Section 646.9 of the Penal Code,  
23 but shall not include lawful acts of self-defense or defense  
24 of others.

25 (2) "Credible threat of violence" is a knowing and  
26 willful statement or course of conduct that would place  
27 a reasonable person in fear for his or her safety, or the  
28 safety of his or her immediate family, and that serves no  
29 legitimate purpose.

30 (3) "Course of conduct" is a pattern of conduct  
31 composed of a series of acts over a period of time,  
32 however short, evidencing a continuity of purpose,  
33 including following or stalking an employee to or from  
34 the place of work; entering the workplace; following an  
35 employee during hours of employment; making  
36 telephone calls to an employee; or sending  
37 correspondence to an employee by any means, including,  
38 but not limited to, the use of the public or private mails,  
39 interoffice mail, fax, or computer e-mail.



1 (c) Nothing in this section shall be construed to permit  
2 a court to issue a temporary restraining order or  
3 injunction prohibiting speech or other activities that are  
4 constitutionally protected, or otherwise protected by  
5 Section 527.3 or any other provision of law.

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

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

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

34 (f) Within 15 days of the filing of the petition, a hearing  
35 shall be held on the petition for the injunction. The  
36 defendant may file a response that explains, excuses,  
37 justifies, or denies the alleged unlawful violence or  
38 credible threats of violence or may file a cross-complaint  
39 under this section. At the hearing, the judge shall receive  
40 any testimony that is relevant and may make an



1 independent inquiry. Moreover, if the defendant is a  
2 current employee of the entity requesting the injunction,  
3 the judge shall receive evidence concerning the  
4 employer's decision to retain, terminate, or otherwise  
5 discipline the defendant. If the judge finds by clear and  
6 convincing evidence that the defendant engaged in  
7 unlawful violence or made a credible threat of violence,  
8 an injunction shall issue prohibiting further unlawful  
9 violence or threats of violence. An injunction issued  
10 pursuant to this section shall have a duration of not more  
11 than three years. At any time within the three months  
12 before the expiration of the injunction, the plaintiff may  
13 apply for a renewal of the injunction by filing a new  
14 petition for an injunction under this section.

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

18 (h) Upon filing of a petition for an injunction under  
19 this section, the defendant shall be personally served with  
20 a copy of the petition, temporary restraining order, if any,  
21 and notice of hearing of the petition. Service shall be  
22 made at least five days before the hearing. The court may,  
23 for good cause, on motion of the plaintiff or on its own  
24 motion, shorten the time for service on the defendant.

25 (i) The court shall order the plaintiff or the attorney  
26 for the plaintiff to deliver a copy of each temporary  
27 restraining order or injunction, or modification or  
28 termination thereof, granted under this section, by the  
29 close of the business day on which the order was granted,  
30 to the law enforcement agencies within the court's  
31 discretion as are requested by the plaintiff. Each  
32 appropriate law enforcement agency shall make  
33 available information as to the existence and current  
34 status of these orders to law enforcement officers  
35 responding to the scene of reported unlawful violence or  
36 a credible threat of violence.

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



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

5 (l) The Judicial Council shall develop forms,  
6 instructions, and rules for scheduling of hearings and  
7 other procedures established pursuant to this section. The  
8 forms for the petition and response shall be simple and  
9 concise, and their use by parties in actions brought  
10 pursuant to this section shall be mandatory.

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

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

27 (o) There shall be no filing fee for a petition that  
28 alleges that a person has inflicted or threatened violence  
29 against an employee of the petitioner, or stalked the  
30 employee, or acted or spoke in any other manner that has  
31 placed the employee in reasonable fear of violence, and  
32 that seeks protective or restraining orders or injunctions  
33 restraining stalking or future violence or threats of  
34 violence, in any action brought pursuant to this section.  
35 No fee shall be paid for filing a response to a petition  
36 alleging these acts.

37 SEC. 7. Section 871.3 of the Code of Civil Procedure  
38 is amended to read:

39 871.3. (a) An action for relief under this chapter shall  
40 be treated as an unlimited civil case, regardless of the



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

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

17 SEC. 8. Section 1277 of the Code of Civil Procedure is  
18 amended to read:

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

39 Four weekly publications shall be sufficient publication  
40 of the order to show cause. If the order is published in a



1 daily newspaper, publication once a week for four  
2 successive weeks shall be sufficient.

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

9 (b) An action for a change of name for a witness  
10 participating in the state Witness Protection Program  
11 established by Title 7.5 (commencing with Section 14020)  
12 of Part 4 of the Penal Code who has been approved for the  
13 change of name by the program is exempt from the  
14 requirement for publication of the order to show cause  
15 under subdivision (a).

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

31 *SEC. 8.2. Section 1277 of the Code of Civil Procedure*  
32 *is amended to read:*

33 1277. (a) Where an action for a change of name is  
34 commenced by the filing of a petition, *except as provided*  
35 *in subdivisions (b) and (c)*, the court shall thereupon  
36 make an order reciting the filing of the petition, the name  
37 of the person by whom it is filed and the name proposed,  
38 and directing all persons interested in the matter to  
39 appear before the court at a time and place specified,  
40 which shall be not less than four or more than eight weeks



1 from the time of making the order, to show cause why the  
2 application for change of name should not be granted. A  
3 copy of the order to show cause shall be published  
4 pursuant to Section 6064 of the Government Code in a  
5 newspaper of general circulation to be designated in the  
6 order published in the county. If no newspaper of general  
7 circulation is published in the county, a copy of the order  
8 to show cause shall be posted by the clerk of the court in  
9 three of the most public places in the county in which the  
10 court is located, for a like period. Proof shall be made to  
11 the satisfaction of the court of this publication or posting,  
12 at the time of the hearing of the application.

13 Four weekly publications shall be sufficient publication  
14 of the order to show cause. If the order is published in a  
15 daily newspaper, publication once a week for four  
16 successive weeks shall be sufficient.

17 Where a petition has been filed for a minor *by a parent*  
18 and the other parent, if living, does not join in consenting  
19 thereto, the petitioner shall cause, not less than 30 days  
20 prior to the hearing, to be served notice of the time and  
21 place of the hearing or a copy of the order to show cause  
22 on the other parent pursuant to Section 413.10, 414.10,  
23 415.10, or 415.40.

24 (b) *Where the petition for a change of name alleges*  
25 *that the reason for the petition is to avoid domestic*  
26 *violence, as defined in Section 6211 of the Family Code,*  
27 *and the petitioner is a participant in the address*  
28 *confidentiality program created pursuant to Chapter 3.1*  
29 *(commencing with Section 6205) of Division 7 of Title 1*  
30 *of the Government Code, the petition, the order of the*  
31 *court, and the copy published pursuant to subdivision (a)*  
32 *shall, in lieu of reciting the proposed name, indicate that*  
33 *the proposed name is confidential and will be on file with*  
34 *the Secretary of State pursuant to the provisions of the*  
35 *address confidentiality program.*

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



1 *requirement for publication of the order to show cause*  
2 *under subdivision (a).*

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

18 (e) *Where a guardian files a petition to change the*  
19 *name of his or her minor ward pursuant to Section 1276:*

20 (1) *The guardian shall provide notice of the hearing to*  
21 *any living parent of the minor by personal service at least*  
22 *30 days prior to the hearing.*

23 (2) *If either or both parents are deceased or cannot be*  
24 *located, the guardian shall cause, not less than 30 days*  
25 *prior to the hearing, to be served a notice of the time and*  
26 *place of the hearing or a copy of the order to show cause*  
27 *on the child's grandparents, if living, pursuant to Section*  
28 *413.10, 414.10, 415.10, or 415.40.*

29 *SEC. 8.3. Section 1277 of the Code of Civil Procedure*  
30 *is amended to read:*

31 1277. (a) Where an action for a change of name is  
32 commenced by the filing of a petition, *except as provided*  
33 *in subdivisions (b) and (c), the court shall thereupon*  
34 *make an order reciting the filing of the petition, the name*  
35 *of the person by whom it is filed and the name proposed,*  
36 *and directing all persons interested in the matter to*  
37 *appear before the court at a time and place specified,*  
38 *which shall be not less than four or more than eight weeks*  
39 *from the time of making the order, to show cause why the*  
40 *application for change of name should not be granted. A*



1 copy of the order to show cause shall be published  
2 pursuant to Section 6064 of the Government Code in a  
3 newspaper of general circulation to be designated in the  
4 order published in the county. If no newspaper of general  
5 circulation is published in the county, a copy of the order  
6 to show cause shall be posted by the clerk of the court in  
7 three of the most public places in the county in which the  
8 court is located, for a like period. Proof shall be made to  
9 the satisfaction of the court of this publication or posting,  
10 at the time of the hearing of the application.

11 Four weekly publications shall be sufficient publication  
12 of the order to show cause. If the order is published in a  
13 daily newspaper, publication once a week for four  
14 successive weeks shall be sufficient.

15 Where a petition has been filed for a minor *by a parent*  
16 and the other parent, if living, does not join in consenting  
17 thereto, the petitioner shall cause, not less than 30 days  
18 prior to the hearing, to be served notice of the time and  
19 place of the hearing or a copy of the order to show cause  
20 on the other parent pursuant to Section 413.10, 414.10,  
21 415.10, or 415.40.

22 (b) *Where the petition for a change of name alleges*  
23 *that the reason for the petition is to avoid domestic*  
24 *violence, as defined in Section 6211 of the Family Code,*  
25 *or stalking, as defined in Section 646.9 of the Penal Code,*  
26 *and the petitioner is a participant in the address*  
27 *confidentiality program created pursuant to Chapter 3.1*  
28 *(commencing with Section 6205) of Division 7 of Title 1*  
29 *of the Government Code, the petition, the order of the*  
30 *court, and the copy published pursuant to subdivision (a)*  
31 *shall, in lieu of reciting the proposed name, indicate that*  
32 *the proposed name is confidential and will be on file with*  
33 *the Secretary of State pursuant to the provisions of the*  
34 *address confidentiality program.*

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



1 *requirement for publication of the order to show cause*  
2 *under subdivision (a).*

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

18 (e) *Where a guardian files a petition to change the*  
19 *name of his or her minor ward pursuant to Section 1276:*

20 (1) *The guardian shall provide notice of the hearing to*  
21 *any living parent of the minor by personal service at least*  
22 *30 days prior to the hearing.*

23 (2) *If either or both parents are deceased or cannot be*  
24 *located, the guardian shall cause, not less than 30 days*  
25 *prior to the hearing, to be served a notice of the time and*  
26 *place of the hearing or a copy of the order to show cause*  
27 *on the child's grandparents, if living, pursuant to Section*  
28 *413.10, 414.10, 415.10, or 415.40.*

29 SEC. 9. Section 1731 of the Code of Civil Procedure is  
30 amended to read:

31 1731. As used in this title:

32 (a) "Alternative dispute resolution process" or "ADR  
33 process" means a process in which parties meet with a  
34 third party neutral to assist them in resolving their  
35 dispute outside of formal litigation.

36 (b) "General civil case" means all civil cases except  
37 probate, guardianship, conservatorship, family law  
38 (including proceedings under the Family Law Act,  
39 Uniform Parentage Act, and Uniform Child Custody  
40 Jurisdiction Act; freedom from parental custody and



1 control proceedings; and adoption proceedings), juvenile  
2 court proceedings, small claims, and other civil petitions,  
3 as defined by the Judicial Council on the effective date of  
4 this section, including petitions for a writ of mandate or  
5 prohibition, temporary restraining orders, harassment  
6 restraining orders, domestic violence restraining orders,  
7 writs of possession, appointment of a receiver, release of  
8 property from lien, and change of name.

9 (c) “Mediation” means a process in which a neutral  
10 person or persons facilitate communication between  
11 disputants to assist them in reaching a mutually  
12 acceptable agreement.

13 SEC. 10. Section 1738 of the Code of Civil Procedure  
14 is amended to read:

15 1738. (a) All statements made by the parties during  
16 a mediation under this title shall be subject to Sections  
17 703.5 and 1152, and Chapter 2 (commencing with Section  
18 1115) of Division 9 of, the Evidence Code.

19 (b) Any reference to a mediation or the statement of  
20 nonagreement filed pursuant to Section 1739 during any  
21 subsequent trial shall constitute an irregularity in the  
22 proceedings of the trial for the purposes of Section 657.

23 SEC. 11. Section 2024 of the Code of Civil Procedure  
24 is amended to read:

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

38 (b) The time limit on completing discovery in an  
39 action to be arbitrated under Chapter 2.5 (commencing  
40 with Section 1141.10) of Title 3 of Part 3 is subject to



1 Judicial Council Rule. After an award in a case ordered to  
2 judicial arbitration, completion of discovery is limited by  
3 Section 1141.24.

4 (c) This section does not apply to (1) summary  
5 proceedings for obtaining possession of real property  
6 governed by Chapter 4 (commencing with Section 1159)  
7 of Title 3 of Part 3, in which discovery shall be completed  
8 on or before the fifth day before the date set for trial  
9 except as provided in subdivisions (e) and (f), or (2)  
10 eminent domain proceedings governed by Title 7  
11 (commencing with Section 1230.010) of Part 3.

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

18 (e) On motion of any party, the court may grant leave  
19 to complete discovery proceedings, or to have a motion  
20 concerning discovery heard, closer to the initial trial date,  
21 or to reopen discovery after a new trial date has been set.  
22 This motion shall be accompanied by a declaration stating  
23 facts showing a reasonable and good faith attempt at an  
24 informal resolution of each issue presented by the motion.

25 In exercising its discretion to grant or deny this motion,  
26 the court shall take into consideration any matter  
27 relevant to the leave requested, including, but not limited  
28 to, the following:

- 29 (1) The necessity and the reasons for the discovery.
- 30 (2) The diligence or lack of diligence of the party  
31 seeking the discovery or the hearing of a discovery  
32 motion, and the reasons that the discovery was not  
33 completed or that the discovery motion was not heard  
34 earlier.
- 35 (3) Any likelihood that permitting the discovery or  
36 hearing the discovery motion will prevent the case from  
37 going to trial on the date set, or otherwise interfere with  
38 the trial calendar, or result in prejudice to any other  
39 party.



1 (4) The length of time that has elapsed between any  
2 date previously set, and the date presently set, for the trial  
3 of the action.

4 The court shall impose a monetary sanction under  
5 Section 2023 against any party, person, or attorney who  
6 unsuccessfully makes or opposes a motion to extend or to  
7 reopen discovery, unless it finds that the one subject to  
8 the sanction acted with substantial justification or that  
9 other circumstances make the imposition of the sanction  
10 unjust.

11 (f) Parties to the action may, with the consent of any  
12 party affected by it, enter into an agreement to extend  
13 the time for the completion of discovery proceedings or  
14 for the hearing of motions concerning discovery, or to  
15 reopen discovery after a new date for trial of the action  
16 has been set. This agreement may be informal, but it shall  
17 be confirmed in a writing that specifies the extended  
18 date. In no event shall this agreement require a court to  
19 grant a continuance or postponement of the trial of the  
20 action.

21 (g) When the last day to perform or complete any act  
22 provided for in this article falls on a Saturday, Sunday, or  
23 holiday as specified in Section 10, the time limit is  
24 extended until the next day that is not a Saturday,  
25 Sunday, or holiday.

26 SEC. 12. Section 2031 of the Code of Civil Procedure  
27 is amended to read:

28 2031. (a) Any party may obtain discovery within the  
29 scope delimited by Section 2017, and subject to the  
30 restrictions set forth in Section 2019, by inspecting  
31 documents, tangible things, and land or other property  
32 that are in the possession, custody, or control of any other  
33 party to the action.

34 (1) A party may demand that any other party produce  
35 and permit the party making the demand, or someone  
36 acting on that party's behalf, to inspect and to copy a  
37 document that is in the possession, custody, or control of  
38 the party on whom the demand is made.

39 (2) A party may demand that any other party produce  
40 and permit the party making the demand, or someone



1 acting on that party's behalf, to inspect and to  
2 photograph, test, or sample any tangible things that are  
3 in the possession, custody, or control of the party on  
4 whom the demand is made.

5 (3) A party may demand that any other party allow the  
6 party making the demand, or someone acting on that  
7 party's behalf, to enter on any land or other property that  
8 is in the possession, custody, or control of the party on  
9 whom the demand is made, and to inspect and to  
10 measure, survey, photograph, test, or sample the land or  
11 other property, or any designated object or operation on  
12 it.

13 (b) A defendant may make a demand for inspection  
14 without leave of court at any time. A plaintiff may make  
15 a demand for inspection without leave of court at any  
16 time that is 10 days after the service of the summons on,  
17 or in unlawful detainer actions within five days after  
18 service of the summons on or appearance by, the party to  
19 whom the demand is directed, whichever occurs first.  
20 However, on motion with or without notice, the court, for  
21 good cause shown, may grant leave to a plaintiff to make  
22 an inspection demand at an earlier time.

23 (c) A party demanding an inspection shall number  
24 each set of demands consecutively. In the first paragraph  
25 immediately below the title of the case, there shall appear  
26 the identity of the demanding party, the set number, and  
27 the identity of the responding party. Each demand in a  
28 set shall be separately set forth, identified by number or  
29 letter, and shall do all of the following:

30 (1) Designate the documents, tangible things, or land  
31 or other property to be inspected either by specifically  
32 describing each individual item or by reasonably  
33 particularizing each category of item.

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

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



1 (4) Specify any related activity that is being  
2 demanded in addition to an inspection and copying, as  
3 well as the manner in which that related activity will be  
4 performed, and whether that activity will permanently  
5 alter or destroy the item involved.

6 (d) The party demanding an inspection shall serve a  
7 copy of the inspection demand on the party to whom it  
8 is directed and on all other parties who have appeared in  
9 the action.

10 (e) In addition to the inspection demands permitted  
11 by this section, a party may propound a supplemental  
12 demand to inspect any later acquired or discovered  
13 documents, tangible things, or land or other property that  
14 are in the possession, custody, or control of the party on  
15 whom the demand is made (1) twice prior to the initial  
16 setting of a trial date, and (2) subject to the time limits on  
17 discovery proceedings and motions provided in Section  
18 2024, once after the initial setting of a trial date. However,  
19 on motion, for good cause shown, the court may grant  
20 leave to a party to propound an additional number of  
21 supplemental demands for inspection.

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

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

36 (1) That all or some of the items or categories of items  
37 in the inspection demand need not be produced or made  
38 available at all.



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

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

6 (4) That the inspection be made only on specified  
7 terms and conditions.

8 (5) That a trade secret or other confidential research,  
9 development, or commercial information not be  
10 disclosed, or be disclosed only to specified persons or only  
11 in a specified way.

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

14 If the motion for a protective order is denied in whole  
15 or in part, the court may order that the party to whom the  
16 demand was directed provide or permit the discovery  
17 against which protection was sought on terms and  
18 conditions that are just.

19 The court shall impose a monetary sanction under  
20 Section 2023 against any party, person, or attorney who  
21 unsuccessfully makes or opposes a motion for a protective  
22 order, unless it finds that the one subject to the sanction  
23 acted with substantial justification or that other  
24 circumstances make the imposition of the sanction unjust.

25 (g) The party to whom an inspection demand has  
26 been directed shall respond separately to each item or  
27 category of item by a statement that the party will comply  
28 with the particular demand for inspection and any  
29 related activities, a representation that the party lacks the  
30 ability to comply with the demand for inspection of a  
31 particular item or category of item, or an objection to the  
32 particular demand.

33 In the first paragraph of the response immediately  
34 below the title of the case, there shall appear the identity  
35 of the responding party, the set number, and the identity  
36 of the demanding party. Each statement of compliance,  
37 each representation, and each objection in the response  
38 shall bear the same number and be in the same sequence  
39 as the corresponding item or category in the demand, but  
40 the text of that item or category need not be repeated.



1 (1) A statement that the party to whom an inspection  
2 demand has been directed will comply with the  
3 particular demand shall state that the production,  
4 inspection, and related activity demanded will be allowed  
5 either in whole or in part, and that all documents or things  
6 in the demanded category that are in the possession,  
7 custody, or control of that party and to which no objection  
8 is being made will be included in the production.

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

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

30 (3) If only part of an item or category of item in an  
31 inspection demand is objectionable, the response shall  
32 contain a statement of compliance, or a representation of  
33 inability to comply with respect to the remainder of that  
34 item or category. If the responding party objects to the  
35 demand for inspection of an item or category of item, the  
36 response shall (A) identify with particularity any  
37 document, tangible thing, or land falling within any  
38 category of item in the demand to which an objection is  
39 being made, and (B) set forth clearly the extent of, and  
40 the specific ground for, the objection. If an objection is



1 based on a claim of privilege, the particular privilege  
2 invoked shall be stated. If an objection is based on a claim  
3 that the information sought is protected work product  
4 under Section 2018, that claim shall be expressly asserted.

5 (h) The party to whom the demand for inspection is  
6 directed shall sign the response under oath unless the  
7 response contains only objections. If that party is a public  
8 or private corporation or a partnership or association or  
9 governmental agency, one of its officers or agents shall  
10 sign the response under oath on behalf of that party. If the  
11 officer or agent signing the response on behalf of that  
12 party is an attorney acting in that capacity for a party, that  
13 party waives any lawyer-client privilege and any  
14 protection for work product under Section 2018 during  
15 any subsequent discovery from that attorney concerning  
16 the identity of the sources of the information contained  
17 in the response. The attorney for the responding party  
18 shall sign any responses that contain an objection.

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

34 (j) The party demanding an inspection and the  
35 responding party may agree to extend the time for  
36 service of a response to a set of inspection demands, or to  
37 particular items or categories of items in a set, to a date  
38 beyond that provided in subdivision (i). This agreement  
39 may be informal, but it shall be confirmed in a writing  
40 that specifies the extended date for service of a response.



1 Unless this agreement expressly states otherwise, it is  
2 effective to preserve to the responding party the right to  
3 respond to any item or category of item in the demand to  
4 which the agreement applies in any manner specified in  
5 subdivision (g).

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

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

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

39 (m) If the party demanding an inspection, on receipt  
40 of a response to an inspection demand, deems that (1) a



1 statement of compliance with the demand is incomplete,  
2 (2) a representation of inability to comply is inadequate,  
3 incomplete, or evasive, or (3) an objection in the  
4 response is without merit or too general, that party may  
5 move for an order compelling further response to the  
6 demand. This motion (A) shall set forth specific facts  
7 showing good cause justifying the discovery sought by the  
8 inspection demand, and (B) shall be accompanied by a  
9 declaration stating facts showing a reasonable and good  
10 faith attempt at an informal resolution of any issue  
11 presented by it.

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

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

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

31 (n) If a party filing a response to a demand for  
32 inspection under subdivision (g) thereafter fails to  
33 permit the inspection in accordance with that party's  
34 statement of compliance, the party demanding the  
35 inspection may move for an order compelling  
36 compliance.

37 The court shall impose a monetary sanction under  
38 Section 2023 against any party, person, or attorney who  
39 unsuccessfully makes or opposes a motion to compel  
40 compliance with an inspection demand, unless it finds



1 that the one subject to the sanction acted with substantial  
2 justification or that other circumstances make the  
3 imposition of the sanction unjust.

4 If a party then fails to obey an order compelling  
5 inspection, the court may make those orders that are just,  
6 including the imposition of an issue sanction, an evidence  
7 sanction, or a terminating sanction under Section 2023. In  
8 lieu of or in addition to that sanction, the court may  
9 impose a monetary sanction under Section 2023.

10 SEC. 13. Section 2094 of the Code of Civil Procedure  
11 is amended to read:

12 2094. (a) An oath, affirmation, or declaration in an  
13 action or a proceeding, may be administered by obtaining  
14 an affirmative response to one of the following:

15 (1) “You do solemnly state that the evidence you shall  
16 give in this issue (or matter) shall be the truth, the whole  
17 truth, and nothing but the truth, 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. 14. Section 2095 of the Code of Civil Procedure  
31 is repealed.

32 SEC. 15. Section 2096 of the Code of Civil Procedure  
33 is repealed.

34 SEC. 16. Section 2097 of the Code of Civil Procedure  
35 is repealed.

36 SEC. 17. Section 66909.2 of the Government Code is  
37 amended to read:

38 66909.2. (a) The Legislature finds and declares that  
39 accomplishment of the goals and objectives of the Lake  
40 Tahoe Acquisitions Bond Act (Title 7.43 (commencing



1 with Section 66950)) depends upon prompt and efficient  
2 acquisition of property within the Lake Tahoe region.

3 (b) The Legislature further finds and declares that the  
4 conservancy is a unique entity, that some lands acquired  
5 in furtherance of the goals and objectives of this title and  
6 the Lake Tahoe Acquisitions Bond Act (Title 7.43  
7 (commencing with Section 66950)), though not wholly  
8 unimproved, are equivalent in character and uses to  
9 unimproved public lands coming within the purview of  
10 Section 831.2, and that, for the above reasons, the  
11 immunity provisions of Section 831.2 should be extended  
12 to provide an immunity from liability for injuries  
13 resulting from a natural condition of certain partially  
14 improved lands acquired in furtherance of the goals and  
15 objectives of the Lake Tahoe Acquisitions Bond Act and  
16 this title.

17 (c) It is the intent of the Legislature that the extension  
18 of Section 831.2 pursuant to this chapter apply only to  
19 lands acquired in furtherance of the goals and objectives  
20 of the Lake Tahoe Acquisitions Bond Act and this title and  
21 that this chapter does not affect the construction of  
22 Section 831.2, or justify a provision similar to this chapter,  
23 with respect to any other public property.

24 SEC. 18. Section 66909.5 of the Government Code is  
25 amended to read:

26 66909.5. (a) This chapter shall remain in effect only  
27 until January 1, 2006, and as of that date is repealed, unless  
28 a later enacted statute, which is chaptered before January  
29 1, 2006, deletes or extends that date.

30 (b) On or before January 1, 2006, the conservancy shall  
31 report to the Legislature, with respect to any property  
32 that is subject to the immunity provided by this chapter,  
33 both of the following:

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

36 (2) Any personal injury or wrongful death litigation  
37 brought by, on behalf of, or against, any public entity  
38 since September 17, 1984, arising from occurrences on  
39 that property.



1 SEC. 19. Section 14029 of the Penal Code is amended  
2 to read:

3 14029. All information relating to any witness  
4 participating in the program established pursuant to this  
5 title shall remain confidential and is not subject to  
6 disclosure pursuant to the California Public Records Act  
7 (Chapter 3.5 (commencing with Section 6250) of  
8 Division 7 of Title 1 of the Government Code) and, if a  
9 change of name has been approved by the program, the  
10 order to show cause is not subject to the publication  
11 requirement of Section 1277 of the Code of Civil  
12 Procedure.

13 SEC. 20. Section 1310 of the Probate Code is amended  
14 to read:

15 1310. (a) Except as provided in subdivisions (b), (c),  
16 (d), and (e), an appeal pursuant to Chapter 1  
17 (commencing with Section 1300) stays the operation and  
18 effect of the judgment or order.

19 (b) Notwithstanding that an appeal is taken from the  
20 judgment or order, for the purpose of preventing injury  
21 or loss to a person or property, the trial court may direct  
22 the exercise of the powers of the fiduciary, or may appoint  
23 a temporary guardian or conservator of the person or  
24 estate, or both, or special administrator, to exercise the  
25 powers, from time to time, as if no appeal were pending.  
26 All acts of the fiduciary pursuant to the directions of the  
27 court made under this subdivision are valid, irrespective  
28 of the result of the appeal. An appeal of the directions  
29 made by the court under this subdivision shall not stay  
30 these directions.

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

33 (d) An appeal shall not stay the operation and effect of  
34 the judgment or order if the court requires an  
35 undertaking, as provided in Section 917.9 of the Code of  
36 Civil Procedure, and the undertaking is not given.

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



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

3 (2) The payment is to be made from a decedent's  
4 estate being administered under Division 7  
5 (commencing with Section 7000) or from the estate of a  
6 person who is subject to a guardianship or  
7 conservatorship of the estate under Division 4  
8 (commencing with Section 1400). However, a court may  
9 require bond as provided in subdivision (d).

10 SEC. 21. Section 2805 of the Vehicle Code is amended  
11 to read:

12 2805. (a) For the purpose of locating stolen vehicles,  
13 (1) any member of the California Highway Patrol, or (2)  
14 a member of a city police department, a member of a  
15 county sheriff's office, or a district attorney investigator,  
16 whose primary responsibility is to conduct vehicle theft  
17 investigations, may inspect any vehicle of a type required  
18 to be registered under this code, or any identifiable  
19 vehicle component thereof, on a highway or in any public  
20 garage, repair shop, terminal, parking lot, new or used car  
21 lot, automobile dismantler's lot, vehicle shredding  
22 facility, vehicle leasing or rental lot, vehicle equipment  
23 rental yard, vehicle salvage pool, or other similar  
24 establishment, or any agricultural or construction work  
25 location where work is being actively performed, and  
26 may inspect the title or registration of vehicles, in order  
27 to establish the rightful ownership or possession of the  
28 vehicle or identifiable vehicle component.

29 As used in this subdivision, "identifiable vehicle  
30 component" means any component which can be  
31 distinguished from other similar components by a serial  
32 number or other unique distinguishing number, sign, or  
33 symbol.

34 (b) A member of the California Highway Patrol, a  
35 member of a city police department or county sheriff's  
36 office, or a district attorney investigator whose primary  
37 responsibility is to conduct vehicle theft investigations,  
38 may also inspect, for the purposes specified in subdivision  
39 (a), implements of husbandry, special construction  
40 equipment, forklifts, and special mobile equipment in the



1 places described in subdivision (a) or when that vehicle  
2 is incidentally operated or transported upon a highway.

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

7 *SEC. 21. Section 8.2 of this bill incorporates*  
8 *amendments to Section 1277 of the Code of Civil*  
9 *Procedure proposed by this bill, Section 1 of AB 205, and*  
10 *Section 3 of AB 2155. It shall only become operative if (1)*  
11 *all bills are enacted and become effective on or before*  
12 *January 1, 2001, (2) each bill amends Section 1277 of the*  
13 *Code of Civil Procedure, (3) SB 1318 is not enacted or if*  
14 *enacted does not amend Sections 6205, 6205.5, 6206,*  
15 *6208.5, and 6209.7 of the Government Code, and (4) this*  
16 *bill is enacted after AB 205 and AB 2155, in which case*  
17 *Sections 8 and 8.3 of this bill shall not become operative.*

18 *SEC. 22. Section 8.3 of this bill incorporates*  
19 *amendments to Section 1277 of the Code of Civil*  
20 *Procedure proposed by this bill, Section 1.5 of AB 205, and*  
21 *Section 4 of AB 2155. It shall only become operative if (1)*  
22 *all bills are enacted and become effective on or before*  
23 *January 1, 2001, (2) each bill amends Section 1227 of the*  
24 *Code of Civil Procedure, (3) SB 1318 is enacted and*  
25 *amends Sections 6205, 6205.5, 6206, 6208.5, and 6209.7 of*  
26 *the Government Code, and (4) this bill is enacted after*  
27 *AB 205 and AB 2155, in which case Sections 8 and 8.2 of*  
28 *this bill shall not become operative.*

