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AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1742

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Laird, Levine, Lieber, and Montanez)**

March 2, 2005

An act to amend *Section 6321 of the Business and Professions Code*, to amend Section 43.55 of the Civil Code, to amend Sections 116.230, 116.330, 116.340, 116.780, 128.7, 396b, 415.21, 425.115, ~~and 998~~ 998, 1141.21, and 1540 of, and to repeal and add Section 116.725 of, the Code of Civil Procedure, to amend Sections 811.9, 905, ~~and 910.4~~ 910.4, 68085, 68085.1, 68085.4, 68086, 68086.1, 68090.8, 68511.3, 70601, 70626, 70640, 77207.5, and 77209 of, and to add ~~Section 905.7~~ Sections 905.7 and 68085.9 to, the Government Code, to amend Section 123.6 of the Labor Code, to amend Section 1214.1 of the Penal Code, and to amend ~~Section~~ Sections 16020 and 16058.1 of the Vehicle Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1742, as amended, Committee on Judiciary. Courts.

(1) Under existing law, no liability or cause of action arises against a peace officer making an arrest pursuant to a warrant of arrest regular upon its face, if the peace officer acts without malice and in

reasonable belief that the person arrested is the one referred to in the warrant.

This bill would provide that the term “warrant of arrest regular upon its face” includes both a paper arrest warrant issued pursuant to a judicial order and a judicial order entered into an automated warrant system by authorized law enforcement or court personnel, as specified.

(2) Existing law governs procedures in the small claims court. These provisions set forth various time periods for scheduling cases for hearing and specifies methods for service of the claim and order on a defendant. These provisions state that they may not be construed to prevent a court from correcting a clerical error in a judgment or setting aside and vacating a judgment on the ground of an incorrect or erroneous legal basis for the decision.

This bill would provide that, when a claim is filed, the case shall be scheduled for hearing no earlier than 20 days and not more than 70 days from the date of the order, thereby eliminating the various time periods. The bill would require that proof of service of the claim and order be filed at least 5 days before the hearing. The bill would authorize a party to make only one motion to correct a clerical error or set aside and vacate a judgment and provide that a party may have 30 days after the clerk mails notice of entry of judgment to the parties to make that motion.

(3) Existing law requires, until January 1, 2006, that all pleadings filed with a court be signed, except as specified, and that the filing of any paper with a court certifies that specified conditions have been satisfied. Existing law also specifies sanctions for violation of these requirements.

This bill would delete the repeal date of January 1, 2006, contained in these provisions and thereby extend indefinitely the operation of these provisions.

(4) Existing law requires a person to be granted access to a staffed gated community for a reasonable time period for the purpose of performing lawful service of process, as specified.

This bill would also authorize access to a staffed gated community for the purpose of serving a subpoena.

(5) Existing law also governs offers by a party to compromise a dispute that is to be resolved by *trial or* arbitration.

This bill would require a written offer to compromise to include a statement of the offer and a provision that allows the accepting party

to indicate acceptance of the offer by signing a statement that the offer is accepted, as specified. The bill would also require that any acceptance of the offer, whether made on the document containing the offer or on a separate document of acceptance, to be in writing and signed by the accepting party or his or her counsel, as specified.

(6) Existing law, the Unclaimed Property Law, governs the disposition of unclaimed property, including the escheat of certain property to the state. Those provisions set forth procedures whereby a person may file a claim to the property or to the net proceeds from its sale. Those provisions also specify the procedures for transferring the property from the holder of the property to the state and for administering the property. The Controller administers property that has escheated to the state, and is required to adopt guidelines and forms to provide specific instructions to assist owners, as defined, in filing claims with the state.

This bill would further define “owner” for purposes of those provisions to include a public administrator, as specified.

(7) Existing law sets forth the procedure for filing a claim against a statewide public entity, as specified.

This bill would specify that these procedures also apply to claims against a judicial branch entity. The bill would also provide that for a 2-year period ending on January 1, 2008, a failure to timely present a tort claim against a judicial branch entity shall be presumed to constitute excusable neglect for purposes of relieving the claimant of specified claim presentation requirements.

~~(7)~~

(8) Existing law authorizes a court in a proceeding for dissolution of marriage or legal separation and prior to the determination of a motion for a change of venue, to consider and make all necessary and proper orders in connection with motions for allowance of temporary spousal support, support of children, and counsel fees and costs.

This bill would revise that provision to additionally apply to proceedings under the Uniform Parentage Act and to authorize the court to consider and determine motions to determine custody of and visitation with children in any of the proceedings to which the provision applies prior to determining the motion for a change of venue.

(9) The Uniform Civil Fees and Standard Fee Schedule Act of 2005, as of January 1, 2006, establishes a uniform schedule of filing fees and other civil fees for the superior courts. Among other things,

the act generally increases the filing fees for civil actions and proceedings, including, but not limited to, those fees related to small claims court, motions, appeals, judgments, the filing of the first paper in a civil action or proceeding in the superior court, in a limited civil case, and in complex cases, and in family law and probate matters, and fees for various certifications, recordings, filings, and the authentication of documents. The act also authorizes the court to charge a reasonable fee for videoconferencing, providing services or products, if approved by the Judicial Council, and handling funds held in trust for noncourt parties or entities. The act provides that none of these civil fees may be changed before January 1, 2008, except as specified.

This bill would make nonsubstantive technical changes to that act, and would make conforming changes to related provisions. The bill would also make related changes with regard to law library fees in Los Angeles County, law library funds, the Administrative Office of the Courts, court reporters, and the definition of “automated administrative systems” in the context of the act.

(10) Certain changes made by this bill to Section 116.230 of the Code of Civil Procedure and Section 68085.1 of the Government Code would only become operative if AB 1459 or SB 422 is enacted and becomes effective on or before January 1, 2006, and increases the jurisdictional limit of the small claims court.

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 6321 of the Business and Professions
2 Code, as added by Section 7 of Chapter 75 of the Statutes of
3 2005, is amended to read:
4 6321. (a) On and after January 1, 2006, as described in
5 Section 68085.1 of the Government Code, the Administrative
6 Office of the Courts shall make monthly distributions from
7 superior court filing fees to the law library fund in each county in
8 the amounts described in this section and Section 6322.1. From
9 each first paper filing fee as provided under Section 70611,
10 70612, 70613, 70614, or 70670 of the Government Code, each
11 first paper or petition filing fee in a probate matter as provided
12 under Section 70650, 70651, 70652, 70653, 70654, 70655,

1 70656, or 70658 of the Government Code, Section 103470 of the
 2 Health and Safety Code, or Section 7660 of the Probate Code,
 3 each filing fee for a small claim or limited civil case appeal as
 4 provided under Section 116.760 of the Code of Civil Procedure
 5 or Section 70621 of the Government Code, and each vehicle
 6 forfeiture petition fee as provided under subdivision (e) of
 7 Section 14607.6 of the Vehicle Code, that is collected in each of
 8 the following counties, the amount indicated in this subdivision
 9 shall be paid to the law library fund in that county:

10	Jurisdiction	Amount
11	Alameda.....	\$31.00
12	Alameda.....	\$31.00
13	Alpine.....	4.00
14	Amador.....	20.00
15	Butte.....	29.00
16	Calaveras.....	26.00
17	Colusa.....	17.00
18	Contra Costa.....	29.00
19	Del Norte.....	20.00
20	El Dorado.....	26.00
21	Fresno.....	31.00
22	Glenn.....	20.00
23	Humboldt.....	40.00
24	Imperial.....	20.00
25	Inyo.....	20.00
26	Kern.....	21.00
27	Kings.....	23.00
28	Lake.....	23.00
29	Lassen.....	25.00
30	Los Angeles.....	18.00
31	Madera.....	26.00
32	Marin.....	32.00
33	Mariposa.....	27.00
34	Mendocino.....	26.00
35	Merced.....	23.00
36	Modoc.....	20.00
37	Mono.....	20.00
38	Monterey.....	25.00
39	Napa.....	20.00
40	Nevada.....	23.00

1	Orange.....	29.00
2	Placer.....	29.00
3	Plumas.....	20.00
4	Riverside.....	26.00
5	Sacramento.....	44.00
6	San Benito.....	20.00
7	San Bernardino.....	23.00
8	San Diego.....	35.00
9	San Francisco.....	36.00
10	San Joaquin.....	23.00
11	San Luis Obispo.....	31.00
12	San Mateo.....	32.50
13	Santa Barbara.....	35.00
14	Santa Clara.....	26.00
15	Santa Cruz.....	29.00
16	Shasta.....	20.00
17	Sierra.....	20.00
18	Siskiyou.....	26.00
19	Solano.....	26.00
20	Sonoma.....	29.00
21	Stanislaus.....	18.00
22	Sutter.....	7.00
23	Tehama.....	20.00
24	Trinity.....	20.00
25	Tulare.....	29.00
26	Tuolumne.....	20.00
27	Ventura.....	26.00
28	Yolo.....	29.00
29	Yuba.....	7.00

30
31 (b) If a board of supervisors in any county acted ~~during the~~
32 ~~2005 calendar year~~ before January 1, 2006, to increase the law
33 library fee in that county effective January 1, 2006, the amount
34 distributed to the law library fund in that county under
35 subdivision (a) shall be increased by the amount that the board of
36 supervisors acted to increase the fee, up to three dollars (\$3).
37 Notwithstanding subdivision (b) of Section 6322.1, as it read on
38 January 1, 2005, the maximum increase permitted under this
39 subdivision in Los Angeles County is three dollars (\$3), rather
40 than two dollars (\$2).

1 SECTION 1.

2 SEC. 2. Section 43.55 of the Civil Code is amended to read:

3 43.55. (a) There shall be no liability on the part of, and no
4 cause of action shall arise against, any peace officer who makes
5 an arrest pursuant to a warrant of arrest regular upon its face if
6 the peace officer in making the arrest acts without malice and in
7 the reasonable belief that the person arrested is the one referred
8 to in the warrant.

9 (b) As used in this section, a “warrant of arrest regular upon its
10 face” includes both of the following:

11 (1) A paper arrest warrant that has been issued pursuant to a
12 judicial order.

13 (2) A judicial order that is entered into an automated warrant
14 system by law enforcement or court personnel authorized to
15 make those entries at or near the time the judicial order is made.

16 SEC. 3. *Section 116.230 of the Code of Civil Procedure, as*
17 *added by Section 19 of Chapter 75 of the Statutes of 2005, is*
18 *amended to read:*

19 116.230. (a) In a small claims case, the clerk of the court
20 shall charge and collect only those fees authorized under this
21 chapter.

22 (b) If the party filing a claim has filed 12 or fewer small
23 claims in the state within the previous 12 months, the filing fee is
24 the following:

25 (1) Thirty dollars (\$30) if the amount of the demand is one
26 thousand five hundred dollars (\$1,500) or less.

27 (2) Fifty dollars (\$50) if the amount of the demand is more
28 than one thousand five hundred dollars (\$1,500) but less than or
29 equal to five thousand dollars (\$5,000).

30 (3) Seventy-five (\$75) if the amount of the demand is more
31 than five thousand dollars (\$5,000).

32 (c) If the party has filed more than 12 other small claims in the
33 state within the previous 12 months, the filing fee is one hundred
34 dollars (\$100).

35 (d) Each party filing a claim shall file a declaration with the
36 claim stating whether that party has filed more than 12 other
37 small claims in the state within the last 12 months.

38 (e) The clerk of the court shall deposit fees collected under
39 this section into a bank account established for this purpose by
40 the Administrative Office of the Courts and maintained under

1 rules adopted by or trial court financial policies and procedures
2 authorized by the Judicial Council under subdivision (a) of
3 Section 77206 of the Government Code. The deposits shall be
4 made as required under Section 68085.1 of the Government Code
5 and trial court financial policies and procedures authorized by the
6 Judicial Council.

7 (f) The Administrative Office of the Courts shall distribute six
8 dollars (\$6) of each thirty dollar (\$30) fee, eight dollars (\$8) of
9 each fifty dollar (\$50) fee, ten dollars (\$10) of each seventy-five
10 dollar (\$75) fee, and fourteen dollars (\$14) of each one hundred
11 dollar (\$100) fee collected under subdivision (b) or (c) to a
12 special account in the county in which the court is located to be
13 used for the small claims advisory services described in Section
14 116.940. *The Administrative Office of the Courts shall also*
15 *distribute two dollars (\$2) of each seventy-five dollar (\$75) fee*
16 *collected under subdivision (b) to the law library fund in the*
17 *county in which the court is located.* Records of these moneys
18 shall be available for inspection by the public on request.

19 (g) The remainder of the fees collected under subdivisions (b)
20 and (c) shall be transmitted monthly to the Controller for deposit
21 in the Trial Court Trust Fund.

22 (h) This section and Section 116.940 shall not be applied in
23 any manner that results in a reduction of the level of services, or
24 the amount of funds allocated for providing the services
25 described in Section 116.940, that are in existence in each county
26 during the 2004-05 fiscal year. Nothing in this section shall
27 preclude the county from procuring other funding to comply with
28 the requirements of Section 116.940.

29 ~~SEC. 2.~~

30 *SEC. 4.* Section 116.330 of the Code of Civil Procedure is
31 amended to read:

32 116.330. (a) When a claim is filed, the clerk shall schedule
33 the case for hearing and shall issue an order directing the parties
34 to appear at the time set for the hearing with witnesses and
35 documents to prove their claim or defense. The case shall be
36 scheduled for hearing no earlier than 20 days but not more than
37 70 days from the date of the order.

38 (b) In lieu of the method of setting the case for hearing
39 described in subdivision (a), at the time a claim is filed the clerk
40 may do all of the following:

1 (1) Cause a copy of the claim to be mailed to the defendant by
2 any form of mail providing for a return receipt.

3 (2) On receipt of proof that the claim was served as provided
4 in paragraph (1), issue an order scheduling the case for hearing in
5 accordance with subdivision (a) and directing the parties to
6 appear at the time set for the hearing with witnesses and
7 documents to prove their claim or defense.

8 (3) Cause a copy of the order setting the case for hearing and
9 directing the parties to appear, to be served upon the parties by
10 any form of mail providing for a return receipt.

11 ~~SEC. 3.~~

12 *SEC. 5.* Section 116.340 of the Code of Civil Procedure is
13 amended to read:

14 116.340. (a) Service of the claim and order on the defendant
15 may be made by any one of the following methods:

16 (1) The clerk may cause a copy of the claim and order to be
17 mailed to the defendant by any form of mail providing for a
18 return receipt.

19 (2) The plaintiff may cause a copy of the claim and order to be
20 delivered to the defendant in person.

21 (3) The plaintiff may cause service of a copy of the claim and
22 order to be made by substituted service as provided in
23 subdivision (a) or (b) of Section 415.20 without the need to
24 attempt personal service on the defendant. For these purposes,
25 substituted service as provided in subdivision (b) of Section
26 415.20 may be made at the office of the sheriff or marshal who
27 shall deliver a copy of the claim and order to any person
28 authorized by the defendant to receive service, as provided in
29 Section 416.90, who is at least 18 years of age, and thereafter
30 mailing a copy of the claim and order to the defendant's usual
31 mailing address.

32 (4) The clerk may cause a copy of the claim to be mailed, the
33 order to be issued, and a copy of the order to be mailed as
34 provided in subdivision (b) of Section 116.330.

35 (b) Service of the claim and order on the defendant shall be
36 completed at least 15 days before the hearing date if the
37 defendant resides within the county in which the action is filed,
38 or at least 20 days before the hearing date if the defendant resides
39 outside the county in which the action is filed.

1 (c) Proof of service of the claim and order shall be filed with
2 the small claims court at least five days before the hearing.

3 (d) Service by the methods described in subdivision (a) shall
4 be deemed complete on the date that the defendant signs the mail
5 return receipt, on the date of the personal service, as provided in
6 Section 415.20, or as established by other competent evidence,
7 whichever applies to the method of service used.

8 (e) Service shall be made within this state, except as provided
9 in subdivisions ~~(e)~~ and ~~(f)~~ (f) and (g).

10 (f) The owner of record of real property in California who
11 resides in another state and who has no lawfully designated agent
12 in California for service of process may be served by any of the
13 methods described in this section if the claim relates to that
14 property.

15 (g) A nonresident owner or operator of a motor vehicle
16 involved in an accident within this state may be served pursuant
17 to the provisions on constructive service in Sections 17450 to
18 17461, inclusive, of the Vehicle Code without regard to whether
19 the defendant was a nonresident at the time of the accident or
20 when the claim was filed. Service shall be made by serving both
21 the Director of the California Department of Motor Vehicles and
22 the defendant, and may be made by any of the methods
23 authorized by this chapter or by registered mail as authorized by
24 Section 17454 or 17455 of the Vehicle Code.

25 (h) If an action is filed against a principal and his or her
26 guaranty or surety pursuant to a guarantor or suretyship
27 agreement, a reasonable attempt shall be made to complete
28 service on the principal. If service is not completed on the
29 principal, the action shall be transferred to the court of
30 appropriate jurisdiction.

31 ~~SEC. 4.~~

32 *SEC. 6.* Section 116.725 of the Code of Civil Procedure is
33 repealed.

34 ~~SEC. 5.~~

35 *SEC. 7.* Section 116.725 is added to the Code of Civil
36 Procedure, to read:

37 116.725. (a) A motion to correct a clerical error in a
38 judgment or to set aside and vacate a judgment on the ground of
39 an incorrect or erroneous legal basis for the decision may be
40 made as follows:

1 (1) By the court on its own motion at any time.

2 (2) By a party within 30 days after the clerk mails notice of
3 entry of judgment to the parties.

4 (b) Each party may file only one motion to correct a clerical
5 error or to set aside and vacate the judgment on the ground of an
6 incorrect or erroneous legal basis for the decision.

7 ~~SEC. 6.~~

8 *SEC. 8.* Section 116.780 of the Code of Civil Procedure is
9 amended to read:

10 116.780. (a) The judgment of the superior court after a
11 hearing on appeal is final and not appealable.

12 (b) Article 6 (commencing with Section 116.610) on
13 judgments of the small claims court applies to judgments of the
14 superior court after a hearing on appeal, except as provided in
15 subdivisions (c) and (d).

16 (c) For good cause and where necessary to achieve substantial
17 justice between the parties, the superior court may award a party
18 to an appeal reimbursement of (1) attorney's fees actually and
19 reasonably incurred in connection with the appeal, not exceeding
20 one hundred fifty dollars (\$150), and (2) actual loss of earnings
21 and expenses of transportation and lodging actually and
22 reasonably incurred in connection with the appeal, not exceeding
23 one hundred fifty dollars (\$150).

24 ~~SEC. 7.~~

25 *SEC. 9.* Section 128.7 of the Code of Civil Procedure is
26 amended to read:

27 128.7. (a) Every pleading, petition, written notice of motion,
28 or other similar paper shall be signed by at least one attorney of
29 record in the attorney's individual name, or, if the party is not
30 represented by an attorney, shall be signed by the party. Each
31 paper shall state the signer's address and telephone number, if
32 any. Except when otherwise provided by law, pleadings need not
33 be verified or accompanied by affidavit. An unsigned paper shall
34 be stricken unless omission of the signature is corrected promptly
35 after being called to the attention of the attorney or party.

36 (b) By presenting to the court, whether by signing, filing,
37 submitting, or later advocating, a pleading, petition, written
38 notice of motion, or other similar paper, an attorney or
39 unrepresented party is certifying that to the best of the person's
40 knowledge, information, and belief, formed after an inquiry

1 reasonable under the circumstances, all of the following
2 conditions are met:

3 (1) It is not being presented primarily for an improper purpose,
4 such as to harass or to cause unnecessary delay or needless
5 increase in the cost of litigation.

6 (2) The claims, defenses, and other legal contentions therein
7 are warranted by existing law or by a nonfrivolous argument for
8 the extension, modification, or reversal of existing law or the
9 establishment of new law.

10 (3) The allegations and other factual contentions have
11 evidentiary support or, if specifically so identified, are likely to
12 have evidentiary support after a reasonable opportunity for
13 further investigation or discovery.

14 (4) The denials of factual contentions are warranted on the
15 evidence or, if specifically so identified, are reasonably based on
16 a lack of information or belief.

17 (c) If, after notice and a reasonable opportunity to respond, the
18 court determines that subdivision (b) has been violated, the court
19 may, subject to the conditions stated below, impose an
20 appropriate sanction upon the attorneys, law firms, or parties that
21 have violated subdivision (b) or are responsible for the violation.
22 In determining what sanctions, if any, should be ordered, the
23 court shall consider whether a party seeking sanctions has
24 exercised due diligence.

25 (1) A motion for sanctions under this section shall be made
26 separately from other motions or requests and shall describe the
27 specific conduct alleged to violate subdivision (b). Notice of
28 motion shall be served as provided in Section 1010, but shall not
29 be filed with or presented to the court unless, within 21 days after
30 service of the motion, or any other period as the court may
31 prescribe, the challenged paper, claim, defense, contention,
32 allegation, or denial is not withdrawn or appropriately corrected.
33 If warranted, the court may award to the party prevailing on the
34 motion the reasonable expenses and attorney's fees incurred in
35 presenting or opposing the motion. Absent exceptional
36 circumstances, a law firm shall be held jointly responsible for
37 violations committed by its partners, associates, and employees.

38 (2) On its own motion, the court may enter an order describing
39 the specific conduct that appears to violate subdivision (b) and
40 directing an attorney, law firm, or party to show cause why it has

1 not violated subdivision (b), unless, within 21 days of service of
2 the order to show cause, the challenged paper, claim, defense,
3 contention, allegation, or denial is withdrawn or appropriately
4 corrected.

5 (d) A sanction imposed for violation of subdivision (b) shall
6 be limited to what is sufficient to deter repetition of this conduct
7 or comparable conduct by others similarly situated. Subject to the
8 limitations in paragraphs (1) and (2), the sanction may consist of,
9 or include, directives of a nonmonetary nature, an order to pay a
10 penalty into court, or, if imposed on motion and warranted for
11 effective deterrence, an order directing payment to the movant of
12 some or all of the reasonable attorney's fees and other expenses
13 incurred as a direct result of the violation.

14 (1) Monetary sanctions may not be awarded against a
15 represented party for a violation of paragraph (2) of subdivision
16 (b).

17 (2) Monetary sanctions may not be awarded on the court's
18 motion unless the court issues its order to show cause before a
19 voluntary dismissal or settlement of the claims made by or
20 against the party that is, or whose attorneys are, to be sanctioned.

21 (e) When imposing sanctions, the court shall describe the
22 conduct determined to constitute a violation of this section and
23 explain the basis for the sanction imposed.

24 (f) In addition to any award pursuant to this section for
25 conduct described in subdivision (b), the court may assess
26 punitive damages against the plaintiff upon a determination by
27 the court that the plaintiff's action was an action maintained by a
28 person convicted of a felony against the person's victim, or the
29 victim's heirs, relatives, estate, or personal representative, for
30 injuries arising from the acts for which the person was convicted
31 of a felony, and that the plaintiff is guilty of fraud, oppression, or
32 malice in maintaining the action.

33 (g) This section shall not apply to disclosures and discovery
34 requests, responses, objections, and motions.

35 (h) A motion for sanctions brought by a party or a party's
36 attorney primarily for an improper purpose, such as to harass or
37 to cause unnecessary delay or needless increase in the cost of
38 litigation, shall itself be subject to a motion for sanctions. It is the
39 intent of the Legislature that courts shall vigorously use its

1 sanctions authority to deter that improper conduct or comparable
2 conduct by others similarly situated.

3 (i) This section shall apply to a complaint or petition filed on
4 or after January 1, 1995, and any other pleading, written notice of
5 motion, or other similar paper filed in that matter.

6 ~~SEC. 8.~~

7 *SEC. 10.* Section 396b of the Code of Civil Procedure is
8 amended to read:

9 396b. (a) Except as otherwise provided in Section 396a, if an
10 action or proceeding is commenced in a court having jurisdiction
11 of the subject matter thereof, other than the court designated as
12 the proper court for the trial thereof, under this title, the action
13 may, notwithstanding, be tried in the court where commenced,
14 unless the defendant, at the time he or she answers, demurs, or
15 moves to strike, or, at his or her option, without answering,
16 demurring, or moving to strike and within the time otherwise
17 allowed to respond to the complaint, files with the clerk, a notice
18 of motion for an order transferring the action or proceeding to the
19 proper court, together with proof of service, upon the adverse
20 party, of a copy of those papers. Upon the hearing of the motion
21 the court shall, if it appears that the action or proceeding was not
22 commenced in the proper court, order the action or proceeding
23 transferred to the proper court.

24 (b) In its discretion, the court may order the payment to the
25 prevailing party of reasonable expenses and attorney's fees
26 incurred in making or resisting the motion to transfer whether or
27 not that party is otherwise entitled to recover his or her costs of
28 action. In determining whether that order for expenses and fees
29 shall be made, the court shall take into consideration (1) whether
30 an offer to stipulate to change of venue was reasonably made and
31 rejected, and (2) whether the motion or selection of venue was
32 made in good faith given the facts and law the party making the
33 motion or selecting the venue knew or should have known. As
34 between the party and his or her attorney, those expenses and
35 fees shall be the personal liability of the attorney not chargeable
36 to the party. Sanctions shall not be imposed pursuant to this
37 subdivision except on notice contained in a party's papers, or on
38 the court's own noticed motion, and after opportunity to be
39 heard.

1 (c) The court in a proceeding for dissolution of marriage or
2 legal separation or under the Uniform Parentage Act (Part 3
3 (commencing with Section 7600) of Division 12 of the Family
4 Code) may, prior to the determination of the motion to transfer,
5 consider and determine motions for allowance of temporary
6 spousal support, support of children, and counsel fees and costs,
7 and motions to determine custody of and visitation with children,
8 and may make all necessary and proper orders in connection
9 therewith.

10 (d) In any case, if an answer is filed, the court may consider
11 opposition to the motion to transfer, if any, and may retain the
12 action in the county where commenced if it appears that the
13 convenience of the witnesses or the ends of justice will thereby
14 be promoted.

15 (e) If the motion to transfer is denied, the court shall allow the
16 defendant time to move to strike, demur, or otherwise plead if the
17 defendant has not previously filed a response.

18 ~~SEC. 9.~~

19 *SEC. 11.* Section 415.21 of the Code of Civil Procedure is
20 amended to read:

21 415.21. (a) Notwithstanding any other provision of law, any
22 person shall be granted access to a gated community for a
23 reasonable period of time for the purpose of performing lawful
24 service of process or service of a subpoena, upon identifying to
25 the guard the person or persons to be served, and upon displaying
26 a current driver's license or other identification, and one of the
27 following:

28 (1) A badge or other confirmation that the individual is acting
29 in his or her capacity as a representative of a county sheriff or
30 marshal.

31 (2) Evidence of current registration as a process server
32 pursuant to Chapter 16 (commencing with Section 22350) of
33 Division 8 of the Business and Professions Code.

34 (b) This section shall only apply to a gated community that is
35 staffed at the time service of process is attempted by a guard or
36 other security personnel assigned to control access to the
37 community.

38 ~~SEC. 10.~~

39 *SEC. 12.* Section 425.115 of the Code of Civil Procedure is
40 amended to read:

1 425.115. (a) As used in this section:
 2 (1) “Complaint” includes a cross-complaint.
 3 (2) “Plaintiff” includes a cross-complainant.
 4 (3) “Defendant” includes a cross-defendant.
 5 (b) The plaintiff preserves the right to seek punitive damages
 6 pursuant to Section 3294 of the Civil Code on a default judgment
 7 by serving upon the defendant the following statement, or its
 8 substantial equivalent:

9
 10 NOTICE TO _____:
 11 (Insert name of defendant or cross-defendant)
 12 _____ reserves the right to seek
 13 (Insert name of plaintiff or cross-complainant)
 14 \$ _____ in punitive damages
 15 (Insert dollar amount)
 16 when _____ seeks a judgment in the
 17 (Insert name of plaintiff or
 18 cross-complainant)
 19 suit filed against you.
 20 _____
 21 (Insert name of attorney or (Date)
 22 party appearing in propria persona)
 23

24 (c) If the plaintiff seeks punitive damages pursuant to Section
 25 3294 of the Civil Code, and if the defendant appears in the
 26 action, the plaintiff shall not be limited to the amount set forth in
 27 the statement served on the defendant pursuant to this section.

28 (d) A plaintiff who serves a statement on the defendant
 29 pursuant to this section shall be deemed to have complied with
 30 Sections 425.10 and 580 of this code and Section 3295 of the
 31 Civil Code.

32 (e) The plaintiff may serve a statement upon the defendant
 33 pursuant to this section, and may serve the statement as part of
 34 the statement required by Section 425.11.

35 (f) The plaintiff shall serve the statement upon the defendant
 36 pursuant to this section before a default may be taken, if the
 37 motion for default judgment includes a request for punitive
 38 damages.

39 (g) The statement referred to in subdivision (b) shall be served
 40 by one of the following methods:

1 (1) If the party has not appeared in the action, the statement
2 shall be served in the same manner as a summons pursuant to
3 Article 3 (commencing with Section 415.10) of Chapter 4 of
4 Title 5 of Part 2 of the Code of Civil Procedure.

5 (2) If the party has appeared in the action, the statement shall
6 be served upon his or her attorney, or upon the party if he or she
7 has appeared without an attorney, either in the same manner as a
8 summons pursuant to Article 3 (commencing with Section
9 415.10) of Chapter 4 or in the manner provided by Chapter 5
10 (commencing with Section 1010) of Title 14.

11 ~~SEC. 11.~~

12 *SEC. 13.* Section 998 of the Code of Civil Procedure is
13 amended to read:

14 998. (a) The costs allowed under Sections 1031 and 1032
15 shall be withheld or augmented as provided in this section.

16 (b) Not less than 10 days prior to commencement of trial or
17 arbitration (as provided in Section 1281 or 1295) of a dispute to
18 be resolved by arbitration, any party may serve an offer in
19 writing upon any other party to the action to allow judgment to
20 be taken or an award to be entered in accordance with the terms
21 and conditions stated at that time. The written offer shall include
22 a statement of the offer, containing the terms and conditions of
23 the judgment or award, and a provision that allows the accepting
24 party to indicate acceptance of the offer by signing a statement
25 that the offer is accepted. Any acceptance of the offer, whether
26 made on the document containing the offer or on a separate
27 document of acceptance, shall be in writing and shall be signed
28 by counsel for the accepting party or, if not represented by
29 counsel, by the accepting party.

30 (1) If the offer is accepted, the offer with proof of acceptance
31 shall be filed and the clerk or the judge shall enter judgment
32 accordingly. In the case of an arbitration, the offer with proof of
33 acceptance shall be filed with the arbitrator or arbitrators who
34 shall promptly render an award accordingly.

35 (2) If the offer is not accepted prior to trial or arbitration or
36 within 30 days after it is made, whichever occurs first, it shall be
37 deemed withdrawn, and cannot be given in evidence upon the
38 trial or arbitration.

39 (3) For purposes of this subdivision, a trial or arbitration shall
40 be deemed to be actually commenced at the beginning of the

1 opening statement of the plaintiff or counsel, and if there is no
2 opening statement, then at the time of the administering of the
3 oath or affirmation to the first witness, or the introduction of any
4 evidence.

5 (c) (1) If an offer made by a defendant is not accepted and the
6 plaintiff fails to obtain a more favorable judgment or award, the
7 plaintiff shall not recover his or her postoffer costs and shall pay
8 the defendant's costs from the time of the offer. In addition, in
9 any action or proceeding other than an eminent domain action,
10 the court or arbitrator, in its discretion, may require the plaintiff
11 to pay a reasonable sum to cover costs of the services of expert
12 witnesses, who are not regular employees of any party, actually
13 incurred and reasonably necessary in either, or both, preparation
14 for trial or arbitration, or during trial or arbitration, of the case by
15 the defendant.

16 (2) (A) In determining whether the plaintiff obtains a more
17 favorable judgment, the court or arbitrator shall exclude the
18 postoffer costs.

19 (B) It is the intent of the Legislature in enacting subparagraph
20 (A) to supersede the holding in Encinitas Plaza Real v. Knight,
21 209 Cal.App.3d 996, that attorney's fees awarded to the
22 prevailing party were not costs for purposes of this section but
23 were part of the judgment.

24 (d) If an offer made by a plaintiff is not accepted and the
25 defendant fails to obtain a more favorable judgment or award in
26 any action or proceeding other than an eminent domain action,
27 the court or arbitrator, in its discretion, may require the defendant
28 to pay a reasonable sum to cover postoffer costs of the services
29 of expert witnesses, who are not regular employees of any party,
30 actually incurred and reasonably necessary in either, or both,
31 preparation for trial or arbitration, or during trial or arbitration, of
32 the case by the plaintiff, in addition to plaintiff's costs.

33 (e) If an offer made by a defendant is not accepted and the
34 plaintiff fails to obtain a more favorable judgment or award, the
35 costs under this section, from the time of the offer, shall be
36 deducted from any damages awarded in favor of the plaintiff. If
37 the costs awarded under this section exceed the amount of the
38 damages awarded to the plaintiff the net amount shall be awarded
39 to the defendant and judgment or award shall be entered
40 accordingly.

1 (f) Police officers shall be deemed to be expert witnesses for
2 the purposes of this section. For purposes of this section,
3 “plaintiff” includes a cross-complainant and “defendant”
4 includes a cross-defendant. Any judgment or award entered
5 pursuant to this section shall be deemed to be a compromise
6 settlement.

7 (g) This chapter does not apply to either of the following:

8 (1) An offer that is made by a plaintiff in an eminent domain
9 action.

10 (2) Any enforcement action brought in the name of the people
11 of the State of California by the Attorney General, a district
12 attorney, or a city attorney, acting as a public prosecutor.

13 (h) The costs for services of expert witnesses for trial under
14 subdivisions (c) and (d) shall not exceed those specified in
15 Section 68092.5 of the Government Code.

16 (i) This section shall not apply to labor arbitrations filed
17 pursuant to memoranda of understanding under the Ralph C.
18 Dills Act (Chapter 10.3 (commencing with Section 3512) of
19 Division 4 of Title 1 of the Government Code).

20 *SEC. 14. Section 1141.21 of the Code of Civil Procedure is*
21 *amended to read:*

22 1141.21. (a) If the judgment upon the trial de novo is not
23 more favorable in either the amount of damages awarded or the
24 type of relief granted for the party electing the trial de novo than
25 the arbitration award, the court shall order that party to pay the
26 following nonrefundable costs and fees, unless the court finds in
27 writing and upon motion that the imposition of such costs and
28 fees would create such a substantial economic hardship as not to
29 be in the interest of justice:

30 (i) To the ~~county~~ court, the compensation actually paid to the
31 arbitrator, less any amount paid pursuant to paragraph (iv).

32 (ii) To the other party or parties, all costs specified in Section
33 1033.5, and the party electing the trial de novo shall not recover
34 his or her costs.

35 (iii) To the other party or parties, the reasonable costs of the
36 services of expert witnesses, who are not regular employees of
37 any party, actually incurred or reasonably necessary in the
38 preparation or trial of the case.

1 (iv) To the other party or parties, the compensation paid by the
2 other party or parties to the arbitrator, pursuant to subdivision (b)
3 of Section 1141.28.

4 Such costs and fees, other than the compensation of the
5 arbitrator, shall include only those incurred from the time of
6 election of the trial de novo.

7 (b) If the party electing the trial de novo has proceeded in the
8 action in forma pauperis and has failed to obtain a more
9 favorable judgment, the costs and fees under paragraphs (ii) and
10 (iii) of subdivision (a) shall be imposed only as an offset against
11 any damages awarded in favor of that party.

12 (c) If the party electing the trial de novo has proceeded in the
13 action in forma pauperis and has failed to obtain a more
14 favorable judgment, the costs under paragraph (i) of subdivision
15 (a) shall be imposed only to the extent that there remains a
16 sufficient amount in the judgment after the amount offset under
17 subdivision (b) has been deducted from the judgment.

18 *SEC. 15. Section 1540 of the Code of Civil Procedure is*
19 *amended to read:*

20 1540. (a) Any person, excluding another state, who claims an
21 interest in property paid or delivered to the Controller under this
22 chapter may file a claim to the property or to the net proceeds
23 from its sale. The claim shall be on a form prescribed by the
24 Controller and shall be verified by the claimant.

25 (b) The Controller shall consider each claim within 180 days
26 after it is filed and may hold a hearing and receive evidence. The
27 Controller shall give written notice to the claimant if he or she
28 denies the claim in whole or in part. The notice may be given by
29 mailing it to the address, if any, stated in the claim as the address
30 to which notices are to be sent. If no address is stated in the
31 claim, the notice may be mailed to the address, if any, of the
32 claimant as stated in the claim. No notice of denial need be given
33 if the claim fails to state either an address to which notices are to
34 be sent or an address of the claimant.

35 (c) No interest shall be payable on any claim paid under this
36 chapter.

37 (d) For the purposes of this section, “owner” means the person
38 who had legal right to the property prior to its escheat, his or her
39 heirs, ~~or~~ his or her legal representative, *or a public administrator*

1 *acting pursuant to the authority granted in Sections 7660 and*
2 *7661 of the Probate Code.*

3 (e) Following a public hearing, the Controller shall adopt
4 guidelines and forms that shall provide specific instructions to
5 assist owners in filing claims pursuant to this article.

6 ~~SEC. 12.~~

7 *SEC. 16.* Section 811.9 of the Government Code is amended
8 to read:

9 811.9. (a) Notwithstanding any other provision of law,
10 judges, subordinate judicial officers, and court executive officers
11 of the superior courts are state officers for purposes of Part 1
12 (commencing with Section 810) to Part 7 (commencing with
13 Section 995), inclusive, and trial court employees are employees
14 of the trial court for purposes of Part 1 (commencing with
15 Section 810) to Part 7 (commencing with Section 995), inclusive.
16 The Judicial Council shall provide for representation, defense,
17 and indemnification of those individuals and the court pursuant
18 to Part 1 (commencing with Section 810) to Part 7 (commencing
19 with Section 995), inclusive. The Judicial Council shall provide
20 for that representation or defense through the county counsel, the
21 Attorney General, or other counsel. The county counsel and the
22 Attorney General may, but are not required to, provide
23 representation or defense for the Judicial Council. The fact that a
24 justice, judge, subordinate judicial officer, court executive
25 officer, court employee, the court, the Judicial Council, or the
26 Administrative Office of the Courts is or was represented or
27 defended by the county counsel, the Attorney General, or other
28 counsel shall not be the sole basis for a judicial determination of
29 disqualification of a justice, judge, subordinate judicial officer,
30 the county counsel, the Attorney General, or other counsel in
31 unrelated actions.

32 (b) To promote the cost-effective, prompt, and fair resolution
33 of actions, proceedings, and claims affecting the trial courts, the
34 Judicial Council shall adopt rules of court requiring the
35 Administrative Office of the Courts to manage actions,
36 proceedings, and claims that affect the trial courts and involve
37 superior courts, superior court judges, subordinate judicial
38 officers, court executive officers, or trial court employees in
39 consultation with the affected courts and individuals. The
40 Administrative Office of the Courts' management of these

1 actions, proceedings, and claims shall include, but not be limited
2 to, case management and administrative responsibilities such as
3 selection of counsel and making strategic and settlement
4 decisions.

5 (c) Nothing in this section shall be construed to affect the
6 employment status of subordinate judicial officers, court
7 executive officers, and trial court employees related to any
8 matters not covered by subdivision (a).

9 ~~SEC. 13.~~

10 *SEC. 17.* Section 905 of the Government Code is amended to
11 read:

12 905. There shall be presented in accordance with Chapter 1
13 (commencing with Section 900) and Chapter 2 (commencing
14 with Section 910) of this part all claims for money or damages
15 against local public entities except:

16 (a) Claims under the Revenue and Taxation Code or other
17 statute prescribing procedures for the refund, rebate, exemption,
18 cancellation, amendment, modification or adjustment of any tax,
19 assessment, fee or charge or any portion thereof, or of any
20 penalties, costs or charges related thereto.

21 (b) Claims in connection with which the filing of a notice of
22 lien, statement of claim, or stop notice is required under any
23 provision of law relating to mechanics', laborers' or
24 materialmen's liens.

25 (c) Claims by public employees for fees, salaries, wages,
26 mileage or other expenses and allowances.

27 (d) Claims for which the workers' compensation authorized by
28 Division 4 (commencing with Section 3200) of the Labor Code is
29 the exclusive remedy.

30 (e) Applications or claims for any form of public assistance
31 under the Welfare and Institutions Code or other provisions of
32 law relating to public assistance programs, and claims for goods,
33 services, provisions or other assistance rendered for or on behalf
34 of any recipient of any form of public assistance.

35 (f) Applications or claims for money or benefits under any
36 public retirement or pension system.

37 (g) Claims for principal or interest upon any bonds, notes,
38 warrants, or other evidences of indebtedness.

39 (h) Claims that relate to a special assessment constituting a
40 specific lien against the property assessed and that are payable

1 from the proceeds of the assessment, by offset of a claim for
2 damages against it or by delivery of any warrant or bonds
3 representing it.

4 (i) Claims by the state or by a state department or agency or by
5 another local public entity or by a judicial branch entity.

6 (j) Claims arising under any provision of the Unemployment
7 Insurance Code, including but not limited to claims for money or
8 benefits, or for refunds or credits of employer or worker
9 contributions, penalties, or interest, or for refunds to workers of
10 deductions from wages in excess of the amount prescribed.

11 (k) Claims for the recovery of penalties or forfeitures made
12 pursuant to Article 1 (commencing with Section 1720) of
13 Chapter 1 of Part 7 of Division 2 of the Labor Code.

14 (l) Claims governed by the Pedestrian Mall Law of 1960, Part
15 1 (commencing with Section 11000) of Division 13 of the Streets
16 and Highways Code.

17 ~~SEC. 14.~~

18 *SEC. 18.* Section 905.7 is added to the Government Code, to
19 read:

20 905.7. (a) All claims against a judicial branch entity for
21 money or damages based upon an express contract or for an
22 injury for which the judicial branch entity is liable shall be
23 presented in accordance with Chapter 1 (commencing with
24 Section 900) and Chapter 2 (commencing with Section 910) of
25 this part. The provisions of this section are declaratory of existing
26 law.

27 (b) For a two-year period ending on January 1, 2008, a failure
28 to timely present a claim against a judicial branch entity pursuant
29 to Section 911.2 shall be presumed to constitute excusable
30 neglect. The judicial branch entity may rebut this presumption by
31 showing that the party responsible for presenting the claim knew
32 or should have known that the claim against the judicial branch
33 entity was required to be presented pursuant to Section 911.2.
34 This paragraph shall remain operative only until January 1, 2008,
35 and as of that date is no longer operative.

36 ~~SEC. 15.~~

37 *SEC. 19.* Section 910.4 of the Government Code is amended
38 to read:

39 910.4. The board shall provide forms specifying the
40 information to be contained in claims against the state or a

1 judicial branch entity. The person presenting a claim shall use the
2 form in order that his or her claim is deemed in conformity with
3 Sections 910 and 910.2. A claim may be returned to the person if
4 it was not presented using the form. Any claim returned to a
5 person may be resubmitted using the appropriate form.

6 *SEC. 20. Section 68085 of the Government Code, as amended*
7 *by Section 101 of Chapter 75 of the Statutes of 2005, is amended*
8 *to read:*

9 68085. (a) (1) There is hereby established the Trial Court
10 Trust Fund, the proceeds of which shall be apportioned at least
11 quarterly for the purpose of funding trial court operations, as
12 defined in Section 77003. Apportionment payments may not
13 exceed 30 percent of the total annual apportionment to the Trial
14 Court Trust Fund for state trial court funding in any 90-day
15 period.

16 (2) The apportionment payments shall be made by the
17 Controller. The final payment from the Trial Court Trust Fund
18 for each fiscal year shall be made on or before August 31 of the
19 subsequent fiscal year.

20 (3) If apportionment payments are made on a quarterly basis,
21 the payments shall be on July 15, October 15, January 15, and
22 April 15. In addition to quarterly payments, a final payment from
23 the Trial Court Trust Fund for each fiscal year may be made on
24 or before August 31 of the subsequent fiscal year.

25 (4) Notwithstanding any other provision of law, in order to
26 promote statewide efficiency, the Judicial Council may authorize
27 the direct payment or reimbursement or both of actual costs from
28 the Trial Court Trust Fund or the Trial Court Improvement Fund
29 to fund administrative infrastructure within the Administrative
30 Office of the Courts, such as legal services, financial services,
31 information systems services, human resource services, and
32 support services, for one or more participating courts upon
33 appropriation of funding for these purposes in the annual Budget
34 Act. The amount of appropriations from the Trial Court
35 Improvement Fund under this subdivision may not exceed 20
36 percent of the amount deposited in the Trial Court Improvement
37 Fund pursuant to subdivision (a) of Section 77205. Upon prior
38 written approval of the Director of Finance, the Judicial Council
39 may also authorize an increase in any reimbursements or direct
40 payments in excess of the amount appropriated in the annual

1 Budget Act. For any increases in reimbursements or direct
2 payments within the fiscal year that exceed two hundred
3 thousand dollars (\$200,000), the Director of Finance shall
4 provide notification in writing of any approval granted under this
5 section, not less than 30 days prior to the effective date of that
6 approval, to the chairperson of the committee in each house of
7 the Legislature that considers appropriations, the chairpersons of
8 the committees and the appropriate subcommittees in each house
9 of the Legislature that consider the annual Budget Act, and the
10 Chairperson of the Joint Legislative Budget Committee, or not
11 sooner than whatever lesser time the Chairperson of the Joint
12 Legislative Budget Committee, or his or her designee, may in
13 each instance, determine. The direct payment or reimbursement
14 of costs from the Trial Court Trust Fund may be supported by the
15 reduction of a participating court's allocation from the Trial
16 Court Trust Fund to the extent that the court's expenditures for
17 the program are reduced and the court is supported by the
18 program. The Judicial Council shall provide the affected trial
19 courts with quarterly reports on expenditures from the Trial
20 Court Trust Fund incurred as authorized by this subdivision. The
21 Judicial Council shall establish procedures to provide for the
22 administration of this paragraph in a way that promotes the
23 effective, efficient, reliable, and accountable operation of the trial
24 courts.

25 (b) Notwithstanding any other provision of law, the fees listed
26 in subdivision (c) shall all be deposited upon collection in a
27 special account in the county treasury, and transmitted monthly
28 to the Controller for deposit in the Trial Court Trust Fund.

29 (c) (1) Except as specified in subdivision (d), this section
30 applies to all fees collected on or before December 31, 2005,
31 pursuant to Sections 631.3, 116.230, and 403.060 of the Code of
32 Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01,
33 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1,
34 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4,
35 26862, ~~27081.5~~, 68086, 72055, 72056, 72056.01, and 72060.

36 (2) Notwithstanding any other provision of law, except as
37 specified in subdivision (d) *of this section and subdivision (a) of*
38 *Section 68085.7*, this section applies to all fees and fines
39 collected on or before December 31, 2005, pursuant to Sections
40 116.390, 116.570, 116.760, 116.860, 177.5, 491.150, 704.750,

1 708.160, 724.100, 1134, 1161.2, and 1218 of the Code of Civil
2 Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of
3 the Government Code, and ~~Sections subdivisions (b) and (c) of~~
4 *Section 166 and Section 1214.1* of the Penal Code.

5 (3) If any of the fees provided for in this subdivision are
6 partially waived by court order, and the fee is to be divided
7 between the Trial Court Trust Fund and any other fund, the
8 amount of the partial waiver shall be deducted from the amount
9 to be distributed to each fund in the same proportion as the
10 amount of each distribution bears to the total amount of the fee.

11 (d) This section does not apply to that portion of a filing fee
12 collected pursuant to Section 26820.4, 26826, 26827, 72055, or
13 72056 that is allocated for dispute resolution pursuant to Section
14 470.3 of the Business and Professions Code, the county law
15 library pursuant to Section 6320 of the Business and Professions
16 Code, the Judges' Retirement Fund pursuant to Section 26822.3,
17 automated recordkeeping or conversion to micrographics
18 pursuant to Sections 26863 and 68090.7, and courthouse
19 financing pursuant to Section 76238. This section also does not
20 apply to fees collected pursuant to subdivisions (a) and (c) of
21 Section 27361.

22 (e) This section applies to all payments required to be made to
23 the State Treasury by any county or city and county pursuant to
24 Section 77201, 77201.1, or 77205.

25 (f) Notwithstanding any other provision of law, no agency
26 may take action to change the amounts allocated to any of the
27 funds described in subdivision (a), (b), (c), or (d).

28 (g) The Judicial Council shall reimburse the Controller for the
29 actual administrative costs that will be incurred under this
30 section. Costs reimbursed under this section shall be determined
31 on an annual basis in consultation with the Judicial Council.

32 (h) Any amounts required to be transmitted by a county or city
33 and county to the state pursuant to this section shall be remitted
34 to the Controller no later than 45 days after the end of the month
35 in which the fees were collected. This remittance shall be
36 accompanied by a remittance advice identifying the collection
37 month and the appropriate account in the Trial Court Trust Fund
38 to which it is to be deposited. Any remittance that is not made by
39 the county or city and county in accordance with this section

1 shall be considered delinquent, and subject to the penalties
2 specified in this section.

3 (i) Upon receipt of any delinquent payment required pursuant
4 to this section, the Controller shall calculate a penalty on any
5 delinquent payment by multiplying the amount of the delinquent
6 payment at a daily rate equivalent to 1 ½ percent per month for
7 the number of days the payment is delinquent. Notwithstanding
8 Section 77009, any penalty on a delinquent payment that a court
9 is required to reimburse to a county's general fund pursuant to
10 this section and Section 24353 shall be paid from the Trial Court
11 Operations Fund for that court.

12 (j) Penalty amounts calculated pursuant to subdivision (i) shall
13 be paid by the county to the Trial Court Trust Fund no later than
14 45 days after the end of the month in which the penalty was
15 calculated.

16 (k) The Trial Court Trust Fund shall be invested in the Surplus
17 Money Investment Fund and all interest earned shall be allocated
18 to the Trial Court Trust Fund quarterly and shall be allocated
19 among the courts in accordance with the requirements of
20 subdivision (a). The specific allocations shall be specified by the
21 Judicial Council.

22 (l) It is the intent of the Legislature that the revenues required
23 to be deposited into the Trial Court Trust Fund be remitted as
24 soon after collection by the courts as possible.

25 (m) Except for subdivisions (a) and (k), this section does not
26 apply to fees and fines that are listed in subdivision (a) of Section
27 68085.1 that are collected on or after January 1, 2006.

28 *SEC. 21. Section 68085.1 of the Government Code is*
29 *amended to read:*

30 68085.1. (a) This section applies to all fees and fines that are
31 collected on or after January 1, 2006, under all of the following:

32 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
33 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of,
34 subdivision (g) of Section 411.20 and ~~subdivision~~ *subdivisions*
35 *(c) and (g) of Section 422.21 411.21* of, and Chapter 5.5
36 (commencing with Section 116.110) of Title 1 of Part 1 of, the
37 Code of Civil Procedure.

38 (2) Section 31622 of the Food and Agricultural Code.

- 1 (3) Sections 68086 and 68086.1, subdivision (d) of Section
 2 68511.3, ~~Section Sections 68926.1 of and 69953.5,~~ and Chapter
 3 5.8 (commencing with Section 70600) ~~of this code.~~
 4 (4) Section 103470 of the Health and Safety Code.
 5 (5) Subdivisions (b) and (c) of Section 166 and Section 1214.1
 6 of the Penal Code.
 7 (6) Sections 1835, 1851.5, 2343, 7660, and 13201 of the
 8 Probate Code.
 9 (7) Sections 14607.6, 16373, and 40230 of the Vehicle Code.
 10 (8) Section 71386 of this code and Section 1513.1 of the
 11 Probate Code, if the reimbursement is for expenses incurred by
 12 the court.
 13 (b) On and after January 1, 2006, each superior court shall
 14 deposit ~~the~~ *all* fees and fines listed in subdivision (a), as soon as
 15 practicable after collection and on a regular basis, into a bank
 16 account established for this purpose by the Administrative Office
 17 of the Courts. *Upon direction of the Administrative Office of the*
 18 *Courts, the county shall deposit civil assessments under Section*
 19 *1214.1 of the Penal Code and any other money it collects under*
 20 *the sections listed in subdivision (a) as soon as practicable after*
 21 *collection and on a regular basis into the bank established for*
 22 *this purpose and specified by the Administrative Office of the*
 23 *Courts.* The deposits shall be made as required by rules adopted
 24 by, ~~or~~ *and* financial policies and procedures authorized by, the
 25 Judicial Council under subdivision (a) of Section 77206. Within
 26 15 days after the end of the month in which the fees and fines are
 27 collected, each court, *and each county that collects any fines or*
 28 *fees under subdivision (a),* shall provide the Administrative
 29 Office of the Courts with a report of the fees by categories as
 30 specified by the Administrative Office of the Courts. The fees
 31 and fines listed in subdivision (a) shall be distributed as provided
 32 in this section.
 33 (c) (1) Within 45 calendar days after the end of the month in
 34 which the fees and fines listed in subdivision (a) are collected,
 35 the Administrative Office of the Courts shall make the following
 36 distributions:
 37 (A) To the small claims advisory services, as described in
 38 subdivision (f) of Section 116.230 of the Code of Civil
 39 Procedure.

1 (B) To dispute resolution programs, as described in
2 subdivision (b) of Section 68085.3 and subdivision (b) of Section
3 68085.4.

4 (C) To the county law library funds, as described in Section
5 116.760 of the Code of Civil Procedure, subdivision (b) of
6 Section 68085.3, subdivision (b) of Section 68085.4, and Section
7 70621 of this code, and Section 14607.6 of the Vehicle Code.

8 (D) To the courthouse construction funds in the Counties of
9 Riverside, San Bernardino, and San Francisco, as described in
10 Sections 70622, 70624, and 70625.

11 (2) If any distribution under this subdivision is delinquent, the
12 Administrative Office of the Courts shall add a penalty to the
13 distribution as specified in subdivision (i).

14 (d) Within 45 calendar days after the end of the month in
15 which the fees and fines listed in subdivision (a) are collected,
16 the amounts remaining after the distributions in subdivision (c)
17 shall be transmitted to the State Treasury for deposit in the Trial
18 Court Trust Fund and other funds as required by law. This
19 remittance shall be accompanied by a remittance advice
20 identifying the collection month and the appropriate account in
21 the Trial Court Trust Fund or other fund to which it is to be
22 deposited. Upon the receipt of any delinquent payment required
23 under this subdivision, the Controller shall calculate a penalty as
24 provided under subdivision (i).

25 (e) From the money transmitted to the State Treasury under
26 subdivision (d), the Controller shall make deposits as follows:

27 (1) Into the State Court Facilities Construction Fund, the
28 Judges' Retirement Fund, and the Equal Access Fund, as
29 described in subdivision (c) of Section 68085.3 and subdivision
30 (c) of Section 68085.4.

31 (2) Into the Health Statistics Special Fund, as described in
32 subdivision (b) of Section 70670 of this code and Section 103730
33 of the Health and Safety Code.

34 (3) Into the Family Law Trust Fund, as described in Section
35 70674.

36 (4) The remainder of the money shall be deposited into the
37 Trial Court Trust Fund.

38 (f) The amounts collected by each superior court under
39 Section 116.232, subdivision (g) of Section 411.20, and
40 subdivision (g) of Section 411.21 of the Code of Civil Procedure,

1 subdivision (d) of Section 68511.3 and Sections 68926.1,
2 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this
3 code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate
4 Code, shall be added to the monthly apportionment for that court
5 under subdivision (a) of Section 68085.

6 (g) If any of the fees provided in subdivision (a) are partially
7 waived by court order or otherwise reduced, and the fee is to be
8 divided between the Trial Court Trust Fund and any other fund or
9 account, the amount of the reduction shall be deducted from the
10 amount to be distributed to each fund in the same proportion as
11 the amount of each distribution bears to the total amount of the
12 fee. If the fee is paid by installment payments, the amount
13 distributed to each fund or account from each installment shall
14 bear the same proportion to the installment payment as the full
15 distribution to that fund or account does to the full fee.

16 (h) Except as provided in Sections 470.5 and 6322.1 of the
17 Business and Professions Code, and Sections 70622, 70624, and
18 70625 of this code, no agency may take action to change the
19 amounts allocated to any of the funds described in subdivision
20 (c), (d), or (e).

21 (i) The amount of the penalty on any delinquent payment
22 under subdivision (c) or (d) shall be calculated by multiplying the
23 amount of the delinquent payment at a daily rate equivalent to
24 1½ percent per month for the number of days the payment is
25 delinquent. The penalty shall be paid from the Trial Court Trust
26 Fund.

27 (j) If a delinquent payment under subdivision (c) or (d) results
28 from a delinquency by a superior court under subdivision (b), the
29 court shall reimburse the Trial Court Trust Fund for the amount
30 of the penalty. Notwithstanding Section 77009, any penalty on a
31 delinquent payment that a court is required to reimburse pursuant
32 to this section shall be paid from the court operations fund for
33 that court. The penalty shall be paid by the court to the Trial
34 Court Trust Fund no later than 45 days after the end of the month
35 in which the penalty was calculated. If the penalty is not paid
36 within the specified time, the Administrative Office of the Courts
37 may reduce the amount of a subsequent monthly allocation to the
38 court by the amount of the penalty on the delinquent payment.

39 *SEC. 22. Section 68085.1 of the Government Code is*
40 *amended to read:*

1 68085.1. (a) This section applies to all fees and fines that are
2 collected on or after January 1, 2006, under all of the following:
3 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
4 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of,
5 subdivision (g) of Section 411.20 and ~~subdivision~~ *subdivisions*
6 *(c) and (g)* of Section ~~422.21~~ *411.21* of, and Chapter 5.5
7 (commencing with Section 116.110) of Title 1 of Part 1 of, the
8 Code of Civil Procedure.
9 (2) Section 31622 of the Food and Agricultural Code.
10 (3) Sections 68086 and 68086.1, subdivision (d) of Section
11 68511.3, ~~Section~~ *Sections* 68926.1 ~~of and~~ *69953.5*, and Chapter
12 5.8 (commencing with Section 70600) ~~of this code~~.
13 (4) Section 103470 of the Health and Safety Code.
14 (5) Subdivisions (b) and (c) of Section 166 and Section 1214.1
15 of the Penal Code.
16 (6) Sections 1835, 1851.5, 2343, 7660, and 13201 of the
17 Probate Code.
18 (7) Sections 14607.6, 16373, and 40230 of the Vehicle Code.
19 (8) Section 71386 of this code and Section 1513.1 of the
20 Probate Code, if the reimbursement is for expenses incurred by
21 the court.
22 (b) On and after January 1, 2006, each superior court shall
23 deposit ~~the~~ *all* fees and fines listed in subdivision (a), as soon as
24 practicable after collection and on a regular basis, into a bank
25 account established for this purpose by the Administrative Office
26 of the Courts. *Upon direction of the Administrative Office of the*
27 *Courts, the county shall deposit civil assessments under Section*
28 *1214.1 of the Penal Code and any other money it collects under*
29 *the sections listed in subdivision (a) as soon as practicable after*
30 *collection and on a regular basis into the bank established for*
31 *this purpose and specified by the Administrative Office of the*
32 *Courts.* The deposits shall be made as required by rules adopted
33 by, ~~or~~ *and* financial policies and procedures authorized by, the
34 Judicial Council under subdivision (a) of Section 77206. Within
35 15 days after the end of the month in which the fees and fines are
36 collected, each court, *and each county that collects any fines or*
37 *fees under subdivision (a)*, shall provide the Administrative
38 Office of the Courts with a report of the fees by categories as
39 specified by the Administrative Office of the Courts. The fees

1 and fines listed in subdivision (a) shall be distributed as provided
2 in this section.

3 (c) (1) Within 45 calendar days after the end of the month in
4 which the fees and fines listed in subdivision (a) are collected,
5 the Administrative Office of the Courts shall make the following
6 distributions:

7 (A) To the small claims advisory services, as described in
8 subdivision (f) of Section 116.230 of the Code of Civil
9 Procedure.

10 (B) To dispute resolution programs, as described in
11 subdivision (b) of Section 68085.3 and subdivision (b) of Section
12 68085.4.

13 (C) To the county law library funds, as described in ~~Section~~
14 *Sections 116.230 and 116.760* of the Code of Civil Procedure,
15 subdivision (b) of Section 68085.3, subdivision (b) of Section
16 68085.4, and Section 70621 of this code, and Section 14607.6 of
17 the Vehicle Code.

18 (D) To the courthouse construction funds in the Counties of
19 Riverside, San Bernardino, and San Francisco, as described in
20 Sections 70622, 70624, and 70625.

21 (2) If any distribution under this subdivision is delinquent, the
22 Administrative Office of the Courts shall add a penalty to the
23 distribution as specified in subdivision (i).

24 (d) Within 45 calendar days after the end of the month in
25 which the fees and fines listed in subdivision (a) are collected,
26 the amounts remaining after the distributions in subdivision (c)
27 shall be transmitted to the State Treasury for deposit in the Trial
28 Court Trust Fund and other funds as required by law. This
29 remittance shall be accompanied by a remittance advice
30 identifying the collection month and the appropriate account in
31 the Trial Court Trust Fund or other fund to which it is to be
32 deposited. Upon the receipt of any delinquent payment required
33 under this subdivision, the Controller shall calculate a penalty as
34 provided under subdivision (i).

35 (e) From the money transmitted to the State Treasury under
36 subdivision (d), the Controller shall make deposits as follows:

37 (1) Into the State Court Facilities Construction Fund, the
38 Judges' Retirement Fund, and the Equal Access Fund, as
39 described in subdivision (c) of Section 68085.3 and subdivision
40 (c) of Section 68085.4.

1 (2) Into the Health Statistics Special Fund, as described in
2 subdivision (b) of Section 70670 of this code and Section 103730
3 of the Health and Safety Code.

4 (3) Into the Family Law Trust Fund, as described in Section
5 70674.

6 (4) The remainder of the money shall be deposited into the
7 Trial Court Trust Fund.

8 (f) The amounts collected by each superior court under
9 Section 116.232, subdivision (g) of Section 411.20, and
10 subdivision (g) of Section 411.21 of the Code of Civil Procedure,
11 subdivision (d) of Section 68511.3 and Sections 68926.1,
12 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this
13 code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate
14 Code, shall be added to the monthly apportionment for that court
15 under subdivision (a) of Section 68085.

16 (g) If any of the fees provided in subdivision (a) are partially
17 waived by court order or otherwise reduced, and the fee is to be
18 divided between the Trial Court Trust Fund and any other fund or
19 account, the amount of the reduction shall be deducted from the
20 amount to be distributed to each fund in the same proportion as
21 the amount of each distribution bears to the total amount of the
22 fee. If the fee is paid by installment payments, the amount
23 distributed to each fund or account from each installment shall
24 bear the same proportion to the installment payment as the full
25 distribution to that fund or account does to the full fee.

26 (h) Except as provided in Sections 470.5 and 6322.1 of the
27 Business and Professions Code, and Sections 70622, 70624, and
28 70625 of this code, no agency may take action to change the
29 amounts allocated to any of the funds described in subdivision
30 (c), (d), or (e).

31 (i) The amount of the penalty on any delinquent payment
32 under subdivision (c) or (d) shall be calculated by multiplying the
33 amount of the delinquent payment at a daily rate equivalent to
34 1½ percent per month for the number of days the payment is
35 delinquent. The penalty shall be paid from the Trial Court Trust
36 Fund.

37 (j) If a delinquent payment under subdivision (c) or (d) results
38 from a delinquency by a superior court under subdivision (b), the
39 court shall reimburse the Trial Court Trust Fund for the amount
40 of the penalty. Notwithstanding Section 77009, any penalty on a

1 delinquent payment that a court is required to reimburse pursuant
2 to this section shall be paid from the court operations fund for
3 that court. The penalty shall be paid by the court to the Trial
4 Court Trust Fund no later than 45 days after the end of the month
5 in which the penalty was calculated. If the penalty is not paid
6 within the specified time, the Administrative Office of the Courts
7 may reduce the amount of a subsequent monthly allocation to the
8 court by the amount of the penalty on the delinquent payment.

9 *SEC. 23. Section 68085.4 of the Government Code is*
10 *amended to read:*

11 68085.4. (a) Fees collected under Sections 70613, 70614,
12 70654, 70656, and 70658 of this code, Section 103470 of the
13 Health and Safety Code, and Section 7660 of the Probate Code,
14 shall be deposited in a bank account established by the
15 Administrative Office of the Courts for deposit of fees collected
16 by the courts.

17 (b) For each three hundred dollar (\$300) fee and each one
18 hundred eighty dollar (\$180) fee listed in subdivision (a), the
19 Administrative Office of the Courts shall distribute specified
20 amounts in each county as follows:

21 (1) To the county law library fund, the amount described in
22 Sections 6321 and 6322.1 of the Business and Professions Code.

23 (2) To the account to support dispute resolution programs, the
24 amount described in Section 470.5 of the Business and
25 Professions Code.

26 (c) The remainder of the fees in subdivision (a) shall be
27 transmitted monthly to the Treasurer for deposit. For each three
28 hundred dollar (\$300) fee and each one hundred eighty dollar
29 (\$180) fee listed in subdivision (a), the Controller shall make
30 deposits as follows:

31 (1) To the State Court Facilities Construction Fund, as
32 provided in Article 6 (commencing with Section 70371) of
33 Chapter 5.7, twenty-five dollars (\$25) if the fee is three hundred
34 dollars (\$300), and twenty dollars (\$20) if the fee is one hundred
35 eighty dollars (\$180).

36 (2) To the Judges' Retirement Fund, as established in Section
37 75100, two dollars and fifty cents (\$2.50).

38 (3) To the Trial Court Trust Fund for use as part of the Equal
39 Access Fund program administered by the Judicial Council, four
40 dollars and eighty cents (\$4.80).

1 (4) To the Trial Court Trust Fund, as provided in Section
2 68085.1, the remainder of the fee.

3 (d) If any of the fees listed in subdivision (a) are reduced or
4 partially waived, the amount of the reduction or partial waiver
5 shall be deducted from the amount to be distributed to each fund
6 or account in the same proportion as the amount of each
7 distribution bears to the total amount of the fee.

8 (e) As used in this section, “law library fund” includes a law
9 library account described in Section 6320 of the Business and
10 Professions Code.

11 *SEC. 24. Section 68085.9 is added to the Government Code,*
12 *to read:*

13 *68085.9. Notwithstanding any other provision of law*
14 *requiring a trial court or officer of a trial court to deposit money*
15 *received by the court or officer into the county treasury or with*
16 *the county treasurer, including, but not limited to, Sections*
17 *24353, 68085, 68085.5, and 68101 of this code and Section*
18 *1463.001 of the Penal Code, the court or officer, with the consent*
19 *of the county and the Administrative Director of the Courts, may*
20 *deposit all money required to be deposited into the county*
21 *treasury or with the county treasurer into a bank account*
22 *established by the Administrative Office of the Courts separate*
23 *from the county treasury. Money collected pursuant to Section*
24 *68085.1 shall be deposited as provided in that section. The*
25 *Judicial Council, with the consent of the county, may require the*
26 *court and officer to deposit money into a bank account*
27 *established by the Administrative Office of the Courts separate*
28 *from the county treasury.*

29 *SEC. 25. Section 68086 of the Government Code, as amended*
30 *by Section 106 of Chapter 75 of the Statutes of 2005, is amended*
31 *to read:*

32 68086. (a) The following provisions apply in superior court:

33 (1) In addition to any other fee required in civil actions or
34 cases, for each proceeding lasting more than one hour, a fee
35 equal to the actual cost of providing that service shall be charged
36 per one-half day of services to the parties, on a pro rata basis, for
37 the services of an official court reporter on the first and each
38 succeeding judicial day those services are provided pursuant to
39 Section 269 of the Code of Civil Procedure.

1 (2) All parties shall deposit their pro rata shares of these fees
2 with the clerk of the court as specified by the court, but not later
3 than the conclusion of each day's court session.

4 (3) For purposes of this section, "one-half day" means any
5 period of judicial time, in excess of one hour but not more than
6 four hours, during either the morning or afternoon court session.

7 (4) The costs for the services of the official court reporter shall
8 be recoverable as taxable costs by the prevailing party as
9 otherwise provided by law.

10 (5) The Judicial Council shall adopt rules to ensure all of the
11 following:

12 (A) That parties are given adequate and timely notice of the
13 availability of an official court reporter.

14 (B) That if an official court reporter is not available, a party
15 may arrange for the presence of a certified shorthand reporter to
16 serve as an official pro tempore reporter, the costs therefore
17 recoverable as provided in paragraph (4).

18 (C) That if the services of an official pro tempore reporter are
19 utilized pursuant to subparagraph (B), no other charge will be
20 made to the parties.

21 (b) The fees collected pursuant to this section shall be used
22 only to pay the cost for services of an official court reporter in
23 civil proceedings.

24 (c) The Judicial Council shall report on or before February 1
25 of each year to the Joint Legislative Budget Committee on the
26 ~~total~~ fees collected *by the court pursuant to this section and*
27 *Section 68086.1*, and the total amount spent for *services of*
28 ~~official court-reporter services~~ *reporters* in civil proceedings
29 *statewide* in the prior fiscal year.

30 *SEC. 26. Section 68086.1 of the Government Code is*
31 *amended to read:*

32 68086.1. (a) Commencing January 1, 2006, for each three
33 hundred twenty dollar (\$320) fee collected under ~~any of the~~
34 ~~sections listed in subdivision (a) of Section 68085.3 and each fee~~
35 ~~collected under paragraphs (2) to (9), inclusive, of subdivision (a)~~
36 ~~of Section 70650~~ *Section 70611, 70612, or 70670*, twenty-five
37 dollars (\$25) of the amount distributed to the Trial Court Trust
38 Fund shall be used for *services of an official court reporter*
39 ~~services~~ in civil proceedings.

1 (b) Commencing January 1, 2006, for each three hundred
2 dollar (\$300) fee collected under ~~any of the sections listed in~~
3 subdivision (a) of Section ~~68085.4~~ 70613 or subdivision (a) of
4 Section 70614, twenty-five dollars (\$25) of the amount
5 distributed to the Trial Court Trust Fund shall be used for
6 ~~services of an official court reporter services~~ in civil proceedings.

7 (c) *It is the intent of the Legislature, in approving the*
8 *twenty-five dollar (\$25) distribution out of each filing fee listed*
9 *in subdivisions (a) and (b), to continue an incentive to courts to*
10 *use the services of an official court reporter in civil proceedings.*
11 *However, nothing in this section shall affect the Judicial*
12 *Council's authority to allocate these revenues to replace*
13 *reductions in the General Fund appropriation to the Trial Court*
14 *Trust Fund.*

15 (d) *The portion of the distribution to the Trial Court Trust*
16 *Fund to be used for services of an official court reporter in civil*
17 *proceedings pursuant to subdivisions (a) and (b) shall be used*
18 *only in trial courts that utilize the services of an official court*
19 *reporter in civil proceedings.*

20 *SEC. 27. Section 68090.8 of the Government Code, as*
21 *amended by Section 111 of Chapter 75 of the Statutes of 2005, is*
22 *amended to read:*

23 68090.8. (a) (1) The Legislature finds that the management
24 of civil and criminal cases, including traffic cases, and the
25 accounting for funds in the trial courts requires these courts to
26 implement appropriate levels of *administrative* automation.

27 (2) The purpose of this section is to make a fund available for
28 the development of automated *administrative* systems, including
29 automated accounting, automated data collection through case
30 management systems, and automated case-processing systems for
31 the trial courts, together with funds to train operating personnel,
32 and for the maintenance and enhancement of the systems. *As*
33 *used in this paragraph, "automated administrative systems"*
34 *does not include electronic reporting systems for use in a*
35 *courtroom.*

36 (3) Automated data collection shall provide the foundation for
37 planning, research, and evaluation programs that are generated
38 from within and outside of the judicial branch. This system shall
39 be a resource to the courts, the Judicial Council and its
40 committees, the Administrative Office of the Courts, the

1 Legislature, the Governor, and the public. During the
2 developmental stage and prior to the implementation of the
3 system, the Legislature shall make recommendations to the
4 Judicial Council as to the breadth and level of detail of the data to
5 be collected.

6 (b) Prior to making any other required distribution, the county
7 treasurer shall transmit 2 percent of all fines, penalties, and
8 forfeitures collected in criminal cases, including, but not limited
9 to, moneys collected pursuant to Chapter 12 (commencing with
10 Section 76000) of Title 8 of this code, Section 13003 of the Fish
11 and Game Code, Section 11502 of the Health and Safety Code,
12 and Chapter 1 (commencing with Section 1427) of Title 11 of
13 Part 2 of the Penal Code, into the Trial Court Improvement Fund
14 established pursuant to Section 77209, to be used exclusively to
15 pay the costs of automated systems for the trial courts, as
16 described in paragraph (2) of subdivision (a). These systems shall
17 meet Judicial Council performance standards, including
18 production of reports as needed by the state, the counties, and
19 local governmental entities.

20 *SEC. 28. Section 68511.3 of the Government Code, as*
21 *amended by Section 113 of Chapter 75 of the Statutes of 2005, is*
22 *amended to read:*

23 68511.3. (a) The Judicial Council shall formulate and adopt
24 uniform forms and rules of court for litigants proceeding in
25 forma pauperis. These rules shall provide for all of the following:

26 (1) Standard procedures for considering and determining
27 applications for permission to proceed in forma pauperis,
28 including, in the event of a denial of permission, a written
29 statement detailing the reasons for denial and an evidentiary
30 hearing where there is a substantial evidentiary conflict.

31 (2) Standard procedures to toll relevant time limitations when
32 a pleading or other paper accompanied by the application is
33 timely lodged with the court and delay is caused due to the
34 processing of the application to proceed in forma pauperis.

35 (3) Proceeding in forma pauperis at every stage of the
36 proceedings at both the appellate and trial levels of the court
37 system.

38 (4) The confidentiality of the financial information provided to
39 the court by these litigants.

1 (5) That the court may authorize the clerk of the court, county
2 financial officer, or other appropriate county officer to make
3 reasonable efforts to verify the litigant’s financial condition
4 without compromising the confidentiality of the application.

5 (6) That permission to proceed in forma pauperis be granted to
6 all of the following:

7 (A) Litigants who are receiving benefits pursuant to the
8 Supplemental Security Income (SSI) and State Supplemental
9 Payments (SSP) programs (Sections 12200 to 12205, inclusive,
10 of the Welfare and Institutions Code), the California Work
11 Opportunity and Responsibility to Kids Act (CalWORKs)
12 program (Chapter 2 (commencing with Section 11200) of Part 3
13 of Division 9 of the Welfare and Institutions Code), the Food
14 Stamp program (7 U.S.C. Sec. 2011 et seq.), or Section 17000 of
15 the Welfare and Institutions Code.

16 (B) Litigants whose monthly income is 125 percent or less of
17 the current monthly poverty line annually established by the
18 Secretary of Health and Human Services pursuant to the
19 Omnibus Budget Reconciliation Act of 1981, as amended.

20 (C) Other persons when in the court’s discretion, this
21 permission is appropriate because the litigant is unable to
22 proceed without using money which is necessary for the use of
23 the litigant or the litigant’s family to provide for the common
24 necessities of life.

25 (b) (1) Litigants who apply for permission to proceed in
26 forma pauperis pursuant to subparagraph (A) of paragraph (6) of
27 subdivision (a) shall declare under penalty of perjury that they
28 are receiving the benefits and may voluntarily provide the court
29 with their date of birth and social security number or their
30 Medi-Cal identification number to permit the court to verify the
31 applicant’s receipt of public assistance. The court may require
32 any applicant, except a defendant in an unlawful detainer action,
33 who chooses not to disclose his or her social security number for
34 verification purposes to attach to the application documentation
35 of benefits to support the claim and all other financial
36 information on a form promulgated by the Judicial Council for
37 this purpose.

38 (2) Litigants who apply for permission to proceed in forma
39 pauperis pursuant to subparagraph (B) or (C) of paragraph (6) of
40 subdivision (a) shall file a financial statement under oath on a

1 form promulgated by, and pursuant to rules adopted by, the
2 Judicial Council.

3 (c) The forms and rules adopted by the Judicial Council shall
4 provide for the disclosure of the following information about the
5 litigant:

6 (1) Current street address.

7 (2) Occupation and employer.

8 (3) Monthly income and expenses.

9 (4) Address and value of any real property owned directly or
10 beneficially.

11 (5) Personal property with a value that exceeds five hundred
12 dollars (\$500).

13 The information furnished by the litigant shall be used by the
14 court in determining his or her ability to pay all or a portion of
15 the fees and costs.

16 (d) At any time after the court has granted a litigant
17 permission to proceed in forma pauperis and prior to final
18 disposition of the case, the clerk of the court, county financial
19 officer, or other appropriate county officer may notify the court
20 of any changed financial circumstances which may enable the
21 litigant to pay all or a portion of the fees and costs which had
22 been waived. The court may authorize the clerk of the court,
23 county financial officer, or other appropriate county officer to
24 require the litigant to appear before and be examined by the
25 person authorized to ascertain the validity of their indigent status.
26 However, no litigant shall be required to appear more than once
27 in any four-month period. A litigant proceeding in forma
28 pauperis shall notify the court within five days of any settlement
29 or monetary consideration received in settlement of this litigation
30 and of any other change in financial circumstances that affects
31 the litigant's ability to pay court fees and costs. After the litigant
32 either (1) appears before and is examined by the person
33 authorized to ascertain the validity of his or her indigent status or
34 (2) notifies the court of a change in financial circumstances, the
35 court may then order the litigant to pay to the ~~county~~ court the
36 sum and in any manner the court believes is compatible with the
37 litigant's financial ability.

38 In any action or proceeding in which the litigant whose fees
39 and costs have been waived would have been entitled to recover
40 those fees and costs from another party to the action or

1 proceeding had they been paid, the court may assess the amount
2 of the waived fees and costs against the other party and order the
3 other party to pay that sum to the ~~county~~ court or to the clerk and
4 serving and levying officers respectively, or the court may order
5 the amount of the waived fees and costs added to the judgment
6 and so identified by the clerk.

7 Execution may be issued on any order provided for in this
8 subdivision in the same manner as on a judgment in a civil
9 action. When an amount equal to the sum due and payable to the
10 clerk has been collected upon the judgment, these amounts shall
11 be remitted to the clerk within 30 days. Thereafter, when an
12 amount equal to the sum due to the serving and levying officers
13 has been collected upon the judgment, these amounts shall be due
14 and payable to those officers and shall be remitted within 30
15 days. If the remittance is not received by the clerk within 30 days
16 or there is a filing of a partial satisfaction of judgment in an
17 amount at least equal to the fees and costs payable to the clerk or
18 a satisfaction of judgment has been filed, notwithstanding any
19 other provision of law, the court may issue an abstract of
20 judgment, writ of execution, or both for recovery of those sums,
21 plus the fees for issuance and execution and an additional fee for
22 administering this section. The court shall establish a fee, not to
23 exceed actual costs of administering this subdivision and in no
24 case exceeding twenty-five dollars (\$25), which shall be added to
25 the writ of execution.

26 (e) Notwithstanding subdivision (a), a person who is sentenced
27 to imprisonment in a state prison or confined in a county jail and,
28 during the period of imprisonment or confinement, files a civil
29 action or notice of appeal of a civil action in forma pauperis shall
30 be required to pay the full amount of the filing fee to the extent
31 provided in this subdivision.

32 (1) In addition to the form required by this section for filing in
33 forma pauperis, an inmate shall file a copy of a statement of
34 account for any sums due to the inmate for the six-month period
35 immediately preceding the filing of the civil action or notice of
36 appeal of a civil action. This copy shall be certified by the
37 appropriate official of the Department of Corrections or a county
38 jail.

39 (2) Upon filing the civil action or notice of appeal of a civil
40 action, the court shall assess, and when funds exist, collect, as a

1 partial payment of any required court fees, an initial partial filing
2 fee of 20 percent of the greater of one of the following:

3 (A) The average monthly deposits to the inmate's account.

4 (B) The average monthly balance in the inmate's account for
5 the six-month period immediately preceding the filing of the civil
6 action or notice of appeal.

7 (3) After payment of the initial partial filing fee, the inmate
8 shall be required to make monthly payments of 20 percent of the
9 preceding month's income credited to the inmate's account. The
10 Department of Corrections shall forward payments from this
11 account to the clerk of the court each time the amount in the
12 account exceeds ten dollars (\$10) until the filing fees are paid.

13 (4) In no event shall the filing fee collected pursuant to this
14 subdivision exceed the amount of fees permitted by law for the
15 commencement of a civil action or an appeal of a civil action.

16 (5) In no event shall an inmate be prohibited from bringing a
17 civil action or appeal of a civil action solely because the inmate
18 has no assets and no means to pay the initial partial filing fee.

19 *SEC. 29. Section 70601 of the Government Code is amended*
20 *to read:*

21 70601. (a) It is the intent of the Legislature to establish a
22 moratorium on increases in filing fees until January 1, 2008. No
23 fee provided for in this chapter may be changed before January 1,
24 2008, except as may be required by the following:

25 (1) Legislative implementation of recommendations of the
26 Task Force on County Law Libraries.

27 (2) Legislative implementation of recommendations for
28 changes to the graduated filing fee for petitions in probate
29 proceedings under subdivision (a) of Section 70650.

30 (b) The Judicial Council shall establish a Task Force on Civil
31 Fees, including, but not limited to, representatives from the trial
32 courts, the counties, the county law libraries, and the State Bar.
33 On or before February 1, 2007, the task force shall make
34 recommendations to the Judicial Council and the Legislature on
35 the following:

36 (1) The effectiveness of the uniform fee structure, any
37 operational or revenue problems, and how to address these
38 issues.

39 (2) Whether a fee differential should be implemented based on
40 the number of cases a party files in a year.

1 (3) A process to adjust fees in the future to accommodate
2 inflation and other factors affecting operating costs for trial
3 courts, *county law libraries*, and county programs that rely on
4 court fees.

5 *SEC. 30. Section 70626 of the Government Code is amended*
6 *to read:*

7 70626. (a) The fee for each of the following services is
8 fifteen dollars (\$15). Amounts collected shall be distributed to
9 the Trial Court Trust Fund under Section 68085.1.

10 (1) Issuing a writ of attachment, a writ of mandate, a writ of
11 execution, a writ of sale, a writ of possession, a writ of
12 prohibition, or any other writ for the enforcement of any order or
13 judgment.

14 (2) Issuing an abstract of judgment.

15 (3) Issuing a certificate of satisfaction of judgment under
16 Section 724.100 of the Code of Civil Procedure.

17 (4) Certifying a copy of any paper, record, or proceeding on
18 file in the office of the clerk of any court.

19 (5) Taking an affidavit, except in criminal cases or adoption
20 proceedings.

21 (6) Acknowledgment of any deed or other instrument,
22 including the certificate.

23 (7) Recording or registering any license or certificate, or
24 issuing any certificate in connection with a license, required by
25 law, for which a charge is not otherwise prescribed.

26 (8) Issuing any certificate for which the fee is not otherwise
27 fixed.

28 (b) The fee for each of the following services is twenty dollars
29 (\$20). Amounts collected shall be distributed to the Trial Court
30 Trust Fund under Section 68085.1.

31 (1) Issuing an order of sale.

32 (2) Receiving and filing an abstract of judgment rendered by a
33 judge of another court and subsequent services based on it, unless
34 the abstract of judgment is filed under Section 704.750 or
35 708.160 of the Code of Civil Procedure.

36 (3) Filing a confession of judgment under Section 1134 of the
37 Code of Civil Procedure.

38 (4) Filing an application for renewal of judgment under
39 Section 683.150 of the Code of Civil Procedure.

1 (5) Issuing a commission to take a deposition in another state
2 or place under Section ~~2026~~ 2026.010 of the Code of Civil
3 Procedure.

4 (6) Filing and entering an award under the Workers'
5 Compensation Law (Division 4 (commencing with Section 3200)
6 of the Labor Code).

7 (7) Filing an affidavit of publication of notice of dissolution of
8 partnership.

9 (8) Filing an appeal of a determination whether a dog is
10 potentially dangerous or vicious under Section 31622 of the Food
11 and Agricultural Code.

12 (9) Filing an affidavit under Section 13200 of the Probate
13 Code, together with the issuance of one certified copy of the
14 affidavit under Section 13202 of the Probate Code.

15 (10) Filing and indexing all papers for which a charge is not
16 elsewhere provided, other than papers filed in actions or special
17 proceedings, official bonds, or certificates of appointment.

18 *SEC. 31. Section 70640 of the Government Code is amended*
19 *to read:*

20 70640. (a) It is the policy of the state that each court shall
21 endeavor to provide a children's waiting room in each courthouse
22 for children whose parents or guardians are attending a court
23 hearing as a litigant, witness, or for other court purposes as
24 determined by the court. To defray that expense, monthly
25 allocations for children's waiting rooms shall be added to the
26 monthly apportionment under subdivision (a) of Section 68085
27 for each court where a children's waiting room has been
28 established or where the court has elected to establish such a
29 service.

30 (b) The amount allocated to each court under this section shall
31 be equal to the following: for each first paper filing fee as
32 provided under Section 70611, 70612, 70613, 70614, or 70670,
33 and each first paper or petition filing fee in a probate matter as
34 provided under Section 70650, 70651, 70652, 70653, 70654,
35 70655, 70656, or 70658, the same amount as was required to be
36 collected as of December 31, 2005, to the Children's Waiting
37 Room Fund under former Section 26826.3 in the county in which
38 the court is located when a fee was collected for the filing of a
39 first paper in a civil action under former Section 26820.4.

1 (c) Notwithstanding any other provision of law, the court may
2 make expenditures from these allocations in payment of any cost,
3 excluding capital outlay, related to the establishment and
4 maintenance of the children’s waiting room, including personnel,
5 heat, light, telephone, security, rental of space, furnishings, toys,
6 books, or any other item in connection with the operation of a
7 children’s waiting room.

8 (d) If, as of January 1, 2006, there is a Children’s Waiting
9 Room Fund in the county treasury established under former
10 Section 26826.3, the county immediately shall transfer the
11 moneys in that fund to the court’s operations fund as a restricted
12 fund. By ~~December~~ *February* 15, ~~2005~~ 2006, the county shall
13 provide an accounting of the fund to the Administrative Office of
14 the Courts.

15 (e) After January 1, 2006, the court may apply to the Judicial
16 Council for an adjustment of the amount distributed to the fund
17 for each uniform filing fee. A court that wishes to establish a
18 children’s waiting room, and does not yet have a distribution
19 under this section, may apply to the Judicial Council for such a
20 distribution. Applications under this subdivision shall be made
21 according to trial court financial policies and procedures
22 authorized by the Judicial Council under subdivision (a) of
23 Section 77206. Adjustments and new distributions shall be
24 effective January 1 or July 1 of any year beginning January 1,
25 2006.

26 (f) The distribution to a court under this section per each filing
27 fee shall be not less than two dollars (\$2) and not more than five
28 dollars (\$5).

29 *SEC. 32. Section 77207.5 of the Government Code is*
30 *amended to read:*

31 77207.5. (a) The Judicial Council shall make monthly
32 allocations to the trial courts from the Trial Court Trust Fund for
33 automated *administrative* systems as provided in this section.
34 These funds shall be used for the development and
35 implementation of automated systems as described in subdivision
36 (a) of Section 68090.8. *As used in this subdivision, “automated*
37 *administrative systems” does not include electronic reporting*
38 *systems for use in a courtroom.*

39 (b) The amount allocated annually to each trial court shall be
40 the amount stated in this subdivision, which is based on the

1 revenue collected in the local 2 percent automation funds in the
 2 1994-95 fiscal year. The amounts are as follows:

3	Jurisdiction	Amount
4	Alameda.....	\$424,792
5	Alpine.....	2,034
6	Amador.....	11,006
7	Butte.....	59,332
8	Calaveras.....	18,652
9	Colusa.....	13,708
10	Contra Costa.....	218,186
11	Del Norte.....	11,208
12	El Dorado.....	54,374
13	Fresno.....	181,080
14	Glenn.....	19,264
15	Humboldt.....	48,160
16	Imperial.....	67,678
17	Inyo.....	30,402
18	Kern.....	277,328
19	Kings.....	57,026
20	Lake.....	20,328
21	Lassen.....	20,156
22	Los Angeles.....	3,144,530
23	Madera.....	52,502
24	Marin.....	114,766
25	Mariposa.....	3,904
26	Mendocino.....	30,068
27	Merced.....	55,652
28	Modoc.....	6,134
29	Mono.....	12,446
30	Monterey.....	183,464
31	Napa.....	30,550
32	Nevada.....	49,946
33	Orange.....	923,882
34	Placer.....	77,378
35	Plumas.....	9,206
36	Riverside.....	532,226
37	Sacramento.....	340,254
38	San Benito.....	14,700
39	San Bernardino.....	435,474
40		

1	San Diego.....	718,442
2	San Francisco.....	272,528
3	San Joaquin.....	201,698
4	San Luis Obispo.....	130,020
5	San Mateo.....	329,518
6	Santa Barbara.....	162,858
7	Santa Clara.....	452,782
8	Santa Cruz.....	113,210
9	Shasta.....	44,394
10	Sierra.....	1,830
11	Siskiyou.....	37,000
12	Solano.....	119,364
13	Sonoma.....	119,004
14	Stanislaus.....	88,718
15	Sutter.....	37,382
16	Tehama.....	28,100
17	Trinity.....	7,648
18	Tulare.....	204,932
19	Tuolumne.....	16,642
20	Ventura.....	205,304
21	Yolo.....	48,556
22	Yuba.....	15,788

23
24 *SEC. 33. Section 77209 of the Government Code, as amended*
25 *by Section 142 of Chapter 75 of the Statutes of 2005, is amended*
26 *to read:*

27 77209. (a) There is in the State Treasury the Trial Court
28 Improvement Fund.

29 ~~(b) The Judicial Council shall~~
30 ~~set aside at~~

31 *(b) The Judicial Council shall reserve funds for projects by*
32 *transferring 1 percent of the amount appropriated for support for*
33 *operation of the trial courts to the Trial Court Improvement*
34 *Fund. At least one-half of 1 percent of the total appropriation for*
35 *trial court operations this amount shall be set aside as a reserve*
36 *which that shall not be allocated prior to March 15 of each year*
37 *unless allocated to a court or courts for urgent needs.*

38 (c) Any funds in the Trial Court Improvement Fund that are
39 unencumbered at the end of the fiscal year shall be

1 reappropriated to the Trial Court Improvement Fund for the
2 following fiscal year.

3 (d) Moneys deposited in the Trial Court Improvement Fund
4 shall be placed in an interest bearing account. Any interest earned
5 shall accrue to the fund and shall be disbursed pursuant to
6 subdivision (e).

7 (e) Moneys deposited in the Trial Court Improvement Fund
8 may be disbursed for purposes of this section.

9 (f) Moneys deposited in the Trial Court Improvement Fund
10 pursuant to Section 68090.8 shall be allocated by the Judicial
11 Council for automated *administrative* system improvements
12 pursuant to that section and in furtherance of Rule 991 of the
13 California Rules of Court, as it read on July 1, 1996. *As used in*
14 *this subdivision, “automated administrative system” does not*
15 *include electronic reporting systems for use in a courtroom.*

16 (g) Moneys deposited in the Trial Court Improvement Fund
17 shall be administered by the Judicial Council. The Judicial
18 Council may, with appropriate guidelines, delegate to the
19 Administrative Director of the Courts the administration of the
20 fund. Moneys in the fund may be expended to implement trial
21 court projects approved by the Judicial Council. Expenditures
22 may be made to vendors or individual trial courts that have the
23 responsibility to implement approved projects.

24 (h) Notwithstanding other provisions of this section, the 2
25 percent automation fund moneys deposited in the Trial Court
26 Improvement Fund pursuant to Section 68090.8 shall be
27 allocated by the Judicial Council to statewide initiatives related
28 to trial court automation and their implementation. The Judicial
29 Council shall allocate the remainder of the moneys deposited in
30 the Trial Court Improvement Fund as specified in this section.

31 For the purposes of this subdivision, the term “2 percent
32 automation fund” means the fund established pursuant to Section
33 68090.8 as it read on June 30, 1996.

34 (i) Royalties received from the publication of uniform jury
35 instructions shall be deposited in the Trial Court Improvement
36 Fund and used for the improvement of the jury system.

37 (j) The Judicial Council shall present an annual report to the
38 Legislature on the use of the Trial Court Improvement Fund. The
39 report shall include appropriate recommendations.

1 ~~SEC. 16.~~

2 *SEC. 34.* Section 123.6 of the Labor Code is amended to
3 read:

4 123.6. (a) All workers' compensation administrative law
5 judges employed by the administrative director and supervised
6 by the court administrator shall subscribe to the Code of Judicial
7 Ethics adopted by the Supreme Court pursuant to subdivision (m)
8 of Section 18 of Article VI of the California Constitution for the
9 conduct of judges and shall not otherwise, directly or indirectly,
10 engage in conduct contrary to that code or to the commentary to
11 the Code of Judicial Ethics.

12 In consultation with both the court administrator and the
13 Commission on Judicial Performance, the administrative director
14 shall adopt regulations to enforce this section. Existing
15 regulations shall remain in effect until new regulations based on
16 the recommendations of the court administrator and the
17 Commission on Judicial Performance have become effective. To
18 the extent possible, the rules shall be consistent with the
19 procedures established by the Commission on Judicial
20 Performance for regulating the activities of state judges, and, to
21 the extent possible, with the gift, honoraria, and travel
22 restrictions on legislators contained in the Political Reform Act
23 of 1974 (Title 9 (commencing with Section 81000) of the
24 Government Code). The court administrator shall have the
25 authority to enforce the rules adopted by the administrative
26 director.

27 (b) Honoraria or travel allowed by the court administrator, and
28 not otherwise prohibited by this section in connection with any
29 public or private conference, convention, meeting, social event,
30 or like gathering, the cost of which is significantly paid for by
31 attorneys who practice before the board, may not be accepted
32 unless the court administrator has provided prior approval in
33 writing to the workers' compensation administrative law judge
34 allowing him or her to accept those payments.

35 *SEC. 35.* *Section 1214.1 of the Penal Code is amended to*
36 *read:*

37 1214.1. (a) In addition to any other penalty in infraction,
38 misdemeanor, or felony cases, the court may impose a civil
39 assessment of up to three hundred dollars (\$300) against any
40 defendant who fails, after notice and without good cause, to

1 appear in court for any proceeding authorized by law or who fails
2 to pay all or any portion of a fine ordered by the court. This
3 assessment shall be deposited in the Trial Court Trust Fund, as
4 provided in Section ~~68085~~ 68085.1 of the Government Code.

5 (b) The assessment shall not become effective until at least 10
6 calendar days after the court mails a warning notice to the
7 defendant by first-class mail to the address shown on the notice
8 to appear or to the defendant's last known address. If the
9 defendant appears within the time specified in the notice and
10 shows good cause for the failure to appear or for the failure to
11 pay a fine, the court shall vacate the assessment.

12 (c) If a civil assessment is imposed under this section, no
13 bench warrant or warrant of arrest shall be issued with respect to
14 the failure to appear at the proceeding for which the assessment
15 is imposed or the failure to pay the fine. An outstanding,
16 unserved bench warrant or warrant of arrest for a failure to
17 appear or for a failure to pay a fine shall be recalled prior to the
18 subsequent imposition of a civil assessment.

19 (d) The assessment imposed under subdivision (a) shall be
20 subject to the due process requirements governing defense and
21 collection of civil money judgments generally.

22 (e) Each court and county shall maintain the collection
23 program that was in effect on July 1, 2005, unless otherwise
24 agreed to by the court and county. If a court and a county do not
25 agree on a plan for the collection of civil assessments imposed
26 pursuant to this section, *or any other collections under Section*
27 *1463.010*, after the implementation of Sections 68085.6 and
28 68085.7 of the Government Code, the court or the county may
29 request arbitration by a third party mutually agreed upon by the
30 Administrative Director of the Courts and the California State
31 Association of Counties.

32 ~~(f) Notwithstanding any other provision of law, upon direction~~
33 ~~of the Administrative Office of the Courts, the court shall deposit~~
34 ~~the money collected under this section as soon as practicable~~
35 ~~after collection and on a regular basis into a bank account~~
36 ~~specified by the Administrative Office of the Courts. The~~
37 ~~deposits shall be made as required by rules adopted by and~~
38 ~~financial policies and procedures authorized by the Judicial~~
39 ~~Council under subdivision (a) of Section 77206 of the~~
40 ~~Government Code. Within 15 days after the end of the month in~~

1 ~~which the money is collected, the court shall provide the~~
2 ~~Administrative Office of the Courts with a report of the money~~
3 ~~collected as specified by the Administrative Office of the Courts.~~
4 ~~The money shall be transmitted to the Controller for deposit in~~
5 ~~the Trial Court Trust Fund by the Administrative Office of the~~
6 ~~Courts.~~

7 ~~SEC. 17.~~

8 *SEC. 36.* Section 16020 of the Vehicle Code is amended to
9 read:

10 16020. (a) Every driver and every owner of a motor vehicle
11 shall at all times be able to establish financial responsibility
12 pursuant to Section 16021, and shall at all times carry in the
13 vehicle evidence of the form of financial responsibility in effect
14 for the vehicle.

15 (b) “Evidence of financial responsibility” means any of the
16 following:

17 (1) A form issued by an insurance company or charitable risk
18 pool, as specified by the department pursuant to Section 4000.37.

19 (2) If the owner is a self-insurer, as provided in Section 16052
20 or a depositor, as provided in Section 16054.2, the certificate of
21 self-insurance or the assignment of deposit letter issued by the
22 department.

23 (3) An insurance covering note or binder pursuant to Section
24 382 or 382.5 of the Insurance Code.

25 (4) A showing that the vehicle is owned or leased by, or under
26 the direction of, the United States or any public entity, as defined
27 in Section 811.2 of the Government Code.

28 (c) For purposes of this section, “evidence of financial
29 responsibility” also may be obtained by a law enforcement
30 officer and court personnel from an electronic reporting system
31 when that system becomes available for use by law enforcement
32 officers.

33 (d) For purposes of this section, “evidence of financial
34 responsibility” also includes any of the following:

35 (1) The name of the insurance company and the number of an
36 insurance policy or surety bond that was in effect at the time of
37 the accident or at the time that evidence of financial
38 responsibility is required to be provided pursuant to Section
39 16028, if that information is contained in the vehicle registration
40 records of the department.

1 (2) The identifying motor carrier of property permit number
 2 issued by the Department of the California Highway Patrol to the
 3 motor carrier of property as defined in Section 34601, and
 4 displayed on the motor vehicle in the manner specified by the
 5 Department of the California Highway Patrol.

6 (3) The identifying number issued to the household goods
 7 carrier, passenger stage carrier, or transportation charter party
 8 carrier by the Public Utilities Commission and displayed on the
 9 motor vehicle in the manner specified by the commission.

10 (4) The identifying number issued by the Interstate Commerce
 11 Commission or its successor federal agency, if proof of financial
 12 responsibility must be presented to the issuing agency as part of
 13 the identification number issuance process, and displayed on the
 14 motor vehicle in the manner specified by the issuing agency.

15 (e) Evidence of financial responsibility does not include any of
 16 the identification numbers in paragraph (1), (2), (3), or (4) of
 17 subdivision (d) if the carrier is currently suspended by the issuing
 18 agency for lack or lapse of insurance or other form of financial
 19 responsibility.

20 ~~SEC. 18:~~

21 *SEC. 37.* Section 16058.1 of the Vehicle Code is amended to
 22 read:

23 16058.1. The department shall develop a method by which
 24 law enforcement officers and court personnel, on and after July
 25 1, 2006, may electronically verify that an insurance policy or
 26 bond for a motor vehicle has been issued.

27 ~~SEC. 19:~~

28 *SEC. 38.* The provisions of this act shall apply prospectively
 29 only.

30 *SEC. 39.* *Section 3 of this bill shall only become operative if*
 31 *AB 1459 or SB 422 is enacted and becomes effective on or before*
 32 *January 1, 2006, and increases the jurisdictional limit of the*
 33 *small claims court.*

34 *SEC. 40.* *Section 22 of this bill shall only become operative if*
 35 *AB 1459 or SB 422 is enacted and becomes effective on or before*
 36 *January 1, 2006, and increases the jurisdictional limit of the*
 37 *small claims court, in which case Section 21 of this bill shall not*
 38 *be operative.*