

ASSEMBLY BILL

No. 620

Introduced by Assembly Member John A. Perez

February 25, 2009

An act to amend Sections 6407, 17929, 22355, 22452, 22454, and 22457 of the Business and Professions Code, relating to county clerks.

LEGISLATIVE COUNSEL'S DIGEST

AB 620, as introduced, John A. Perez. County clerks: recordkeeping: registrations.

Existing law defines and regulates the activities of legal document assistants and unlawful detainer assistants, process servers, and professional photocopiers. Existing law requires those professionals to register in the county in which his or her principal place of business is located. Existing law requires the county clerk of each county to maintain a register of, and assign a unique number to, those persons, and to issue an identification card to each registrant. Existing law requires the identification cards to contain a photograph, and to meet varying minimum size requirements, as specified.

This bill would change the minimum size requirements of the cards to 3 ¼ by 2 inches, and would delete a provision that requires the issuance of additional cards to employees of legal document assistants and unlawful detainer assistants, as specified. The bill would also specify that cards issued to partnerships or corporations be issued in the name of the partnership or corporation, and that no photograph be included. The bill would also require the inclusion of the name of the partnership or corporation on the card of an employee of a photocopier.

Existing law requires a person filing for a fictitious business name to submit specified fees to the county clerk for the filing of the fictitious

business name statement. Existing law requires the fees to be used in a specified manner, including to cover the costs of the county clerk in notifying registrants of the pending expiration of their fictitious business name statement.

This bill would specify that a county clerk is not required to retain any returned notice of pending expiration that is returned as undeliverable by the United States Postal Service.

Existing law requires the application for registration of professional photocopiers to include specified statements.

This bill would require that application to be signed under penalty of perjury. Because perjury constitutes a crime, the bill would impose a state-mandated local program.

Existing law requires that at least one person involved in the management of a professional photocopier be a licensed notary public.

This bill would require written confirmation from a nonregistrant notary public to authorize the use of his or her commission for registration.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 6407 of the Business and Professions
- 2 Code is amended to read:
- 3 6407. (a) The county clerk shall maintain a register of legal
- 4 document assistants, and a register of unlawful detainer assistants,
- 5 assign a unique number to each legal document assistant, or
- 6 unlawful detainer assistant, and issue an identification card to each
- 7 one. ~~Additional cards for employees of legal document assistants~~
- 8 ~~or unlawful detainer assistants shall be issued upon the payment~~
- 9 ~~of ten dollars (\$10) for each card.~~ Upon renewal of registration,
- 10 the same number shall be assigned, provided there is no lapse in
- 11 the period of registration.
- 12 (b) The identification card shall be a card ~~3½~~ *not less than 3*
- 13 ~~¼~~ *by 2¼* 2 inches, and shall contain at the top, the title "Legal

Document Assistant” or “Unlawful Detainer Assistant,” as appropriate, followed by the registrant’s name, address, registration number, date of expiration, and county of registration. It shall also contain a photograph of the registrant in the lower left corner. *The identification card for a partnership or corporation registration shall be issued in the name of the partnership or corporation, and shall not contain a photograph.* The front of the card, above the title, shall also contain the following statement in 12-point boldface type: “This person is not a lawyer.” The front of the card, at the bottom, shall also contain the following statement in 12-point boldface type: “The county clerk has not evaluated this person’s knowledge, experience, or services.”

SEC. 2. Section 17929 of the Business and Professions Code is amended to read:

17929. (a) The fee for filing a fictitious business name statement is ten dollars (\$10) for the first fictitious business name and owner and two dollars (\$2) for each additional fictitious business name or owner filed on the same statement and doing business at the same location. This fee covers the cost of filing and indexing the statement (and any affidavit of publication), the cost of furnishing one certified copy of the statement to the person filing the statement, and the cost for notifying registrants of the pending expiration of their fictitious business name statement.

(b) The fee for filing a statement of abandonment of use of a fictitious business name is five dollars (\$5). This fee covers the cost of filing and indexing the statement, the cost of any affidavit of publication, and the cost of furnishing one certified copy of the statement to the person filing the statement.

(c) The fee for filing a statement of withdrawal from partnership operating under a fictitious business name is five dollars (\$5). This fee covers the cost of filing and indexing the statement, the cost of any affidavit of publication, and the cost of furnishing one certified copy of the statement to the person filing the statement.

(d) All of the provisions of this section are subject to Section 54985 of the Government Code.

(e) *If the notice of pending expiration, as described in subdivision (a), is returned to the county clerk by the United States Postal Service as undeliverable, the county clerk is not required to retain the returned notice of pending expiration.*

SEC. 3. Section 22355 of the Business and Professions Code is amended to read:

22355. (a) The county clerk shall maintain a register of process servers and assign a number and issue an identification card to each process server. The county clerk shall issue a temporary identification card, for no additional fee, to applicants who are required to submit Request for Live Scan forms for background checks to the Federal Bureau of Investigation and the Department of Justice. This card shall be valid for 120 days. If clearance is received from the Federal Bureau of Investigation and the Department of Justice within 120 days, the county clerk shall immediately issue a permanent identification card to the applicant. Upon request of the applicant, the permanent identification card shall be mailed to the applicant at his or her address of record. Upon renewal of a certificate of registration, the same number shall be assigned, provided there is no lapse in the period of registration.

(b) The temporary and permanent identification cards shall be $3\frac{3}{8}$ not less than $3\frac{1}{4}$ inches by $2\frac{1}{4}$ 2 inches and shall contain at the top the title, "Registered Process Server," followed by the registrant's name, address, registration number, date of expiration, and county of registration. In the case of a natural person, it shall also contain a photograph of the registrant in the lower left corner. *The identification card for a partnership or corporation registration shall be issued in the name of the partnership or corporation, and shall not contain a photograph.*

SEC. 4. Section 22452 of the Business and Professions Code is amended to read:

22452. (a) The application for registration of a natural person shall contain all of the following statements about the applicant *signed by the applicant under penalty of perjury*:

- (1) Name, age, address, and telephone number.
- (2) He or she has not been convicted of a felony.
- (3) He or she will perform his or her duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.

(b) The application for registration of a partnership or corporation shall contain all of the following statements about the

1 ~~applicant~~ *each general partner or corporate officer, and be signed*
2 *under penalty of perjury:*

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

5 (2) The general partners or officers have not been convicted of
6 a felony.

7 (3) The partnership or corporation will perform its duties as a
8 professional photocopier in compliance with the provisions of law
9 governing the transmittal of confidential documentary information
10 in this state.

11 (c) The county clerk shall retain the application for registration
12 for a period of three years following the expiration date of the
13 application, after which time the application may be destroyed if
14 it is scanned or if the conditions specified in Section 26205.1 of
15 the Government Code are met. If the application is scanned, the
16 scanned image shall be retained for a period of 10 years, after
17 which time that image may be destroyed and, notwithstanding
18 Section 26205.1 of the Government Code, no reproduction thereof
19 need be made or preserved.

20 SEC. 5. Section 22454 of the Business and Professions Code
21 is amended to read:

22 22454. At least one person involved in the management of a
23 professional photocopier shall be required to hold a current
24 commission from the Secretary of State as a notary public in this
25 state. *If the notary commission is held by someone other than the*
26 *registrant, written confirmation from the notary authorizing the*
27 *use of their commission for this registration is required.*

28 SEC. 6. Section 22457 of the Business and Professions Code
29 is amended to read:

30 22457. (a) The county clerk shall maintain a register of
31 professional photocopiers, assign a number to each professional
32 photocopier, and issue an identification card to each one.
33 Additional cards for employees of professional photocopiers shall
34 be issued upon the payment of ten dollars (\$10) for each card.
35 Upon renewal of registration, the same number shall be assigned,
36 provided there is no lapse in the period of registration.

37 (b) The identification card shall be a card ~~3 3/8~~ *not less than 3*
38 *1/4 inches by 2 1/4* 2 inches, and shall contain at the top the title,
39 “Professional Photocopier” followed by the registrant’s name,
40 address, registration number, date of expiration, and county of

1 registration. It shall also contain a photograph of the registrant in
2 the lower left corner. *The identification card for a partnership or*
3 *corporation registration shall be issued in the name of the*
4 *partnership or corporation, and shall not contain a photograph.*

5 (c) *The identification card for an employee of a partnership or*
6 *corporation shall be issued in the name of the employee and*
7 *include "Employee of: [insert name of the partnership or*
8 *corporation]".*

9 SEC. 7. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.