



# CALIFORNIA STATE LEGISLATURE Senate Committee on Judiciary

# 2015-16 Legislative Bill Summaries

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## STAFF

Margie Estrada, CHIEF COUNSEL  
Ronak Daylami, COUNSEL  
Tobias D. Halvarson, COUNSEL  
Nichole L. Rapier, COUNSEL  
Jocelyn Twilla, COMMITTEE ASSISTANT  
Erica Porter, COMMITTEE ASSISTANT

**CALIFORNIA LEGISLATURE**

**Senate Judiciary Committee**

**2015-2016 Legislative Bill Summary**

## **Editor's Note**

**This document contains summaries of bills that were signed into law by the Governor during the 2015-2016 Legislative session. This document also contains summaries of two-year bills that were introduced in 2015 but had further action taken in 2016. Summaries of bills for which a Senate Judiciary Committee analysis was prepared are also included. Bills that are designated as being "held in Senate Judiciary Committee" do not necessarily reflect a negative outcome from the Committee, as a bill may have been pulled at the author's request.**

**For additional information regarding a particular bill and its Legislative history, please visit: <http://www.leginfo.ca/gov>.**

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## **CONSTITUTIONAL RIGHTS**

### **SB-67 (Galgiani) - Disability access: statutory damages.**

This bill would have excepted small businesses from statutory damage liability for construction-related accessibility violations, and instead limited recovery to injunctive relief and reasonable attorney's fees. The bill would have also extended the period for correcting construction-related violations from 60 days to 120 days of being served with a complaint, and made other conforming changes.

**Status:** Held in Senate Judiciary Committee

### **SB-251 (Roth) - Civil rights: disability access.**

This bill would have provided that specified small businesses are not liable for violating a construction-related accessibility standard if the business is inspected by a certified access specialist (CASp) and the violation is corrected within a specified period of time. This bill would have also provided that a small business is not liable for certain technical violations if corrected within 15 days. The bill would have required the State Architect and the California Commission on Disability Access provide specified information on their Internet Web sites, and required local agencies to develop and provide to applicants materials relating to the Americans with Disabilities Act (ADA), and required a local agency to notify an applicant that approval of a permit does not signify that the applicant has complied with the ADA. This bill would also have required local agencies to expedite review of projects that have received a written report from a CASp indicating that the site meets applicable standards, and allowed a specified tax credit for small businesses for eligible access expenditures. This bill was vetoed by Governor Brown because it would have created a new tax credit which the Governor believes should be considered comprehensively as part of the budget deliberations.

**Status:** Vetoed by the Governor

### **SB-269 (Roth, Vidak) - Disability access.**

This bill seeks to further promote disability access compliance among small businesses by allowing a business owner 90 days from the date of a CASp inspection to fix violations before being subject to liability, and also protects small businesses from liability for certain violations if the business corrected the violation within 15 days of receiving notice of the potential violation. This bill also creates tax incentives for businesses to correct violations, and requires the State Architect and the California Commission on Disability Compliance to post specified information to their respective Web sites for the purpose of educating the public on disability access laws.

**Status:** Chapter 13, Statutes of 2016

**SB-277 (Pan, Allen) - Public health: vaccinations.**

This bill eliminates the personal belief exemption from the requirement that children receive vaccines for certain infectious diseases prior to being admitted to any public or private elementary or secondary school or day care center.

**Status:** Chapter 35, Statutes of 2015

**SB-600 (Pan) - Discrimination: citizenship: language: immigration status.**

This bill adds citizenship, primary language, and immigration status to the list of protected classes under the Unruh Civil Rights Act (Unruh), except that verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute an Unruh violation. This bill also specifies that that these protections do not require the provision of services or documents in a language other than English, beyond that which is otherwise required by existing law, as specified. This bill specifies that the inclusion of these classifications under Unruh does not constitute a change in, but is declaratory of, existing law.

**Status:** Chapter 282, Statutes of 2015

**SB-899 (Hueso) - Gender discrimination.**

This bill would have extended the Gender Repeal Tax Act's existing prohibitions against gender-based price discrimination for services of a similar or like kind to also prohibit gender-based price discrimination for goods of a substantially similar or like kind, as specified. This bill would have clarified that with respect to "goods," this Act would not prohibit price differences based specifically on the labor, materials, tariffs, or other gender-neutral reasons for having increased cost for providing the goods. This bill would have also clarified that the Act's prohibitions against gender-price discrimination for "goods" would not prohibit a retail establishment from passing through a price to the consumer that is set by a manufacturer, distributor, or other entity that the retailer cannot control. Lastly this bill would have clarified that the aforementioned exclusions from the term "goods" would not bar or otherwise impact a claim brought pursuant to the Unruh Civil Rights Act.

**Status:** Held in Assembly Judiciary Committee

**SB-1142 (Moorlach) - Disability access.**

This bill would have prohibited a construction-related accessibility claim for statutory damages from being initiated in a legal proceeding against a defendant unless the defendant has: 1) been served with a demand letter specifying each alleged violation of a construction-related accessibility standard; and 2) the alleged violations have not been corrected within 120 days of service. This bill would have provided that a

defendant is not liable for statutory damages, costs, or plaintiff's attorney's fees for an alleged violation that is corrected within 120 days of service of a demand letter. This bill would have additionally provided that when there is a conflict or difference between the federal Americans with Disabilities Act (ADA) and any state law, standard, or regulation relating to the access of individuals with disabilities to any place to which the general public is invited, the ADA shall control.

**Status:** Held in Senate Judiciary Committee

**SB-1146 (Lara) - Postsecondary education: nondiscrimination.**

This bill requires a postsecondary educational institution that claims a religious exemption from federal Title IX of the Education Amendments of 1972 or the California Equity in Higher Education Act to be accompanied by specified disclosures, made to current and prospective students, faculty members, and employees. This bill also requires that related materials be submitted to, and posted by, the California Student Aid Commission on its Web site, as specified.

**Status:** Chapter 888, Statutes of 2016

**SB-1289 (Lara) - Law enforcement: immigration.**

This bill would have prohibited local law enforcement agencies and local governments from contracting with for-profit entities to detain immigrants on behalf of federal immigration authorities. This bill would have required that immigrant detention facilities adhere to national immigration standards for the detention of immigrants. This bill would have further required that immigrants in detention be provided other legal rights, as specified. This bill would have authorized the Attorney General, district attorneys, and city attorneys to bring suits against detention facilities for violations of the national detention standards or violations of other legal rights created by this bill. In vetoing this bill, the Governor expressed that he has been troubled by recent reports detailing unsatisfactory conditions and limited access to counsel in private immigration detention facilities. The Governor noted that the Department of Homeland Security is considering whether private contracting should continue for immigrant detention, and if so under what conditions. He further noted that their recommendations are expected in November and highlighted that these actions indicate that a more permanent solution to this issue may be at hand. In his veto message, the Governor also urged the federal authorities to act swiftly.

**Status:** Vetoed by the Governor

**SB-1406 (Mendoza) - Construction-related accessibility: public entities.**

This bill requires an attorney who provides a prelitigation letter or sends or serves a complaint alleging a construction-related accessibility claim, as defined, against an education entity, as defined, to send a copy of the prelitigation letter or complaint to the California Commission on Disability Access (CCDA) within five business days, and requires the attorney to additionally submit information about the complaint, and further requires the attorney to submit the notification of judgment, settlement, or dismissal to the CCDA. This bill subjects an attorney who fails to comply with these requirements to discipline.

**Status:** Chapter 892, Statutes of 2016

**SB-1442 (Liu) - Discrimination: regulations and enforcement.**

This bill reorganizes and consolidates various statutes regarding discrimination. In addition, this bill removes the authority of various state agencies to promulgate regulations to prohibit discrimination and requires investigation and enforcement of antidiscrimination provisions to be performed by the Department of Fair Employment and Housing.

**Status:** Chapter 870, Statutes of 2016

**SCA-2 (Nguyen, Bates, Huff) - Public postsecondary education: United States flag.**

This resolution would have proposed a constitutional amendment to provide that the display of the Flag of the United States of America on the grounds of a campus of the University of California, the California State University, or the California Community Colleges shall not be prohibited.

**Status:** Held in Senate Judiciary Committee

**SCA-12 (Runner, Huff) - University of California: California residents.**

This measure proposed a constitutional amendment that would require the Regents of the University of California, as administrators of a public trust, to act in the best interests of the people of California. This measure would have required the regents to honor their fiduciary duty to California residents who aspire to take advantage of the University of California's promise of a high-quality college education by ensuring that priority in admissions is given to applicants who are California residents. This measure would have made other technical or non-substantive changes.

**Status:** Held in Senate Judiciary Committee

**SJR-13 (De León) - Voting: apportionment.**

This resolution urges the United States Supreme Court to uphold the federal constitutional principle of “one person, one vote” and to not deny California’s children and immigrants equal protection under the law.

**Status:** Resolution Chapter 160, Statutes of 2015

**SJR-19 (Jackson) - Women’s reproductive health.**

This resolution makes various findings regarding the importance of Roe v. Wade (1973) 410 U.S. 113, the services provided by Planned Parenthood, and women’s reproductive health. This resolution states California’s strong support of each of the aforementioned and the principle that each woman has a fundamental right to make decisions regarding her pregnancy. This resolution urges the United States President and Congress to express their support for access to comprehensive reproductive health care, including the services provided by Planned Parenthood and a woman’s fundamental right to control her own reproductive decisions, and to strongly oppose efforts to eliminate federal funding for Planned Parenthood.

**Status:** Resolution Chapter 52, Statutes of 2016

**AB-54 (Olsen) - Disability access: construction-related accessibility claims: demand letters.**

This bill modifies existing requirements related to the reporting of information about demand letters and complaints regarding construction-related accessibility violations to the California Commission on Disability Access (CCDA). Specifically, this bill requires the information about demand letters and complaints to be submitted in a standard format as specified by the CCDA.

**Status:** Chapter 872, Statutes of 2016

**AB-488 (Gonzalez) - Employment discrimination.**

This bill adds a new provision to the Fair Employment and Housing Act (FEHA) to expressly authorize an individual employed under a special license under the Labor Code, as specified, in a nonprofit sheltered workshop, day program, or rehabilitation facility, to bring an action under FEHA for any form of discrimination prohibited under that Act. This bill also specifies that, in any such action, the employer has an affirmative defense, as specified, if the challenged activity was permitted by statute or regulation and the challenged activity was necessary to serve employees with disabilities under the specified special license. This bill also provides, however, that nothing under FEHA relating to discrimination on account of disability shall subject an employer to legal liability for obtaining a specified license or paying an individual with a physical or mental

disability less than minimum wage pursuant to a specified license from the Industrial Welfare Commission under existing law.

**Status:** Chapter 683, Statutes of 2016

**AB-538 (Campos) - Actions for damages: felony offenses: victim notification.**

This bill requires any person or entity that enters into a contract with a criminal offender for the sale of the story of a crime for which the offender was convicted to notify the California Department of Corrections and Rehabilitation (CDCR) that the parties have entered into a contract for sale of the offender's story if: (1) the offender's conviction was for any of a list of specified serious felonies; and (2) the applicable statute of limitation provision specifying the time to commence an action for damages against a criminal offender convicted of any of those serious felonies does not preclude commencement of an action against the offender. This bill requires, within 90 days of being notified, that CDCR notify any victim or member of the victim's immediate family, as defined, who has requested notification of the existence of a contract described by this bill.

**Status:** Chapter 465, Statutes of 2015

**AB-830 (Eggman) - Civil actions: gender violence.**

This bill applies existing law remedies for victims of gender-related violence to victims of sexual orientation-based violence and otherwise defines "gender" in accordance with the Unruh Civil Rights Act, to include "gender expression" and "gender identity."

**Status:** Chapter 202, Statutes of 2015

**AB-1050 (Low and Leno) - Occupational safety and health: permanent variances**

When before this Committee, this bill would have required a charitable organization seeking authorization to participate in the state employees' charitable giving program to also certify under penalty of perjury that the organization is in compliance with the Unruh Civil Rights Act. The bill was subsequently gutted and amended to address occupational safety and health standards and specified variances.

**Status:** Vetoed by the Governor

**AB-1342 (Steinorth) - Disability access.**

This bill would have required a commercial property owner or lessor to state on every lease form or rental agreement whether or not the subject premises have undergone

inspection by a Certified Access Specialist (CAsp), as specified. In addition, this bill would have required the California Commission on Disability Access (CCDA) to establish a permanent legislative outreach coordinator position and a permanent educational outreach coordinator position. This bill was vetoed by the Governor who expressed that the two permanent positions are an issue more appropriately addressed in the annual budget process.

**Status:** Vetoed by the Governor

**AB-1521 (Committee on Judiciary) - Disability access: construction-related accessibility claims.**

This bill makes various changes to the law as it pertains to construction-related accessibility claims including: (1) requiring a high frequency litigant, as defined, to include additional information in a complaint and pay \$1,000 in addition to the filing fee, as specified; (2) requiring the existing advisory, which must be provided to a defendant with each demand letter or complaint, to include additional information regarding the rights and obligations of business owners and commercial tenants, as specified; (3) requiring an attorney to provide a defendant or potential defendant with an answer form developed by the Judicial Council, which would allow a defendant to respond in the event a complaint is filed, as specified; (4) requiring, if requested by the defendant, the court to order the parties and their counsel to meet at the subject premises to jointly inspect the premises, as specified; (5) requiring property owners to indemnify a microbusiness tenant, as defined, from liability arising from any construction-related accessibility claims, as specified; and (6) specifying that attorneys and/or plaintiffs must certify that specified conditions have been met, including, but not limited to, that the action is not being presented primarily for an improper purpose, such as to harass or to cause unnecessary delay, as specified.

**Status:** Chapter 755, Statutes of 2015

**AB-1684 (Mark Stone) - Civil actions: human trafficking.**

This bill, independent of any other remedy or procedure that might apply, provides the Department of Fair Employment and Housing (DFEH) with the authority to receive, investigate, conciliate, mediate, and prosecute human trafficking complaints on behalf of a human trafficking victim, as specified. Under this bill, damages awarded in any such DFEH action shall be awarded to the person harmed by the violation of human trafficking, as specified, but costs and attorney's fees awarded in any such action shall be awarded to the DFEH.

**Status:** Chapter 63, Statutes of 2016



**AB-1887 (Low) - State government: discrimination: travel.**

This bill prohibits state agencies from requiring state employees to travel to states that discriminate on the basis of sexual orientation, gender identity, or gender expression, and prohibits state agencies from approving state-funded travel to such state, except as provided. This bill does not apply to travel that is required travel for, among other things: (1) enforcement of California law, including auditing and revenue collection; (2) litigation; (3) to meet contractual obligations incurred before January 1, 2017; (4) to comply with requests by the federal government to appear before committees; or (5) for the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office, as specified.

**Status:** Chapter 687, Statutes of 2016

**AB-2093 (Steinorth) - Disability access.**

This bill makes various changes to the law as it pertains to commercial rental agreements and construction-related access violations. Specifically, seeking to better achieve compliance with disability access requirements in California, this bill requires specific disclosures to commercial tenants with regard to the compliance status of a rental property, allows a tenant to rescind the lease based on information in a CASp report, and requires certain information to be made publicly available by the California Commission on Disability Access.

**Status:** Chapter 379, Statutes of 2016

**AB-2707 (Ridley-Thomas) - Stop Consumer Racial Profiling Act of 2016.**

This bill would have established the Stop Consumer Racial Profiling Act of 2016 (Act) to prohibit business establishments from using consumer racial profiling, as specified. Specifically, this bill would have defined "consumer racial profiling" to mean the profiling or targeting of a person that results in differential treatment based on his or her race or ethnicity and that constitutes a denial or degradation in the product or service offered to customers, and includes, but not be limited to, refusal to serve, removal from the business establishment premises, segregated seating, requiring additional forms of identification, and surveillance practices based on race or ethnicity. This bill would have made this Act enforceable by the Department of Fair Employment and Housing. Governor Brown vetoed this bill because the "Unruh Civil Rights Act -- in a more expansive way -- already prohibits the racial discrimination covered by this bill. Moreover, the state has vested in the Department of Fair Employment and Housing a full range of strong enforcement authority, including for those claims dealing with racial profiling."

**Status:** Vetoed by the Governor

**AB-2873 (Thurmond) - Certified access specialists.**

This bill, commencing January 1, 2020, would have required that all building inspectors employed by a local agency who review for compliance with state construction-related accessibility standards be Certified Access Specialists, as specified. This bill would have also increased the fee, from January 1, 2017 through December 31, 2019, attached to an application for a local business license from \$1 to \$4. By removing an existing sunset, commencing January 1, 2020, this bill would have extended the \$1 fee indefinitely.

**Status:** Senate Inactive File

**AB-2844 (Bloom) - Public contracts: discrimination.**

This bill requires a person that submits a bid or proposal to, or otherwise proposes to enter into or renew a contract of \$100,000 or more with a state agency, as defined, to certify, under penalty of perjury, their compliance with the Unruh Civil Rights Act and the Fair Employment and Housing Act, and that any policy against a Sovereign nation or peoples, including, but not limited to, the nation and people of Israel, are not used to discriminate in violation of those laws. This bill sets forth various findings and declarations regarding the state's anti-discrimination policies and First Amendment rights, as specified.

**Status:** Chapter 581, Statutes of 2016

**ACR-67 (Mullin, Bonta, Chiu, Thurmond, Ting) - Ballot measures.**

This resolution provides that the Legislature stands in moral and legal objection to the ballot measure proposing to enact the Sodomite Suppression Act, and to any other ballot measure that seeks to inflict harm on innocent persons or diminish current civil rights protections. This resolution calls upon the residents of the State of California to reject bigotry and hate speech.

**Status:** Resolution Chapter 171, Statutes of 2015

**ACR-95 (Mathis) - American Flag.**

This resolution declares that the American flag is an inseparable part of California's rich history, tradition, and culture and that the American flag represents the values of freedom and liberty. This resolution also calls upon the state and local governments to prohibit any government entity in the state from banning the American flag from public property, including, but not limited to, public schools, public colleges, public universities, state beaches, public parks, public monuments, museums, and government offices.

**Status:** Resolution Chapter 115, Statutes of 2016

**AJR-38 (Eduardo Garcia) - Foreign nationals: CHANGE Act.**

This resolution urges Congress to pass, and the President to sign, the Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act to prohibit federal executive agencies from using the derogatory term “alien” to refer to individuals who are not a citizen or national of the United States.

**Status:** Resolution Chapter 133, Statutes of 2016

**AJR-45 (Chiu) - Civil rights: the Equality Act.**

This resolution calls upon Congress to pass the Equality Act of 2015, which amends the Civil Rights Act of 1964 to include protections on the basis of sexual orientation, gender identity, and sex in the areas of employment, housing, public accommodations, public education, federal funding, credit, and the jury system.

**Status:** Resolution Chapter 169, Statutes of 2016

## **EMPLOYMENT AND LABOR**

**SB-249 (Hueso) - Vehicles: enhanced driver’s license.**

This bill would have authorized the Department of Motor Vehicles (DMV) to enter into a memorandum of understanding with a federal agency for the issuance of an enhanced driver’s license, instruction permit, provisional license, or identification card. This bill would have authorized the DMV to issue or renew, upon request, an enhanced driver’s license, instruction permit, provisional license, or identification card for specified persons, and would have required the DMV to submit an annual report, as specified, on the implementation of the enhanced driver’s license and identification card. The bill would have required a person applying for an enhanced driver’s license, instruction permit, provisional license, or identification card to submit an additional application fee, not to exceed the reasonable regulatory cost or \$55, whichever is less, and to provide specified information to the applicant. When the bill was heard in Committee, it contained a prohibition on employment retaliation if an employee refused to obtain the enhanced driver’s license; that provision was subsequently removed from the bill. Although Governor Brown supports the purpose of the bill to allow easier passage across certain borders within the Western Hemisphere, he vetoed the bill because he believes that there are other means, such as the U.S. Passport Card, that achieve the same goal without imposing new burdens on the DMV.

**Status:** Vetoed by the Governor

**SB-358 (Jackson) - Conditions of employment: gender wage differential.**

This bill revises California's equal pay law to prohibit an employer from paying any of its employees at wage rates less than rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. This bill revises the "bona fide factor" exception in existing law to require the employer to prove: (1) the factor is not based on or derived from a sex-based differential in compensation and is consistent with a business necessity, as specified, such as a difference in education, training, or experience that is job related with respect to the position in question; (2) each factor relied upon is applied reasonably; and (3) the factors relied upon account for the entire pay differential. This bill also prohibits discrimination or retaliation against an employee who inquires about the wages paid to other employees.

**Status:** Chapter 546, Statutes of 2015

**SB-588 (De León) - Employment: nonpayment of wages: Labor Commissioner: judgment enforcement.**

This bill establishes procedures through which the Labor Commissioner can enforce judgments against employers who fail to satisfy a final judgment relating to the nonpayment of wages to employees. This bill authorizes the Labor Commissioner to levy upon the employer's bank accounts, accounts receivable, and real and personal property, as specified, provide for third-party claims to the property, specify due process notice, hearing, and appeals requirements, authorize a stop order to issue against the employer, and prohibit the continuation of business until the employer posts a bond, as specified. This bill also requires the Labor Commissioner to report to the State Department Public Health or the State Department of Social Services if a long-term care facility is operating in violation of the surety bond provisions. This bill makes entities contracting with the employer for property services (janitorial, security guard, valet parking, landscaping, and gardening) and long-term care facility industries jointly and severally liable for the unpaid judgment, as specified.

**Status:** Chapter 803, Statutes of 2015

**SB 654 (Jackson) - Unlawful employment practice: parental leave.**

SB 654 would have made it an unlawful employment practice for an employer, who employs 20 or more employees, to refuse to allow an eligible employee to take up to six weeks of job protected parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement. SB 654 also would have prohibited an employer from refusing to maintain and pay for the employee's continued group health coverage during the duration of the leave. SB 654 was vetoed by the Governor who expressed his concern about the impact of this leave particularly on small businesses

and the potential liability that could result. In his veto message, the Governor encouraged the author to explore an amendment that would allow an employee and employer to pursue mediation prior to a lawsuit being brought.

**Status:** Vetoed by the Governor.

**SB-703 (Leno) - Public contracts: prohibitions: discrimination.**

This bill prohibits a state agency from entering into any contract for the acquisition of goods or services in the amount of \$100,000 or more with a contractor that, in the provision of benefits, discriminates between employees on the basis of the employee's or dependent's actual or perceived gender identity, including, but not limited to, the employee's or dependent's identification as transgender. This bill provides specified waivers, and authorizes a person alleging a violation by a contractor to file a complaint with the Department of General Services.

**Status:** Chapter 578, Statutes of 2015

**SB-950 (Nielsen) - Excluded employees: arbitration.**

This bill would have established the Excluded Employee Arbitration Act which would have authorized binding arbitration on behalf of an excluded state employee for alleged violations of working conditions, as specified, whose grievance had not been resolved after the fourth level of review. This bill was vetoed by the Governor who expressed that expanding the grievance process for the state's managers to include legally binding arbitration would reduce departments' ability to effectively manage state operations and would result in significant unbudgeted state costs.

**Status:** Vetoed by the Governor

**SB-1001 (Mitchell) - Employment: unfair practices.**

This bill prohibits an employer from requesting more or different employment authorization documents than are required under federal law, refusing to honor documents tendered, refusing to honor documents or work authorization based upon the specific status or the term of status accompanying the authorization, or reinvestigating or re-verifying an incumbent employee's authorization to work. This bill also provides that the violation of these provisions could result in a civil penalty of not more than \$10,000 imposed by the Labor Commissioner.

**Status:** Chapter 782, Statutes of 2016

**SB-1163 (Leno) - Firefighters: rights and protections.**

This bill would have extended the existing rights and protections under the Firefighters Procedural Bill of Rights of a firefighter who is a paramedic or emergency medical

technician (EMT firefighter) to events and circumstances giving rise to disciplinary cause of the EMT firefighter pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act.

**Status:** Held in Senate Appropriations Committee

**SB-1166 (Jackson) - Unlawful employment practice: parental leave.**

This bill would have established the New Parent Leave Act and made it an unlawful employment practice for an employer, who employs 10 or more employees, to refuse to allow an employee, with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period, to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. This bill also would have prohibited an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes this leave. After this bill died in Assembly Labor and Employment Committee, the author amended SB 654 (Jackson) to contain provisions that would have enacted the New Parent Leave Act. SB 654 would have made it an unlawful employment practice for an employer, who employs 20 or more employees, to refuse to allow an eligible employee to take up to six weeks of job protected parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement. SB 654 also would have prohibited an employer from refusing to maintain and pay for the employee's continued group health coverage during the duration of the leave. SB 654 was vetoed by the Governor who expressed his concern about the impact of this leave particularly on small businesses and the potential liability that could result. In his veto message, the Governor encouraged the author to explore an amendment that would allow an employee and employer to pursue mediation prior to a lawsuit being brought.

**Status:** Failed passage in Assembly Labor and Employment Committee

**SB-1342 (Mendoza) - Wages: investigations: subpoenas.**

This bill specifies that a legislative body of a city or county is authorized to delegate that body's authority to issue subpoenas and to report noncompliance thereof to the judge of the superior court of the county, to a county or city official or department head in order to enforce any local law or ordinance, including local wage laws. The bill provides legislative findings in support of this provision.

**Status:** Chapter 115, Statutes of 2016

**AB-289 (Melendez) - Legislature: Legislative Employee Whistleblower Protection Act.**

This bill would have enacted the Legislative Employee Whistleblower Protection Act and prohibited a Member of the Legislature or legislative employee from directly or indirectly using or attempting to use that person's official authority or influence to attempt to or actually intimidate, threaten, coerce, command, a legislative employee for the purpose of interfering with the right of that employee to make a protected disclosure, as defined. This bill would also have prohibited retaliation against that employee for making a whistleblower complaint and would have provided a right of action against a violating Member, subject to the doctrine of legislative immunity.

**Status:** Held in Senate Appropriations Committee

**AB-465 (Roger Hernández) - Contracts against public policy.**

This bill would have prohibited a person from threatening, retaliating, or discriminating against another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for a violation of the Labor Code, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Labor Commissioner, state agency, other public prosecutor, law enforcement agency, or any court or other governmental entity, and would have required any waiver to be knowing and voluntary and in writing, and expressly not made as a condition of employment. Governor Brown vetoed this bill because he believes that arbitration agreement abuses by employers should be resolved through targeted legislation rather than a blanket prohibition. Further, Governor Brown stated that a blanket ban on mandatory arbitration agreements is a far-reaching approach consistently struck down in other states as violating the Federal Arbitration Act, and he wants to see the outcome of two cases currently under review by the U.S. Supreme Court arising out of California courts involving preemption of state arbitration policies under the FAA.

**Status:** Vetoed by the Governor

**AB-621 (Roger Hernández) - Drayage truck operators.**

This bill establishes the Motor Carrier Employer Amnesty program and relieves a motor carrier performing drayage services at one or more ports in California from liability for statutory or civil penalties associated with misclassification of commercial drivers as independent contractors if the motor carrier enters into a settlement agreement before January 1, 2017, with the Labor Commissioner whereby the motor carrier agrees to convert all of its commercial drivers to employees.

**Status:** Chapter 741, Statutes of 2015

**AB-676 (Calderon) - Employment: discrimination: status as unemployed.**

This bill would have prohibited an employer from: (1) publishing an advertisement or announcement for a job that includes a provision stating or indicating that an unemployed person was not eligible for the job; or (2) asking an applicant to disclose the applicant's employment status until the employer had determined that the applicant had met the minimum employment qualifications for the position. This bill is similar to AB 1450 (Allen, 2012), which was vetoed by Governor Brown because he believed AB 1450 would lead to unnecessary confusion. This bill is also substantially similar to AB 2271 (Calderon, 2014), which was vetoed because Governor Brown believed it could impede the state's efforts to connect unemployed workers to prospective employers, and that the bill would not provide the proper path to helping unemployed Californians get back to work. Governor Brown also vetoed this bill because it is substantially similar to the bill he vetoed last year, and he still believes that the author's approach does not provide a proper or even effective path to get unemployed people back to work.

**Status:** Vetoed by the Governor

**AB-883 (Low) - Employment: public employee status.**

This bill would have prohibited a state or local agency, as defined, from advertising or announcing a job that discriminates against an applicant who is a current or former public employee. Although Governor Brown stated he understood what the sponsors intended with the bill, he vetoed the bill because he believed its provisions could limit legitimate efforts of public jurisdictions to manage their workforce.

**Status:** Vetoed by the Governor

**AB-987 (Levine) - Employment discrimination: unlawful employment practices.**

This bill makes it an unlawful employment practice under the Fair Employment and Housing Act for an employer or other covered entity to retaliate or otherwise discriminate against a person who requests an accommodation for the person's religious belief or observance or for the person's known physical or mental disability, regardless of whether the request was granted.

**Status:** Chapter 122, Statutes of 2015

**AB-1383 (Jones) - Veterans' preferences: voluntary policy.**

This bill would have enacted the Voluntary Veterans' Preference Employment Policy Act and would have authorized a private employer to establish a veterans' preference employment policy.



**Status:** Held in Senate Judiciary Committee

**AB-1506 (Roger Hernández) - Labor Code Private Attorneys General Act of 2004.**

This bill revises the Labor Code Private Attorneys General Act of 2004 to provide an employer with the right to cure a violation of failing to provide its employees with a wage statement containing the inclusive dates of the pay period and the name and address of the legal entity that is the employer.

**Status:** Chapter 445, Statutes of 2015

**AB-1509 (Roger Hernández) - Employees: protected disclosures and complaints: retaliation.**

This bill prohibits an employer, unless otherwise exempt as specified, from discharging an employee or in any manner discriminating, retaliating, or taking any adverse action against any employee because the employee is a family member of a person who has, or is perceived to have, filed a claim with or instituted a proceeding before the Labor Commissioner, testified or is going to testify in a proceeding before the Labor Commissioner, disclosed information to a government or law enforcement agency, as specified, participated in an occupational health and safety committee, as specified, or exercised rights afforded to employees by the Labor Code. This bill also prohibits an employer from making, adopting, or enforcing any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, as specified. This bill expands these prohibitions to include a person acting on behalf of the employer, including, but not limited to, a client employer, as specified.

**Status:** Chapter 792, Statutes of 2015

**AB-1676 (Campos, Gonzalez) - Employers: wage discrimination.**

This bill clarifies that prior salary, by itself, cannot be used to justify any disparity in compensation between men and women.

**Status:** Chapter 856, Statutes of 2016

**AB-1788 (Melendez) - Legislature: Legislative Employee Whistleblower Protection Act.**

This bill would have enacted the Legislative Employee Whistleblower Protection Act and prohibited a Member of the Legislature or legislative employee from directly or indirectly using or attempting to use that person's official authority or influence to intimidate, threaten, coerce, or command a legislative employee for the purpose of interfering with the right of that employee to make a protected disclosure, as defined. This bill would

have also prohibited retaliation against that employee for making a whistleblower complaint and would have provided a right of action against a violating Member, subject to the doctrine of legislative immunity.

**Status:** Held in Senate Appropriations Committee

**AB-2261 (Roger Hernández) - Division of Labor Standards Enforcement: duties.**

This bill would have authorized the Division of Labor Standards Enforcement (DLSE) to, with or without receiving a complaint from an employee, commence an investigation of an employer that it suspects to have discharged or otherwise discriminated against an individual in violation of any law under the jurisdiction of the Labor Commissioner. This bill further would have required the assigned investigator to prepare and submit an investigation report to the Labor Commissioner based on its findings. Moreover, this bill would have required the DLSE in investigating employers under this provision, to follow the existing processes and requirements for employee initiated cases of unlawful discharge or discrimination.

**Status:** Senate Inactive File

**AB-2337 (Burke) - Employment protections: victims of domestic violence, sexual assault, or stalking.**

This bill requires employers to provide their employees with written notice of their right to take time off from work for certain purposes if they are a victim of domestic violence, sexual assault, or stalking. In order to facilitate compliance by employers, this bill requires the Labor Commissioner (Commissioner) to develop a form that employers could use to comply with the notice requirement. This bill further requires the Commissioner to post the form on his or her Web site on or before July 1, 2017, and provides that an employer is not required to comply with the disclosure requirement until the Commissioner posts the form.

**Status:** Chapter 355, Statutes of 2016

**AB-2780 (Holden) - Fair Employment and Housing Council: membership: length of terms.**

This bill provides adjustments to the term lengths of the seven Fair Employment and Housing Council Members and staggers terms of council members beginning January 1, 2017. Specifically, this bill requires, beginning January 1, 2017, that the terms of four of the Council Members be four years in length and the terms of three of the Council Members be two years in length, and provides that after the terms of these initial appointments expire, Council Members would be appointed to serve four-year terms.

This bill further provides that vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

**Status:** Chapter 188, Statutes of 2016

## **CONSUMER PROTECTION**

### **SB-235 (Block) - Small dollar loans: finder duties and compensation**

This bill authorizes finders under the Pilot Program for Increased Access to Responsible Small Dollar Loans (pilot program) to disburse loan proceeds to borrowers, receive loan payments from borrowers, and provide notices and disclosures to borrowers, as specified; increases allowable finder compensation; and provides pilot program lenders greater flexibility in the way(s) in which they compensate their finders.

**Status:** Chapter 505, Statutes of 2015

### **SB-285 (Block) - Pawnbrokers: compensation: loans.**

Existing law regulates pawnbrokers and sets the maximum compensation that may be charged or received for loans to their customers. This bill would increase the maximum compensation levels authorized under current law. This bill would also authorize a pawnbroker to deliver, at the sole option of the pledgor, specified notices via electronic mail.

**Status:** Chapter 245, Statutes of 2015

### **SB-300 (Mendoza) - Pawnbrokers: regulations.**

This bill would authorize a pawnbroker to execute a written contract for a replacement loan for which goods are received in pledge as security if the contract and transaction comply with the provisions of the Uniform Electronic Transactions Act. This bill would additionally authorize a pawnbroker to deliver, at the sole option of the pledgor, specified notices via electronic mail.

**Status:** Chapter 417, Statutes of 2015

### **SB-386 (Allen) - Consumer affairs.**

This bill adds to the list of acts prohibited by the Consumer Legal Remedies Act the act of advertising or offering for sale a financial product that is illegal under state or federal law, including any cash payment for the assignment to a third party of a consumer's right to receive future pension or veteran's benefits. This bill also adds a provision to the Military and Veterans Code prohibiting a person from advertising, offering, or entering into an agreement with a pension beneficiary that would involve an assignment

of pension benefits that is prohibited by state or federal law, and makes other technical changes to existing law.

**Status:** Chapter 246, Statutes of 2015

**SB-438 (Hill, Hertzberg) - Motor vehicles: reportable property damage.**

This bill increases the minimum amount of damage to property resulting from a motor vehicle accident that must be reported to the Department of Motor Vehicles from \$750 to \$1,000. This bill makes corresponding changes to the minimum judgment amount that qualifies a judgment debtor, found liable for that damage but who has failed to pay the judgment rendered thereon, to have his or her driver's license suspended or revoked. This bill was subsequently gutted and amended twice. The bill was first amended to require all cartridges for electronic cigarettes and solutions for filling and refilling an electronic cigarette to be in child-resistant packaging, as defined. The bill was then amended to declare the intent of the Legislature to work with the Administration through the fall 2015 recess in order to establish a California Earthquake Safety Board by July 1, 2016.

**Status:** Chapter 803, Statutes of 2016

**SB-474 (Wieckowski) - Auctions.**

Existing law provides that an auctioneer in an auction for real property is prohibited from announcing or allowing a bid offered for the sole purpose of increasing the bid amount unless specified conditions are met. This bill eliminates the creditor bid exemption and re-casts the existing prohibition on announcing or allowing a bid offered for the sole purpose of increasing the bid amount to instead apply only to increased bids offered by the auctioneer.

**Status:** Chapter 354, Statutes of 2015

**SB-577 (Hueso) - Securities: qualification: exemptions.**

This bill would have authorized three new securities permitting exemptions, as specified, and would have increased, from \$300 to \$1,000, the maximum allowable aggregate investment of any shareholder in shares of a consumer cooperative corporation or member in memberships of a consumer cooperative corporation.

**Status:** Held in Senate Judiciary Committee

**SB-633 (Hill) - Consumer protection: "Made in U.S.A." label.**

This bill prohibits the sale of merchandise labeled "Made in U.S.A.," "Made in America," "U.S.A.," or similar words if the merchandise or any article, unit, or part thereof, has been entirely or substantially made, manufactured, or produced outside of the United

States, unless: (1) the articles, units, or parts of the merchandise obtained from outside the United States constitute not more than five percent of the final manufactured product; or (2) the articles, units, or parts of the merchandise obtained from outside the United States constitute not more than 10 percent of the final manufactured product and the manufacturer of the merchandise shows that it can neither produce the articles, units, or parts within the United States nor obtain the articles, units, or parts from a domestic source. This bill specifies that exemptions for merchandise with content obtained from outside the United States are measured based on the final wholesale value of the manufactured product.

**Status:** Chapter 238, Statutes of 2015

**SB-641 (Wieckowski) - Debt buying: default judgment.**

This bill adds a provision to the Fair Debt Buying Practices Act (FDBPA) to provide consumers, in limited circumstances involving actions brought by debt buyers, extended time to file a motion to set aside a default or default judgment and for leave to defend an action relating to debt, if the service of summons did not result in actual notice to the consumer in time to defend the action. This bill requires, except in cases of identity theft or mistaken identity, that the consumer serve and file the notice of motion within a reasonable time, but in no event exceeding the earlier of either: (1) six years after entry of the default or default judgment; or (2) 180 days of the first actual notice of the action, as specified.

**Status:** Chapter 804, Statutes of 2015

**SB-647 (Morrell) - Real estate investments: securities: qualification exemption.**

The Real Estate Law requires any transaction that involves the sale of a note secured directly by an interest in a parcel of real property to comply with specified requirements, including limiting the principal amount of the note based on a percentage of the current market value of the property. This bill adds a new loan to value limit for real estate based lending involving land producing income from crops, timber, or minerals. This bill removes the requirement that brokers annually obtain a completed investor questionnaire from each person to whom the broker offers or sells a note secured directly by an interest in a parcel of real property, and removes a reporting requirement for certain types of real estate loans.

**Status:** Chapter 263, Statutes of 2015

**SB-648 (Mendoza) - Health and care facilities: referral agencies.**

This bill would have added referrals to residential care facilities for the elderly to the body of law requiring anyone who refers someone to a skilled nursing or intermediate care facility for compensation to be licensed as a referral agency. This bill also would have established new requirements on referral agencies, including disclosure of any agreement with the facilities that clients are being referred to, any commissions or fees received, and a requirement for liability insurance. In his veto message, the Governor explained that the proponents of the measure had not made a convincing case for the creation of an expansive and costly licensing scheme for agencies that make referrals to residential care facilities for the elderly.

**Status:** Vetoed by the Governor

**SB-681 (Hill) - Civil law: patents.**

This bill would have made it unlawful to send a written communication stating that the recipient may have infringed on a United States patent if, in bad faith, the sender makes specified statements, seeks compensation for specified conduct, or fails to include specified information in the communication. This bill would have also provided specific remedies for sending such unlawful communications, and would have specified that those remedies may only be obtained by the Attorney General or an attorney acting on behalf of the state. This bill was subsequently gutted and amended to address a different subject.

**Status:** Held in the Senate Appropriations Committee

**SB-696 (Roth) - Insurance: principle-based valuation.**

This bill establishes a new method of calculating reserve requirements for various types of life and disability policies and contracts using a principle-based valuation that meets specified conditions. This bill makes confidential all information, documents, and copies thereof obtained by or disclosed to the Insurance Commissioner (Commissioner) or any other person in the course of an examination or investigation regarding life and disability insurance reserve liabilities, and all information required to be reported to the Commissioner in support of reserve liability opinions. This bill exempts that information from disclosure under the California Public Records Act, and provides that the information would not be subject to subpoena or discovery from the Commissioner or admissible into evidence in any private civil action if obtained from the Commissioner in any manner.

**Status:** Chapter 658, Statutes of 2015

**SB-761 (Hall) - Advertising: Internet private residence rental listings: notice.**

This bill requires a hosting platform to provide a specific notice to individuals listing a residence for short-term rental on the platform, as specified. This bill states that the notice must be provided immediately before an individual lists real property on the hosting platform, and requires the individual listing the property to interact with the hosting platform to affirmatively acknowledge that he or she has read the notice.

**Status:** Chapter 239, Statutes of 2015

**SB-1092 (Monning) - Advertising: Internet private residence rental listings: notice.**

This bill requires residential hosting platforms to provide a notice warning individuals to review any restrictions on coverage under their homeowners' or renters' insurance policy related to short-term rental activities to ensure that there is appropriate insurance coverage in the event of a loss arising out of those activities.

**Status:** Chapter 113, Statutes of 2016

**SB-1130 (Wieckowski) - False advertising: substantiation of claims: county counsel.**

This bill adds county counsels to the list of public prosecutors authorized to require persons who make advertising claims that purport to be based on factual, objective, or clinical evidence, that compare a product's effectiveness or safety to that of other brands or products, or that purport to be based on any fact, to substantiate their claims. This bill extends to county counsels the authority to seek immediate termination or modification of unsubstantiated advertising claims, or to disseminate information concerning the veracity of such claims.

**Status:** Chapter 38, Statutes of 2016

**SB-1232 (Leno) - CalWORKs and CalFresh: eligibility determinations.**

This bill requires a county human services agency that uses information contained in a consumer credit report for the determination of CalFresh or CalWORKs eligibility or benefit level to obtain written authorization from the applicant or recipient prior to obtaining the credit report and to provide the recipient with a specified notice. This bill prohibits county human services agencies from requiring CalFresh or CalWORKs applicants or recipients to provide hard-copy documentation that is duplicative of the information obtained from the credit reporting agency.

**Status:** Chapter 308, Statutes of 2016

**AB-264 (Dahle) - Farm products: processors: produce dealers: seeds.**

This bill expands the California Seed Law (CSL), which authorizes the Secretary of Food and Agriculture to develop methods and procedures for the conciliation, mediation, or arbitration of disputes concerning label statements, advertisements, or other disputes regarding the quality or performance of seed, to also make those methods and procedures applicable to financial disputes between seed dealers and growers. This bill provides, pursuant to the CSL, that every producer of a flower, agricultural, or vegetable seed that sells seed that is grown by him or her to any seed dealer under contract, has a lien upon that product and upon all processed or manufactured forms of that product for his or her labor, care, and expense in growing and harvesting that product. This bill excludes flower, agricultural, or vegetable seeds from the definition of farm products subject to regulation, licensing, and enforcement by the Market Enforcement Branch of the California Department of Food and Agriculture.

**Status:** Chapter 294, Statutes of 2015

**AB-285 (Gallagher) - Professions and vocations: registration.**

This bill, until January 1, 2021, repeals all secondary county registration requirements for unlawful detainer assistants (UDAs) and legal document assistants (LDAs), establishes a 15-hour continuing legal education requirement for UDA and LDA registration and renewal, provides for additional oral and written client disclosures, and provides that the venue for any disputes involving a UDA or LDA would be in the county of the client's primary residence. This bill also authorizes a county clerk to assign the same registration number to a UDA, LDA, process server, and professional copier renewing his or her registration as long as the registration has not lapsed for three or more years.

**Status:** Chapter 295, Statutes of 2015

**AB-287 (Gordon, Eggman, Mark Stone) - Vehicle safety: recalls.**

This bill establishes various consumer and car dealer protections for recalled vehicles. Specifically, this bill prohibits the renting or loaning of a vehicle subject to a manufacturer's recall; requires the Department of Motor Vehicles, when mailing a notice of registration renewal, to notify a vehicle owner how to determine if their vehicle is subject to recall; and includes the cost of disposing of hazardous materials in the compensation paid to the dealer for repairing vehicle recalls.

**Status:** Chapter 682, Statutes of 2016



**AB-459 (Daly) - Insurance: insurable interest: declaratory relief.**

This bill would have authorized an owner of record of a life insurance policy issued for delivery in California prior to January 1, 2010, and having a death benefit equal to or greater than \$1,000,000, who believes that the insurer may challenge the policy for lack of an insurable interest, to bring an action for declaratory relief no later than January 1, 2018, seeking a court order declaring the policy to have a valid insurable interest.

**Status:** Senate Inactive File

**AB-508 (Cristina Garcia) - Public health: maternal health.**

This bill would have established a maternal mortality review panel to conduct ongoing comprehensive, multidisciplinary reviews of maternal deaths and severe maternal morbidity in California to identify factors associated with the deaths and make recommendations for system changes to improve health care services for women in this state. This bill would have required the Department of Public Health to review department available data to identify maternal deaths and would have required that the Department prepare and submit to the Legislature a biennial report on maternal mortality in California based on the data collected.

**Status:** Held in Senate Judiciary Committee

**AB-553 (Daly) - Insurance: corporate governance: insurance holding companies.**

This bill establishes the Corporate Governance Disclosure Act (CGDA) in order to provide the California Insurance Commissioner (Commissioner) a summary of an insurer or insurance group's corporate governance structure, policies, and practices as specified. This bill makes confidential all documents, materials, or other information, obtained by, created by, or disclosed to the Commissioner or any other person, and exempts that information from disclosure under the California Public Records Act. This bill also authorizes the Commissioner, upon notice and opportunity for all interested parties to be heard, to issue rules, regulations, and orders as may be necessary to implement the CGDA.

**Status:** Chapter 213, Statutes of 2015

**AB-556 (Irwin) - Charitable trusts: regulation and enforcement.**

This bill establishes additional 10 year statutes of limitations for the Attorney General (AG) to bring an action (1) pursuant to specified involuntary trust laws under the Civil Code; (2) arising out of a violation of the Uniform Supervision of Trustees and Fundraisers for Charitable Purposes Act (Charitable Purposes Act), pursuant to specified involuntary trust laws, or pursuant to the Nonprofit Corporation Law; and (3)

against a person who aids or abets a violation of the Charitable Purposes Act, specified involuntary trust laws, or Nonprofit Public Benefit Corporations laws. This bill also modifies the Charitable Purposes Act's definitions of "commercial fundraiser for charitable purposes" and "fundraising counsel for charitable purposes," as specified.

**Status:** Chapter 299, Statutes of 2015

**AB-675 (Alejo) - Rental vehicles: disclosures: obligations.**

This bill authorizes a rental company, when quoting a rental rate, to separately state the rental rate, additional mandatory charges, if any, and a mileage charge, if any, that a renter must pay to hire or lease the vehicle for the period of time to which the rental rate applies. This bill defines "additional mandatory charges" to mean any separately stated charges that the rental car company requires the renter to pay to hire or lease the vehicle for the period of time to which the rental rate applies, which are imposed by a governmental entity and specifically relate to the operation of a rental car business, including, but not limited to, a customer facility charge, airport concession fee, tourism commission assessment, vehicle license recovery fee, or other government imposed taxes or fees.

**Status:** Chapter 333, Statutes of 2015

**AB-1072 (Daly) - Insurance: firefighters' or police officers' benefit and relief associations.**

This bill requires firemen's, policemen's or peace officers' benefit and relief associations that issue long-term disability or long-term care policies or contracts to submit actuarial opinions, as specified, to the Insurance Commissioner. This bill provides that documents, materials, or other information, including the opinion with supporting memoranda, required to be submitted by an association, in the possession or control of the Department of Insurance that are obtained by, created by, or disclosed to the Commissioner or any other person, are recognized as being proprietary and containing trade secrets, and those documents, materials, or other information would be required to be kept confidential by law and privileged, not subject to disclosure by the Commissioner pursuant to the California Public Records Act, and not subject to subpoena, discovery from the Commissioner, or admissible into evidence in any private civil action if obtained from the Commissioner in any manner. This bill sunsets on December 31, 2018.

**Status:** Chapter 503, Statutes of 2015

**AB-1097 (Holden) - Alarm companies: electronic transactions.**

This bill, notwithstanding the existing Uniform Electronic Transactions Act's general prohibition against electronic home solicitation contracts, authorizes persons licensed, certified, or registered pursuant to the Alarm Company Act (Act), to conduct transactions, electronically, for services or activities authorized under that Act, if the contracting customer consents and has not withdrawn that consent. This bill would provide that a notice of cancellation and copies of the contract or offer may be provided and transmitted electronically. This bill also provides that notwithstanding the existing requirements for home solicitation contracts to be in a specified form and to include certain disclosures and a detachable written notice of cancellation, for contracts for services or other activities authorized by this chapter, the signatures, disclosures, and documents described in those provisions may be provided and transmitted electronically.

**Status:** Chapter 439, Statutes of 2015

**AB-1107 (Irwin) - Sellers of travel: regulation.**

Existing law, as a matter of consumer protection, regulates sellers of travel, requires their registration with the Attorney General, and establishes the Travel Consumer Restitution Fund (TCRF), from which specified consumers may be compensated if the seller fails to provide the contracted-for goods. This bill additionally requires a seller of travel to maintain business records for a minimum of three years; authorizes the Attorney General to recover costs and attorney fees pursuant to an audit that determines the seller's noncompliance with applicable law; and authorizes the TCRF to electronically bill sellers of travel.

**Status:** Chapter 253, Statutes of 2015

**AB-1178 (Achadjian) - Vehicles: manufacturers and distributors.**

Existing law prohibits a vehicle manufacturer or distributor from taking or threatening to take an adverse action against a dealer pursuant to an export or sale-for-resale prohibition because the dealer sold or leased a vehicle to a customer who either exported the vehicle to a foreign country or resold the vehicle, unless the export or sale-for-resale prohibition policy was provided to the dealer in writing prior to the sale or lease, and the dealer knew or reasonably should have known of the customer's intent to export or resell the vehicle in violation of the prohibition. This bill recasts the above prohibition. The bill provides that a rebuttable presumption is established that the dealer did not have reason to know of the customer's intent to export or resell the vehicle if the dealer causes the vehicle to be registered in this or any other state, and collects or causes to be collected any applicable sales or use tax due to this state. The bill also, in any proceeding in which a challenge to an adverse action is at issue, requires the

burden of proof to be on the manufacturer, manufacturer branch, distributor, or distributor branch. This bill also authorizes the New Motor Vehicle Board to hear protests by an association challenging the legality of an export or sale-for-resale prohibition policy of a manufacturer, manufacturer branch, distributor, or distributor branch, and establishes procedures for hearing those protests.

**Status:** Chapter 526, Statutes of 2015

**AB-1131 (Dababneh) - Insurance: electronic transmission.**

This bill, until January 1, 2021, authorizes an insurer, agent, broker, or any other person required to be licensed by the California Department of Insurance, to send individual life insurance and annuity records by electronic transmission. This bill expands the scope of electronic notice provisions under the California Uniform Electronic Transactions Act (UETA) by allowing the above licensees to send a life insurance or annuity written record by electronic transmission, if not specifically excluded under UETA, and if the licensee meets specified requirements. This bill also requires the Insurance Commissioner to submit a report, as specified.

**Status:** Chapter 638, Statutes of 2015

**AB-1570 (Chang) - Collectibles: sale of autographed memorabilia.**

This bill expands existing law regulating the sale of collectible sports items by dealers to include all autographed items, whether or not sport related. This bill excludes individuals who sign the memorabilia, pawnbrokers who acquire autographed items through foreclosure on a collateral loan, and providers or operators of online marketplaces from the definition of dealers, as specified.

**Status:** Chapter 258, Statutes of 2016

**AB-1782 (Maienschein) - Franchises: offer to sell: trade show.**

This bill would have allowed franchisors and prospective franchisors to display their concepts at franchise trade shows in California, without first having to register their offerings with the Department of Business Oversight (DBO), as specified. Governor Brown vetoed this bill because registration gives DBO the opportunity to review franchise disclosure documents and ensure that franchisors are providing accurate information to potential customers. Allowing unregistered franchisors to market at these events without verifying their eligibility to do business in California, according to the veto statement, would be a step in the wrong direction.

**Status:** Vetoed by the Governor

**AB-1841 (Irwin) - Cybersecurity incident response plan and standards.**

This bill requires the Governor's Office of Emergency Services (OES) and the California Department of Technology (CalTech) to transmit to the Legislature a statewide cybersecurity incident response plan by July 1, 2017. This bill also requires OES and CalTech to develop cybersecurity incident response standards for state agencies to prepare for possible interference, compromise, or incapacitation of critical infrastructure.

**Status:** Chapter 508, Statutes of 2016

**AB-2051 (O'Donnell) - Rental passenger vehicles.**

This bill recasts and reorganizes provisions of existing law governing contracts between rental car companies and their customers in connection with the rental of passenger vehicles. This bill also specifies that a rental company is not prohibited from obtaining, accessing, or using information from electronic surveillance technology for the sole purpose of determining the date and time a vehicle departs from and is returned to the rental company, the total mileage driven, and the fuel level of the returned vehicle.

**Status:** Chapter 183, Statutes of 2016

**AB-2219 (Wagner) - Attorney General: schedule of donors: confidentiality.**

This bill would have amended the Supervision of Trustees and Fundraisers for Charitable Purposes Act to specify that certain instruments, documents, and reports filed with the Attorney General are to be withheld from public inspection.

**Status:** Held in Senate Judiciary Committee

**AB-2280 (Ridley-Thomas) - Rental companies: customer facility charge.**

This bill establishes a new authority for the Los Angeles International Airport (LAX) to require rental car companies to collect a customer facility charge (CFC) that can be used for specified purposes, including for the design, construction, and improvement of consolidated airport vehicle rental facilities. This bill also authorizes LAX to use CFC revenue to pay or repay bonds, capital contributions, availability payment contracts, lease agreements, or other forms of authorized financing used to design, construct, or improve consolidated airport vehicle rental facilities and specified related infrastructure, for a period not to exceed 35 years.

**Status:** Chapter 414, Statutes of 2016

**AB-2387 (Mullin) - Vehicle equipment: supplemental restraint system components and nonfunctional airbags.**

This bill makes it a crime to sell or install a counterfeit airbag or sell or install any device which causes the vehicle's diagnostic system to fail to warn when the vehicle is equipped with a counterfeit airbag, as specified.

**Status:** Chapter 694, Statutes of 2016

**AB-2416 (Wilk) - Escrow agent rating service.**

This bill extends, until January 1, 2022, a requirement that escrow agent rating services comply with specified portions of the California Consumer Credit Reporting Agencies Act, as well as specified policies and procedures intended to safeguard from theft or misuse any personally identifiable information such a service obtains from an escrow agent.

**Status:** Chapter 135, Statutes of 2016

**AB-2591 (Dababneh) - Insurance: electronic transmission.**

This bill consolidates and recasts the several standards applicable to insurance transactions made electronically, in addition to those provided by the Uniform Electronic Transactions Act (UETA), and applies those standards and the UETA to additional insurance documents.

**Status:** Chapter 617, Statutes of 2016

**AB-2609 (Chau) - Advertising: educational conferences.**

This bill requires an educational conference organization that provides materials related to an educational conference directly to a school or school employee for purposes of distribution to a student to include specified disclosures with the materials, to provide those disclosures to the school and school employees, and to provide the materials directly to the parent or legal guardian of the student.

**Status:** Chapter 185, Statutes of 2016

**AB-2636 (Linder, Dababneh) - Certified copies of marriage, birth, and death certificates: electronic application.**

This bill authorizes, until January 1, 2021, if a request for a certified copy of a birth, death, or marriage record is made electronically, a state or local official to accept electronic acknowledgement verifying the identity of the applicant using a multilayered remote identity proofing process, as specified. This bill requires state and local agencies

fulfilling electronic requests for certified copies of records to report specified information to the Attorney General and the Legislature by January 1, 2019.

**Status:** Chapter 527, Statutes of 2016

**AB-2688 (Gordon) - Privacy: commercial health monitoring programs.**

This bill would have prohibited the operator of a commercial health monitoring program, such as a wearable fitness device connected to the Internet, from sharing or using a consumer's health monitoring information without explicit authorization, and would have prohibited employers from using health monitoring information collected through a commercial health monitoring program from discriminating against employees.

**Status:** Senate Third Reading

**AB-2759 (Levine) - Corporations: agents: victims of corporate fraud compensation fund.**

This bill authorizes victims of corporate fraud to pursue compensation from the Victims of Corporate Fraud Compensation Fund (VCVCF) for fraudulent acts committed by an officer or director of a corporation (as opposed to the corporation itself), for fraud, misrepresentation, or deceit, with the intent to defraud, as specified. If restitution is sought from the VCFCF based upon a criminal restitution order and the defendant is an "agent," this bill would add to the documentation that an applicant must provide to the Secretary of State, who administers the fund. Furthermore, in any appeal of a denial of an application that was based on a criminal restitution order against an agent of a corporation, the petitioner would have the burden of proving that the defendant named in the criminal restitution order qualifies as an "agent," and an active corporation would be permitted to appear in the action regarding the sole issue of whether the defendant named in the criminal restitution order qualifies as its "agent."

**Status:** Chapter 390, Statutes of 2016

## **TORT LIABILITY**

**SB-14 (Lara) - Sexual battery: consent defense: minors, sexual conduct.**

This bill prohibits the use of consent as a defense in any sexual battery civil action involving a minor victim where the person committing the sexual battery is an adult who is in a position of authority, as defined. This bill prohibits the use of any evidence of the minor's sexual conduct with the adult perpetrator, except in limited circumstances.

**Status:** Chapter 128, Statutes of 2015

### **SB-168 (Gaines, Jackson) - Unmanned aircraft systems.**

This bill would have provided specified emergency responders with immunity from civil liability for any damage to an unmanned aircraft system, if the damage was caused while the emergency responder was providing, and the unmanned aircraft system was interfering with, the operation, support, or enabling of specified emergency services. This bill also would have made it unlawful to knowingly, intentionally, or recklessly operate an unmanned aircraft or unmanned aircraft system in a manner that prevents or delays the extinguishment of a fire, or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire, as specified. This bill was vetoed due to Governor Brown's concern that the bill, like other drones-related bills he similarly vetoed, criminalizes conduct that is already proscribed, thereby complicating matters without any commensurate benefit.

**Status:** Vetoed by the Governor

### **SB-287 (Hueso) - Automated external defibrillators (AEDs).**

This bill requires certain occupied buildings with capacities of 200 persons or greater, as specified, constructed on or after January 1, 2017, to have an automated external defibrillator (AED) on the premises. This bill requires a person or entity that acquires an AED for emergency care to comply with specified existing law regarding AEDs, and would exempt the person or entity from liability for civil damages resulting from any acts or omissions in the rendering of emergency care by use of an AED if those requirements have been met.

**Status:** Chapter 449, Statutes of 2015

### **SB-658 (Hill) - Automated external defibrillators.**

This bill expands existing civil liability protections which are contingent upon compliance with specified maintenance, training, and notice requirements, for persons or entities that acquire an automated external defibrillator (AED) for emergency use, by repealing or reducing various requirements, including repealing requirements that employees complete training, and reducing inspection requirements from once every 30 days to once every 90 days.

**Status:** Chapter 264, Statutes of 2015

### **SB-661 (Hill) - Protection of subsurface installations.**

This bill establishes the "Dig Safe Act of 2016" and make several changes to existing laws governing subsurface excavations, including prohibiting an excavator that damages a subsurface installation due to an inaccurate field mark by an operator from being liable for damages, replacement costs, or other expenses arising from damage to



the subsurface installation, provided the excavator complied with all pre-excavation notification requirements and procedures. This bill also, among other things, directs specified state agencies to enforce violations of the bill's provisions related to excavation, and creates the California Underground Facilities Safe Excavation Advisory Board, which investigates alleged violations of specified laws relating to the protection of underground infrastructure and develops standards relevant to safety practices in excavating around subsurface installations.

**Status:** Chapter 809, Statutes of 2016

**SB-738 (Huff) - Pupil health: epinephrine auto-injectors: liability limitation.**

This bill provides that an authorizing physician and surgeon shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the issuance of a prescription or order pursuant to existing law (which requires public schools to obtain a prescription for epinephrine auto-injectors from an authorizing physician and surgeon, as defined, for use in emergencies) unless the physician and surgeon's issuance of the prescription or order constitutes gross negligence or willful or malicious conduct.

**Status:** Chapter 132, Statutes of 2015

**SB-807 (Gaines) - Unmanned aircraft systems.**

This bill provides local public entities and public employees of local public entities with immunity from civil liability for any damage to an unmanned aircraft or unmanned aircraft system, if the damage was caused while the local public entity and public employee of the local public entity was providing, and the unmanned aircraft system was interfering with, the operation, support, or enabling of specified emergency services. This bill applies the same immunity protection for local public entities and public employees of local public entities, above, to emergency responders who are private entities or paid or unpaid volunteers, if those emergency responders are acting within the scope of authority implicitly or expressly provided by a local public entity or public employee of a local public entity.

**Status:** Chapter 834, Statutes of 2016

**SB-1057 (Anderson) - Terrorism: civil action.**

This bill would have authorized a person injured by an act of terrorism, as defined, to bring an action to recover damages against a person or entity who either: (1) committed the act of terrorism; (2) aided the person or entity to commit the act of terrorism, as specified; or (3) coerced, induced, or solicited the person or entity to commit the act of terrorism. An act of terrorism would include the commission of any one of specified acts,

if the offender has the intent to intimidate or coerce the civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by intimidation or coercion. Qualifying acts would include, among others: killing of a human being, including unlawful homicide or manslaughter; arson; felony vandalism; robbery; rape; torture; looting; and carjacking. The bill would have provided that the amount awarded may be up to three times the damages actually incurred, but in no event less than \$10,000. The bill would have permitted a civil action or proceeding under this section to be commenced at any time within five years after the injury caused by the act of terrorism is suffered, as specified.

**Status:** Held in Senate Judiciary Committee

**SB-1229 (Jackson, Stone) - Home-generated pharmaceutical waste: secure drug take-back bins.**

This bill provides certain collectors that are authorized under federal law to engage in drug take-back collection with limited protection from civil and criminal liability (or “qualified immunity”) for any injury or harm that results from a collector maintaining a secure drug take-back bin on its premises, provided that the collector, not for compensation, acts in good faith to take specified steps to ensure the health and safety of consumers and employees and the proper disposal of the home-generated pharmaceutical waste contained in the secure drug take-back bin. This qualified immunity shall not apply in the case of personal injury or wrongful death which results from the collector’s gross negligence or willful or wanton misconduct in maintaining a secure drug take-back bin.

**Status:** Chapter 238, Statutes of 2016

**SB-1256 (Anderson) - Civil law: litigation: The Civility in Litigation Act.**

This bill would have enacted the Civility in Litigation Act to generally require a person who claims to have been aggrieved by an alleged unlawful act or practice to first send a letter to the person or entity alleged to have caused the harm, as specified, before filing any legal action or pursuing legally mandated alternative dispute resolution. If the person or entity alleged to have engaged in the unlawful act or practice responds within 30 days after the specified letter is received, or delivery of the letter is attempted, this bill would have further required the claimant to engage with the person or entity alleged to have engaged in the unlawful act or practice in good faith efforts to be made whole. This bill would have required that a copy of the letter be filed together with any complaint filed in a court of law and would subject the claimant to other specified requirements when filing a complaint with the court. This bill would have provided that if a court, factfinder, or arbiter determines that the provisions of the bill were not complied with in good faith, that determination may be grounds for dismissing a claim

that would otherwise be authorized. Lastly, this bill would not have applied to claims arising from matters related to the Family Code, the Fair Employment and Housing Act, the Penal Code, or the Probate Code, or to cases of a true emergency, as specified.

**Status:** Held in Senate Judiciary Committee

**AB-15 (Holden) - Limitation of actions: human rights abuses.**

This bill extends the existing statute of limitations for victims of human trafficking to bring a civil action from seven years, and, in the case of minors, from eight to 10 years after the plaintiff attains the age of majority. This bill also creates a 10 year statute of limitation to bring 1) an action for assault, battery, or both, where the conduct constituting the assault or battery would also constitute specified acts of torture, genocide, a war crime, attempted extrajudicial killing, or crimes against humanity; 2) an action for wrongful death, where the death arises out of conduct constituting any of the acts described above, or where the death would constitute an extrajudicial killing under the federal Torture Victim Protection Act of 1991; 3) an action for specified takings of property in violation of international law; and 4) an action seeking benefits under an insurance policy where the insurance claim arises out of any of the conduct described above.

**Status:** Chapter 474, Statutes of 2015

**AB-560 (Gomez) - Civil actions: immigration status.**

This bill specifies that the immigration status of a minor child seeking recovery under any applicable law is irrelevant to the issues of liability or remedy, except for employment-related prospective injunctive relief that would directly violate federal law. This bill generally prohibits discovery or other inquiry in a civil action or proceeding relating to a minor child's immigration status except as specified. This bill further states that its provisions are declaratory of existing law and that the express application of this act to minors is not intended to imply that adults are not likewise protected by existing law in the same circumstances.

**Status:** Chapter 151, Statutes of 2015

**AB-797 (Steinorth, Santiago) - Motor vehicles: rescue or provision of care for animal: civil and criminal liability.**

This bill provides a person civil immunity from any property damage or trespass to a motor vehicle, if the damage was caused while the person was rescuing an animal in accordance with specified law. This bill also provides that such immunity does not affect a person's civil liability or immunity from civil liability for rendering aid to an animal. Additionally, this bill: (1) applies existing law responsibilities of peace officers,

humane officers, or animal control officers who remove an animal from a vehicle to firefighters or other emergency responders as well; (2) specifies that existing law does not prevent a person from taking reasonable steps that are necessary to remove an animal from a motor vehicle if the person holds a reasonable belief that the animal's safety appears to be in immediate danger, as specified; and (3) provides that such a person is not criminally liable for actions taken reasonably and in good faith, as specified.

**Status:** Chapter 554, Statutes of 2016

**AB-998 (Wagner) - Civil law: libel: damages.**

This bill expands the existing "correction statute," which limits damages for libel and slander when a newspaper or radio broadcast issues a retraction, by applying it, instead, to daily or weekly news publications, as defined. This bill also includes specified legislative findings.

**Status:** Chapter 343, Statutes of 2015

**AB-1386 (Low) - Emergency medical care: epinephrine auto-injectors.**

This bill permits a health care provider to issue a prescription for, and a pharmacy to dispense, an epinephrine auto-injector to an authorized entity, which is defined as any entity or organization that employs at least one person that has completed an approved training course on the emergency use of epinephrine auto-injectors, as specified. This bill further ensures, however, that the failure of an authorized entity to possess or administer an epinephrine auto-injector shall not result in civil liability. Additionally, this bill applies an existing qualified immunity for physicians and surgeons who write prescriptions for epinephrine auto-injectors for use in schools to physicians and surgeons who write prescriptions to prehospital medical care persons, laypersons, or for use of qualifying employees, volunteers, or agents of authorized entities. Lastly, this bill also authorizes pharmacies to furnish prescriptions to authorized entities for these purposes, as specified, and otherwise revises existing requirements and standards under the Health and Safety Code relating to the administration of epinephrine auto-injectors by Good Samaritans in emergencies.

**Status:** Chapter 374, Statutes of 2016

**AB-1719 (Rodriguez) - Pupil instruction: cardiopulmonary resuscitation.**

This bill requires school districts and charter schools serving students in grades 9 through 12, commencing with the 2018-19 school year, to include instruction in compression-only cardiopulmonary resuscitation (CPR) if they require a course in health education for graduation from high school. This bill grants immunity from civil liability to

any local agency, state or local government entity, or other public or private organization that sponsors, authorizes, supports, finances, or supervises the instruction of pupils in compression-only CPR or the use of an automated external defibrillator (AED) pursuant to this bill, as well as any public employee who provides or facilitates the instruction of pupils in compression-only CPR or the use of an AED pursuant to this bill, as specified. Such immunities, however, do not apply in cases of gross negligence or willful or wanton misconduct.

**Status:** Chapter 556, Statutes of 2016

**AB-1748 (Mayes) - Pupils: pupil health: opioid antagonist.**

This bill authorizes local educational agencies to provide an emergency opioid antagonist to school nurses or trained personnel and authorizes a school nurse or trained personnel to administer an opioid antagonist to a person suffering from an opioid overdose. For these purposes, this bill provides trained volunteers with immunity from civil liability, except where there has been gross negligence or willful or wanton misconduct of the person rendering the emergency care, and would require that volunteers be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in the Government Tort Claims Act, as specified. This bill also ensures that an authorizing physician and surgeon shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the issuance of a prescription or order pursuant to this section, unless the physician and surgeon's issuance of the prescription or order constitutes gross negligence or willful or malicious conduct.

**Status:** Chapter 557, Statutes of 2016

## **ENVIRONMENTAL AND TOXIC SUBSTANCES**

**SB-385 (Hueso) - Primary drinking water standards: hexavalent chromium: compliance plan.**

This bill authorizes the State Water Resources Control Board (State Board) to grant a public water system a period of time to achieve compliance with drinking water standards for hexavalent chromium, not to extend beyond January 1, 2020. To qualify, a public water system is required to prepare and submit a compliance plan to the State Board for approval. This bill requires a public water system to provide specified notices to consumers regarding the compliance plan, as well as status reports to the State Board. This bill also prohibits a public water system from being deemed in violation of the primary drinking water standard for hexavalent chromium while implementing an

approved compliance plan or while state board action on its proposed and submitted compliance plan is pending.

**Status:** Chapter 272, Statutes of 2015

**SB-820 (Hertzberg) - Hazardous materials: California Land Reuse and Revitalization Act of 2004.**

Existing law, the California Land Reuse and Revitalization Act of 2004 (CLRRA), provides an innocent landowner, a bona fide purchaser, or a contiguous property owner, with a qualified immunity from liability for pollution conditions caused by a release or threatened release of a hazardous material, as specified. The CLRRA will be repealed on January 1, 2017, unless that date is extended or the CLRRA's sunset provision is removed. This bill extends the date of repeal to January 1, 2027, and makes corresponding changes to a provision that provides for continued immunity after the repeal of the Act.

**Status:** Chapter 166, Statutes of 2016

**SB-1161 (Allen) - Statutes of limitation: California Climate Science Truth and Accountability Act of 2016.**

This bill, for actions brought by the Attorney General or a district attorney, would have revived an action for unfair competition with respect to scientific evidence regarding the existence, extent, or current or future impacts of anthropogenic-induced climate change that is time barred as of January 1, 2017, and, would have authorized the action to be brought within four years of that date.

**Status:** Senate Inactive File

**SB-1306 (Stone) - Consumer remedies: attorney's fees and litigation costs.**

Existing law, the California Environmental Quality Act (CEQA), requires a public agency to prepare, or cause to be prepared, and to certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment. Existing law authorizes parties to bring an action or proceeding to attack, review, set aside, void, or annul the acts or decisions of a public agency on the grounds of noncompliance with CEQA, and authorizes a court to award attorneys' fees to a successful party in any action which has resulted in the enforcement of an important right affecting the public interest. This bill would have provided that in litigation pertaining to CEQA that is filed pursuant to the Consumer Legal Remedies Act (Civ. Code Sec 1750 et seq.); the court shall award court costs and attorney fees to a prevailing party in the action.

**Status:** Failed passage in the Senate Judiciary Committee. Reconsideration granted.

**AB-888 (Bloom) - Waste management: plastic microbeads.**

This bill prohibits, on and after January 1, 2020, an individual, business, or other entity, from selling or offering for promotional purposes in this state a personal care product containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, unless the product contains less than 1 part per million by weight of plastic microbeads.

**Status:** Chapter 594, Statutes of 2015

**AB-1685 (Gomez) - Vehicular air pollution: civil penalties.**

This bill increases from \$500 to \$37,500 the maximum civil penalty that may be imposed upon a person who violates specified provisions of California's Vehicular Air Pollution Control statute, or any order, rule, or regulation of the California Air Resources Board adopted pursuant to those provisions. This bill provides that the Board shall adjust the maximum civil penalty for inflation based on the California Consumer Price Index. This bill provides certain exceptions to the increased maximum civil penalty, including violations involving portable fuel containers or small off-road engines, and provides that automobile dealers who violate specified provisions of the statute shall be subject to a civil penalty not to exceed \$10,000. This bill adjusts from per vehicle to per violation the frequency for which certain penalties may be imposed.

**Status:** Chapter 604, Statutes of 2016

**AB-2748 (Gatto) - Environmental disaster: release of claims: statute of limitations: attorneys' fees.**

This bill would have enacted the following with regard to claims relating to environmental disasters that have occurred at Southern California Gas Company's Aliso Canyon gas storage facility or surrounding the Exide Technologies facility in the City of Vernon: (1) partial or interim payments or reimbursements, as defined, would not release any responsible polluter or agent from liability for a claim, and may not be made on condition of securing a release of liability, but may be credited against such liability; (2) temporary or final settlements made in connection with a claim would not release liability for any claim unknown at the time of settlement, or that occurs after settlement, or that is unrelated to the environmental disaster; (3) specified a three year statute of limitation for civil actions for injury or illness based upon exposure to a hazardous material or toxic substance, as specified; and (4) authorized the court to award attorney fees to a prevailing plaintiff in any action for private nuisance against an environmental polluter, as specified. In his veto message, Governor Brown stated that this bill could eliminate the incentive for defendants to settle legal disputes stemming from these two incidents.

**Status:** Vetoed by the Governor

**AB-2756 (Thurmond, Williams) - Oil and gas operations: enforcement actions.**

This bill significantly revises the current penalty structure for assessing civil penalties against operators of oil, gas, and geothermal wells. Among other things, this bill authorizes the Division of Oil, Gas, and Geothermal Resources (DOGGR) to distinguish between major and minor violations, to assess penalties for violations on a per day basis, and to allow violators to complete supplemental environmental projects in lieu of paying assessed penalties. This bill also makes certain changes to provisions governing discovery in the context of an informal hearing before the Director of DOGGR, and makes changes to the procedures governing an informal hearing before the Director.

**Status:** Chapter 274, Statutes of 2016

## **PRIVACY**

**SB-26 (Hernandez) - California Health Care Cost and Quality Database.**

This bill would have required the Secretary of California Health and Human Services to enter into a contract with one or more independent, nonprofit organizations to develop and administer the California Health Care Cost and Quality Database. The bill would have required certain health care entities, including health care service plans, to provide medical claims, cost, and quality information to the California Health Care Cost and Quality Database in order to create a publicly available web-based, searchable database. The bill would have required all data disclosures to comply with all applicable state and federal laws for the protection of the privacy and security of data and would have prohibited the public disclosure of any unaggregated, individually identifiable health information. This bill would have also required the Secretary to convene a review committee to, among other things, develop the parameters for implementing and administering the California Health Care Cost and Quality Database.

**Status:** Held in Senate Appropriations Committee

**SB-34 (Hill) - Automated license plate recognition systems: use of data.**

This bill places restrictions on the use of Automated License Plate Recognition (ALPR) technology by both public and private sector users. Specifically, this bill: (1) adds ALPR data to the list of personal information covered by California's Data Breach Notification Law; (2) specifies data security protocols for the use and storage of ALPR data; (3) requires ALPR operators and users to implement and maintain a usage and privacy



policy consistent with respect for individuals' privacy and civil liberties; (4) requires ALPR operators to maintain a record documenting access to ALPR data; and (5) requires public agencies to hold a public meeting with public comment prior to implementing an ALPR program.

**Status:** Chapter 532, Statutes of 2015

**SB-142 (Jackson) - Civil law: unmanned aerial vehicles.**

This bill would have stated that the operation of an unmanned aerial vehicle less than 350 feet above ground in the airspace overlying the property of another, without permission or legal authority, constitutes trespass. This bill would have specified that it does not impair or limit existing rights of law enforcement personnel, employees of governmental agencies, or other public or private entities to enter land by operating an unmanned aerial vehicle within the airspace overlaying the real property of another. In his veto message, Governor Brown noted that while drone technology raises novel issues that merit careful examination, this bill could expose the occasional hobbyist and the FAA-approved commercial user alike to burdensome litigation and new causes of action.

**Status:** Vetoed by the Governor

**SB-206 (Gaines) - Vehicle information systems.**

This bill would have prohibited the California Air Resources Board from obtaining locational data from a vehicle's computer system except for use in implementing California's vehicular smog abatement program known as Smog Check.

**Status:** Held in Senate Appropriations Committee

**SB-570 (Jackson) - Personal information: privacy: breach.**

This bill modifies the existing data breach notification requirement for agencies and persons or businesses conducting business in California that own or license computerized data that includes personal information. Specifically, this bill requires these entities, in the event of a data breach, to provide affected individuals with a notice entitled "Notice of Data Breach," in which required content is presented under the following headings: "What Happened," "What Information Was Involved," "What We Are Doing," "What You Can Do," and "For More Information." This bill states that additional information may be provided to supplement the required notice, and provides a model security breach notification form that entities may use to comply with formatting requirements. This bill also clarifies the requirements for providing substitute notice of a data breach, and makes other technical and clarifying changes to the Data Breach Notification Law.

**Status:** Chapter 543, Statutes of 2015

**SB-741 (Hill) - Mobile communications: privacy.**

This bill prohibits a local agency from acquiring or using cellular communications interception technology, as defined, unless its legislative body adopts a resolution or ordinance authorizing the use or acquisition of that technology. This bill provides that adoption of such a resolution or ordinance may only occur at a regularly scheduled public meeting at which members of the public are afforded an opportunity to comment. This bill also specifies that the resolution or ordinance must set forth the policies of the local agency pertaining to the use of cellular communications interception technology, as specified.

**Status:** Chapter 659, Statutes of 2015

**SB-1051 (Hancock) - Vehicles: parking enforcement: video image evidence.**

Existing law authorizes the City and County of San Francisco to install automated forward-facing parking control devices on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes. This bill extends this authority, until January 1, 2022, to the Alameda-Contra Costa Transit District.

**Status:** Chapter 427, Statutes of 2016

**SB-1159 (Hernandez) - California Health Care Cost and Quality Database.**

This bill requires the California Health and Human Services Agency to research options for developing a healthcare cost, quality, and equity database that is consistent with confidentiality of medical information requirements in existing law.

**Status:** Chapter 727, Statutes of 2016

**SB-1444 (Hertzberg) - State government: computerized personal information security plans.**

This bill would have required state agencies that own or license computerized data that includes personal information to prepare a security plan that details the agency's strategy to respond to a security breach of that information and its associated consequences. This bill would have listed certain minimum requirements to be included in an agency's security plan, including a requirement to inventory personal information stored or transmitted by the agency and procedures for facilitating communication between an incident response team, agency officials, and individuals affected by a breach.

**Status:** Senate Inactive File

**SJR-18 (Wolk) - Small unmanned aircraft systems.**

This resolution urges the President of the United States and the United States Secretary of Transportation to allow for the operation of small unmanned aircraft systems by farmers and rangeland managers pursuant to emergency rules adopted by the Administration.

**Status:** Resolution Chapter 43, Statutes of 2016

**AB-56 (Quirk) - Unmanned aircraft systems.**

This bill would have prohibited law enforcement agencies from using an unmanned aircraft system, obtaining an unmanned aircraft system from another public agency by contract, loan, or other arrangement, or using information obtained from an unmanned aircraft system used by another public agency, unless certain requirements are met. To use an unmanned aircraft system, among other things, law enforcement agencies would have been required to develop and make available to the public a policy on the use of the system, as well as to comply with that policy. This bill would have also prohibited a law enforcement agency from using an unmanned aircraft system to surveil private property unless, among other things, the law enforcement agency obtains a search warrant, and would have required images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. Unless authorized by federal law, this bill would also have prohibited a person or entity, including a public agency, or a person or entity under contract with a public agency, from equipping or arming an unmanned aircraft system with a weapon. This bill was subsequently gutted and amended to address a different subject.

**Status:** Held in Senate Rules Committee.

**AB-83 (Gatto) - Personal data.**

This bill would have modified the scope of “personal information” for which businesses must implement and maintain reasonable security procedures and practices in order to protect the information from unauthorized access, destruction, use, modification, or disclosure. Specifically, this bill would have added geolocation information, tax identification numbers, passport numbers, biometric information, military identification numbers, and government issued employment identification numbers, to the list of protected personal information. This bill would have reduced the scope of protected personal information that falls within the definition of “health insurance information,” and would have expanded the scope of personal information excluded from these protections when the information had been made publicly available. This bill also would

have specified certain criteria for determining the reasonableness of security procedures and practices, including the cost of implementing these procedures and practices, and the size of the business tasked with such responsibilities.

**Status:** Failed passage in Senate Judiciary

**AB-259 (Dababneh) - Personal information: privacy.**

Existing law requires California agencies that own or license computerized data that includes personal information to provide affected individuals with notice of breaches that may have compromised the security of that data. In addition to notification, this bill would have required an agency, if it was the source of the breach and if the breach compromised a person's social security number, driver's license number, or California identification card number, to provide the person with identity theft prevention and mitigation services at no cost for at least 12 months.

**Status:** Held in Senate Appropriations Committee

**AB-265 (Holden) - Consumer protection: buy-here-pay-here dealers.**

This bill amends existing disclosure requirements for buy-here-pay-here dealers by requiring dealers to provide a warning 10 days before using starter interrupt technology, or five days before using the technology for all weekly payment term contracts, and a final warning no less than 48 hours before using the technology to remotely shut down a vehicle. This bill also increases the penalty assessed for violating buy-here-pay-here dealer disclosure requirements to \$2,000 per occurrence.

**Status:** Chapter 179, Statutes of 2015

**AB-503 (Rodriguez) - Emergency medical services.**

This bill permits a hospital to release patient-identifiable medical information to an emergency medical services provider, to the local emergency medical services agency, or to the Emergency Medical Services Authority, for quality assessment and improvement purposes.

**Status:** Chapter 362, Statutes of 2015

**AB-856 (Calderon) - Invasion of privacy.**

This bill renders a person liable for physical invasion of privacy when that person knowingly enters upon the land of another, including by entry into the airspace above the land, without permission in order to capture any type of visual image, sound recording, or other physical impression of a person engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person.

**Status:** Chapter 521, Statutes of 2015

**AB-964 (Chau) - Civil law: privacy.**

This bill defines the word “encrypted” as used in California’s Data Breach Notification Law to mean rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.

**Status:** Chapter 522, Statutes of 2015

**AB-1116 (Committee on Privacy and Consumer Protection) - Connected televisions.**

This bill prohibits the operation of a voice recognition feature within a connected television without first prominently informing, during the initial setup or installation of a connected television, either the user or the person designated by the user to perform the initial setup or installation of the connected television. This bill also prohibits for advertising purposes the use or sale of certain recordings that are collected by a connected television for the purpose of improving its voice recognition feature.

**Status:** Chapter 524, Statutes of 2015

**AB-1287 (Chiu) - Vehicles: parking violations.**

This bill repeals the sunset date that authorizes the City and County of San Francisco (San Francisco) to install automated forward-facing parking control devices on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes.

**Status:** Chapter 485, Statutes of 2015

**AB-1541 (Committee on Privacy and Consumer Protection) - Privacy: personal information.**

This bill revises the definition of personal information to include health insurance information, as defined, and a username or email address combined with a password or security question and answer for access to an online account.

**Status:** Chapter 96, Statutes of 2015

**AB-1687 (Calderon) - Customer records: age information: commercial online entertainment employment service providers.**

This bill prohibits a commercial online entertainment employment service provider (service provider) that enters into a contractual agreement to provide employment

services to an individual, upon request of the subscriber, from either publishing or making public the subscriber's date of birth or age information in an online profile of the subscriber, or sharing the subscriber's date of birth or age information with any Internet Web sites for the purpose of publication. This bill additionally requires a service provider to remove within five days the subscriber's date of birth and age information in an online profile from public view on any companion Internet Web sites under its control upon request by the subscriber.

**Status:** Chapter 555, Statutes of 2016

**AB-1820 (Quirk) - Unmanned aircraft systems.**

This bill would have prohibited a law enforcement agency from using an unmanned aircraft system, obtaining an unmanned aircraft system from another public agency, or using information obtained from an unmanned aircraft system, except as specifically authorized. Under the bill a law enforcement agency would be authorized to use an unmanned aircraft system if it, among other things, develops a policy on the use of unmanned aircraft systems that meets specified requirements. The bill would have prohibited a law enforcement agency from using an unmanned aircraft system to surveil private property, unless the law enforcement agency obtains a search warrant or express permission to search the property, or an exigent circumstance exists. This bill would have also required any images, footage, or data obtained through the use of an unmanned aircraft system to be permanently destroyed within one year, and would have prohibited a person or entity from equipping or arming an unmanned aircraft system with a weapon or other device, except as specified.

**Status:** Failed passage in the Senate Judiciary Committee

**AB-2263 (Baker) - Protection of victims of domestic violence, sexual assault, or stalking, and reproductive health care service providers: address confidentiality.**

This bill standardizes the confidentiality protections for Safe at Home (SAH) program participants, regardless of whether their participation is based on their status as victims of domestic violence, stalking, or sexual assault, or on their status as a patient, employee, or volunteer at a reproductive health care clinic; and requires the Secretary of State to provide SAH enrollees with information about how to protect their privacy on real property records.

**Status:** Chapter 881, Statutes of 2016

**AB-2724 (Gatto) - Unmanned aircraft.**

This bill would have required drone manufacturers to provide specific information to drone purchasers, required drone operators to procure liability insurance by January 1, 2020, and required specified drones to be equipped with technology which prevents the drone from entering any area prohibited by local, state, or federal law. In his veto message, Governor Brown expressed concern that this bill would create significant regulatory confusion through a patchwork of federal, state, and local restrictions on airspace, and that the Federal Aviation Administration would likely assert federal preemption over certain requirements imposed by the bill.

**Status:** Vetoed by the Governor

**AB-2799 (Chau) - Privacy: personal information: preschool and prekindergarten purposes.**

This bill creates the Early Learning Privacy Information Protection Act (ELPIPA) to extend all of the protections offered by the Student Online Personal Information Protection Act to pupils enrolled in preschools and pre-kindergarten. This bill provides that ELPIPA impose requirements directly on Web sites, online services, and mobile applications that are designed, marketed and used primarily by children enrolled in a preschool or prekindergarten course of instruction.

**Status:** Chapter 620, Statutes of 2016

**AB-2828 (Chau) - Personal information: privacy: breach.**

This bill requires any agency, person, or business that owns or licenses computerized data that includes personal information to disclose a breach of the security of the system to any California resident whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, if the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person, and the entity that owns or licenses the encrypted information has a reasonable belief that the encryption key or security credential could render that personal information readable or useable.

**Status:** Chapter 337, Statutes of 2016

## **HOUSING LAW, LANDLORD/TENANT, AND MOBILEHOMES**

### **SB-244 (Vidak) - Mobilehomes: injunctions.**

This bill strikes the January 1, 2016, sunset date attached to the authorization to petition for an order enjoining a continuing or recurring violation of any reasonable rule or regulation of a mobilehome park within the limited jurisdiction of the superior court.

**Status:** Chapter 176, Statutes of 2015

### **SB-328 (Hueso) - Landlords: notice of pesticide use.**

This bill requires a landlord or a landlord's agent to provide affected tenants with advance written notice of the use of pesticides at a dwelling unit if the landlord or authorized agent applies any pesticide without a licensed pest control operator. This bill requires the posting of a similar notice at least 24 hours prior to applying a pesticide in a common area without a licensed pest control operator, unless the pest poses an immediate threat to health and safety, in which case the notice would be required to be posted as soon as practicable, but not later than one hour after the pesticide is applied.

**Status:** Chapter 278, Statutes of 2015

### **SB-419 (McGuire) - Mobilehomes: homeowners: sale.**

This bill amends the Mobilehome Residency Law (1) to authorize the seller of a mobilehome to display a "for sale" sign of a generally accepted yard-arm type design or L-frame design, (2) to allow for the display of an "open house" sign and the holding of an open house in accordance with park rules, (3) to require the management of a mobilehome park, upon request, to provide in writing the information and standards management will use to review a prospective homeowner, and (4) to specify that park management may withhold approval of a prospective homeowner for reasons based upon fraud, deceit, or concealment of material facts. This bill provides mobilehome park management with discretion to authorize the holding of "open houses" and to require the use of a step-in L-frame sign when advertising a mobilehome for sale.

**Status:** Chapter 288, Statutes of 2015

### **SB-775 (Allen) - Tenancy: rent control: certification.**

Existing law, the Petris Act, requires jurisdictions with a local ordinance or charter controlling residential rent prices that requires the registration of rents to provide for the certification of permissible rent levels according to a specified process. This bill amends the Petris Act to state that its rent level certification provisions would not apply to tenancies commencing on or after January 1, 1999, for which the owner of the property



may establish initial rent under the Costa-Hawkins Rental Housing Act, except as specified.

**Status:** Chapter 83, Statutes of 2016

**SB-1053 (Leno) - Housing discrimination: applications.**

The Fair Employment and Housing Act makes it unlawful for the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information of that person. This bill would have expanded the definition of “source of income” to include lawful, verifiable income paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and federal, state, or local housing subsidies, including, but not limited to, federal housing assistance vouchers under Section 8 of the United States Housing Act of 1937, as specified.

**Status:** Held in Senate Appropriations Committee

**SB-1106 (Leyva) - Mobilehome parks.**

Existing law, the Mobilehome Parks Act, provides that any person who willfully violates the act, related building standards, or other related rules and regulations adopted by the Department of Housing and Community Development, is guilty of a misdemeanor, subject to suspension or revocation of permits issued under the act, and liable for a civil penalty for each violation or for each day of a continuing violation. When heard by this Committee, this bill would have authorized the Director of Housing and Community Development, or a local enforcement agency that has assumed jurisdiction, to issue citations that assess civil penalties to any owner or operator of a mobilehome park, or a registered owner of a manufactured home, mobilehome, or recreational vehicle, or other responsible party, when he or she has permitted the continuation of a violation for at least 30 days after the expiration of a notice to correct the violation or violations from the enforcement agency. This bill was subsequently gutted and amended to address a different topic.

**Status:** Held in Assembly Rules Committee

**AB-418 (Chiu) - Tenancy: termination: victims of violent crime.**

This bill extends indefinitely the authorization to use documentation from a qualified third party based on information received by that third party while acting in his or her professional capacity, as specified, to support a notice to terminate a tenancy when the tenant or a household member becomes the victim of domestic violence, sexual assault,

stalking, human trafficking, or abuse of an elder or dependent adult. This bill reduces from 30 to 14 days the obligation of a tenant who becomes a victim, as specified, to pay rent after providing the landlord with notice to terminate the tenancy, and states that thereafter the tenant shall be released from any rent payment obligation under their lease or rental agreement without penalty.

**Status:** Chapter 70, Statutes of 2015

**AB-551 (Nazarian) - Rental property: bed bugs.**

This bill requires landlords to provide prospective tenants, on and after July 1, 2017, and to all other tenants by January 1, 2018, specified information about bed bugs and procedures to report suspected bed bug infestations. This bill also prohibits a landlord from renting or leasing a vacant dwelling unit that the landlord knows has a bed bug infestation, as specified, and prohibits a landlord from retaliating against a tenant for reporting a suspected bed bug infestation.

**Status:** Chapter 599, Statutes of 2016

**AB-587 (Chau) - Mobilehomes: payments: nonpayment or late payments.**

This bill establishes, until December 31, 2019, a tax amnesty program for owners of mobilehomes who have not registered their ownership interest with the Department of Housing and Community Development (HCD). This tax amnesty program authorizes HCD to release specified liens imposed and waive all outstanding charges assessed by the department prior to December 31, 2015, as specified, in order to allow an owner to register or transfer registration of a manufactured home or mobilehome, as specified. This bill also alters the content of information to be provided annually to residents of mobilehome parks.

**Status:** Chapter 396, Statutes of 2016

**AB-723 (Chiu, Thurmond) - Rental property: plumbing fixtures: replacement.**

When heard by this Committee, this bill would have required the lease of a single-family residential real property or any portion of a multifamily residential real property or commercial real property that is entered into, renewed, or amended after January 1, 2016, to contain a provision in which the property owner discloses his or her responsibility to replace all noncompliant plumbing fixtures with water-conserving plumbing fixtures on or before January 1, 2017, or January 1, 2019, respectively. This bill was subsequently gutted and amended to address a different subject.

**Status:** Chapter 552, Statutes of 2016

**AB-999 (Daly) - Mobilehomes: disposal.**

This bill would amend the Mobilehome Residency Law to, among other things; authorize the management of a mobilehome park to enforce a warehouse lien and to designate a mobilehome for disposal without requiring the management or other person enforcing the lien to pay past or current vehicle license fees or to obtain a tax clearance certificate. This bill would also authorize the management of a mobilehome park to dispose of an abandoned mobilehome and its contents without requiring the management to pay past or current vehicle license fees or to obtain a tax clearance certificate. This bill would require the management of a mobilehome park to notify the county tax collector in the county in which the mobilehome park is located that management will either apply to have the mobilehome designated for disposal after a warehouse lien sale or dispose of the abandoned mobilehome and its contents.

**Status:** Chapter 376, Statutes of 2015

**AB-1448 (Lopez) - Personal energy conservation: real property restrictions.**

This bill requires a landlord to allow a tenant to use a clothesline or drying rack in the private area of a tenant's rental tenancy if certain conditions are met, including that the clothesline or drying rack will not interfere with the maintenance of the rental property. This bill voids, or makes unenforceable, any provision of a governing document in a common interest development that prohibits an owner's ability to use a clothesline or drying rack in the owner's backyard. This bill requires a tenant to receive approval of the clothesline or drying rack, or the type of clothesline or drying rack, from the landlord, in order to use the clothesline or drying rack.

**Status:** Chapter 602, Statutes of 2015

**AB-2176 (Campos) - Shelter crisis: emergency bridge housing communities.**

This bill, until January 1, 2022, authorizes the City of San Jose to develop and operate an emergency bridge housing community for homeless residents upon declaration of a shelter crisis by the city. In lieu of state and local building, housing, health, habitability, and safety standards, this bill authorizes the city to enact local standards for an emergency bridge housing community, as specified. This bill requires the city to match each resident of an emergency bridge housing community to an affordable housing unit that will be available for the resident to live in on or before January 1, 2022, to develop a plan to provide on-site supportive services in a community, and to report specific information regarding these communities to the Legislature.

**Status:** Chapter 691, Statutes of 2016

**AB-2300 (Wood) - Medical marijuana.**

This bill would have specified that participation in California’s Medical Marijuana Program does not authorize qualified patients to smoke medical marijuana in any location prohibited by a landlord, except as specified.

**Status:** Senate Inactive File

**AB-2819 (Chiu) - Unlawful detainer proceedings.**

This bill restricts access to court records filed in an unlawful detainer action to any person after the complaint has been filed unless the plaintiff prevails in the action within 60 days of filing the complaint, except as specified. This bill also permits a court to dismiss an unlawful detainer proceeding without prejudice if proof of service is not filed within 60 days of the complaint’s filing.

**Status:** Chapter 336, Statutes of 2016

**COMMON INTEREST DEVELOPMENTS (DAVIS-STIRLING ACT)**

**SB-918 (Vidak) - Common interest developments.**

This bill requires the owner of a separate interest and the homeowner association in a common interest development to annually verify the address or addresses to which notices from the association are to be delivered.

**Status:** Chapter 780, Statutes of 2016

**AB-349 (Gonzalez) - Common interest developments: property use and maintenance.**

This bill renders void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies of a homeowner association that prohibits the use of artificial turf or any other synthetic surface that resembles grass. This bill also prohibits a homeowner association from requiring an owner of a separate interest to remove or reverse water-efficient landscaping measures, installed in response to a declaration of a state of emergency, upon the conclusion of the state of emergency.

**Status:** Chapter 266, Statutes of 2015

**AB-1799 (Mayes) - Common interest developments: association governance: elections.**

This bill would have authorized a homeowner association in a residential common interest development to declare an election of directors “uncontested” when the number

of candidates for election does not exceed the number of directors to be elected. This bill would have also authorized an aggrieved party to bring a cause of action alleging a violation of specified election requirements in small claims court.

**Status:** Held in Senate Judiciary Committee

**AB-1963 (Calderon) - Common interest developments: construction defects.**

This bill extends, until July 1, 2024, a requirement that a homeowner association in a common interest development of more than 20 units follow a pre-litigation dispute resolution procedure before commencing a design or construction defect action against a builder, developer, or general contractor.

**Status:** Chapter 71, Statutes of 2016

**AB-2362 (Chu) - Common interest developments: pesticide application.**

This bill requires a homeowner association in a common interest development, or its agent, to provide an owner or tenant of a separate interest with advance written notice of the application of pesticides to the separate interest or to a common area when done without a licensed structural pest control operator, as specified.

**Status:** Chapter 330, Statutes of 2016

## **REAL PROPERTY**

**SB-119 (Hill) - Protection of subsurface installations.**

This bill would have made several changes to laws governing subsurface excavations, including prohibiting an excavator that damages a subsurface installation due to an inaccurate field mark by an operator from being liable for damages, replacement costs, or other expenses arising from damage to the subsurface installation, provided the excavator complied with all pre-excavation notification requirements and procedures. This bill would have also, among other things, directed specified state agencies to adopt programs to enforce violations of provisions relating to excavation, and would have created the California Underground Facilities Safe Excavation Advisory Committee to investigate alleged violations relating to the protection of underground infrastructure. In his veto message, Governor Brown noted that while telecommunications and cable companies have resisted providing explicit enforcement authority to the Public Utilities Commission over excavation safety, the Commission, not the Contractors' State Licensing Board, has the necessary technical expertise and should be given the authority to enforce and regulate excavation activities near subsurface installations.

**Status:** Vetoed by the Governor

**SB-188 (Hancock) - Municipal utility district: utility charges: delinquencies.**

This bill removed the sunset on the provisions in the statute that authorizes municipal utility districts to file a lien on real property for unpaid water and sewer utility charges rendered to a lessee, tenant, or subtenant, which may be collected on the tax roll in the same manner as property taxes.

**Status:** Chapter 270, Statutes of 2015

**SB-226 (Pavley) - Sustainable Groundwater Management Act: groundwater rights.**

This bill establishes special procedures for courts to use in determining rights to groundwater under the Sustainable Groundwater Management Act (SGMA). This bill specifies procedures for, among other things, allowing the state to intervene in a comprehensive groundwater adjudication, determining rights to groundwater in specified basins, and approving settlements apportioning groundwater rights in basins regulated under SGMA.

**Status:** Chapter 676, Statutes of 2015

**SB-582 (Hall) - Electrified fences.**

This bill authorizes an owner of real property to install and operate an electrified fence on his or her property if the property is not in a residential zone, the fence meets specified requirements, and a local ordinance does not prohibit its installation and operation. This bill specifies requirements for authorized electrified fences including minimum standards for warning signs, fence placement, and operating characteristics.

**Status:** Chapter 273, Statutes of 2015

**SB-661 (Hill) - Protection of subsurface installations.**

This bill establishes the "Dig Safe Act of 2016" and make several changes to existing laws governing subsurface excavations, including prohibiting an excavator that damages a subsurface installation due to an inaccurate field mark by an operator from being liable for damages, replacement costs, or other expenses arising from damage to the subsurface installation, provided the excavator complied with all pre-excavation notification requirements and procedures. This bill also, among other things, directs specified state agencies to enforce violations of the bill's provisions related to excavation, and creates the California Underground Facilities Safe Excavation Advisory Board, which investigates alleged violations of specified laws relating to the protection of underground infrastructure and develops standards relevant to safety practices in excavating around subsurface installations.

**Status:** Chapter 809, Statutes of 2016

**SB-940 (Vidak) - High-Speed Rail Authority: eminent domain: right of first refusal.**

This bill requires the California High-Speed Rail Authority, prior to selling an interest in excess real property, to send notification by certified mail to the last known owner of the real property prior to acquisition by the Authority at his or her last known address, advising him or her that the real property will be offered for sale. This bill restricts the authority from selling the real property until at least 30 days after the notification has been sent.

**Status:** Chapter 169, Statutes of 2016

**SB-983 (Morrell) - Mortgages and deeds of trust.**

This bill increases the statutory base rate trustees may charge at various stages in the non-judicial foreclosure process, and makes other clarifying and technical changes to existing law.

**Status:** Chapter 170, Statutes of 2016

**SB-1150 (Leno, Galgiani) - Mortgages and deeds of trust: mortgage servicers and lenders: successors in interest.**

This bill, until January 1, 2020, requires mortgage servicers to provide successors in interest to deceased borrowers, as defined, with key information about outstanding mortgages previously held by the deceased borrowers; requires servicers to allow successors in interest to apply to assume those mortgages, as specified, and to apply and be considered for foreclosure prevention alternatives in connection with those mortgages, as specified; and provides judicial enforcement mechanisms for use by successors in interest to compel servicers to comply with the bill's provisions.

**Status:** Chapter 838, Statutes of 2016

**SB-1351 (De León) - Property ownership.**

This bill would have removed the term of "alien" from the statutory provision that provides for equal property rights for all people regardless of citizenship status.

**Status:** Held at the Assembly Desk

**AB-73 (Waldron, Gipson) - Real property: disclosure.**

This bill specifies that the owner of real property, his or her agent, or the agent of a transferee of real property, is not required to disclose that an occupant of the property

being transferred was living with human immunodeficiency virus or died from acquired immune deficiency syndrome related complications.

**Status:** Chapter 548, Statutes of 2016

**AB-807 (Mark Stone) - Real estate transfer fees: recorded documents.**

This bill makes declaratory and clarifying changes to existing law pertaining to the disclosure of real estate transfer fees, including, among other things, providing that transfer fees due at times other than upon the transfer or sale of a property are subject to disclosure under existing law. This bill specifies that transfer fees may not be recorded through incorporation by reference to another document, and specifies that transfer fees must be separately recorded from any other covenants, conditions, and restrictions.

**Status:** Chapter 634, Statutes of 2015

**AB-905 (Beth Gaines) - Time-shares: public report: real property inspection.**

This bill modifies the Vacation Ownership and Time-share Act of 2004 to authorize required copies of public reports pertaining to time-share interests and required copies of disclosures pertaining to exchange programs to be provided in a digital format at the discretion of the purchaser. This bill also exempts licensed real estate brokers or salespersons from the duty to conduct a reasonably competent and diligent visual inspection of a time-share property and to disclose all facts materially affecting the value or desirability of the property to a prospective purchaser when the property has not been previously occupied, and, as a condition of transfer, the prospective purchaser would receive a copy of the public report.

**Status:** Chapter 88, Statutes of 2015

**AB-1390 (Alejo, Gomez, Perea) - Groundwater: adjudication.**

This bill creates special procedures for the comprehensive determination of rights to extract groundwater in a basin. Among other things, this bill specifies the persons who would be required to be defendants in such adjudications, the method for serving and noticing affected parties, requirements for the production of initial disclosures and for the use of expert witnesses, and powers for the reviewing court to issue a preliminary injunction, stay, or stipulated judgment.

**Status:** Chapter 672, Statutes of 2015



**AB-1750 (Dodd) - Real property transactions: definitions.**

This bill clarifies that a seller or broker is not required to provide additional information concerning common environmental hazards that can affect real property to a transferee in connection with the transfer of real property, including transactions for the creation of a leasehold exceeding one year's duration, provided the seller or broker transmits to the transferee a specified consumer information booklet concerning such hazards.

**Status:** Chapter 125, Statutes of 2016

**AB-2143 (Irwin) - County recorder: electronic recording.**

Upon approval by resolution of the board of supervisors and system certification by the Attorney General, existing law authorizes a county recorder to enter into a contract with a title insurer, underwritten title company, institutional lender, or an entity of a local, state, or the federal government for the delivery for recording, and return to the party requesting recording, of a digitized electronic record affecting a right title or interest in real property. This bill, until January 1, 2027, authorizes a county recorder to enter into a contract with additional third parties for such functions, provided the third party provides proof of financial responsibility evidencing an amount of general liability coverage of at least \$1,000,000.

**Status:** Chapter 380, Statutes of 2016

**CONSUMER FINANCING AND DEBT COLLECTION**

**SB-984 (Hueso) - Pilot Program for Increased Access to Responsible Small Dollar Loans: extension.**

This bill extends the sunset date on the Pilot Program for Increased Access to Responsible Small Dollar Loans by five years, to January 1, 2023, and requires the Department of Business Oversight to issue annual reports, by July 1 of each year from 2017 through 2021, summarizing utilization of the pilot program.

**Status:** Chapter 480, Statutes of 2016

**AB-1580 (Gatto, Irwin) - Consumer credit reports: security freezes: protected consumer.**

This bill requires a consumer credit reporting agency to place a security freeze on the credit file of a protected consumer upon the request of, and submission of specified information by, the protected consumer's representative, as specified. This bill defines a protected consumer as any of the following: an individual who is under 16 years of age at the time a request for the placement of a security freeze is made; an incapacitated person or a protected individual for whom a guardian or conservator has

been appointed; or a person under the jurisdiction of a county welfare department or county probation department who has been placed in a foster care setting and is under 16 years of age at the time a request for a security freeze is made.

**Status:** Chapter 494, Statutes of 2016

**AB-1723 (Dodd) - Debt collection.**

This bill specifies that a debt collector shall initiate its review of an account within 10 business days of receiving certain information that a consumer has become the victim of identity theft and that the debt being collected is not the responsibility of the consumer. This bill requires the debt collector to notify, within 10 business days, any consumer credit reporting agency to which the debt collector furnished adverse information pertaining to a creditor's account that the account is disputed, and requires the debt collector to send notice of its determination to the debtor no later than 10 business days after concluding the review. This bill also prohibits a creditor from selling the debt to a debt collector if the creditor receives notice that the debtor is a victim of identity theft, as specified.

**Status:** Chapter 376, Statutes of 2016

**AB-2693 (Dababneh) - Financing requirements: property improvements.**

This bill amends statutes governing Property Assessed Clean Energy (PACE) financing to add consumer notice requirements and tighten financing standards for PACE loans for residential properties. Specifically, this bill prohibits a local agency from permitting the owner of a residential property with four or fewer units from participating in a voluntary contractual assessment program unless the property owner has been provided with a completed financing estimate document, as specified, and is given the right to cancel the contractual assessment at any time prior to midnight on the third business day after the date of the transaction to enter into the agreement without penalty or obligation.

**Status:** Chapter 618, Statutes of 2016

## **CONTRACTS**

**SB-1428 (Hernandez) - Online contracts.**

This bill would have required that businesses offering automatic renewal or continuous service offers provide an email address or option on their Internet Web site for the purpose of communicating the consumer's decision to not renew the contract or service.

**Status:** Held in Assembly Privacy and Consumer Protection Committee

**AB-552 (O'Donnell) - Public works contracts: damages.**

This bill provides that a public works contract entered into on or after January 1, 2016, that contains a clause requiring a contractor to be responsible for delay damages is not enforceable unless the delay damages have been liquidated to a set amount and identified in the public works contract.

**Status:** Chapter 434, Statutes of 2015

**AB-1743 (Dababneh) - Electronic transactions: motor vehicle finance.**

This bill would have authorized sellers of motor vehicles to offer buyers entering into a conditional sale or lease contract for the purchase or lease of a vehicle the option of signing their respective contracts electronically at the seller's place of business.

**Status:** Held in Senate Judiciary Committee

**ARBITRATION AND MEDIATION**

**SB-1007 (Wieckowski) - Arbitration: transcription by certified shorthand reporter.**

This bill establishes the right of a party to an arbitration to have a court reporter transcribe, at the expense of the requesting party, any proceeding, and provides that the transcript shall be the official record of the proceeding. This bill establishes timelines in which a party may request a court reporter and, in the event an arbitrator denies a party's request, this bill authorizes a party to petition the court to compel the arbitrator to allow a court reporter to transcribe the proceeding.

**Status:** Chapter 626, Statutes of 2016

**SB-1065 (Monning) - Dismissal or denial of petitions to compel arbitration: appeals.**

This bill generally provides that in an appeal from an order dismissing or denying a petition to compel arbitration, the court of appeal must issue its decision within 100 days after the notice of appeal is filed if the appeal involves a claim under the Elder and Dependent Adult Civil Protection Act and a party has been granted a trial preference, as specified. This bill also provides an exception allowing the court to grant an extension of time, only if good cause is shown and the extension will promote the interests of justice.

**Status:** Chapter 628, Statutes of 2016

**SB-1078 (Jackson) - Civil procedure: arbitration.**

This bill would have generally prohibited an arbitrator, in consumer arbitrations, from entertaining or accepting, from the time of appointment until the conclusion of the arbitration any offers of employment as a dispute resolution neutral in another case involving a party or lawyer for a party in the pending arbitration without the prior written consent of the parties, as specified. This bill also would have added specified prohibitions and disclosure requirements relating to certain solicitations made by, or at the direction of, a private arbitration company to a party or a lawyer for a party in a pending arbitration. This bill was vetoed by Governor Brown based on his belief that arbitrators are already subject to stringent disclosure requirements under existing state law and Judicial Council standards and that the existing Judicial Council procedure for amending arbitrator ethics standards is a deliberative and public process that can more appropriately consider additional requirements.

**Status:** Vetoed by the Governor

**SB-1241 (Wieckowski) - Contracts.**

This bill prohibits employers, in contracts entered into, modified, or extended on or after January 1, 2017, from requiring an employee who resides and works in California, as a condition of employment, to agree to a provision that either: (1) requires the employee to adjudicate outside of California a claim arising in California; or (2) deprives the employee of the substantive protection of California law with respect to a controversy arising in California. This bill provides that such a provision is voidable by the employee. If such a provision is rendered void at the employee's request, then the matter must be adjudicated (meaning litigated or arbitrated) in California and California law shall govern the dispute. This bill provides a specified exception to these provisions for any employee who is in fact individually represented by legal counsel in negotiating the terms of an agreement and otherwise authorizes a court to award a plaintiff enforcing his or her rights under this bill attorney's fees, as specified.

**Status:** Chapter 632, Statutes of 2016

**SB-1372 (Wieckowski) - Mediation: confidentiality.**

This bill would have provided that a mediation ends if there is no communication between the mediator and any of the parties to the mediation relating to the dispute for 14 calendar days, as opposed to 10 calendar days under existing law.

**Status:** Held in Senate Judiciary Committee

## **CORPORATIONS, LIMITED LIABILITY CORPORATIONS (LLCs) AND LIMITED LIABILITY PARTNERSHIPS (LLPs)**

### **SB-177 (Wieckowski) - Alarm companies: limited liability companies.**

This bill extends the sunset date for the Bureau of Security and Investigative Services to issue an alarm company operator license to a limited liability company from January 1, 2016, to January 1, 2022.

**Status:** Chapter 140, Statutes of 2015

### **SB-284 (Cannella) - Engineering and land surveying: limited liability partnerships.**

This bill extends the sunset date for engineers and land surveyors to form registered limited liability partnerships and foreign limited liability partnerships until January 1, 2019.

**Status:** Chapter 157, Statutes of 2015

### **SB-1253 (Moorlach) - Real estate brokers: limited liability companies.**

This bill would have authorized a limited liability company to be licensed as a real estate broker.

**Status:** Held in Senate Judiciary Committee

### **AB-506 (Maienschein) - Limited liability companies.**

This bill makes various changes throughout the California Revised Uniform Limited Liability Company Act (RULLCA). For example, among other things, this bill:

- (1) replaces references to a “holder of a transferable interest in the limited liability company” with “transferee,” to reflect correct RULLCA terminology, and also corrects references to “majority in interest,” which is not defined by RULLCA;
- (2) revises and corrects cross-references throughout various RULLCA provisions and adds missing cross-references to conform potentially conflicting sections;
- (3) modifies certain references to participation in the management or conduct of activities of the LLC to clarify that “participate” includes the right to vote;
- (4) adds a default rule to RULLCA specifying how to allocate losses and profits among members, which is substantially similar to the default rule provided under the former Beverly Killea LLC Act (former Corp. Code Sec. 17202) and the default rule for partnerships under the California Revised Uniform Partnership Act; and
- (5) modifies existing limitations upon what an operating agreement can do.

**Status:** Chapter 775, Statutes of 2015

### **AB-1471 (Perea) - Business entities: filings.**

This bill makes various clarifying and technical changes throughout the General Corporation Law, Social Purpose Corporations Act, the California Uniform Limited Liability Company Act, the Uniform Limited Partnership Act, and the Uniform Partnership Act in order to assist the Secretary of State (SOS) in improving efficiencies in business filing procedures to facilitate the development of the California Business Connect automated system. These changes include, for example:

- (1) updating and making consistent throughout the various acts the information that must be provided in a certificate of conversion;
- (2) clarifying signature authority in relation to SOS filings; and
- (3) correcting cross-references to existing sections prescribing the fees that a business entity must pay in order to reserve a name with the SOS.

**Status:** Chapter 189, Statutes of 2015

### **AB-1722 (Wagner) - Limited liability companies: dissolution: cancellation of articles of organization.**

This bill inserts a “50 percent or more” standard in place of current law requirements that a “majority” of an limited liability company’s voting power, as specified, vote to dissolve or to cancel its articles of organization.

**Status:** Chapter 66, Statutes of 2016

## **INTELLECTUAL PROPERTY**

### **SB-681 (Hill) - Civil law: patents.**

This bill would have made it unlawful to send a written communication stating that the recipient may have infringed on a United States patent if, in bad faith, the sender makes specified statements, seeks compensation for specified conduct, or fails to include specified information in the communication. This bill would have also provided specific remedies for sending such unlawful communications, and would have specified that those remedies may only be obtained by the Attorney General or an attorney acting on behalf of the state. This bill was subsequently gutted and amended to address a different subject.

**Status:** Held in Senate Appropriations Committee

### **AB-2249 (Cooley, Bigelow, Gray) - State parks.**

This bill establishes the California Heritage Protection Act, which prohibits a concession contract from providing a contracting party with a trademark or service mark of the

names associated with a unit of the state park system. This bill further requires that a concessionaire forfeit the right to bid on future state parks concession contracts if the concessionaire makes a legal claim or assertion to a trademark or service mark of the historical, cultural, or recreational resources in a state park unit.

**Status:** Chapter 413, Statutes of 2016

**AJR-9 (Chang) - Patent reform.**

This resolution urges the President and the Congress of the United States to craft a balanced and workable approach to reduce incentives for and minimize unnecessary patent litigation while ensuring that legitimate patent enforcement rights are protected and maintained.

**Status:** Resolution Chapter 123, Statutes of 2015

## **CONTRACTORS**

**SB-885 (Wolk) - Construction contracts: indemnity.**

This bill would have provided that a design professional shall only have the duty to defend him or herself from claims that arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of the design professional, as specified. This bill would have provided that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting any such contract that purport to require a design professional to defend claims against another party shall be unenforceable. This bill would have provided that it does not prohibit a design professional from mutually agreeing with another party to the timing or immediacy of a defense and provisions for reimbursement of defense fees and costs, and specifies that it shall not be construed to affect any duty of a design professional to pay a reasonable allocated share of defense fees and costs with respect to claims and lawsuits alleging negligence, recklessness, or willful misconduct of the design professional, as specified.

**Status:** Held in Assembly Judiciary Committee

**AB-626 (Chiu, Low) - Public contracts: claim resolution.**

This bill, until January 1, 2020, establishes, for public works contracts entered into on or after January 1, 2017, a claim resolution procedure by which a general contractor can seek public agency review of the claim.

**Status:** Chapter 810, Statutes of 2016

**AB-1347 (Chiu) - Public contracts: claims.**

This bill, until January 1, 2019, would have established, for public works contracts entered into on or after January 1, 2016, a claim resolution procedure by which a general contractor could seek public agency review of the claim. This bill was vetoed by Governor Brown, who was not convinced that the procedures contemplated by this bill were an improvement over current law. Governor Brown stated in his veto message that his commitment to ensuring timely payment for work ordered by public agencies, and, in the interest of furthering that goal, directed his departments to immediately work with industry partners and the proponents of this bill on ways of improving prompt payment policies. AB 626 (Chiu) was amended to address the Governor's concerns and signed into law. (Chapter 810, Statutes 2016)

**Status:** Vetoed by the Governor

**AB-1793 (Holden) - Contractors: license requirements: recovery actions.**

This bill clarifies that the judicial doctrine of substantial compliance shall apply where a person who engaged in the business or acted in the capacity of a contractor: (1) had been duly licensed as a contractor in this state prior to the performance of the act or contract; (2) acted reasonably and in good faith to maintain proper licensure; and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of such failure.

**Status:** Chapter 244, Statutes of 2016

## **HEALTH CARE ISSUES**

**SB-19 (Wolk) - Physician Orders for Life Sustaining Treatment form: statewide registry.**

This bill establishes a Physician Orders for Life Sustaining Treatment (POLST) eRegistry Pilot operated by the California Emergency Medical Services Authority for the purpose of collecting a POLST form received from a physician, or his or her designee, and disseminating the information in the form to authorized persons.

**Status:** Chapter 504, Statutes of 2015

**SB-145 (Pan) - Health facilities: patient transporting.**

When before our Committee, this bill would have prohibited hospitals from causing a patient who, in the judgment of the attending physician, is at risk of serious injury or death as a result of clinical alcohol intoxication, to be transported to another location, except when the patient is medically stabilized or transferred to another licensed health



facility. This bill was substantially amended in the Assembly Health Committee to require the Department of Health Care Services (DHCS) to annually reimburse the Robert F. Kennedy Farmworkers Medical Plan (RFK Medical Plan) for claim payments that exceed \$70,000.

**Status:** Chapter 712, Statutes of 2015

**SB-980 (Nielsen) - Veterans' homes.**

This bill would have required the Department of Veterans Affairs to: (1) adopt statewide policies and procedures, by regulation, for operation of the state veterans home system; (2) implement a statewide electronic medical records (EMR) system; and (3) correct and update outdated terminology and references within the portion of the Military and Veterans Code that governs state veterans' homes.

**Status:** Held in Assembly Appropriations

**SB-1443 (Galgiani) - Incarcerated persons: health records.**

SB 1443 would have required the disclosure of medical, dental, and mental health information, by electronic transmission when possible, between a county correctional facility, a county medical facility, a state correctional facility, a state hospital, or a state-assigned mental health provider when the jurisdiction of an inmate is transferred from or between state and county facilities caring for inmates, as specified.

**Status:** Held in Senate Appropriations

**AB-193 (Maienschein) - Mental health: conservatorship hearings.**

This bill would have authorized the probate court, after an evidentiary hearing attended by a proposed conservatee and/or his counsel, to order an investigation for a Lanterman-Petris Short Act conservatorship, as specified, if the court determines that a person for whom a probate conservatorship has been established may be gravely disabled and is unwilling or incapable of accepting treatment voluntarily. This bill would have required the officer providing conservatorship investigation to petition the superior court in the patient's county of residence to establish a conservatorship if he or she concurs with the recommendation of the court, and to file a copy of his or her report with the court. This bill was vetoed by the Governor who expressed concern that the bill would bypass the clinical expertise of the professionals currently in charge of county mental health facilities.

**Status:** Vetoed by the Governor

**AB-503 (Rodriguez) - Emergency medical services.**

This bill permits a hospital to release patient-identifiable medical information to an emergency medical services provider, to the local emergency medical services agency, or to the Emergency Medical Services Authority, for quality assessment and improvement purposes.

**Status:** Chapter 362, Statutes of 2015

**AB-521 (Nazarian) - HIV testing.**

This bill would have required a patient who has been admitted as an inpatient to a hospital through the emergency department and has blood drawn after being admitted to the hospital, and who has consented, to be offered an HIV test. This bill was vetoed by the Governor who expressed that the provisions of the bill were not the best approach to identifying those who are undiagnosed with HIV, and limited resources would be better spent on education and outreach.

**Status:** Vetoed by the Governor

**AB-1129 (Burke) - Emergency medical services: data and information system.**

This bill requires an emergency medical care provider, when submitting data to a local emergency medical services agency (LEMSA), to use an electronic health record system that is compatible with specified standards, and that includes those data elements that are required by the LEMSA. This bill prohibits a LEMSA from mandating that a provider use a specific electronic health record system.

**Status:** Chapter 377, Statutes of 2015

**AB-1337 (Linder) - Medical records: electronic delivery.**

This bill creates an authorization form for disclosure of health information by medical providers, and requires electronic medical records requested prior to the filing of any action or appearance of a defendant in an action to be provided electronically if requested in an electronic format, and if it is readily producible in that format.

**Status:** Chapter 528, Statutes of 2015

**AB-1808 (Wood) - Minors: mental health treatment or counseling services.**

This bill adds the following individuals working under the supervision of a specified licensee to the definition of a “professional person” for purposes of providing mental health treatment or counseling services: (1) a marriage and family therapist (MFT) trainee; (2) a licensed professional clinical counselor (LPCC) trainee; (3) a registered

psychologist; (4) a registered psychological assistant; (5) a psychology trainee; (6) an associate clinical social worker; and (7) a social work intern. This bill additionally establishes supervision requirements for the treatment of a minor by an MFT trainee, LPCC trainee, a psychology trainee, and a social work intern.

**Status:** Chapter 292, Statutes of 2016

**AB-1836 (Maienschein) - Mental health: referral of conservatees.**

This bill authorizes the probate court, after an evidentiary hearing attended by a probate conservatee and his or her counsel, to refer a conservatee to the county mental health system for an assessment to determine whether the conservatee has a treatable mental illness, or is gravely disabled and unwilling or unable to accept treatment voluntarily.

**Status:** Chapter 819, Statutes of 2016

**AB-2119 (Chu) - Medical information: disclosure: medical examiners and forensic pathologists.**

This bill authorizes licensed physicians who perform official autopsies on behalf of a county coroner's office or the medical examiner's office to receive medical information for specified purposes. This bill additionally requires a health facility, as defined, a health or behavioral health facility or clinic, and the physician in charge of the patient to release a patient's medical record relating to community mental health services, voluntary admissions and judicial commitments to mental hospitals, and county psychiatric hospitals to a medical examiner, forensic pathologist, or coroner, as specified, upon request, when a patient dies from any cause, natural or otherwise.

**Status:** Chapter 690, Statutes of 2016

**FAMILY, DOMESTIC PARTNERSHIPS, ADOPTIONS, CHILD CUSTODY AND SUPPORT**

**SB-28 (Wieckowski) - Spousal support factors: domestic violence conviction.**

This bill clarifies that pleas of nolo contendere to allegations of domestic violence are included in a documented history of domestic violence that a court must consider when making an award of spousal support.

**Status:** Chapter 137, Statutes of 2015

**SB-340 (Anderson) - Dissolution: disclosure.**

This bill provides that a preliminary declaration of disclosure is not required by a petitioner if the petitioner served the summons and petition by publication or posting pursuant to court order and the respondent has defaulted. This bill requires, when a petitioner has served the summons and petition by publication or posting pursuant to court order and the respondent files a response prior to default judgment being entered, the petitioner to serve the respondent with a preliminary declaration of disclosure within 30 days of the response being filed. This bill makes other related, conforming changes.

**Status:** Chapter 46, Statutes of 2015

**SB-414 (Jackson) - Marriage.**

When before our Committee, this bill would have replaced references to a “husband” or “wife” with references to a “spouse,” and made other conforming and related changes to the Family Code. Subsequently, this bill was substantially amended to make several changes to state law regarding oil spill preparedness, prevention, and response.

**Status:** Chapter 609, Statutes of 2015

**SB-585 (Leyva) - Insurance payments: interception.**

This bill would have, beginning July 1, 2016, created the Insurance Payment Intercept Program within the Department of Insurance, and would have required the Department of Child Support Services to facilitate a data match system using automated data exchanges through which an insurer or self-insurer would be required to report, prior to the payment of a claim, the name, address, and, if known, date of birth and social security number or other taxpayer identification number for each claimant who owes past due support, as specified. This bill would also have required the Insurance Commissioner to give written notice of alleged noncompliance specifying a reasonable time during which the insurer or self-insurer is required to correct the noncompliance. The bill would also have required the Commissioner to impose a fine, not to exceed \$1,000, for each violation if an insurer or self-insurer fails to correct the noncompliance within the specified timeframe, and to issue an order requiring the violator to comply with that requirement.

**Status:** Held in Assembly Judiciary Committee

**SB-594 (Wieckowski) - Child custody.**

This bill specifies that a child custody evaluation, investigation, or assessment, and any resulting report, may only be considered by the court if the evaluation, investigation, or assessment, and any resulting report, is conducted in accordance with minimum requirements.

**Status:** Chapter 130, Statutes of 2015

**SB-646 (Jackson) - Uniform Interstate Family Support part.**

This bill revises and recasts the Uniform Interstate Family Support Act to provide guidelines for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (2007 Hague Convention). This bill identifies the Department of Child Support Services as the agency designated by the United States central authority, as defined, to perform specific functions under the Convention. This bill makes other technical, clarifying, and conforming changes.

**Status:** Chapter 493, Statutes of 2015

**SB-875 (Gaines) - Solemnization of marriage: county sheriff.**

This bill expands who may solemnize marriages in California to include county sheriffs.

**Status:** Chapter 211, Statutes of 2016

**SB-917 (Jackson) - Family law: court orders.**

This bill would have required courts, beginning July 1, 2017, to provide family law litigants with copies of court orders within two days after the conclusion of a hearing, as specified.

**Status:** Held in Assembly Appropriations Committee

**SB-1005 (Jackson) - Marriage.**

This bill replaces references to a “husband” or “wife” with references to a “spouse,” defines “spouse” as including “registered domestic partner,” and makes other conforming and related changes

**Status:** Chapter 50, Statutes of 2016

**SB-1040 (Hill) - Adoptions: rehoming.**

This bill would have required the Department of Social Services (DSS) to establish a working group to examine the unique challenges facing adoptive families, and would have made it unlawful for anyone to solicit custody of a child without pursuing a legal adoption or guardianship, as specified. This bill was vetoed by the Governor who expressed that the intent of this bill should be handled by DSS in the normal course of its work on adoptions with counties, adoption agencies, and interested stakeholders.

**Status:** Vetoed by the Governor

**SB-1060 (Leno) - Postadoption contact: siblings of dependent children.**

This bill requires the county placing agency, to the extent practicable, to convene a meeting with the child, siblings of the child, prospective adoptive parent or parents, and a facilitator for the purpose of deciding whether to voluntarily execute a postadoption sibling contact agreement. This bill provides that the meeting is not required to occur if the court determines by a preponderance of the evidence that a postadoption sibling contact agreement or a meeting for the purpose of deciding whether to voluntarily execute such an agreement is contrary to the safety and well-being of the child and notes the determination in the court order.

**Status:** Chapter 719, Statutes of 2016

**SB-1255 (Moorlach) - Dissolution of marriage: date of separation.**

This bill defines “date of separation” for purposes of the Family Code as the date that a complete and final break in the marital relationship has occurred, as evidenced by a spouse’s expression of his or her intent to end the marriage and conduct that is consistent with that intent, and updates the Family Code to reflect this definition.

**Status:** Chapter 114, Statutes of 2016

**AB-365 (Cristina Garcia) - Child custody proceedings: testimony by electronic means.**

This bill requires the court to allow a party, whose deportation or detention by the federal Department of Homeland Security materially affects his or her ability to appear at a child custody proceeding, to present testimony and evidence, and participate in mandatory child custody mediation, by electronic means.

**Status:** Chapter 69, Statutes of 2015

**AB-380 (Waldron) - Marriage: putative spouses.**

This bill requires the court, only upon request of a party who is declared a putative spouse, to divide the quasi-marital property that would have been community property or quasi-community property if the marriage was valid as if it were community property.

**Status:** Chapter 196, Statutes of 2015

**AB-439 (Bloom) - Protective orders: batterer’s program.**

This bill requires a restrained party, who has been ordered to participate in a batterer’s program, to register for the program by the deadline ordered by the court, or within 30 days if no deadline is indicated. This bill requires that at the time of enrollment, the restrained party sign all necessary program consent forms for the program to release

specified documents, including attendance records, to the court and the protected party, and to provide the court and the protected party with specified information regarding the program. This bill additionally requires the Judicial Council, by July 1, 2016, revise or promulgate forms as necessary to effectuate the above provisions.

**Status:** Chapter 72, Statutes of 2015

**AB-610 (Jones-Sawyer) - Child support: suspension of support order.**

This bill, an urgency measure, until January 1, 2020, specifies that the suspension of a child support order occurs by operation of law for any period exceeding 90 consecutive days in which an obligor is incarcerated or involuntarily institutionalized, subject to specified exceptions. This bill requires the Department of Child Support Services and the Judicial Council to evaluate the effectiveness of the administrative adjustment process and report to the Legislature by January 1, 2019.

**Status:** Chapter 629, Statutes of 2015

**AB-960 (Chiu) - Parentage: assisted reproduction.**

This bill provides that the donor of semen provided to a licensed physician or to a licensed sperm bank for use in assisted reproduction shall be treated as if he were not the natural parent of a child thereby conceived, unless otherwise agreed to in a writing prior to the conception of the child. This bill also provides, if the semen is not provided to a licensed physician or a licensed sperm bank for use in assisted reproduction by a woman other than the donor's spouse, the donor shall be treated in law as if he were not the natural parent of the child if either: (1) the donor and the woman agreed in a writing prior to conception that the donor would not be a parent; or (2) a court finds by clear and convincing evidence that the child was conceived through assisted reproduction and that, prior to the conception of the child, the woman and the donor had an oral agreement that the donor would not be a parent.

**Status:** Chapter 566, Statutes of 2015

**AB-1049 (Patterson) - Parent and child relationship.**

This bill states that a person's offer or refusal to sign a voluntary declaration of paternity may be considered as a factor, but shall not be determinative as to the issue of legal parentage in any proceedings regarding the establishment or termination of parental rights. This bill additionally requires a nonattorney donor facilitator to direct his or her client to deposit client funds in an independent, bonded escrow account or a trust account maintained by an attorney.

**Status:** Chapter 91, Statutes of 2015

**AB-1519 (Committee on Judiciary) - Judiciary omnibus: family support.**

This bill makes various changes to the Family Code, including: (1) providing that the Department of Child Support Services has no obligation to determine whether an account at the financial institution of the recipient's choice is a qualifying account, as defined; (2) allowing, effective July 1, 2016, a local child support agency to electronically file pleadings, as specified; (3) clarifying that a petitioner is required to serve the preliminary declaration of disclosure either concurrently with the petition for legal separation or within 60 days of filing the petition or response; and (4) ratifying the authority of the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in the 2015-16 fiscal year, as specified.

**Status:** Chapter 416, Statutes of 2015

**AB-1735 (Waldron) - Dissolution of marriage: bifurcated judgment: service.**

This bill requires, in cases where issues have been bifurcated for separate trial, that service be on the attorney of record for represented parties or on the parties themselves if unrepresented. In actions where a pleading has not been filed in the six months after the entry of a bifurcated judgment, this bill requires service to be upon both the party and the attorney of record.

**Status:** Chapter 67, Statutes of 2016

**AB-2128 (Achadjian) - Marriage.**

This bill, seeking to ensure members of the Armed Forces are able to exercise the privilege of being able to marry by proxy, clarifies the county clerk's and State Registrar's role in evaluating an applicant's request to marry by proxy. Specifically, this bill provides that the completion of the power of attorney is the sole determinant as to whether the county clerk's office or State Registrar may accept the power of attorney.

**Status:** Chapter 130, Statutes of 2016

**AB-2349 (Chiu) - Assisted reproduction agreements for gestational carriers.**

This bill provides that California has subject matter jurisdiction to determine parentage of a child for a child conceived pursuant to an assisted reproduction agreement for gestational carriers if certain conditions are satisfied, including: (1) the child is born in California; or (2) one or more of the parties to the agreement reside in California or resided in California when the agreement was executed. This bill also makes technical changes to the requirements of an assisted reproduction agreement for gestational carriers.

**Status:** Chapter 385, Statutes of 2016



**AB-2761 (Low) - Marriage.**

This bill authorizes former Members of the Legislature and constitutional officers of this state, former Members of Congress of the United States who represented a district within this state, and current and former elected officials of a city, county, or city and county, to solemnize a marriage. This bill removes the requirement that county supervisors, city clerks, and elected mayors obtain and review all available instructions for marriage solemnization before first solemnizing a marriage.

**Status:** Chapter 528, Statutes of 2016

**AB-2872 (Patterson) - Children.**

This bill makes technical and clarifying changes related to adoption laws, including requiring hospitals to complete a Health Facility Minor Release Report upon the request of a birth parent.

**Status:** Chapter 702, Statutes of 2016

**AB-2882 (Committee on Judiciary) - Judiciary omnibus: family law.**

This bill makes various changes to the Family Code, including: (1) allowing conversions of subordinate judicial officer positions to judges; (2) allowing formerly incarcerated child support obligors to petition a court to suspend arrears that previously accrued during a now sunsetted pilot program; and (3) updating and making technical corrections to marriage establishment, adoption, and Department of Child Support Services enforcement provisions.

**Status:** Chapter 474, Statutes of 2016

**CHILD ABUSE, ELDER AND DEPENDENT ADULT ABUSE****SB-196 (Hancock) - Elder abuse: protective orders.**

This bill authorizes, as of July 1, 2016, a county adult protective services agency to file a petition for issuance of a protective order on behalf of an elder or dependent adult.

**Status:** Chapter 285, Statutes of 2015

**AB-1081 (Quirk) - Protective orders.**

This bill allows either party to request a continuance of a hearing on a temporary restraining order (TRO), as specified, which the court would be required to grant on a showing of good cause, and additionally authorizes the court to grant a continuance on its own motion. This bill, upon granting a continuance, requires that any TRO that had

previously been granted remain in effect until the conclusion of the continued hearing, and authorizes the court to modify or terminate that TRO.

**Status:** Chapter 411, Statutes of 2015

**AB-1682 (Mark Stone) - Confidential settlement agreements: sexual offenses.**

This bill prohibits a confidentiality or secrecy provision in a settlement agreement in a civil action for an act of childhood sexual abuse or an act of sexual assault against an elder or dependent adult, as specified, and makes a confidential settlement agreement void as a matter of law and against public policy, and subjects an attorney that fails to comply with the requirements of the bill to discipline by the State Bar of California.

**Status:** Chapter 876, Statutes of 2016

**MINORS, JUVENILE COURTS, AND DEPENDENCY PROCEEDINGS**

**SB-12 (Beall) - Foster youth.**

This bill would have permitted a nonminor who was subject to an order for foster care placement at the time he or she is adjudged a ward of the court, but was held in secure confinement on the day he or she attained 18 years of age, to petition the court to resume dependency jurisdiction pursuant to the California Fostering Connections to Success Act.

**Status:** Held in Assembly Appropriations Committee

**SB-68 (Liu) - Minor parents: reunification services.**

This bill requires the court in making its determination whether to return a child, who was removed from his or her parent's custody, back to the physical custody of his or her parents, to take into account the particular barriers to a minor parent or nonminor dependent parent.

**Status:** Chapter 284, Statutes of 2015

**SB-238 (Mitchell, Beall) - Foster care: psychotropic medication.**

This bill requires certification and training programs for foster parents, child welfare social workers, group home administrators, public health nurses, dependency court judges and court appointed counsel to include training on psychotropic medication, trauma, and behavioral health, as specified, for children receiving child welfare services. This bill requires the Judicial Council to amend and adopt rules of court and develop

appropriate forms pertaining to the authorization of psychotropic medication for foster youth, on or before July 1, 2016.

**Status:** Chapter 534, Statutes of 2015

**SB-253 (Monning) - Dependent children: psychotropic medication.**

This bill would have provided that an order of the juvenile court authorizing psychotropic medication shall require clear and convincing evidence that administration of the medication is based on the best interest of the child and a determination of the court of specified documentation and confirmations from the prescribing physician. This bill would have also prohibited the authorization of psychotropic medications without a second independent medical opinion under specified circumstances. Additionally, this bill would have required the court to conduct a review to determine specified information regarding the efficacy of the child's treatment plan, no later than 60 days after authorization for psychotropic medication, or at the next review hearing, as specified. In his veto message, the Governor wrote, "Last year, I signed a bill that required the Judicial Council, working with stakeholders, to amend and adopt rules of court and forms to help judges determine whether to authorize the use of psychotropic medications. These new rules and forms took effect July 1, 2016, and require significantly more information to be submitted to the court. Until we know the impact of these changes, it is premature to legislate additional measures."

**Status:** Vetoed by the Governor

**SB-316 (Mitchell) - Dependency proceedings: counsel.**

When before the Senate Judiciary Committee, this bill would have prohibited counsel representing a child or nonminor dependent in dependency proceedings from having a caseload that exceeds 77 clients, unless the counsel has the assistance of a social worker or investigator, as specified, in which case the caseload shall not exceed 188 clients. The bill was subsequently amended to conform with federal law, the list of non-exemptible crimes, the commission of which by a prospective adoptive parent, foster care applicant, resource family applicant, relative or nonrelative extended family members, or any adult in the home, will prohibit the placement of a child. This bill is substantially similar to SB 1201 (Mitchell) which was approved by this Committee and subsequently held in the Senate Appropriations Committee.

**Status:** Held in Assembly Rules Committee pursuant to A.R. 96.

**SB-731 (Leno) - Foster children: housing: gender identity.**

This bill requires foster children and nonminor dependents in out-of-home care to be placed according to their gender identity, regardless of the gender or sex listed in their

court or child welfare records. Additionally, this bill adds the above requirement to the foster care bill of rights.

**Status:** Chapter 805, Statutes of 2015

**SB-942 (Liu) - Dependency proceedings: relative caregivers.**

This bill would have required an early assessment of a relative's home for placement of a dependent child, provided for court oversight if that early assessment did not occur in a timely manner, and required county welfare agencies to assist persons filing for criminal records exemptions with locating pertinent documents.

**Status:** Held in Assembly Appropriations Committee

**SB-1056 (Liu) - Juveniles: family reunification.**

This bill would have required the court to consider whether lack of housing is the sole impediment to family reunification, and if the child can be returned to the parent upon the parent securing appropriate housing. If the parent is in substantial compliance with the court-ordered case plan and lack of housing is the sole impediment to family reunification, this bill would have authorized the court to order that the child be returned to the parent's physical custody within five days after the parent has secured appropriate housing. This bill would have also added parental homelessness and minor status to the considerations the court must take into account when deciding whether to provide family reunification services, and would have required a county to report what services it offers to assist a parent in securing appropriate housing, if a parent's lack of housing is the sole impediment to reunifying the parent with a dependent child.

**Status:** Held in Senate Appropriations Committee

**SB-1201 (Mitchell) - Placement of children: criminal records check.**

This bill would have prohibited a child from being placed in the home of a relative, nonrelative extended family member, foster, or resource family if the person has a felony conviction for specified crimes, including a crime against a child, or a crime involving violence, as defined. If the criminal records check indicates that the person has been convicted of any other crime, this bill would have required the county social worker and the court to consider the person's criminal history in determining whether the placement is in the best interests of the child, as specified. This bill would have also prohibited the California Department of Social Services, county adoption agency, or licensed adoption agency from giving final approval for an adoptive placement in a home in which the prospective adoptive parent or an adult living in the home has been convicted of a crime that is classified as a violent felony for purposes of various provisions of the Penal Code.

**Status:** Held in Senate Appropriations Committee

**SB-1336 (Jackson) - Dependent children: placement with relatives.**

This bill requires the juvenile court to make a finding as to whether the social worker exercised due diligence in conducting his or her investigation to identify, locate, and notify the child's relatives, including whether specific actions were taken.

**Status:** Chapter 890, Statutes of 2016

**AB-217 (Maienschein) - Juvenile law: hearings.**

This bill requires the court to inform a minor, if the minor is present at the juvenile hearing, of his or her right to address the court and participate in the hearing.

**Status:** Chapter 36, Statutes of 2015

**AB-260 (Lopez) - Foster care: parenting youth.**

This bill establishes a declaration of the Legislature that a child shall not be considered to be at risk of abuse or neglect solely on the basis of information concerning the parent's or parents' placement history, past behaviors, or health or mental health diagnoses occurring prior to the pregnancy, as specified, and prohibits that history from being used in deciding a child's placement, unless the court deems it materially relevant.

**Status:** Chapter 511, Statutes of 2015

**AB-424 (Beth Gaines) - Court appointed child advocates: wards.**

This bill authorizes the appointment of a court appointed special advocate (CASA) in a juvenile delinquency proceeding, and provides that a CASA shall be considered court personnel for purposes of inspecting the case file of a dependent child or ward of the juvenile court.

**Status:** Chapter 71, Statutes of 2015

**AB-879 (Burke) - Juveniles: court proceedings: notice.**

This bill allows, until January 1, 2019, notice of juvenile dependency hearings to be made by electronic mail if the county and the court choose to permit service by electronic mail, and the person to be served has consented to service by electronic mail by signing a specified form, as provided.

**Status:** Chapter 219, Statutes of 2015

**AB-885 (Lopez) - Foster youth.**

This bill would have deleted the requirement that a former guardian or adoptive parent of a nonminor dependent no longer receive aid on behalf of the nonminor before the juvenile court may resume dependency jurisdiction, and would have made other related changes. This bill was vetoed by the Governor who expressed that the bill was more appropriate as part of the state budget process.

**Status:** Vetoed by the Governor

**AB-1702 (Mark Stone, Maienschein) - Juveniles: dependent children: reunification services.**

This bill provides that reunification services need not be provided when the court finds that the parent or guardian knowingly participated in, or permitted, the sexual exploitation of the child, except if the parent or guardian demonstrated by a preponderance of the evidence that he or she was coerced into permitting, or participating in, the sexual exploitation of the child.

**Status:** Chapter 124, Statutes of 2016

**AB-1911 (Eggman) - Dual status minors.**

This bill requires the Judicial Council to convene a committee of stakeholders involved in serving the needs of juvenile dependents and wards to develop and report to the Legislature, by January 1, 2018, recommendations to facilitate and enhance comprehensive data and outcome tracking for the state's dual-status youth. This bill also requires the California Department of Social Services, on or before January 1, 2019, to implement a function within the applicable child welfare case management system that will enable county child welfare agencies and probation departments to identify dual-status youth within their counties, and to issue instructions to all counties on the manner in which to completely and consistently track the involvement of these youth in both systems.

**Status:** Chapter 637, Statutes of 2016

**AB-2723 (Chávez) - Juvenile dependency: prostitution.**

Existing law declares that a child is within the dependency jurisdiction of the juvenile court if the child is a victim of sexual trafficking, or receives food, shelter, or money in exchange for specified sexual acts, and whose parent or guardian failed to, or was unable to protect the child. This bill would have added prostitution to the specified sexual acts in this provision.

**Status:** Held in Senate Appropriations Committee

**ACR-120 (Mark Stone) - Data trusts: at-risk children.**

This resolution recognizes that the Legislature supports the development of safe and secure data sharing between public education, social service, and research entities through the Silicon Valley Regional Data Trust as it pertains specifically to at-risk, foster, homeless, and justice-involved children and youth and their families, in order to better serve, protect, and improve the futures of these Californians.

**Status:** Resolution Chapter 97, Statutes of 2016

**PROBATE, TRUSTS AND ESTATES, CONSERVATORSHIPS AND GUARDIANSHIPS**

**SB-269 (Roth, Vidak) - Disability access.**

This bill, seeks to further promote disability access compliance among small businesses by allowing a business owner 90 days from the date of a CASp inspection to fix violations before being subject to liability, and also protects small businesses from liability for certain violations if the business corrected the violation within 15 days of receiving notice of the potential violation. This bill also creates tax incentives for businesses to correct violations, and requires the State Architect and the California Commission on Disability Compliance to post specified information to their respective Web sites for the purpose of educating the public on disability access laws.

**Status:** Chapter 13, Statutes of 2016

**SB-589 (Block) - Voting: voter registration: individuals with disabilities and conservatees.**

This bill prohibits disqualifying a conservatee from voting if he or she would need to complete an affidavit for voter registration with reasonable accommodations. This bill provides that a person is presumed competent to vote regardless of his or her conservatorship status and clarifies the judicial procedures through which an individual with a disability or under a conservatorship would lose his or her ability to vote. In order to deem a person mentally incompetent and disqualified from voting, this bill requires a court to make a finding of clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the vote process.

**Status:** Chapter 736, Statutes of 2015

**SB-785 (Morrell) - Estates and trusts: creditor's claim.**

This bill clarifies the definitions of "probate estate" and "trust estate" for purposes of filing a petition by a trustee for the payments of claims, debts, and expenses from a revocable trust of the deceased settlor.

**Status:** Chapter 48, Statutes of 2015

**SB-929 (Vidak) - Conservator appointments: compensation.**

This bill would have authorized a person, who has successfully petitioned for the appointment of a third-party conservator, and the person's attorney, to petition the court for an order fixing and allowing compensation for services rendered and reimbursement for costs incurred in connection with the appointment of the conservator. This bill would have provided that any compensation and costs shall be charged to the conservatee's estate.

**Status:** Held in Assembly Judiciary Committee

**SB-938 (Jackson) - Conservatorships: psychotropic drugs.**

This bill would have revised the existing physician declaration that is required to be filed in support of a conservator's petition for the authorization to administer psychotropic medication to a conservatee with a major neurocognitive disorder. Specifically, this bill would have required the declaration to include the following additional information: (1) possible side effects of the proposed medication; (2) prior treatments utilized; and (3) an explanation of how the medication is expected to improve the conservatee's symptoms as part of the overall treatment plan. This bill also would have revised the court findings required for placement in a secured perimeter facility. This bill would have replaced the term "dementia" in this area of the code with "major neurocognitive disorder" and defined the new term.

**Status:** Assembly Inactive File

**SB-1158 (Anderson) - Trusts: modification or termination.**

This bill would have established that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination. This bill also would have clarified that in making a determination with respect to a proposed termination of an irrevocable trust pursuant to a beneficiary's petition, the court must consider whether the trust is subject to a spendthrift provision. This bill also would have made other clarifying changes.

**Status:** Held in Assembly Judiciary Committee



**SB-1265 (Moorlach) - Marital deduction trusts.**

This bill requires the income from a marital deduction trust to which the transferor's spouse is entitled to be construed in a manner consistent with the federal limitations on life estate or other terminable interest, as specified, and include a unitrust payment or other allocation of income determined pursuant to a reasonable apportionment of total investment return that meets the requirements of federal laws and regulations, as specified. This bill also deletes provisions made inoperative pursuant to changes in the Internal Revenue Code.

**Status:** Chapter 140, Statutes of 2016

**SB-1284 (Hernandez) - Human remains: conservator of the person or estate.**

This bill provides that the right and duty to control the disposition of the remains of a decedent passes successively to the conservator of the person and conservator of the estate if a person in a higher order of succession fails to act or cannot be found.

**Status:** Chapter 39, Statutes of 2016

**SB-1452 (Wieckowski) - Conservators.**

This bill would have specified that a conservatee retains the personal right to receive electronic mail and would have provided the court authorization to issue an order specifically granting the conservator power to enforce the conservatee's right to receive electronic mail or that directs the conservator to allow electronic mail to be delivered to the conservatee. The bill also would have made technical revisions and corrected a cross-reference.

**Status:** Assembly Inactive File

**AB-139 (Gatto) - Nonprobate transfers: revocable transfer upon death deeds.**

This bill creates a new nonprobate residential real property transfer instrument, the "Simple Revocable Transfer on Death Deed," which would be effective upon death of the transferor. This bill sunsets on January 1, 2021.

**Status:** Chapter 293, Statutes of 2015

**AB-436 (Jones) - Guardian or conservator: powers and duties.**

This bill requires a court, upon granting or denying authority to a conservator for the placement of a conservatee in a secured residential care facility or administration of

medications for the care and treatment of dementia, to discharge the court-appointed attorney or order the continuation of the legal representation of the conservatee.

**Status:** Chapter 197, Statutes of 2015

**AB-548 (Cristina Garcia) - Estates: administrators.**

This bill removes the January 1, 2016, sunset, thus, extending the authorization indefinitely, for a court to have authorization to appoint an administrator nominated by a non-U.S. relative to administer a decedent's estate.

**Status:** Chapter 54, Statutes of 2015

**AB-634 (Calderon) - Vacation ownership and time-shares: owners list.**

This bill would have effectively limited the immunity contained in AB 691 (Calderon), the Revised Uniform Fiduciary Access to Digital Assets Act. Specifically, the amendments would have limited the immunity provision in AB 691 (Calderon), which provides that a custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act to, instead, provide that the immunity does not apply in cases of gross negligence or willful or wanton misconduct of the custodian or its officers, employees, or agents.

**Status:** Held in Senate Rules Committee

**AB-691 (Calderon) - Revised Uniform Fiduciary Access to Digital Assets Act.**

This bill enacts the Revised Uniform Fiduciary Access to Digital Assets Act, which authorizes a decedent's personal representative or trustee to access and manage digital assets and electronic communications, as specified. The bill authorizes a person to use an online tool to give directions to the custodian of his or her digital assets regarding the disclosure of those assets. The bill specifies that, if a person has not used an online tool to give that direction, he or she may give direction regarding the disclosure of digital assets in a will, trust, power of attorney, or other record. The bill requires a custodian of the digital assets to comply with a fiduciary's request for disclosure of digital assets or to terminate an account, except under certain circumstances, including when the decedent has prohibited this disclosure using the online tool. The bill limits liability of custodians for acts or omissions done in good faith in compliance with these provisions.

**Status:** Chapter 551, Statutes of 2016

**AB-900 (Levine) - Juveniles: special immigrant juvenile status.**

This bill authorizes a court to appoint a guardian, or extend a guardianship, for an unmarried individual who is between 18 and 21 years of age in connection with a petition to make the necessary findings regarding special immigrant juvenile status, as specified, with the consent of the proposed ward.

**Status:** Chapter 694, Statutes of 2015

**AB-1085 (Gatto) - Personal representatives: conservators and attorneys-in-fact.**

This bill authorizes the court to issue an order that specifically grants a conservator the power to enforce the conservatee's rights to receive visitors, telephone calls, and personal mail, or that directs the conservator to allow those visitors, telephone calls, and personal mail, and requires a conservator to provide notice of a conservatee's death by mailing a copy of the notice to all persons entitled to notice, as specified, and by filing a proof of service with the court, unless otherwise ordered by the court. This bill also requires an attorney-in-fact, who is named by a person (principal) to handle the principal's health matters, upon the death of the principal, to inform those individuals, whose names are provided by the principal to the attorney-in-fact, of the principal's death.

**Status:** Chapter 92, Statutes of 2015

**AB-1700 (Maienschein) - Trusts: Notice of proposed action by trustee.**

This bill eliminates the statutory provision that prevents a trustee from using a notice of proposed action (an out of court procedure) for a preliminary and final distribution of trust assets, effectively allowing the notice of proposed action to be used for a preliminary and final distribution of trust assets. This bill clarifies that the notice of proposed action process cannot be used by a trustee to discharge himself or herself and avoid any liability related to the discharge.

**Status:** Chapter 64, Statutes of 2016

**AB-1779 (Gatto) - Nonprobate transfers: revocable transfer on death deed.**

This bill includes additional instructions for the California Law Revision Commission to study whether it is feasible and appropriate to expand the transfer on death deed to include the transfer of stock cooperatives or other common interest developments; and transfers to a trust or other legal entity.

**Status:** Chapter 179, Statutes of 2016

**AB-2080 (Gallagher) - Probate of wills: death certificates.**

This bill would have provided that any person may obtain a lodged will from the superior court clerk if they pay the required fee and provide an informational certified copy of the death certificate.

**Status:** Held in Senate Judiciary Committee

**AB-2846 (Maienschein) - Powers of appointment.**

This bill clarifies statutory law related to powers of appointment by replacing the term “donee” with “powerholder” in the powers of appointment portion of the Probate Code to avoid confusion; explicitly defining a “power of appointment;” providing how a power of appointment is created; clarifying the instances when a power of appointment is subject to claims of creditors; adopting the selective allocation doctrine as a rule of construction; and adopting a default rule that allows a taker-in-default to share fully in unappointed property when the powerholder makes a partial appointment to the taker-in-default.

**Status:** Chapter 81, Statutes of 2016

**CIVIL PROCEDURE**

**SB-308 (Wieckowski) - Debtor exemptions.**

This bill would have increased the amounts of the homestead exemption and removed the homestead reinvestment requirement. This bill also would have revised and increased various amounts in various categories of property exemptions that are available to debtors.

**Status:** Failed passage in the Assembly.

**SB-383 (Wieckowski) - Civil actions: objections to pleadings.**

This bill, for purposes of most civil actions, generally requires that before filing a demurrer in response to a complaint or cross-complaint, a party must meet and confer with the opposing party who filed the pleading subject to demurrer, as specified. This bill also: (1) prohibits a party from amending a complaint or cross-complaint more than three times in response to a demurrer filed before the case is at issue; (2) prohibits a party from demurring to a pleading that is amended following a sustained demurrer as to any portion of the amended pleading on grounds that could have been raised by the prior demurrer; (3) authorizes a party to amend a pleading after a demurrer is filed but before it is heard by the court if the amended pleading is filed and served before the date for filing an opposition to the demurrer; and (4) authorizes a party to amend a pleading after the date for filing an opposition to the demurrer upon stipulation by the parties.

**Status:** Chapter 418, Statutes of 2015

**SB-470 (Jackson) - Civil actions: summary judgment.**

This bill provides that, in granting or denying a motion for summary judgment or summary adjudication, the court need rule only on objections made to evidence that the court deems material to the disposition of the motion. This bill also provides that objections to evidence not ruled on for purposes of the motion shall be preserved for appellate review.

**Status:** Chapter 161, Statutes of 2015

**SB-501 (Wieckowski) - Wage garnishment restrictions.**

This bill, as of July 1, 2016, reduces the maximum amount of disposable earnings subject to wage garnishment to the lesser of either 25 percent of the individual's disposable earnings for that week or 50 percent of the amount by which the individual's disposable earnings for that week exceed 40 times the state minimum hourly wage. This bill provides that if a judgment debtor works in a location where the local minimum hourly wage is greater than the state minimum hourly wage, the local minimum hourly wage in effect at the time the earnings are payable would be the amount upon which to base the maximum amount of wage garnishment. This bill, for any pay period other than weekly, bases the maximum amount of disposable earnings subject to levy on the applicable hourly minimum wage rather than the state hourly minimum wage.

**Status:** Chapter 800, Statutes of 2015

**SB-672 (Hernandez) - Discovery: pharmacy review committees.**

This bill adds pharmacists to the Evidence Code's list of organized medical committees and peer review bodies whose proceedings and records are currently exempt from discovery in civil litigation.

**Status:** Chapter 274, Statutes of 2015

**SB-1087 (Anderson) - Evidence: production of business records.**

This bill provides for the admissibility of business documents produced by search warrant.

**Status:** Chapter 85, Statutes of 2016

**SB-1329 (Hertzberg) - Property taxation: certificated aircraft.**

When before this Committee, this bill would have required a trial court to consider all evidence relating to the valuation of the property under the rules of evidence and

required the court to base its decision upon the preponderance of the evidence before it in suits for the refund of locally assessed property taxes relating to certificated aircraft. When before this committee, this bill also would have extended the Centralized Fleet Calculation Program for statewide assessment of certified aircraft for property tax purposes until fiscal year 2021-22. This evidence portion of the bill was amended out and the bill as in print would have simply extended the Centralized Fleet Calculation Program for statewide assessment of certificated aircraft for property tax purposes for one year, until fiscal year 2017-18.

**Status:** Assembly Inactive File

**SB-1431 (Morrell) - Service of summons or subpoena.**

This bill allows investigators employed by an office of a district attorney or public defender to gain access to gated communities for a reasonable amount of time for the sole purpose of performing lawful service of process or service of subpoena upon displaying a current driver's license or other identification, and a badge or other confirmation that the individual is acting in his or her capacity as an investigator employed by an office of the attorney general, a county counsel, a city attorney, a district attorney or a public defender.

**Status:** Chapter 88, Statutes of 2016

**AB-432 (Chang) - Civil procedure: electronic signatures.**

This bill provides that an electronic signature by a court or judicial officer is effective as an original signature. This bill defines "electronic signature" for the purposes of the Code of Civil Procedure to mean electronic sounds, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. This bill makes other non-substantive changes to existing definitions for the Code of Civil Procedure.

**Status:** Chapter 32, Statutes of 2015

**AB-555 (Alejo) - Civil actions.**

This bill renames the existing Expedited Jury Trials Act (EJT) as the Voluntary EJT Act and modifies the Act to extend the number of hours for each side to present their case and to repeal the January 1, 2016 sunset date. This bill also establishes the Mandatory EJT Act to make EJTs mandatory for limited civil cases, subject to the right of parties to opt out in certain circumstances, as specified. This bill includes various provisions governing mandatory EJTs, such as provision allowing for a right of appeal, as specified.

**Status:** Chapter 330, Statutes of 2015

**AB-1141 (Chau) - Civil actions.**

This bill reenacts a provision allowing parties to stipulate to summary adjudication of an issue that does not dispose of a cause of action, upon approval of the court, as specified, that sunset on January 1, 2015. This bill also removes a disparity under existing law relating to Section 998 settlement offers by ensuring that both plaintiffs and defendants, alike, could be ordered to pay the “post-offer” costs of the other party as a consequence of rejecting a Section 998 settlement offer and failing to ultimately obtain a more favorable award.

**Status:** Chapter 345, Statutes of 2015

**AB-1283 (Ting) - Civil procedure: trial jury selection.**

This bill would have specified that marital status is also a prohibited reason to exempt an eligible person from service as a trial juror, in addition to economic status, race, religion, and sex, among other things provided under existing law.

**Status:** Held in Senate Judiciary Committee

**AB-1796 (Wilk) - Civil actions: intervention.**

This bill would have amended the statute governing interventions to recognize an “answer in intervention” in addition to the existing “complaint in intervention,” and to make other clarifying or non-substantive changes to modernize that statute.

**Status:** Held in Senate Judiciary Committee

**AB-1867 (Steinorth) - Evidence: judicial notice: official records of conviction.**

This bill, for purposes of judicial notice of criminal conviction records, expands an existing definition of “electronically digitized copy” to also allow a court to take judicial notice of an electronically digitized copy of the record that does not bear any electronic signature or watermark as is currently required, but that, instead, is a certified copy of an official record of conviction, as specified, that has been transmitted by the clerk of the superior court in a manner showing that the copy was prepared and transmitted by that clerk of the superior court. This bill provides that a seal, signature, or other indicia of the court shall constitute adequate showing.

**Status:** Chapter 126, Statutes of 2016

**AB-2020 (Oberholte) - Discovery: depositions.**

Existing law prohibits a deposition subpoena that commands only the production of business records for copying from commanding compliance on a date that is any earlier than 20 days after the issuance, or 15 days after the service, of the subpoena, whichever is later. Existing law also requires that a deposition to produce personal records of a consumer or employment records of an employee be scheduled at least 20 days after the issuance of the subpoena. This bill would have instead required a deposition subpoena commanding the production of business records to command compliance on a date that is at least 15 days after the service of the subpoena. This bill would also have required that a deposition to produce personal records of a consumer or employment records of an employee to be scheduled at least 20 days after service (as opposed to after issuance, under existing law) of the subpoena.

**Status:** Held in Senate Judiciary Committee

**AB-2159 (Gonzalez, Bonta) - Evidence: immigration status.**

This bill provides that in a civil action for personal injury or wrongful death, evidence of a person's immigration status shall not be admitted into evidence, nor shall discovery into a person's immigration status be permitted, except as specified. This bill provides that it does not affect the standards of relevance, admissibility, or discovery under existing law, which recognize that such inquiries can be allowed where the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

**Status:** Chapter 132, Statutes of 2016

**AB-2211 (Linder) - Registered process servers.**

This bill makes various clarifying changes to statutes governing the service of writs of attachment and execution, and makes other technical and non-substantive changes.

**Status:** Chapter 102, Statutes of 2016

**AB-2244 (Gatto) - Court fees: electronic filing.**

This bill ensures that if any trial court permits or mandates electronic filing and service of documents, any fees charged by the court, an electronic filing manager (EFM), or an electronic filing service provider (EFSP) to process a payment for filing fees and other court fees shall not exceed the costs incurred. This bill further ensures that if a trial court mandates e-filing: (1) a court or an EFM contracted with a court to provide a system for acceptance of electronically transmitted documents and associated fees accept more than one method of payment to an EFSP, as specified; and (2) clarifies that an EFSP is an agent of the court for the sole purpose of collecting and remitting



specified payments and any fees set by an EFSP must, consistent with existing law, be approved by the Judicial Council. This bill also allows for prevailing parties to recover fees associated with electronic filing and service through an EFSP, as specified.

**Status:** Chapter 461, Statutes of 2016

## **COURTS, COURT FACILITIES, COURT EMPLOYMENT, COURT INTERPRETERS, AND COURT REPORTERS**

### **SB-229 (Roth) - Courts: judgeships.**

This bill would have appropriated \$5 million from the General Fund for the purpose of funding 12 new superior court judgeships, and accompanying staff, as specified. The Governor vetoed the bill because he intends to work with the Judicial Council to develop a more system wide approach to balance the workload and the distribution of judgeships around the state before funding any new positions.

**Status:** Vetoed by the Governor

### **SB-270 (Mendoza) - Court Reporters Board of California: civil actions: corporations.**

This bill would have authorized the Court Reporters Board of California (CRB) to bring a civil action (or ask the Attorney General to bring an action) to enjoin any unlicensed or unauthorized person, corporation, or foreign corporation from rendering court reporter services in this state. This bill would have authorized the CRB to seek certain penalties, including fines and restitution, and would have required the courts to award reasonable investigation and enforcement costs to the CRB or Attorney General, who would have been responsible for filing an action pursuant to this bill.

**Status:** Held in Assembly Business and Professions Committee

### **SB-428 (Hall) - Juries: peace officer exemption.**

This bill would have exempted from voir dire in criminal matters certain peace officers, including various parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees, of the Department of Corrections and Rehabilitation, the State Department of State Hospitals, and the Board of Parole Hearings.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-682 (Leno) - Courts.**

This bill would have required a trial court to meet certain standards if it intends to enter into a contract for any services that are currently or have been customarily performed by that trial court's employees, except as otherwise specified by the bill. This bill was vetoed by Governor Brown who believed that the measure 1) goes too far and requires California's courts to meet overly detailed and in some cases nearly impossible requirements when entering into or renewing certain contracts; and 2) contains provisions that are unclear and will lead to confusion about what services may or may not be subject to this measure. Governor Brown further expressed that he is unwilling to restrict the flexibility of our courts as they face tremendous funding pressure and the challenge of doing their work at a lower cost.

**Status:** Vetoed by the Governor

**SB-1023 (Committee on Judiciary) - Courts: judgeships.**

Existing law authorizes 50 additional judges, upon appropriation by the Legislature, to be allocated to various county superior courts, pursuant to uniform criteria approved by the Judicial Council of California. This bill would have appropriated \$5 million from the General Fund for the purpose of funding the cost of 12 of those 50 superior court judgeships and accompanying staff.

**Status:** Held in the Senate Appropriations Committee

**AB-87 (Mark Stone) - Jurors: peremptory challenge.**

This bill extends the existing protection against the use of a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of certain characteristics (race, color, religion, sex, national origin, sexual orientation, or similar grounds) to all characteristics listed or defined in a specified anti-discrimination statute under the Government Code (i.e. race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability), or similar grounds.

**Status:** Chapter 115, Statutes of 2015

**AB-874 (Santiago) - Collective bargaining: Judicial Council.**

This bill would have provided collective bargaining rights to Judicial Council employees who are exempt from state civil service by making the Ralph C. Dills Act (Dills Act) applicable to specified, Judicial Council employees. In his veto message, Governor Brown explained that the state has no experience collective bargaining with employees from the third branch of government. The Governor further explained that the bill leaves several important questions unanswered such as how agreements will be ratified,

approved for funding and whether the Dills Act is a proper law for employees who are constitutionally exempt from civil service.

**Status:** Vetoed by the Governor

**AB-1002 (Wilk, Alejo) - Civil actions: interpreter costs.**

This bill adds the fees of a certified or registered interpreter for the deposition of a party or witness who does not proficiently speak or understand the English language to the list of fees recoverable by a prevailing party.

**Status:** Chapter 90, Statutes of 2015

**AB-1028 (Bonta) - Judicial officers: oaths and affirmations.**

This bill permits a former judge or justice who is retired by the Supreme Court for disability to administer oaths and affirmations, if certified by the Commission on Judicial Performance. This bill also permits former judges and justices certified before January 1, 2016, to continue to administer oaths and affirmations until January 1, 2017, before needing to reapply for certification pursuant to these provisions.

**Status:** Chapter 308, Statutes of 2015

**AB-1197 (Bonilla) - Deposition notices.**

This bill requires that a deposing party include in its deposition notice to the person it seeks to depose: (1) a statement disclosing the existence of a contract, if any is known to the noticing party, for any service beyond the noticed deposition, between the noticing party or a third party who is financing all or part of the action and either the deposition officer or the entity providing the services of the deposition officer; and (2) a statement disclosing that the party noticing the deposition, or a third party financing all or part of the action, directed his or her attorney to use a particular officer or entity to provide services for the deposition, if applicable.

**Status:** Chapter 346, Statutes of 2015

**AB-1522 (Committee on Judiciary) - Transcript Reimbursement Fund: renewal.**

This bill would have extended the operation of existing provisions relating to the Transcript Reimbursement Fund to January 1, 2022.

**Status:** Held in Senate Judiciary Committee

**AB-1900 (Jones-Sawyer) - San Pedro courthouse.**

This bill authorizes the Judicial Council to sell the San Pedro superior courthouse, which has not been in use for three years, as specified. This bill also requires that the County of Los Angeles receive the opportunity to purchase the property at fair market value before the property is offered to others for purchase. This bill requires the net proceeds from the sale to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

**Status:** Chapter 510, Statutes of 2016

**AB-2101 (Gordon) - Sanctions: jurors.**

This bill would have allowed judicial officers from a representative sample of courts participating in a pilot project by the Judicial Council, as specified, to impose reasonable monetary sanctions, as specified, on an impaneled juror for any knowing violation of a lawful court order without good cause or substantial justification that is supported by clear and convincing evidence. This bill would also have required the Judicial Council to report to the Governor and the Legislature the results of its evaluation of the pilot project, on or after July 1, 2021. The provisions of this bill would have sunset on January 1, 2022.

**Status:** Held in Senate Appropriations Committee

**AB-2341 (Oberholte) - Allocation of vacant judgeships.**

Existing law authorizes 50 additional judges, upon appropriation by the Legislature, to be allocated to various county superior courts, pursuant to uniform criteria approved by the Judicial Council of California. This bill would have required that up to five vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need. This bill also would have required that the allocation of vacant judgeships be in accordance with a methodology approved by the Judicial Council, as specified.

**Status:** Held in Senate Appropriations Committee

**AB-2458 (Oberholte) - Courts: unexpended funds.**

Under existing law, trial courts may carry over unexpended funds in an amount not to exceed one percent of the court's operating budget from the prior fiscal year. Additionally, under existing law, the Judicial Council may set aside two percent of appropriated funds into the Trial Court Trust Fund for trial courts to utilize for emergencies. This bill would have repealed the one percent limitation and allowed the

Judicial Council to authorize a trial court to carry unexpended funds over from one fiscal year to the next. This bill would also have removed the two percent emergency fund.

**Status:** Held in Senate Appropriations Committee

**AB-2629 (Roger Hernández) - Court reporters.**

This bill would have incrementally increased the fees that court reporters can charge for transcripts, and copies thereof, over the next five years, as specified. This bill would have also required the Judicial Council to report, as specified, recommendations to the Legislature to increase uniformity in transcript rate expenditures in California. Governor Brown vetoed this bill because it would result in additional pressure to the General Fund by increasing costs to the judicial system and otherwise relates to spending that he felt is more appropriately considered during the budget process.

**Status:** Vetoed by the Governor

## **ATTORNEYS AND THE PRACTICE OF LAW**

**SB-134 (Hertzberg) - State Bar of California: voluntary fee collection.**

This bill requires funds in Interest on Lawyers' Trust Accounts (IOLTA) that escheat to the state to be deposited into the Abandoned IOLTA Property Account, which is established within the Unclaimed Property Fund. This bill requires a portion of the escheated IOLTA funds to be transferred annually into the Public Interest Attorney Loan Repayment Account to be established by this bill within the State Treasury for the purposes of providing, upon appropriation by the Legislature, additional funding to the Student Aid Commission for the administration of, and provision of loan assistance pursuant to, the Public Interest Attorney Loan Repayment Program.

**Status:** Chapter 488, Statutes of 2015

**SB-363 (Morrell) - Attorney's fees: book accounts.**

This bill increases the maximum attorney's fees, in any action on a contract based on a book account, as defined, that does not provide for attorney's fees and costs, to an amount not to exceed (1) \$960 for book accounts that are maintained for personal, family, or household purposes of a natural person; and (2) \$1,200 for book accounts that are maintained for all other purposes.

**Status:** Chapter 80, Statutes of 2015

**SB-387 (Jackson) - Attorneys: annual membership fees.**

This bill authorizes the State Bar of California to collect active membership dues of up to \$390 for the year 2016. This bill also requires the State Bar to: (1) develop and implement a specified workforce plan for its discipline system; (2) conduct a public sector compensation and benefits study; (3) conduct a thorough analysis of its operating costs and develop a spending plan to determine a reasonable amount for the annual membership fee, as specified, and (4) contract with the California State Auditor's Office to conduct an in-depth financial audit of the State Bar. The bill also makes the State Bar subject to the Bagley-Keene Open Meeting Act and the California Public Records Act, as specified.

**Status:** Chapter 537, Statutes of 2015

**SB-711 (Wolk) - Law libraries: charges.**

This bill authorizes a county law library to impose charges for special services, including electronic delivery, other delivery services, educational programs, special events, and the provision of supplies or food services. This bill also defines a "public library" for purposes of the provisions governing the California State Library to mean any public library, as defined for purposes of the Education Code, or any county law library.

**Status:** Chapter 318, Statutes of 2015

**SB-1257 (Block) - State Bar: admission: license: pro bono service requirement.**

This bill, to achieve greater access to justice for indigent unrepresented Californians, would have required those who apply to become licensed California attorneys, with certain exceptions, to complete at least 50 hours of pro bono legal service, as defined, prior to admission with the State Bar of California. This bill was vetoed by the Governor who expressed that he supports law students and lawyers providing pro bono legal services but does not believe a state mandate can be justified. The Governor noted that law students in California are now contending with skyrocketing costs, and in this context believes that it would be unfair to burden students with the requirements set forth in this bill. Instead, according to the Governor's veto message, we should focus on lowering the cost of legal education and devising alternative and less expensive ways to qualify for the Bar Exam.

**Status:** Vetoed by the Governor

**SB-1281 (Block) - Law schools: unaccredited law school disclosures.**

This bill, to ensure that prospective law students can make informed decisions about which law schools to attend, requires law schools not accredited by the American Bar

Association to post information on their Internet Web sites, including bar passage data, tuition, fees, financial aid, employment outcomes for graduates, conditional scholarships, enrollment data, faculty information, average class size for required courses, and the number of clinical offerings.

**Status:** Chapter 87, Statutes of 2016

**AB-60 (Gonzalez) - Immigration services.**

This bill clarifies the existing prohibition on the advance payment of fees for immigration reform act services before the enactment of an immigration reform act, as specified, by expanding the definition of “immigration reform act” to include the President’s executive actions on immigration, as specified, and makes related conforming changes.

**Status:** Chapter 6, Statutes of 2015

**AB-2878 (Committee on Judiciary) - Attorneys: State Bar: board of trustees.**

This bill would have authorized the State Bar of California (State Bar) to collect annual membership dues for 2017 and, among other things would have: (1) reconstituted the membership of the State Bar Board of Trustees (Board) from a 19-member Board consisting of a supermajority of attorneys (13) as compared to non-attorneys (six), to a 13-member Board consisting of seven attorneys and six non-attorney members, by eliminating the six attorneys elected to the Board; (2) provided that the President and Vice-President of the Board be renamed as the Chair and Vice-Chair and be appointed by the Supreme Court instead of elected by the Board; (3) provided that each appointing body should consider appointing members with education or experience in one of six specified areas, including immigration law; (4) provided that members of the Board serve four year terms instead of three; (5) codified new specific requirements for the handling of unlawful practice of law complaints; (6) required the Office of Chief Trial Counsel at the State Bar to employ at least one supervising attorney with significant immigration law experience; (7) required the Executive Committee to include at least one Board member appointed by the Governor, Senate, Assembly, and Supreme Court to ensure oversight and participation by all appointing entities in the most crucial decisions made by the Board; (8) provided that access to records of the State Bar Court are subject to the rules and laws applicable to the judiciary instead of the California Public Records Act or Bagley-Keene Open Meeting Act; (9) enhanced the annual financial audits of the State Bar and required an additional performance audit of the State Bar by the State Auditor; (10) required the Attorney General to appoint a temporary State Bar enforcement program monitor to evaluate the disciplinary system, make recommendations, and report findings, as specified; (11) eliminated the ability of the State Bar to prevent future Legislatures from reducing future membership dues; (12) required Board approval of contracts for goods, services, or both for an aggregate

amount in excess of \$50,000 as well as of contracts for information technology, goods, services, or both, for an aggregate amount in excess of \$100,000, as specified; (13) required the Board to adopt policies and procedures to require Board approval of any contract that could impact the State Bar's ability to carry out its paramount duty to protect the public; (14) prohibited the State Bar from creating foundations or nonprofits, as specified; and (15) required the State Bar to conduct an analysis of the Client Security Fund (CSF), as specified.

**Status:** Assembly Floor

## **ADMINISTRATIVE LAW**

### **SB-1017 (Hill) - Public Utilities Commission: public availability of utility supplied documents.**

When before this Committee, this bill would have authorized the California Public Utilities Commission (CPUC) to adopt rules providing for the disclosure of information furnished to the agency by a CPUC-regulated utility or corporation and not require a vote of the CPUC or order of a commissioner for every disclosure of matters marked as confidential by the utility. This bill was subsequently amended to require the CPUC to develop rules consistent with the California Public Records Act for the expeditious disclosure, of information related to public health and safety emergencies, public, employee and contractor safety, and environmental degradation caused by loss of operational control by a public utility.

**Status:** Vetoed by the Governor

### **AB-2446 (Gordon) - State Water Resources Control Board: judicial review.**

This bill expands the authority of the State Water Resources Control Board, and to a lesser extent regional boards, to issue or not issue a stay pending board proceedings, prohibits certain judicial challenges to water board decisions until after the administrative process has run its course, and clarifies two specified evidentiary requirements.

**Status:** Chapter 523, Statutes of 2016



## **GOVERNMENT AGENCIES: PUBLIC RECORDS ACT AND BROWN ACT**

### **SB-272 (Hertzberg) - The California Public Records Act: local agencies: inventory.**

The California Public Records Act requires state and local agencies to make public records available for inspection by the public, with specified exceptions. This bill requires each local agency, with specified exceptions, to create a catalog of enterprise systems, as defined, post that catalog on the local agency's Internet Web site, and make the catalog publicly available upon request in the office of the clerk of the agency's legislative body. This bill specifies a schedule by which local agencies must complete and update catalogues of their data system, and provides local agencies with an alternative to publicly disclosing specified information in cases where public disclosure would not serve the public interest.

**Status:** Chapter 795, Statutes of 2015

### **SB-421 (Hancock) - Refineries: turnarounds.**

This bill deletes the requirement that the court award attorneys' fees to the party who prevails in an action to compel or prohibit the disclosure of petroleum refinery turnaround information by the Division of Occupational Safety and Health. This bill also clarifies that a petroleum refinery employer or a person requesting the disclosure of turnaround information may intervene in an action to prohibit or compel the disclosure of the turnaround information. This bill makes clarifying changes to trade secret protection of the information requested to be disclosed and the appropriate service to be provided to a petroleum refinery employer of an action filed requesting release of information.

**Status:** Chapter 314, Statutes of 2015

### **SB-441 (Wolk) - California Public Records Act: exemptions.**

This bill exempts from disclosure under the California Public Records Act any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor, as specified.

**Status:** Chapter 477, Statutes of 2016

### **AB-169 (Maienschein) - Local government: public records: Internet.**

This bill establishes open format requirements for posting a public record if a local agency, except a school district, maintains an "open data" Internet Resource, including, but not limited to, an Internet Web site, Internet Web page, or Internet Web portal, and voluntarily posts the public record.

**Status:** Chapter 737, Statutes of 2015

**AB-709 (Gipson) - Charter schools.**

This bill would have subjected charter schools to a variety of the same open meeting, conflict-of-interest, and disclosure laws as traditional school districts, including the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act of 1974, and the state's primary conflict-of-interest provisions—Government Code Section 1090. In his veto message the Governor explained that in 2014, he vetoed AB 913, a virtually identical bill. The Governor explained that he still holds the view that starting a charter school requires the strong commitment of dedicated individuals willing to serve on a governing board. And, the Governor explained that while he supports transparency, this bill goes further than simply addressing issues of potential conflicts of interest and goes too far in prescribing how these boards must operate.

**Status:** Vetoed by the Governor

**AB-1520 (Mark Stone, Chau, Chiu, Cristina Garcia, Holden) - Public Records.**

This bill would have clarified that the exemption from public disclosure, under the California Public Records Act, for specified personal information does not apply to industrial, commercial, and institutional water use data.

**Status:** Senate Inactive File

**AB-2498 (Bonta) - Human trafficking.**

This bill exempts the names, addresses, and images of victims of human trafficking and their immediate family, as specified, from disclosure pursuant to the California Public Records Act. This bill requires law enforcement to orally inform a person who alleges to be the victim of human trafficking of his or her right to have his or her name, addresses, and images, and the names, addresses, and images of his or her immediate family members withheld and kept confidential, and, with regard to calendaring, gives courts the discretion to grant human trafficking actions preference in the order of trial.

**Status:** Chapter 644, Statutes of 2016

**AB-2611 (Low) - The California Public Records Act: exemptions.**

This bill would have prohibited a public agency from disclosing a visual or audio recording of the death of a peace officer killed in the line of duty, unless the disclosure is authorized by the peace officer's immediate family, in which case, this bill would have required the public agency to disclose the visual or audio recording. This bill was re-referred to the Assembly Judiciary Committee pursuant to Rule 77.2.

**Status:** Held in Assembly Judiciary Committee

**AB-2843 (Chau) - Public records: employee contact information.**

This bill extends an exemption from disclosure under the California Public Records Act to include personal cellular telephone numbers and birth dates of state employees, and makes other conforming changes.

**Status:** Chapter 830, Statutes of 2016

**AB-2853 (Gatto) - Public records.**

This bill authorizes a public agency that posts a public record on its Internet Web site to refer a member of the public that requests to inspect the public record to the agency's Internet Web site where the record is posted. This bill requires, if a member of the public requests a copy of the public record due to an inability to access or reproduce the record from the Internet Web site where the record is posted, the public agency to promptly provide a copy of the public record to the member of the public, as specified.

**Status:** Chapter 275, Statutes of 2016

**ACR-148 (Chau) - California Law Revision Commission: studies.**

This resolution authorizes the California Law Revision Commission (CLRC) to continue its studies on whether specified laws should be revised; authorizes an additional study of the California Public Records Act (CPRA); provides that before commencing work on any project within the list of topics authorized for study by the Legislature, the CLRC shall submit a detailed description of the scope of work to the Senate and Assembly Committees on Judiciary and any legislative policy committee with jurisdiction over the study's subject matter; and expressly allows the CLRC to provide copies of its recommendations to members of a legislative policy committee and invite CLRC staff to hearings for the purpose of explaining recommendations and answering questions from committee members.

**Status:** Resolution Chapter 150, Statutes of 2016

## **NOTARIES**

**SB-997 (Lara) - Notaries public.**

This bill allows the identity of the signer of an acknowledgement to be established by a notary public's reasonable reliance on an identification card issued by a federally recognized tribal government.

**Status:** Chapter 491, Statutes of 2016

**AB-1036 (Quirk) - Notaries public: acceptance of identification.**

This bill authorizes a notary public to rely on any inmate identification issued by a sheriff's department to prove the identity of an individual in custody in a local detention facility.

**Status:** Chapter 42, Statutes of 2015

**AB-2217 (Hadley) - Notary public: service fees.**

This bill allows a notary public to charge an additional five dollars for the following services: (1) each signature taken for an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate; (2) administering an oath or affirmation to one person and executing the jurat, including the seal; (3) certifying a copy of a power of attorney under Section 4307 of the Probate Code; and (4) entering data provided by a client on immigration forms provided by a federal or state agency if the notary public is qualified and bonded as an immigration consultant. This bill further allows, in connection with the taking of any deposition, a notary public to charge a fee up to 30 dollars, instead of 20 dollars, and in addition allows the notary to charge 7 dollars instead of 5 dollars for administering the oath to the witness and for the certificate to the deposition. This bill also makes other nonsubstantive conforming changes.

**Status:** Chapter 133, Statutes of 2016

**AB-2566 (Nazarian) - Notaries public: acceptance of identification.**

This bill allows the identity of the signer of an acknowledgement to be established by a notary public's reasonable reliance on a valid consular identification document issued by a consulate from the signer's country of citizenship or a valid passport from the signer's country of citizenship.

**Status:** Chapter 762, Statutes of 2016

## **ANIMALS**

**AB-494 (Maienschein) - Restraining orders: protection of animals.**

This bill authorizes the court, on a showing of good cause, to include in a civil protective or restraining order, as specified, an order: (1) granting the petitioner exclusive care, possession, or control of an animal that is held by a person protected by a restraining order, or that resides in the same residence as a person protected by a restraining

order; and (2) instructing the respondent or restrained person to stay away from the animal, and refrain from taking or harming the animal, as specified.

**Status:** Chapter 401, Statutes of 2015

**AB-1825 (Gordon, Maienschein) - Vicious dogs: definition.**

This bill deletes from the definition of vicious dog “a dog seized under criminal laws prohibiting dog-fighting whose owner has been convicted of a crime related to dog-fighting.”

**Status:** Chapter 97, Statutes of 2016

**AB-2269 (Waldron) - Animal shelters: research animals: prohibitions.**

This bill prohibits a person or animal shelter from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer, prohibits the transferring of live animals to a research facility or animal dealer, as specified, and makes other conforming changes.

**Status:** Chapter 568, Statutes of 2016

## **MISCELLANEOUS**

**SB-161 (Vidak) - Uniform Fraudulent Transfer Act.**

This bill renames the existing Uniform Fraudulent Transfer Act to the Uniform Voidable Transactions Act and adopts various changes to the act based on updates made to the underlying model act by the National Conference of Commissioners on Uniform State Laws. Among other things, the bill: (1) substitutes references to “fraudulent” with “voidable”; (2) modifies the test for insolvency and repeals the insolvency test for partnerships; (3) specifies various burdens of proof in making or defending a claim for relief; (4) adds a choice of law rule for claims of the nature governed by the act; (5) adds new and modernizes existing definitions; and (6) revises cross-references and makes other technical or non-substantive changes. This bill also specifies that the modifications made to this Act apply only to a right of action that accrued, transfer made, or obligation incurred, on or after the effective date of this bill.

**Status:** Chapter 44, Statutes of 2015

**SB-1179 (Vidak) - Public cemetery districts: interment rights.**

This bill establishes an interment right as a transferable property interest, requires the interment right owner to designate a successor, and, in the event a successor owner has not been otherwise named, establishes a procedure for the succession of an

interment right in public cemetery districts. This bill provides immunity from liability to a district or district employee or trustee for claims, losses, or damages resulting from transferring an interment right, as specified, and provides the circumstances and process under which human remains may be disinterred, reinterred, or removed from a public cemetery district after interment, and specifies the records required to be maintained by the public cemetery district and the person removing and relocating the human remains.

**Status:** Chapter 592, Statutes of 2016

**SB-1353 (Pan) - Public employee retirement systems: prohibited investments.**

When before this Committee, this bill would have required CalPERS and CalSTRS to hold a properly noticed public hearing and take a roll call vote, as specified, when making a determination that statutory prohibited investments in Sudan and thermal coal violate the board's fiduciary duty. This bill was substantially amended in the Assembly Public Employees, Retirement & Social Security Committee to remove all provisions contemplated in this Committee, and instead make technical changes to eliminate possible confusion related to calculating the applicable unfunded actuarial obligation when determining future adjustments to the state contribution rate pursuant to the 2014 California State Teachers' Retirement System Full Funding Plan.

**Status:** Chapter 350, Statutes of 2016

**SJR-5 (Nguyen) - Vietnam: humanitarian resettlement.**

This resolution urges the President and Vice President of the United States and the United States Congress to reauthorize the Humanitarian Resettlement Program and the Orderly Departure Program to allow disabled veterans of the South Vietnamese Army currently living in the Socialist Republic of Vietnam to enter the United States.

**Status:** Resolution Chapter 94, Statutes of 2015

**SJR-14 (Gaines) - Islamic State in Iraq and Syria: religious and other persecution.**

This measure would have declared that there is an urgent need to protect religious minorities and other vulnerable groups from persecution by the Sunni Islamist terrorist group the Islamic State in Iraq and Syria (ISIS) as it exercises its control over areas in Syria and Iraq. This measure would also have: (1) urged President Obama's administration to expedite visa processing for Syria and Iraq's minority groups and to lift the refugee quota cap in order to streamline the process of accepting them into the United States as refugees; (2) urged Congress to pass House Resolution 1568 which

also urges the U.S. to act swiftly on behalf of religious minorities that are under the constant threat of persecution; (3) urged Congress to amend HR 1568 to include calls for the protection of victims of persecution based on biological or preferred sexuality, gender, ethnicity, race, nationality, or religious affiliation; and (4) called on the United States Department of State to work with, among others, the Kurdistan Regional Government, the Iraqi central government, and neighboring countries to help secure safe havens for those claiming amnesty from Iraq.

**Status:** Held in Senate Judiciary Committee

### **SR-59 (Nguyen)**

This measure would have urged the President of the United States to focus on the ongoing human rights injustices that continue to occur in the Socialist Republic of Vietnam and in other Southeast Asian nations when the President hosts the leaders of the Association of Southeast Asian Nations at the Sunnylands Estate in Rancho Mirage, California on February 15 and 16, 2016. This measure would have further urged President Obama to discuss the implementation of Senate Joint Resolution 5 (relative to humanitarian resettlement) with the government leader of the Socialist Republic of Vietnam, regarding the reauthorization of the Humanitarian Resettlement Program and the Orderly Departure Program to allow disabled veterans of the South Vietnamese Army and their families currently living in the Socialist Republic of Vietnam to apply to enter the United States.

**Status:** Held in Senate Judiciary

### **AB-355 (Eduardo Garcia) - Unclaimed property: safe deposit boxes.**

This bill authorizes the State Controller to mail a separate notice to an apparent owner of a United States savings bond, war bond, or military award inside a safe deposit box or other safekeeping repository whose name is shown on or can be associated with the contents of a safe deposit box or other safekeeping repository and is different from the name of the reported owner. This bill incorporates provisions found in other sections of the Unclaimed Property Law pertaining to notices, such as prohibiting the inclusion of photographs of elected officials on notices, as well as authorizing the controller to request information from other state or local government agencies for the limited purpose of locating owners of unclaimed property. This bill states that the costs for sending additional notices pursuant to this section shall be subject to the level of appropriation in the annual Budget Act.

**Status:** Chapter 297, Statutes of 2015

**AB-525 (Holden, Atkins, Dodd, Wilk) - Franchise relations: renewal and termination.**

This bill revises the rights and responsibilities of franchisors and franchisees, as currently specified in the California Franchise Relations Act, as to the termination of a franchise agreement, compensation to the franchisee pursuant to a termination or nonrenewal of the franchise agreement, and the sale, transfer or assignment of a franchise by the franchisee and makes other minor and clarifying changes.

**Status:** Chapter 776, Statutes of 2015

**AB-1146 (Jones) - Skateboard parks.**

This bill extends the existing qualified immunity that applies to local public agencies that operate public skateboarding parks for injuries as the result of recreational skateboarding to also apply to other wheeled recreational devices, as defined.

**Status:** Chapter 221, Statutes of 2015

**AB-1267 (Bloom) - Lawsuits, liens, and other encumbrances.**

This bill prohibits a person from filing or recording a lawsuit, lien, or other encumbrance against any person or entity, knowing that it is false, with the intent to harass the person or entity or, in the case of a public officer or employee, to influence or hinder the person in discharging his or her official duties. This bill authorizes a court to issue a civil penalty not to exceed \$5,000 for violating the prohibition, and allows any person or entity subject to a lien or other encumbrance filed or recorded in violation of the prohibition to petition the superior court for an order directing the claimant to show cause why the lien or other encumbrance should not be stricken and other relief should not be granted.

**Status:** Chapter 208, Statutes of 2015

**AB-1323 (Frazier) - Marine debris: removal and disposal.**

This bill authorizes a public agency to remove and dispose of marine debris after 10 days if the marine debris is floating, sunk, partially sunk, or beached in or on a public waterway, public beach, or on state tidelands or submerged lands, as specified.

**Status:** Chapter 645, Statutes of 2015

**AB-1709 (Gallagher) - Deaf or hard-of-hearing individuals.**

This bill modernizes various codes referencing “deaf or hearing impaired” individuals by replacing existing references to “hearing impaired” with “hard-of-hearing.” This bill also makes other technical and nonsubstantive changes to those codes.



**Status:** Chapter 94, Statutes of 2016

**AB-2258 (Eggman) - Unclaimed property.**

This bill provides, after January 1, 2018, that specified transactions initiated through an electronic funds transfer that are reflected in the books and records of a banking or financial organization shall constitute account activity for purposes of determining whether property is unclaimed and subject to escheat to the state.

**Status:** Chapter 463, Statutes of 2016

**AB-2296 (Low) - Digital signatures.**

This bill adds to the Uniform Electronic Transactions Act's (UETA) definition of "electronic signature," that a "digital signature" under the Government Code (which is defined and authorized for use by public entities, at the entity's election) is also a type of electronic signature for purposes of the UETA. This bill makes corresponding changes to the Government Code to reflect that a "digital signature" is a type of "electronic signature" under the UETA. This bill clarifies that the regulations for "digital signatures" apply only to a "digital signature" and not to any other type of "electronic signature" authorized under the UETA. Lastly, this bill specifies nothing in the section regarding "digital signatures" limits the right of a public entity or government agency to use and accept an "electronic signature" under the UETA. This bill includes various findings and declarations.

**Status:** Chapter 144, Statutes of 2016

**AB-2427 (Chau) - Civil Procedure: discovery.**

This bill establishes a new exception to an existing prohibition against the making or disseminating of any postmortem images taken by or for the coroner, by allowing for the use of those postmortem images in a civil action or proceeding that relates to the death of the deceased person, if certain conditions are met. This bill separately requires an expert whose deposition is noticed, as specified, to, no later than three business days before his or her deposition, produce any materials or category of materials, including any electronically stored information (ESI), called for by the deposition notice. This bill also requires deponents who are required to produce ESI, as specified, to provide a means of gaining direct access to, or a translation into a reasonably usable form of, any ESI that is password protected or otherwise inaccessible.

**Status:** Chapter 467, Statutes of 2016

**AB-2637 (Wilk) - Franchise investments: offer and sale of registered franchises: registration exemption.**

This bill would have revised an exemption to the California Franchise Investment Law's general requirement that a franchisor re-register its franchise disclosure document with the Department of Business Oversight each time it negotiates changes to the franchise agreement described in that disclosure document with a franchisee, as specified.

Governor Brown vetoed this bill, stating that "while it is important to promote bringing new business into California, doing so at the expense of transparency could be detrimental to potential franchisees, as this bill proposes to do. The current process, which allows the Department to review contract changes, ensures that franchisees are not placed at a disadvantage in their final agreement."

**Status:** Vetoed by the Governor

**AB-2881 (Committee on Judiciary) - Civil law.**

This bill enacts assorted changes in various provisions of law. The changes range from establishing public notice districts to requiring the State Controller to establish and maintain trial court revenue distribution guidelines to clarifying that members of state commissions are considered "officers" for the purpose of the California Public Records Act. The majority of the bill addresses codification of notice publication requirements.

**Status:** Chapter 703, Statutes of 2016

**AJR-9 (Chang) - Patent reform.**

This resolution urges the President and the Congress of the United States to craft a balanced and workable approach to reduce incentives for and minimize unnecessary patent litigation while ensuring that legitimate patent enforcement rights are protected and maintained.

**Status:** Resolution Chapter 123, Statutes of 2015

**AJR-32 (Alejo) - United States Supreme Court: nominations.**

This resolution makes various declarations relating to the importance of the United States Supreme Court, and the respective constitutional duties of the President and the Senate in the process of nominating and confirming justices to the Supreme Court. This resolution urges the U.S. Senate to give President Obama's nominee to the Supreme Court fair and honest consideration through an up or down vote, both on the Senate Judiciary Committee and on the floor of the U.S. Senate.

**Status:** Resolution Chapter 151, Statutes of 2016