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COMPENDIUM OF 2012 NOTABLE CALIFORNIA LEGISLATION ©

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September 30, 2012 was the last day for Gov. Jerry Brown to sign or veto bills passed by the Legislature before **Sept. 1st** and in the Governor's possession on or after Sept. 1st (Art. IV, Sec. 10(b)(2)). On **Dec. 3rd**, the 2013-14 Regular Session will convene. (Art. IV, Sec. 3(a)). **January 1, 2013**, non-urgency statutes take effect (Art. IV, Sec. 8(c)).

This *Compendium* is not intended to be exhaustive. It sets out enacted bills in 2012 that our firm was asked to research, even before the Governor signed the bills into law, or that drew support or opposition from interested entities such as the State Bar, League of California Cities, the California Chamber of Commerce, and the California Teachers Association, just to name a few.

Chaptered laws are identified herein with a “c.” and indicates the bill described was enacted into law.

If you are interested in legislation not noted that was enacted in this Legislative Session, please contact us.

At the end of this *Compendium*, there is an **Index** for your easy reference in locating specific legislation.

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BANKRUPTCY

AB 929, c. 678 (Wieckowski): Debtor exemptions. Increases the amounts of property exemptions for motor vehicles, jewelry, and tools of the trade that a bankruptcy debtor may elect to exempt such property from enforcement of a money judgment.

BUSINESS AND PROFESSIONS

AB 2348, c. 460 (Mitchell): Registered nurses; dispensation of drugs. Allows registered nurses to dispense drugs or devices, except controlled substances, within a primary care clinic and other clinics, as defined, upon an order issued pursuant to standardized procedures, as defined, developed by physicians and surgeons with certified nurse-midwives, nurse practitioners, or physician assistants. Also allows registered nurse to dispense self-administered hormonal contraceptives and to administer injections of hormonal contraceptives in strict adherence to standardized procedures, as specified.

AB 2570, c. 561 (Hill): Licensees; settlement agreements. This bill prohibits licensees of any board, bureau or program under the Department of Consumer Affairs from including any regulatory gag clause in civil settlement agreements.

SB 1172, c. 835 (Lieu): Sexual orientation change efforts. Prohibits a mental health provider from engaging in sexual orientation change efforts with a patient under 18 years of age, regardless of the willingness of a patient, patient's parent, guardian, conservator, or other person to authorize such efforts.

CIVIL

AB 2150, c. 478 (Atkins): Mobilehome parks. Requires every rental agreement in a mobilehome park to include a statutory summary of the rights and responsibilities of homeowners and park management under the Mobilehome Residency Law. Also requires park management

to distribute the statutory notice to all homeowners prior to February 1 of each year.

AB 2243, c. 416 (Knight): Space flight; Space Flight Liability and Immunity Act. Provides a limited civil immunity to space flight entities for injuries sustained by a space flight participant if the entities meet certain requirements; including warning the voluntary participant of the inherent risks of space flight and obtaining the participant's informed signed consent. Does not provide immunity for injuries proximately caused by a space flight entity that is grossly negligent, willfully or wantonly disregards the safety of the participant, intentionally causes injury, or has actual knowledge or reasonably should have known of a dangerous condition, as specified.

CIVIL PROCEDURE

AB 1354, c. 232 (Huber): Discovery, objections. Requires that if a party makes an objection based on a claim of privilege or a claim that the information sought is protected work product, the response must include sufficient factual information for other parties to evaluate the merits of that claim and, if necessary, produce a privilege log.

AB 1775, c. 474 (Wieckowski): Wage garnishment; exempt earnings. Increases the amount of a judgment debtor's weekly earnings that are exempt from levy under an earnings withholding order from 30 times the federal minimum wage to 40 times the California minimum wage.

AB 1875, c. 346 (Gatto): Depositions. (1) limits a deposition to seven hours, except as specified or as ordered by the court; (2) requires the court to allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination; (3) contains legislative intent language.

CORPORATIONS

AB 1680, c. 473 (Wieckowski): Dissenting shareholders' rights. Makes various changes to California's dissenter rights law by establishing that the fair market value of both public and private companies as of the day of, and immediately prior to the first announcement of the terms of the proposed reorganization or short-form merger, and eliminates the provision making holders of publicly traded shares only eligible to receive the fair market value of their dissenting shares if five percent or more of the shares are dissenting shares.

SB 323, c. 419 (Vargas): Revised Uniform LLC Act. This bill enacts the California Revised Limited Liability Company Act which recasts and reorganizes the existing Beverly-Killea Limited Liability Company Act.

SB 1058, c. 564 (Lieu): Victims of Corporate Fraud Compensation Fund. Revises and recasts the provisions governing administration of the Victims of Corporate Fraud Compensation Fund (the Fund) by the Secretary of State (SOS), by codifying certain existing regulations promulgated by the SOS to administer the Fund, codifying changes to other existing regulations promulgated by the SOS, and adding new statutory language to facilitate the approval of valid claims from the Fund.

EDUCATION

AB 1732, c. 157 (Campos): Pupils; suspension or expulsion; bullying; impersonation. This bill identifies conduct, such as creating a burn page or a false profile, that constitutes a post on a social media Web site, relative to cyber bullying.

SB 1052, c. 621 (Steinberg): Public postsecondary education; low-cost digital textbooks. Provides for the development of low-cost digital textbooks for 50 lower division courses, as specified, across the state's public

postsecondary education segments, subject to state and/or private funding.

SB 1053, c. 622 (Steinberg): Public postsecondary education; California Digital Open Source Library. This bill establishes the California Open Source Digital Library ("COSDL") for the purpose of housing open source materials.

SB 1292, c. 435 (Liu): School employees, principals, evaluation. This bill authorizes school districts to evaluate principals and establishes provisions to guide principal evaluation.

SB 1349, c. 619 (Yee): Social media privacy; postsecondary education. Establishes a privacy policy for postsecondary education students with respect to their use of social media by 1) defining social media as an electronic medium where users may create, share, and view user-generated content, including uploading or downloading videos or still photographs, blogs, video blogs, podcasts, instant messages, email, or online services - prohibiting public and private postsecondary educational institutions from requiring or requesting a student, prospective student or student group to: A) disclose a user name or password for accessing personal social media; B) access personal social media in the presence of the institution's employee or representative; and C) divulge any personal social media information; 2) stipulating that #1 does not A) affect an institution's rights and obligation to protect against or investigate student misconduct nor B) prohibit an institution from taking any adverse action against a student, prospective student, or student group for any lawful reason; and 3) requiring every private nonprofit and for-profit institutions to post its social media policy on its Web site.

SB 1458, c. 577 (Steinberg): Accountability, API; graduation rates. Makes substantive changes to the composition and use of the Academic Performance Index (API).

ELECTIONS

AB 481, c. 496 (Gordon): Political Reform Act of 1974; campaign disclosure. Makes numerous changes to laws governing the reporting of independent campaign expenditures and identifying an independent expenditure committees principal officer for liability purposes.

AB 1436, c. 497 (Feuer): Voter registration. Authorizes a person to conditionally register to vote after the 15th day prior to an election, and to cast a provisional ballot. Will become effective January 1 following the year that the Secretary of State has certified a statewide voter registration database.

AB 1509, c. 498 (Hayashi): Political Reform Act of 1974; statement of economic interests. Amends the Political Reform Act to require the Internet posting of local elected officials required to file statement of economic interest.

AB 2410, c. 160 (Fuentes): Elective office; felony conviction. This bill prohibits a person from running for elected office if that person has been convicted of a felony involving certain factors in the last 20 years, as specified.

FAMILY LAW

AB 1217, c. 466 (Fuentes): Surrogacy agreements. Amends the Uniform Parentage Act to require a surrogate mother and the intended parent(s), each represented by independent counsel, to execute a notarized or witnessed surrogacy agreement before the mother can begin medication for assisted reproduction. This bill requires counsel for each party to issue a statement expressing that the agreement complies with the provisions of this bill to the treating physician.

Provides that to request a parent-child relationship, the surrogacy agreement must be filed in the superior court, as specified. The parties must attest, under penalty of perjury, that to the best of their knowledge, the surrogacy agreement is in compliance with the provisions of this bill. A properly filed surrogacy agreement would rebut any presumption that the surrogate, her spouse, or her partner is a parent of the child(ren). Provides that upon a properly executed surrogacy agreement and a petition to the court, the court shall issue a judgment establishing a parent-child relationship with the intended parent(s) in the surrogacy agreement.

AB 1337, c. 155 (Alejo): Parent and child relationship. Requires, in an action to determine paternity where one parent has died and there are no existing orders or pending actions involving custody or guardianship before the court, notice of the proceeding be given to, as specified, the child's relatives within the second degree, and to any other person(s) having physical custody of the child.

AB 1522, c. 718 (Atkins): Monetary awards, violent sexual felony conviction. Prohibits awards of spousal support, medical, life or other insurance benefits, attorneys fees as specified, or any community property interest in the injured spouses retirement, pension, or insurance benefits to individuals convicted of violent sexual felonies against their spouses. Also requires a court, in dissolution proceedings, to award attorney's fees and costs to an injured spouse, as defined.

AB 1674, c. 692 (Ma): Child custody; visitation. Provides that in any case in which the court has determined that there is domestic violence, child abuse, or neglect, and supervision is necessary, the court shall consider whether to use a professional or nonprofessional provider based upon the child's best interest. Establishes criteria for nonprofessional providers, unless stipulated to by the parties or ordered by the court. Also establishes criteria for professional providers, including requirements that they receive 24 hours of training, and create standards for documentation, as specified. Requires professional and nonprofessional providers to

inform parties that no confidential privilege exists, and that they are obligated to report all suspected child abuse to the proper authorities.

AB 1727, c. 77 (Silva): Support orders; termination. Allows a support obligor to seek ex parte relief to terminate a wage assignment for support if past due support has been paid in full, including any interest due, if any following conditions exist: (1) the death or remarriage of the spouse; (2) the death or emancipation of the child; (3) a previous stay of wage assignment that was improperly terminated as specified; or (4) where an employer or the child support agency has been unable to deliver the support payments for at least six months due to the obligee's failure to notify them of his/her change of address.

SB 1140, c. 834 (Leno): Marriage. This bill provides that marriage is a personal relation arising out of a civil, and not religious, contract. This bill specifies that no priest, minister, rabbi, or authorized person of any religious denomination would be required to solemnize a marriage that is contrary to the tenets of his/her faith. This bill additionally states that any refusal to solemnize a marriage under this provision, either by an individual or by a religious denomination would not affect the tax exempt status of any entity.

FINANCE

AB 1447, c. 740 (Feuer): Automobile sales finance; sellers. Prohibits a buy-here-pay-here (BHPH) dealer from selling or leasing a used vehicle at retail price without giving the buyer or lessee a written warranty that shall have a minimum duration of at least 30 days from the date of delivery or when the odometer has registered 1,000 miles from what is shown on the contract, whatever occurs first. If the dealer fails to give the buyer a written warranty, the dealer shall be deemed to have provided the warranty as a matter of law. Additionally prohibits a BHPH dealer, after the sale of a vehicle, from (1) utilizing electronic tracking to obtain or record the location of the vehicle, unless the buyer is expressly made aware of the tracking device by the dealer, provides written consent, and certain conditions

are met, and (2) disabling the vehicle using starter interrupt technology, unless the dealer complies with specified requirements. Also prohibits a BHPH dealer from requiring a buyer to make payments, other than the down-payment, to the seller in person.

SB 978, c. 669 (Vargas): Securities transactions; exemption from qualification requirements. Enacts several changes to the Real Estate Law and Corporations Code, by increasing real estate investor protections, and requiring the Department of Corporations to focus greater regulatory scrutiny on, and provide greater transparency regarding, the activities of those who solicit investors in connection with real estate investments.

FISH AND GAME

AB 1162, c. 590 (Chesbro): Wildlife, poaching. Provides that the illegal take of trophy deer, elk, antelope, or bighorn sheep shall be subject to a fine from \$5,000 to \$40,000 and/or imprisonment for up to one year. This bill provides that the illegal take of trophy wild turkey shall be subject to a fine from \$2,000 to \$5,000 and/or imprisonment for up to one year. Provides that any person who uses a signaling device to take a bear with the intent to sell bear parts is subject to a fine of \$10,000 per bear part in possession.

SB 1145, c. 133 (Emmerson): Animal fighting. This bill increases the fines for various misdemeanors relating to animal fighting, including but not limited to dogs and cockfighting.

SB 1221, c. 595 (Lieu): Mammals; use of dogs to pursue bears and bobcats. Prohibits the use of dogs to pursue bears and bobcats except as permitted by a depredation permit or scientific research permit issued by the Department of Fish and Game or where the pursuit occurs by a dog that is guarding crops or livestock. For remaining hounding activities, the bill allows, but not requires, the Fish and Game Commission to establish a hound tag program.

GOVERNMENT

AB 340, c. 296 (Furutani): Public employees' retirement. Comprehensive pension reform proposal contained in the Conference Committee Report is based on the Governor's 12-Point Pension Reform Plan.

AB 1616, c. 415 (Gatto): Food safety; cottage food operations. This bill regulates the production in home kitchens of food for sale, referred to as cottage food operations.

AB 2221, c. 697 (Block): Public records.
(1) Adds prosecutors and public defenders to the list of professionals whose home address and telephone number, contained in firearm licenses and license applications, are not fully required to be disclosed as public records under the California Public Records Act (PRA); and (2) Adds confidential information or records pertaining to crime victims, as provided in the Victims' Bill of Rights Act of 2008: Marsy's Law, Section 28 of Article I of the California Constitution, to the list of information not required to be disclosed as public records under the PRA.

AB 2492, c. 647 (Blumenfield). False Claims Act. Updates the California False Claims Act (CFCA) to conform to the Federal False Claims Act as follows: (1) expands whistleblower protections to include contractors and agents; (2) requires the court to dismiss an action or claim, if substantially the same allegations or transactions alleged in the action or claim were publicly disclosed, as specified; (3) provides a statute of limitations for the Attorney General to file CFCA actions from six years from the date on which the CFCA violation is committed or three years from the date when facts material to the right of action are known or reasonably should be known; (4) authorizes government employees to file CFCA claims relating to Medi-Cal Fraud in civil courts without having to exhaust internal claims procedures; (5) increases the range of civil penalties for violations of the CFCA from \$5,000-\$10,000 to \$5,500-\$11,000; and (6) updates various defined terms.

SB 1462, c. 837 (Leno): County sheriffs, release of prisoners, medical release.

Authorizes a sheriff to release a prisoner from a county jail after conferring with a jail physician if the sheriff determines the prisoner would not reasonably pose a threat to public safety and the prisoner is deemed to have a life expectancy of six months or less. This bill also authorizes the court, at the request of a sheriff, to grant medical probation to any prisoner sentenced to a county jail who is physically incapacitated, as specified, if that incapacitation did not exist at the time of sentencing, or to a prisoner who would require acute long-term inpatient rehabilitation services. Before a prisoner's compassionate release or release to medical probation, the sheriff would be required to secure a placement option for the prisoner, as specified.

HEALTH AND SAFETY

AB 1453, c. 854 (Monning): Health care coverage; essential health benefits. This bill designates the Kaiser Small Group HMO as California's benchmark plan to serve as the essential health benefit (EHB) standard.

AB 2109, c. 821 (Pan): Communicable disease, immunization exemption, pupils. Requires, after July 1, 2014, a separate form prescribed by the Department of Public Health to accompany a letter or affidavit to exempt a child from immunization requirements under existing law on the basis that immunization is contrary to beliefs of the child's parent or guardian.

SB 623, c. 450 (Kehoe): Public health; health workforce projects. This bill requires the Office of Statewide Health Planning and Development to extend until January 1, 2014, the Health Workforce Pilot Project No. 171 to evaluate the safety, effectiveness, and acceptability of nurse practitioners, certified nurse-midwives, and physician assistants in providing aspiration abortions.

SB 951, c. 866 (Hernandez): Health care coverage; essential health benefits. This bill establishes in the Insurance Code the Kaiser

Foundation Health Plan Small Group Health Maintenance Organization 30 plan contract as California's Essential Health Benefits benchmark plan.

SB 1381, c. 457 (Pavley): Mental retardation – change of term to “intellectual disability.” Deletes in state law references to "mental retardation" or a "mentally retarded person" and instead replaces them with "intellectual disability" or "a person with an intellectual disability."

IMMIGRATION

SB 1064, c. 845 (DeLeon): Child custody. Seeks to create uniform, statewide policies and practices that eliminate family reunification barriers in the child welfare system for immigrant families. Grants an extension in the family reunification period where parents are detained or deported. Where reunification is not immediately available, this bill seeks to ensure that children can be placed with relatives, regardless of their immigration status.

INSURANCE

AB 137, c. 436 (Portantino): Health care coverage; mammography. Provides that individual or group policies of health insurance shall be deemed to provide coverage for mammographies for screening or diagnostic purposes upon referral of a participating nurse practitioner, participating certified nurse-midwife, participating physician assistant, or participating physician.

SB 1170, c. 653 (Leno): Senior insurance. Restricts marketing strategies used by insurance agents on persons over the age of 65, requires certain disclosures when advertising or marketing the provision of assistance to veterans to obtain veterans benefits from the Department of Veterans Affairs, and prohibits insurance agents from delivering legal documents, including living trust

agreements, as a pretext for selling insurance products.

LABOR

AB 1844, c. 618 (Campos): Employer use of social media. Prohibits an employer from requiring or pressuring an employee or job applicant to hand over the "keys" to their personal social media account such as Facebook or Twitter (their so-called username or password).

AB 1964, c. 287 (Yamada): Discrimination in employment; reasonable accommodations. This bill (1) expands the definition of religious creed in the Fair Employment and Housing Act to include religious dress or grooming practices, as defined, (2) provides that a reasonable accommodation for an individual's religious dress or grooming practice is not reasonable if the accommodation requires segregation of the individual from other employees or the public, and (3) provides that an accommodation for religious belief, observance, or dress or grooming practice is not required if it would result in a violation of any other law prohibiting discrimination or protecting civil rights, as specified.

SB 1234, c. 734 (De Leon): Retirement savings plans. Establishes the California Secure Choice Retirement Savings Investment Board, as defined, and the California Secure Choice Retirement Savings Trust, a continuously appropriated fund, for the purpose of creating a statewide program known as the California Secure Choice Retirement Savings Program, which will provide a statewide retirement savings plan for private workers who do not participate in any other type of employer sponsored retirement savings plan. Contributions by employers and employees will be voluntary.

LITIGATION

AB 2106, c. 83 (Wagner): Motion to set aside and vacate a judgment and motion for a new trial. Clarifies that the earliest notice of a new trial can be filed and served is after the decision is rendered and before entry of judgment. Incorporates the timeframe under which a court must rule on a motion for a new trial into the timeframe provided for motions to set aside and vacate a judgment.

AB 2274, c. 417 (Lara): Vexatious litigants. Provides that a court shall dismiss an action brought by a vexatious litigant when all of the following are true: (1) the court determines, after hearing evidence, that the litigation has no merit and has been filed for the purposes of harassment or delay; (2) the vexatious litigant is subject to a prefiling order; and (3) the vexatious litigant was represented by counsel at the time the litigation was filed and became pro per after his/her attorney withdrew from the case.

SB 1186, c. 383 (Steinberg): Disability Access; liability. Reduces statutory damages and provides litigation protections for specified defendants who timely correct construction-related accessibility violations of the Unruh Civil Rights Act, as follows: 1) Caps statutory damages at \$1,000, instead for \$4,000, for any defendant who corrected all violations in the claim within 60 days of being served the complaint and was either a defendant who had hired a CASp and met all applicable compliance standards, or a person who had new construction or an improvement approved by the local building department on or after January 2008; 2) Allows a small business defendant, as specified, to have minimum statutory damages reduced to \$2,000 when that defendant corrects the violation within 30 days of being served the complaint; 3) Allows any one of these defendants who promises to correct the violation within the specified time period to request an early evaluation conference (EEC) and grant that defendant an immediate stay of the proceedings; 4) Requires the court, in assessing statutory damages in a construction-related accessibility claim, to consider the reasonableness of the plaintiff's conduct in light of the plaintiff's

obligation to mitigate damages in any action alleging multiple claims for the same construction-related accessibility violation on different particular occasions; 5) Bans prelitigation "demands for money" and create rules for demand letters and complaints in claims involving construction-related accessibility violations; 6) Requires any demand letter or complaint asserting a construction related accessibility claim to contain facts sufficient to allow the defendant to identify the basis for the claim, including an explanation of the specific access barrier the claimant encountered, and the date(s) of the violation(s); 7) Requires any demand letter alleging a construction-related accessibility violation to be sent to the State Bar and the CCDA, as specified; 8) Allows either party to request a mandatory evaluation conference to be conducted by the court within 120 to 180 days of the request; 9) Requires a property owner and/or lessor to notify the tenant, for any property leased after January 1, 2013, if the property has undergone a CASp inspection, and if so, whether the property meets all applicable construction-related standards; 10) Requires the CCDA to promote and facilitate accessibility compliance, as specified; and 11) Requires cities and counties to inform business licensees of their responsibilities to comply with accessibility laws, as specified, and promote compliance by sharing information regarding how to comply.

MILITARY AND VETERANS

AB 1505, c. 397 (Pan): Veterans' benefits, reinstatement, sexual orientation. Requires the state to reinstate benefits to veterans that have their benefits reinstated by the federal government if the benefits were originally denied solely on the basis of sexual orientation.

SB 807, c. 355 (Correa): State militia. This bill specifies that the state active duty force consists of service members in active state service when ordered by the Governor. This bill specifies and revises conditions for state active duty for service members, as provided, and authorizes the Adjutant General to promulgate regulations in conformity with these provisions.

PENAL

AB 12, c. 75 (Swanson): Abolition of Child Commerce, Exploitation, and Sexual

Slavery Act of 2011. (1) Requires the court to impose a special fine of up to \$25,000 in a case where a defendant is convicted of prostitution involving a minor; and (2) Provides that the proceeds of such funds be available, upon legislative appropriation, to fund programs and services for sexually exploited minors in the county of conviction.

AB 472, c. 338 (Ammiano): Controlled substances, overdose, punishment.

(1) Provides that it is not a crime for a person to be under the influence of a controlled substance, or to possess a controlled substance or drug paraphernalia for personal use, if the person, in good faith, seeks emergency assistance for an overdose victim whose drug use was related to the drug possession by the person seeking assistance, and (2) Provides that it is not a crime for a person to be under the influence of a controlled substance, or to possess a controlled substance or drug paraphernalia for personal use, if the person suffers an overdose, and one or more persons at the scene seek emergency assistance in good faith for the person suffering an overdose.

AB 593, c. 803 (Ma): Domestic violence, battering, recall and resentencing. Expands the provisions allowing a habeas corpus petition in cases where intimate partner battering was not introduced into evidence to include cases where the evidence was not competent or substantial and where such evidence may have changed the sentence not just the conviction.

AB 1432, c. 805 (Mitchell): Crimes, parent, child. Makes it a misdemeanor for a parent or guardian to fail to report the death or disappearance of a child under the age of 14 under specified circumstances.

AB 1434, c. 519 (Feuer): Child abuse report, mandated reporters. Adds employees and administrators of a public or private postsecondary institution, as to child abuse or neglect occurring on that institution's premises or

at an official activity of, or program conducted by, the institution" as mandated child abuse and neglect reporters, as specified.

AB 1435, c. 520 (Dickinson): Child abuse, mandatory reporting, athletics personnel.

Expressly includes an athletic coach, athletic administrator, or athletic director employed by any public or private school that maintains any combination of instruction from kindergarten to grade 12, inclusive," in the mandated child abuse and neglect reporter laws.

AB 1527, c. 700 (Portantino): Firearms.

This bill (1) makes it a misdemeanor, punishable by up to six months in a county jail, or a fine of up to \$1,000, or both, for a person to carry an unloaded firearm that is not a handgun on his/her person outside a vehicle while in an incorporated city or city and county; (2) makes this offense punishable by up to one year in the county jail, or a fine of up to \$1,000, or both, if the firearm and unexpended ammunition capable of being fired from that firearm are in the immediate possession of that person and the person is not in lawful possession of that firearm; (3) establishes numerous exemptions from this prohibition; (4) creates an exemption from the existing prohibition against carrying an exposed and unloaded handgun outside a vehicle in a public place for a licensed hunter while actually engaged in the training of a dog for the purpose of using the dog in hunting that is not prohibited by law, or while transporting the firearm while going to or returning from that training; and (5) creates an exemption from the existing prohibition against carrying an exposed and unloaded handgun outside a vehicle in a public place for a person in compliance with specified provisions related to carrying a firearm in airports and commuter passenger terminals, as specified.

AB 1713, c. 517 (Campos): Child abuse reporting, expansion. Expands the definition of commercial film and photographic print processor to include image processors for purposes of defining mandated reporters under the Child Abuse and Neglect Reporting Act

AB 1817, c. 521 (Atkins): Child abuse reporting. This bill adds commercial computer technicians as mandated child abuse and neglect reporters, as specified.

AB 1971, c. 82 (Buchanan): Theft; junk, metals, and secondhand materials. (1) Increases the maximum fine for junk and second-hand dealers who knowingly purchase metals used in transportation or public utility services without due diligence from \$250 to \$1,000; (2) Clarifies that, for purposes of the vandalism statute, "damages" includes damage caused to public transit properties and facilities, public park properties and facilities, and public utilities and water properties and facilities; and (3) Makes specified findings and declarations.

AB 2466, c. 512 (Blumenfield): Human trafficking; seizure of assets. This bill (1) provides that a prosecutor may obtain an injunction and a restraining order to prevent a human trafficking defendant from transferring, hiding or dissipating assets, thus preserving those assets for payment of fines and restitution; and (2) specifies a comprehensive process for preserving the assets and levying upon the assets if the defendant is convicted of the underlying crime

SB 9, c. 828 (Yee): Sentencing; juveniles. Authorizes a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without the possibility of parole (LWOP) to submit a petition for recall and re-sentencing to the sentencing court, as specified.

SB 661, c. 354 (Lieu): Crime, picketing, funerals. Makes it a misdemeanor for a person to engage in picketing targeted at a funeral during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral.

SB 1133, c. 514 (Leno): Human trafficking; forfeiture. This bill (1) provides that where a person is convicted of human trafficking of a minor for sexual purposes, the instrumentalities used to commit the crime, as specified, and the

profits of the crime shall be forfeited; and (2) provides that 50% of the forfeiture proceeds shall be distributed to the Victim-Witness Assistance Fund for grants to community organizations serving human trafficking victims and 50% of the proceeds shall be distributed to the General Fund of the state or county, depending on whether the Attorney General or district attorney prosecuted the matter.

SB 1193, c. 515 (Steinberg): Human trafficking; public posting requirements. This bill requires specified businesses most often connected with human trafficking to post informational signs, as specified, at the business entrance or in other areas visible to employees and the public. These signs, posted in English, Spanish, and any other language widely spoken in the county, will identify trafficking, state its illegality and that victims are protected under U.S. law. Each sign will provide two toll-free, anonymous hotline numbers for victims or members of the public to call to seek help or report unlawful or suspicious activity.

SB 1264 c. 518 (Vargas): Child abuse reporting; mandated reporters. This bill adds any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions," as a mandated child abuse and neglect reporter, and to raise penalties relating to failure to report, including fine increases and making an existing misdemeanor a felony punishable by state prison.

PUBLIC CONTRACTS

Senate Bill 829, c. 11 (Rubio): Public entities; project labor agreements. Prohibits the use of state funds for any charter city construction projects if the charter city has banned the consideration of the use of project labor agreements.

PUBLIC RESOURCES

AB 845, c. 526 (Ma): Solid waste; place of origin. Prohibits an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. Provides that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not otherwise supersede or affect the land use authority of a city or county.

AB 1492, c. 289 (A/C Budget): Forest resource management. Does the following: 1) allows a timber harvest plan approved after July 31, 2012 to be in effect for a period of not more than five years with extensions authorized for a two-year period; 2) establishes the Timber Regulation and Forest Restoration Fund in the State Treasury and imposes a new assessment on lumber as specified; 3) requires the Secretary of the Natural Resources Agency annually to submit a report to the Joint Legislative Budget Committee on the activities of all state departments, agencies and boards relating to forest and timberland regulation; and 4) allows civil action by a public agency to recover damages caused in a fire but limits the measure of damages for injuries to timber, trees, or underwood negligently cause by fire to the actual damages suffered.

SB 1219, c. 384 (Wolk): Recycling; plastic bags. Extends the "At-Store Recycling Program" for plastic bags to January 1, 2020, and repeals a preemption prohibiting local governments from implementing separate plastic bag recycling programs, additional auditing or reporting requirements, or from imposing a fee on plastic bags.

PUBLIC UTILITIES

AB 578, c. 462 (Hill): Natural gas pipelines; safety. Requires the Public Utilities Commission to formally respond to certain safety recommendations concerning gas pipeline safety made by the federal National Transportation Safety Board and federal Pipeline and Hazardous Materials Safety Administration

AB 861, c. 464 (Hill): Public Utilities Act; remedies for violation; gas and electrical corporation executive officer compensation incentives. Increases penalty levels for failure to comply with utility laws and requires the California Public Utilities Commission to determine rate recovery by an electrical corporation or gas corporation that is a public utility for earnings or stock-based price-based incentive pay for its employees or directors.

AB 1456, c. 469 (Hill): Gas corporations; safety performance metrics; rate incentive program. Requires the Public Utilities Commission to perform an analysis of benchmark data and adopt safety performance metrics for pipeline safety. Permits the PUC to implement a rate incentive program related to safety that contains penalties using safety performance metrics.

SB 1161, c. 733 (Padilla): Communications, VOIP- and IP-enabled communications services. Requires authorization by statute or express delegation by federal law expressly authorized by statute for the PUC or any other state department, agency, commission or political subdivision of the state to regulate Voice over Internet Protocol (VoIP) or Internet Protocol-enabled (IP) service providers.

REAL PROPERTY

AB 278, c. 86 (Eng): Mortgages and deeds of trust; foreclosure. Makes changes to California's non-judicial foreclosure process to provide stability to California's statewide and regional economies and housing market by

facilitating opportunities for borrowers to pursue loss mitigation options.

AB 805, c. 180 (Torres): Common interest developments. This California Law Revision Commission bill revises and recasts the Davis-Stirling Common Interest Development Act, and makes minor substantive changes relating to (1) governing documents; (2) property use, ownership, and transfer; (3) board of directors; (4) member elections; (5) records and notices; (6) assessments; and (7) enforcement and dispute resolution.

AB 1511, c. 91 (Bradford): Disclosures; transmission pipelines. Requires real estate sale contracts to include a specified notice informing purchasers of residential property about the existence of a database where information regarding gas and hazardous liquid transmission pipelines can be obtained.

AB 1585, c. 777 (Perez): Community development. Appropriates funds to the Infill Incentive Grant Program and to the Transit-Oriented Development Program created by Proposition 1C: Housing and Emergency Shelter Trust Fund Act of 2006.

AB 1679, c. 557 (Bonilla): Landlord-tenant relations, security deposits. This bill, after either a residential landlord or tenant provides notice to terminate the tenancy, allows the landlord and tenant to agree to (1) have the landlord deposit the remaining portion of a tenant's security deposit electronically to a bank account, and (2) have the landlord provide a copy of specified documents to an e-mail account provided by the tenant.

AB 2314, c. 201 (Carter): Blight. Provides certain purchasers of foreclosed residential properties 60 days to remedy code violations before being subject to enforcement actions and eliminates the sunset on existing provisions requiring an owner of a foreclosed, vacant, residential property to maintain the property.

AB 2521, c. 560 (Blumenfeld): Landlord and tenant; personal property remaining on premises after termination of tenancy. Increases to \$700, from \$300, the threshold amount of determining whether the landlord must dispose of the departed tenant's unclaimed property via a public sale, with the proceeds of the sale (less storage and sale costs) held for the tenant, or whether the landlord may dispose of the property in any manner or retain it for his/her own use. This bill, among other things, (1) requires a landlord to release the personal property to the former tenant without paying the cost of storage, if, the property remained in the dwelling and the former tenant or other person reasonably believed by the landlord to be its owner reclaims the property within two days of vacating the dwelling; and (2) requires a landlord to inform the tenant of his or her general right to recover abandoned property in the notice to terminate a tenancy, or property prior to termination.

AB 2610, c. 562 (Skinner): Tenants; foreclosure and unlawful detainer. Revises the requirement of existing law providing 60 days' notice to instead provide, in the case of a month-to-month lease or periodic tenancy, for 90 days' notice for tenants in a foreclosed property. Provides that new owners of a foreclosed property must honor a tenant's lease, except in certain cases such as if the new owner will occupy the property as his/her primary residence. In those cases, the new owner must give the tenant a 90 days' notice to vacate. Revises the notice that is sent to tenants when the property is noticed for a foreclosure sale to reflect these changes. Also permits a tenant in a foreclosed property to file a post-judgment claim of right to possession, as specified.

SB 900, c. 87 (Leno): Mortgages and deeds of trust, foreclosure. Makes changes to California's non-judicial foreclosure process to provide stability to California's statewide and regional economies and housing market by facilitating opportunities for borrowers to pursue loss mitigation options.

SB 1055, c. 268 (Lieu): Landlord and tenant; payments. Bans the practice of online-only rental payments and protects tenants from

being forced to obtain Internet connections and/or PayPal accounts. This bill has two major goals: (1) prohibit landlords from requiring cash as the exclusive payment or rent or a security deposit; and (2) require that any landlord or landlord's agent that offers the option of paying rent or a security deposit online to also accept other forms of payment for any lease or rental agreement.

SB 1069, c. 64 (Corbett): Deficiency judgments. Prohibits a lender from receiving a deficiency judgment for any loan, refinance, or other credit transaction that is used to refinance a purchase money loan, applies only to credit transactions occurring on or after January 1, 2013, and does not apply to the principal amount of any new advance, as specified.

TAXATION

AB 1700, c. 781 (Butler): Property taxation, change in ownership, exclusion, cotenancy interests. Excludes from property tax reassessment a transfer of cotenancy interest in a principal residence if the principal residence was owned by two individuals and was transferred to one of those individuals upon the death of the other, with the survivor obtaining sole ownership of that property.

AB 2046, c. 817 (Allen): Property taxation; change in ownership; exclusion; floating homes. Extends provisions applicable to mobile home parks to transfers of floating home marinas to current tenants of berths at the marina. Excludes these transfers from the definitions of change of ownership, thereby precluding reassessment of the marina to fair market value upon transfer, so long as specified conditions are met.

AB 2618, c. 756 (Ma): Sales and use taxes; auction; vehicles. Limits who can acquire salvage certificate vehicles to those persons that are licensed dealers, dismantlers, auto repair dealers, or scrap metal processors.

TRUSTS AND ESTATES

AB 1624, c. 235 (Gatto): Multiple-party accounts. Clarifies that a person's ownership interest in a multi-party account is based on that person's net contribution to the account and makes corresponding changes relating to rights of survivorship with respect to withdrawn funds.

AB 1683, c. 55 (Hagman): Revocable trusts. Provides that the power of a person other than the settlor (person creating the trust) to revoke a trust applies to all or a portion of the trust contributed by the settlor, regardless of whether the settlor's portion was separate or community property, and regardless of whether the power to revoke is exercisable during the lifetime of the settlor or continues after the settlor's death, or both. Also provides priority of disposition of trust property when a trust is revoked by either the settlor or the person with power of trust revocation.

AB 1985, c. 195 (Silva): Construction of instruments. Extends protections against the ademption of specific gifts due to the acts of an incapacitated principal's conservator or agent to cover acts of a trustee of a revocable trust whose settlor has become incapacitated.

VEHICLES

AB 45, c. 461 (Hill): Charter-party carriers of passengers; alcoholic beverages, open containers. (1) Repeals specified provisions of the Passenger Charter-party Carriers Act (Act) related to the requirements for a driver of a limousine for hire operated by a charter-party carrier of passengers (carrier) concerning the consumption of alcoholic beverages by passengers under 21 years of age, and instead requires the chartering party, as defined, to name a "designee" to be present on any party bus or limousine, as specified; (2) Imposes various responsibilities and liabilities upon the designee, driver, and carrier to prevent the consumption of alcohol by persons under 21 years of age; and (3) Makes failure to comply with certain of its requirements a misdemeanor and would make any violation of its

requirements by a carrier or its driver subject to civil penalties imposed by the Public Utilities Commission.

AB 1047, c. 89 (Jeffries): Motorcycle safety. Prohibits state and local law enforcement from conducting motorcycle-only checkpoints.

AB 1536, c. 92 (Miller): Electronic wireless communications; prohibitions. Allows drivers to dictate, send, or listen to text-based communications as long as they do so using technology specifically designed and configured to allow voice-operated and hands-free operation.

AB 2189, c. 862 (Cedillo): Vehicles; driver's licenses. Authorizes an alternative procedure for renting vehicles that allows vehicle rental agencies to verify driver's license information electronically from remote locations via information kiosks; allows certain applicants to qualify for a driver's license without having to provide a valid social security account number to the Department of Motor Vehicles.

AB 2405, c. 674 (Blumenfield): High-occupancy toll lanes. Exempts low-emission vehicles with valid stickers from toll charges imposed on single-occupant vehicles in high-occupancy toll ("HOT") lanes.

AB 2659, c. 406 (Blumenfield): Vehicles; driver's licenses; qualified military veterans. Permits the DMV to waive the driving skills test required to obtain a commercial driver's license (CDL) for a person with a U.S. Armed Forces military driver's license in compliance with federal regulations, and delete the requirement that the signature of the driver whom the vehicle is being rented to be written in the presence of the person renting the vehicle and instead allows the person renting the vehicle to instead compare the photograph on the driver's license of the person with the person to whom the vehicle is to be rented.

SB 1298, c. 570 (Padilla): Autonomous vehicles; safety and performance

requirements. This bill establishes conditions for the operation of autonomous vehicles upon public roadways.

SB 1303, c. 735 (Simitian): Red light cameras. This bill changes the laws governing automated traffic enforcement systems to ensure that red light camera programs maximize traffic safety and are implemented in a lawful and transparent manner.

VETERANS

AB 2371, c. 403 (Butler): Veteran criminal defendants; mental health issues and restorative relief. This bill provides restorative relief to a veteran defendant who acquires a criminal record due to a mental disorder stemming from military service.

AB 2490, c. 407 (Butler): Veteran inmates; correctional counselors. Requires the Department of Corrections and Rehabilitation (CDCR) to develop guidance policies relative to the release of veterans who are inmates. Requires policies to be developed to assist veterans who are inmates pursuing claims for federal veteran's benefits, or establishing rights to any other privilege, preference, care, or compensation which veterans are entitled under federal or state law. States the CDCR, in developing the policies, may coordinate with the Department of Veterans Affairs and the county veterans service officer or veterans service organizations.

WATER

AB 1750, c. 537 (Solorio): Rainwater Capture Act of 2012. Establishes the Rainwater Capture Act of 2012, which authorizes residential, commercial, and governmental landowners to install, maintain, and operate rain barrel systems, as defined, and rainwater capture systems.

WELFARE AND INSTITUTIONS

AB 40, c. 659 (Yamada): Elder and dependent adult abuse, reporting. Requires mandated reporters of elder or dependent adult abuse to report suspected crimes of physical abuse which are believed to have occurred in a long-term care facility to local law enforcement within two hours, with follow up written reports to both the law enforcement entity and the Long Term Care Ombudsman (LTCO), as well as to the appropriate licensing agency. In cases of suspected abuse where the perpetrator has a diagnosis of dementia and the injury is not significant, permits the mandated reporter to determine, based upon his or her training experience, whether to report to local law enforcement or the LTCO. Existing law requires mandated reporters of elder and dependent adult abuse to report to either the LTCO or local law enforcement.

AB 2149, c. 644 (Butler): Elder and dependent adult abuse; settlement, gag order. Prohibits, and makes void as against public policy, the inclusion of any of the following provisions in a settlement agreement of claims related to the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA), whether made before or after the filing of an EADACPA action (1) a provision prohibiting any party from contacting or cooperating with the state or local government agencies, as specified, (2) a provision prohibiting any party from filing a complaint with, or reporting any violation of law to, state or local government agencies, as specified, and (3) a provision that requires any party to withdraw a complaint he or she has filed with, or a violation he/she has reported to, state or local government agencies, as specified. The provisions apply only to an agreement entered into on or after January 1, 2013.

SB 1425, c. 179 (Negrete McLeod): Juveniles; dependent children. Prohibits a court from granting a hearing to modify a denial of reunification services, or a change in a custody or visitation order, for parents whose children were removed for extreme physical abuse, sexual abuse, or because the parent caused the death of another child, as specified, unless it appears that the best

interest of the child would be promoted by the proposed change in order. Prohibits a court from granting the modification unless the court finds, by clear and convincing evidence that the proposed change is in the best interest of the child.

WORKERS COMPENSATION

AB 2219, c. 389 (Knight): Contractors' workers' compensation insurance coverage. This bill deletes the sunset date, thereby extending indefinitely the existing law requiring roofing contractors who hold a C-39 classification to maintain workers' compensation insurance, whether or not they have employees, and makes additional changes to law regarding C-39 contractors.

SB 863, c. 363 (De Leon): Workers' comp. Would implement/enact a holistic reform of workers' compensation reflecting a negotiated compromise between employers and employees to adopt a substantial increase in permanent disability benefits, to ameliorate unexpected reductions that flowed from the 2004 reforms, balanced by substantial changes in the benefit delivery system to eliminate waste, inefficiency, and other loopholes that resulted in unnecessary employer costs that go to recipients other than injured workers by providing extensive reforms in the following areas, among other things: Medical Provider Networks, Independent Medical Review, Independent Bill Review, Workers' Compensation Lien Reform, Fee Schedules, Medical Care Reforms, Interpreters, Permanent Disability, and Return to Work.



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