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Government Code § 83116.5 – Compiled June 2011

Our review of the annotated history reveals the following legislative history (every “c.” below represents a separate legislative bill):

Prior History: Former GC § 83116.5, added 1984, c. 670; amended Prop 208 of 1996
Added: 2000, c. 102 – approved by Prop 34 of 2000
Amended: None thus far

4 measures affected this section, but it appears that the 2000 bill and Prop 34 are related and should be treated as one.

In 1984, the language of former § 83116.5 read as follows:

83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. Provided, however, that this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and that a violation of this section shall not constitute an additional violation under Chapter 11.

In 1996, the general electorate passed Prop 208, which amended § 83116.5 as follows:

83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter *and Chapter 11 (commencing with Section 91000)*. ~~Provided~~; however, that this section shall apply only to persons who have filing or reporting obligations under this title; or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title; and that a violation of this section shall not constitute an additional violation under Chapter 11.

As reenacted in 2000, the statute read as follows:

83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. However, this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and a violation of this section shall not constitute an additional violation under Chapter 11 (commencing with Section 91000).

The statute was then approved by Prop 34:

83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. However, this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and a violation of this section shall not constitute an additional violation under Chapter 11 (commencing with Section 91000).

Your review of the above language and the subsequent changes will help you determine which bill or bills originally brought in your language of interest. That will be the history to consider ordering.

Tracing Statutory Language:

- Research fees can be minimized by ordering only the bills that affected specific subdivisions or phrases of interest to you.
- Changes to statutes can sometimes be determined by the annotations provided by Deering's, Westlaw, and Lexis.
- **If annotations are not available**, one strategy is to look at each chaptered law noted above to observe the changes. **Another strategy** is to retain us to *trace* your language and report our findings back to you.

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