



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com



Labor Code § 2855 – Compiled April, 2011

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

Prior History: *Former Civil Code § 1980*, added **1872** codification of CC, amended **1919**, c. 512; **1931**, c. 705

Added: **1937**, c. 90 – nonsubstantive Labor Code codification bill

Amended:

- **1987**, c. 591 to designate the former section to be subdivision (a) with amendments; added “Except as otherwise provided in subdivision (b); substituted “(commencing with Section 3070” for “of this division” in the first sentence; substituted “the” for “such” after “to render” in the second sentence; substituted “to serve” for “his service” after “voluntarily continues in the third sentence; and added subdivision (b).
- **2006**, c. 538: substituted “cannot” for “can not” in subdivision (a); amended subdivision (b)(2) by substituting “a contract described in paragraph (1)” for “such a contract” after “Any party to” and substituted “commenced” for “commenced” after “term in an action. Amended subdivision (b)(3) by substituting “If a party to a contract described in paragraph (1)” for “In the event a party to such a contract” at the beginning; and “that” for “which.”

[In 1872, former CC 1980 read as follows:](#)

1980. A contract to render personal service, other than a contract of apprenticeship, as provided in the Chapter on Master and Servant, cannot be enforced against the employé beyond the term of two years from the commencement of service under it; but if the employé voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

[In 1919, the former section read:](#)

1980. A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, can not be enforced against the employee beyond the term of five years from the commencement of service under it; but if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

The amendments in 1931 added new language to the former section:

1980. A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, and other than a contract entered into pursuant to the proviso hereinafter in this section contained can not be enforced against the employee beyond the term of seven years from the commencement of service under it; provided, however, that any contract, otherwise valid, to perform or render service of a special, unique, unusual, extraordinary or intellectual character, which gives it peculiar value, the loss of which can not be reasonably or adequately compensated in damages in an action at law, may nevertheless be enforced against the person contracting to render such service, for a term not beyond a period of seven years from the commencement of service under it. Notwithstanding the provisions hereinabove in this section contained, if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

When codified in 1937, § 2855 read as follows:

2855. A contract to render personal service, other than a contract of apprenticeship as provided in Chapter 4 of this division, may not be enforced against the employee beyond seven years from the commencement of service under it. Any contract, otherwise valid, to perform or render service of a special, unique, unusual, extraordinary, or intellectual character, which gives it peculiar value and the loss of which can not be reasonably or adequately compensated in damages in an action at law, may nevertheless be enforced against the person contracting to render such service, for a term not to exceed seven years from the commencement of service under it. If the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

[Six bills affected § 2855.](#) Your review of the above copies of the chaptered laws from 1872 to 1937 and the annotations set forth above for the current amendments should help you determine which bill will be the most relevant to your research focus.

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.

SINCE 1974, LEGISLATIVE INTENT SERVICE, INC., has provided the legislative and regulatory history for all state statutes and regulations. You can order legislative history research in **two different ways**:

1. **Traditional Custom Research** for a per-bill fixed research fee, based on time-frame.
2. **Store Research** for \$300 per bill, available for immediate download at www.legintent.com.

We appreciate the opportunity to provide this assistance. [Contact us](#) if you have any questions or wish to place an order for custom research or tracing.