

STATE OF CALIFORNIA

# CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

*relating to*

Statutory Bonds and  
Undertakings

November 1981

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Room D-2  
Palo Alto, California 94306

# THE CALIFORNIA LAW REVISION COMMISSION

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*Et Officio*

December 7, 1981

**To: THE HONORABLE EDMUND G. BROWN JR.**  
*Governor of California* and  
**THE LEGISLATURE OF CALIFORNIA**

The Law Revision Commission submits herewith its recommendation relating to statutory bonds and undertakings. Statutes throughout the codes permit or require the giving of over 500 different bonds and undertakings, each governed by similar but not identical procedures. The Commission recommends the compilation of the procedural provisions governing bonds and undertakings in one place in the Code of Civil Procedure to achieve uniformity in this area of the law, and the repeal or deletion of duplicative provisions from the codes. This recommendation is submitted pursuant to Resolution Chapter 45 of the Statutes of 1974.

Respectfully submitted,

**BEATRICE P. LAWSON**  
*Chairperson*



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# RECOMMENDATION

*relating to*

## STATUTORY BONDS AND UNDERTAKINGS

Statutes throughout the codes of California permit or require the giving of bonds or undertakings. For example, an undertaking may be necessary to procure a provisional remedy such as attachment,<sup>1</sup> claim and delivery,<sup>2</sup> or a temporary restraining order or preliminary injunction,<sup>3</sup> or to stay enforcement of a judgment on appeal.<sup>4</sup> Bonds are required of government officials<sup>5</sup> and of many permittees and licensees.<sup>6</sup> In all, the codes provide for more than 500 different bonds and undertakings, each governed by similar but not identical procedural statutes.

The proliferation of procedural statutes to govern bonds and undertakings is unnecessary. The rules applicable to such matters as the manner of execution of a bond or undertaking, the number and qualifications of sureties, the giving of a new or additional bond or undertaking if the original bond or undertaking becomes insufficient, the limitation on liability of a surety to the amount of the bond or undertaking, and the ability to give a cash or equivalent deposit in lieu of a bond or undertaking, are the same for all bonds and undertakings. Repetition of such procedural rules in every statute that provides for a bond or undertaking is not only wasteful and adds to the complexity and length of the statutes, but also creates the likelihood of inconsistent wording and interpretation where the rules should be the same.

<sup>1</sup> Code Civ. Proc. §§ 489.010-489.420.

<sup>2</sup> Code Civ. Proc. §§ 515.010-515.030.

<sup>3</sup> Code Civ. Proc. §§ 529-535.

<sup>4</sup> Code Civ. Proc. §§ 917.1-922.

<sup>5</sup> Gov't Code §§ 1450-1653.

<sup>6</sup> See, e.g., Bus. & Prof. Code §§ 7071.5-7071.14 (contractor's bond); Civil Code §§ 1812.64-1812.67 (dance studios); Health & Safety Code § 8734 (endowment care fund); Ins. Code §§ 847-849 (broker's certificate); Pub. Res. Code §§ 3725-3725.5 (well drilling); Pub. Util. Code §§ 3631-3635 (highway carriers); Sts. & Hy. Code § 30867 (toll bridge or ferry); Veh. Code §§ 11102-11102.1 (driving school).

In the past, efforts have been made to consolidate general procedural rules applicable to all statutory bonds and undertakings in one place in the Code of Civil Procedure.<sup>7</sup> These efforts are incomplete, however. The Law Revision Commission recommends that the procedural bond and undertaking provisions be compiled into one statute and that the duplicative provisions be repealed or deleted from the codes.

Consolidation of the numerous similar statutes to create one uniform statute necessarily involves many changes in wording, a few variations from existing procedures, and an occasional minor substantive change.<sup>8</sup> The changes made in existing law by the proposed statute are noted in the Comments that follow each amended or repealed provision of existing law in the draft of conforming changes attached to this recommendation. The Commission believes that any inconvenience caused by the small changes in law is outweighed by the advantages of uniformity in this area of the law.

<sup>7</sup> See Code Civ. Proc. §§ 1041, 1054a-1059.

<sup>8</sup> Among the substantive changes proposed are the following:

(1) The claim and delivery undertaking is revised so that the amount of the undertaking is based on the value of the defendant's interest in the property rather than on the value of the property. See Code Civ. Proc. §§ 515.010-515.020. This will avoid the need for and cost of a large initial undertaking in cases where the defendant has a relatively small interest in the property.

(2) Where a triable issue of fact is raised under a motion procedure to enforce the liability on a bond or undertaking, trial is required to be by the court, with no jury option. This will help effectuate the purposes of the motion procedure.

(3) In the case of a litigation bond or undertaking, if the liability of the principal is established by a final judgment and the surety does not pay, the beneficiary may recover costs (including reasonable attorney's fees) of enforcement. This will encourage prompt voluntary payment where liability is clear.

# PROPOSED BOND AND UNDERTAKING LAW

## CHAPTER 2. BONDS AND UNDERTAKINGS

### Article 1. Preliminary Provisions and Definitions

- § 995.010. Short title
- § 995.020. Application of chapter
- § 995.030. Manner of service
- § 995.040. Affidavits
- § 995.050. Extensions of time
- § 995.110. Application of definitions
- § 995.120. Admitted surety insurer
- § 995.130. Beneficiary
- § 995.140. Bond
- § 995.150. Court
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### Article 2. General Provisions

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- § 995.220. Bond not required of public entity or officer
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- § 995.320. Contents of bond
- § 995.330. Form of bond
- § 995.340. Filing required
- § 995.350. Entry in register of actions
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- § 995.410. Approval of bond
- § 995.420. Time bond becomes effective
- § 995.430. Term of bond
- § 995.440. Term of license or permit bond

### Article 5. Personal Sureties

- § 995.510. Qualifications of surety
- § 995.520. Affidavit of surety

### Article 6. Admitted Surety Insurers

- § 995.610. Admitted surety insurer in lieu of personal sureties
- § 995.620. More than one surety
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- § 995.710. Deposit of money, certificates, accounts, bonds, or notes
- § 995.720. Valuation of bearer bonds or notes
- § 995.730. Effect of deposit
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- § 995.820. Bond by officer of court
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**Article 9. Objections to Bonds**

- § 995.910. Article limited to actions and proceedings
- § 995.920. Grounds for objection
- § 995.930. Manner of making objection
- § 995.940. Objection to sufficiency of bond based on market value
- § 995.950. Hearing on objection
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- § 996.010. Bond in action or proceeding
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**Article 11. Substitution and Release of Sureties**

- § 996.110. Application for substitution and release
- § 996.120. Hearing
- § 996.130. Substitution and release
- § 996.140. Failure to give substitute surety
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**Article 12. New, Additional, and Supplemental Bonds**

- § 996.210. When bond given
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- § 996.310. Application of article
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- § 996.510. Application of article
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- § 996.540. Recordation of certificate
- § 996.550. Lien of judgment
- § 996.560. Specific performance of agreement to sell property

An act to add Chapter 2 (commencing with Section 995.010) to Title 14 of Part 2 of the Code of Civil Procedure, relating to bonds and undertakings.

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

**Code of Civil Procedure §§ 995.010-996.560 (added). Bonds and undertakings**

SECTION 1. Chapter 2 (commencing with Section 995.010) is added to Title 14 of Part 2 of the Code of Civil Procedure, to read:

**CHAPTER 2. BONDS AND UNDERTAKINGS**

**Article 1. Preliminary Provisions and Definitions**

**§ 995.010. Short title**

995.010. This chapter shall be known and may be cited as the Bond and Undertaking Law.

**Comment.** Section 995.010 is similar to comparable provisions in recently enacted California law. See, *e.g.*, Sts. & Hy. Code § 8300 (Public Streets, Highways, and Service Easements Vacation Law).

**§ 995.020. Application of chapter**

995.020. (a) The provisions of this chapter apply to a bond or undertaking executed, filed, posted, furnished, or otherwise given as security pursuant to any statute of this state, except to the extent the statute prescribes a different rule or is inconsistent.

(b) The provisions of this chapter apply to a bond or undertaking given at any of the following times:

(1) On or after January 1, 1983.

(2) Before January 1, 1983, to the extent another surety is substituted for the original surety on or after January 1, 1983, or to the extent the principal gives a new, additional, or supplemental bond or undertaking on or after January 1, 1983.

(c) The provisions of this chapter do not apply to a bail bond or an undertaking of bail.

**Comment.** Section 995.020 supersedes portions of former Sections 1041 and 1054a through 1059, which applied to statutory bonds and undertakings generally. The provisions of this chapter governing statutory bonds and undertakings are not exclusive, but are supplemented by the general provisions governing all bonds and undertakings, both common-law and statutory. See, *e.g.*, Civil Code §§ 2787-2855 (suretyship).

**§ 995.030. Manner of service**

**995.030.** If service of a notice, paper, or other document is required under this chapter, service shall be made in the same manner as service of process in civil actions generally.

**Comment.** Section 995.030 is new.

**§ 995.040. Affidavits**

**995.040.** An affidavit made under this chapter shall conform to the standards prescribed for an affidavit made pursuant to Section 437c.

**Comment.** Section 995.040 is drawn from the last sentences of former Sections 1058a (bonds and undertakings) and 535 (injunctions).

**§ 995.050. Extensions of time**

**995.050.** The times provided in this chapter or in any other statute relating to a bond may be extended pursuant to Sections 1054 and 1054.1.

**Comment.** Section 995.050 continues the substance of provisions formerly found in Sections 1054 and 1054.1 (extensions of time).

**§ 995.110. Application of definitions**

**995.110.** Unless the provision or context otherwise requires, the definitions in this article govern the construction of this chapter.

**Comment.** Section 995.110 makes clear that this article provides definitions applicable only to this chapter. Particular definitions may be applicable to other statutes by their terms or by the context in which they are used. See, *e.g.*, Section 995.120 (“admitted surety insurer” defined). For other definitions and rules of construction applicable to this chapter, see Sections 10-17.

**§ 995.120. Admitted surety insurer**

995.120. (a) "Admitted surety insurer" means a corporate insurer or a reciprocal or interinsurance exchange to which the Insurance Commissioner has issued a certificate of authority to transact surety insurance in this state, as defined in Section 105 of the Insurance Code.

(b) For the purpose of application of this chapter to a bond given pursuant to any statute of this state, the phrases "admitted surety insurer," "authorized surety company," "bonding company," "corporate surety," and comparable phrases used in the statute mean "admitted surety insurer" as defined in this section.

**Comment.** Section 995.120 is drawn from the first paragraph of former Section 1056 (bonds and undertakings) and from former Insurance Code Section 1300.5 (reciprocal or interinsurance exchange).

**§ 995.130. Beneficiary**

995.130. (a) "Beneficiary" means the person for whose benefit a bond is given, whether executed to, in favor of, in the name of, or payable to the person as an obligee.

(b) If a bond is given for the benefit of the State of California or the people of the state, "beneficiary" means the court, officer, or other person required to determine the sufficiency of the sureties or to approve the bond.

(c) For the purpose of application of this chapter to a bond given pursuant to any statute of this state, the terms "beneficiary," "obligee," and comparable terms used in the statute mean "beneficiary" as defined in this section.

**Comment.** Subdivision (a) of Section 995.130 is drawn from former Section 489.020 (attachment).

Subdivision (b) is new. For persons entitled to enforce the liability on a bond or undertaking to the state, see Section 995.850 (enforcement by or for benefit of persons interested).

**§ 995.140. Bond**

995.140. "Bond" includes both of the following:

(a) A surety, fidelity, indemnity, or like bond executed by both the principal and sureties.



(b) A surety, fidelity, indemnity, or like undertaking executed by the sureties alone.

**Comment.** Section 995.140 is new. The only difference between a bond and undertaking is that a bond is executed by principal as well as sureties. See Section 995.190 (“undertaking” defined). The two instruments are interchangeable if given pursuant to statute. See Section 995.210 (bonds and undertakings interchangeable). For drafting purposes, the term “bond” includes “undertaking.”

#### § 995.150. Court

995.150. “Court” means, if a bond is given in an action or proceeding, the court in which the action or proceeding is pending.

**Comment.** Section 995.150 is new. A judge at chambers may approve bonds and undertakings. Code Civ. Proc. § 166 (actions that may be taken in chambers). A court commissioner may take and approve bonds and undertakings and determine objections. Code Civ. Proc. § 259 (court commissioners).

#### § 995.160. Officer

995.160. “Officer” means the sheriff, marshal, constable, clerk of court, judge or magistrate if there is no clerk, board, commission, department, or other public official or entity to whom the bond is given or with whom a copy of the bond is filed or who is required to determine the sufficiency of the sureties or to approve the bond.

**Comment.** Section 995.160 is drawn from the introductory portion of former Section 1054a (deposit in lieu of undertaking). It applies not only to bonds and undertakings given in actions and proceedings but to other bonds and undertakings given pursuant to statute as well.

#### § 995.170. Principal

995.170. (a) “Principal” means the person who gives a bond.

(b) For the purpose of application of this chapter to a bond given pursuant to any statute of this state, the terms “obligor,” “principal,” and comparable terms used in the statute mean “principal” as defined in this section.

**Comment.** Section 995.170 is drawn from former Section 489.020(b) (attachment).

**§ 995.180. Statute**

995.180. “Statute” includes administrative regulation promulgated pursuant to statute.

**Comment.** Section 995.180 is new.

**§ 995.185. Surety**

995.185. (a) “Surety” has the meaning provided in Section 2787 of the Civil Code and includes personal surety and admitted surety insurer.

(b) For the purpose of application of this chapter to a bond given pursuant to any statute of this state, the terms “bail,” “guarantor,” “bondsman,” “surety,” and comparable terms used in the statute mean “surety” as defined in this section.

**§ 995.190. Undertaking**

995.190. “Undertaking” means a surety, fidelity, indemnity, or like undertaking executed by the sureties alone.

**Comment.** Section 995.190 is new. The only difference between a bond and undertaking is that an undertaking is executed by the sureties and not the principal. See Section 995.140 (“bond” defined). The two instruments are interchangeable if given pursuant to statute. See Section 995.210 (bonds and undertakings interchangeable). For drafting purposes, “undertaking” is included in the term “bond.”

## **Article 2. General Provisions**

**§ 995.210. Bonds and undertakings interchangeable**

995.210. Unless the provision or context otherwise requires:

(a) If a statute provides for a bond, an undertaking that otherwise satisfies the requirements for the bond may be given in its place with the same effect as if a bond were given, and references in the statute to the bond shall be deemed to be references to the undertaking.

(b) If a statute provides for an undertaking, a bond that otherwise satisfies the requirements for the undertaking may be given in its place with the same effect as if an undertaking were given, and references in the statute to the undertaking shall be deemed to be references to the bond.

**Comment.** Section 995.210 is new. It recognizes that the terms “bond” and “undertaking” are used interchangeably in both the statutes and cases. See, *e.g.*, *Associates Capital Services Corp. v. Security Pac. Nat’l Bank*, 91 Cal. App.3d 819, 154 Cal. Rptr. 392 (1979); *Alexander v. Superior Court*, 91 Cal. App. 312, 266 P. 993 (1928); *Connors, Cal. Surety & Fidelity Bond Practice* § 21.2, p. 308 (Cal. Cont. Ed. Bar 1969); see also Sections 995.140 (“bond” defined) and 995.190 (“undertaking” defined). While a bond is executed by principal as well as sureties, the signature of the principal provides the beneficiary no additional security. See Section 996.460 (judgment of liability).

**§ 995.220. Bond not required of public entity or officer**

995.220. Notwithstanding any other statute, if a statute provides for a bond in an action or proceeding, including but not limited to a bond for issuance of a restraining order or injunction, appointment of a receiver, or stay of enforcement of a judgment on appeal, the following public entities and officers are not required to give the bond and shall have the same rights, remedies, and benefits as if the bond were given:

(a) The State of California or the people of the state, a state agency, department, division, commission, board, or other entity of the state, or a state officer in an official capacity or on behalf of the state.

(b) A county, city, or district, or public authority, public agency, or other political subdivision in the state, or an officer of the local public entity in an official capacity or on behalf of the local public entity.

(c) The United States or an instrumentality or agency of the United States, or a Federal officer in an official capacity or on behalf of the United States or instrumentality or agency.

**Comment.** Section 995.220 continues the substance of former Section 1058 (bonds and undertakings).

**§ 995.230. Reduction or waiver by beneficiary**

995.230. The beneficiary of a bond given in an action or proceeding may in writing consent to the bond in an amount less than the amount required by statute or may waive the bond.

**Comment.** Section 995.230 is drawn from a number of provisions of former law. See, *e.g.*, former Sections 489.030 (attachment) and 920 (appeals); Section 1255.250 (eminent domain).

**§ 995.240. Waiver in case of indigency**

995.240. The court may, in its discretion, waive a provision for a bond in an action or proceeding and make such orders as may be appropriate as if the bond were given, if the court determines that the principal is unable to give the bond because the principal is indigent and is unable to obtain sufficient sureties, whether personal or admitted surety insurers. In exercising its discretion the court shall take into consideration all factors it deems relevant including but not limited to the character of the action or proceeding, the nature of the beneficiary, whether public or private, and the potential harm to the beneficiary if the provision for the bond is waived.

**Comment.** Section 995.240 is drawn from former subdivision (e) of Section 515.020 (claim and delivery). It codifies the common law authority of the courts. See, *e.g.*, *Conover v. Hall*, 11 Cal.3d 842, 523 P.2d 682, 114 Cal. Rptr. 642 (1974) (waiver of injunction bond because of indigency).

**§ 995.250. Cost of bond recoverable**

995.250. If a statute allows costs to a party in an action or proceeding, the costs shall include all of the following:

(a) The premium on a bond reasonably paid by the party pursuant to a statute that provides for the bond in the action or proceeding.

(b) The premium on a bond reasonably paid by the party in connection with the action or proceeding, unless the court determines that the bond was unnecessary.

**Comment.** Section 995.250 continues the substance of former Section 1035 (costs). See also provisions formerly found in

Sections 1029.5 and 1029.6 (malpractice actions). Contrast Section 1255.240(b) (premium not recoverable if undertaking required because of issue as to title in eminent domain). Subdivision (a) makes clear that the court does not have discretion to deny the cost of a statutory litigation bond. Subdivision (b) continues the rule that costs may be allowed for nonlitigation bonds if procured in connection with litigation. See *Acoustics, Inc. v. Trepte Constr. Co.*, 14 Cal. App.3d 887, 92 Cal. Rptr. 723 (1971).

### § 995.260. Evidence of bond

995.260. If a bond is recorded pursuant to statute, a certified copy of the record of the bond with all affidavits, acknowledgments, endorsements, and attachments may be admitted in evidence in an action or proceeding with the same effect as the original, without further proof.

**Comment.** Section 995.260 is drawn from former Civil Code Section 3227 (mechanics' liens and stop notices) and the last sentence of Government Code Section 8213 (bond of notary public).

## Article 3. Execution and Filing

### § 995.310. Sureties on bond

995.310. Unless the statute providing for the bond requires execution by an admitted surety insurer, a bond shall be executed by two or more sufficient personal sureties or by one sufficient admitted surety insurer or by any combination of sufficient personal sureties and admitted surety insurers.

**Comment.** Section 995.310 continues the requirement of two or more personal sureties or one admitted surety insurer found in numerous provisions of former law. See, *e.g.*, former Section 489.040 (attachment); Sections 515.010-515.020 (claim and delivery) and 567 (receivers); former Sections 571 (receivers, referees, commissioners) and 677 (fraudulent conveyances); Sections 682a (deposit account or safe deposit box), 689 and 710c (third-party claims), 922 (appeals), 1029.5-1029.6 (malpractice actions), 1030 (nonresident plaintiff), and 1210 and 1215 (contempt). *Cf.* *River Trails Ranch Co. v. Superior Court*, 111 Cal. App.3d 562, 168 Cal. Rptr. 747 (1980). If the statute providing

for the bond or undertaking requires execution by personal sureties, the bond or undertaking may be executed by an admitted surety insurer. See also Section 995.610 (admitted surety insurer in lieu of personal sureties).

### § 995.320. Contents of bond

995.320. (a) A bond shall be in writing signed by the sureties under oath and shall include all of the following:

(1) A statement that the sureties are jointly and severally liable on the obligations of the statute providing for the bond.

(2) The address at which the principal and sureties may be served with notices, papers, and other documents under this chapter.

(3) If the amount of the bond is based upon the value of property or an interest in property, a description of the property or interest, and the principal's estimate of the value of the property or interest, or if given pursuant to the estimate of the beneficiary or court, the value as so estimated.

(b) The sureties signing the bond are jointly and severally liable on the obligations of the bond, the provisions of this chapter, and the statute providing for the bond.

**Comment.** Subdivision (a) (1) of Section 995.320 is drawn from former Section 1041 (undertaking in civil action). Subdivision (a) (2) is drawn from the second sentence of former Section 1058a (security in civil action). Subdivision (a) (3) continues the substance of former Sections 489.050 (attachment) and 677 and 679 (fraudulent conveyances), portions of Section 710c and former Section 712½ (third-party claims), and former Section 1041 (undertaking in civil action). The bond or undertaking may include a stipulation that the liability of a personal surety is limited to the net worth of the surety. See Section 995.520 (affidavit of surety).

Subdivision (b) continues the substance of portions of former Section 1041 (undertaking in civil action) and former Civil Code Section 2781 (obligations of sureties).

### § 995.330. Form of bond

995.330. (a) A bond given in an action or proceeding may be in the following form:

“(Title of court. Title of cause.)

Whereas the . . . desires to give (a bond) (an undertaking) for (state what) as provided by (state sections of code requiring bond or undertaking); now, therefore, the undersigned (principal and) (sureties) (surety) hereby (obligate ourselves, jointly and severally) (obligates itself) to (name who) under the statutory obligations, in the amount of . . . dollars.”

(b) The Judicial Council may prescribe the form of a bond and other forms relating to bonds given in an action or proceeding. A form prescribed by the Judicial Council is deemed to comply with this chapter.

**Comment.** Subdivision (a) of Section 995.330 continues the substance of the portion of former Section 1041 (undertaking in civil action) which prescribed the form of a bond or undertaking by a party to an action or proceeding.

Subdivision (b) is new. For the Judicial Council form of attachment and claim and delivery undertaking, see form AT-160(77). For the Judicial Council form of notice of exception to sureties and hearing on justification of sureties, see form CD-150(74).

#### § 995.340. Filing required

995.340. If a bond is given in an action or proceeding:

(a) The bond shall be filed with the court unless the statute providing for the bond requires that the bond be given to another person.

(b) If the statute providing for the bond requires that the bond be given to an officer, the officer shall file the bond with the court unless the statute providing for the bond otherwise provides.

(c) A bond filed with the court shall be preserved in the office of the clerk of the court.

**Comment.** Subdivision (a) of Section 995.340 is drawn from numerous provisions of former law. See, *e.g.*, Sections 515.010-515.020 (claim and delivery) and former Section 677½ (fraudulent conveyances). Contrast Section 682a (bond transmitted by levying officer to financial institution).

Subdivision (b) is new. Specific statutes may provide different rules. See, *e.g.*, Rev. & Tax. Code § 2954 (bond filed with tax collector; proof filed with court).

Subdivision (c) is drawn from former Probate Code Section 2332 (guardian or conservator).

**§ 995.350. Entry in register of actions**

995.350. (a) Upon the filing of a bond with the court in an action or proceeding, the clerk shall enter in the register of actions the following information:

- (1) The date and amount of the bond.
- (2) The names of the sureties on the bond.

(b) In the event of the loss of the bond, the entries in the register of actions are prima facie evidence of the giving of the bond in the manner required by statute.

**Comment.** Section 995.350 continues the substance of the second paragraph of former Section 1057 (bonds and undertakings) and the last two sentences of former Probate Code Section 545 (bonds and undertakings under Probate Code).

**§ 995.360. Return of bond**

995.360. A bond given in an action or proceeding may be withdrawn from the file and returned to the principal on order of the court only if one of the following conditions is satisfied:

- (a) The beneficiary so stipulates.
- (b) The bond is no longer in force and effect and the time during which the liability on the bond may be enforced has expired.

**Comment.** Section 995.360 is drawn from Court Rules 242(c) (Superior Court) and 530(c) (Municipal Court). For the term of the bond or undertaking, see Section 995.430.

**§ 995.370. Service of copy of bond**

995.370. At the time a bond is given, the principal shall serve a copy of the bond on the beneficiary. An affidavit of service shall be given and filed with the bond.

**Comment.** Section 995.370 is drawn from numerous provisions formerly found in statutes relating to bonds and undertakings. See, *e.g.*, Sections 489.230 (notice of attachment undertaking) and 515.020 (copy of claim and delivery undertaking for redelivery); former Section 677½ (fraudulent conveyances). Contrast Section 514.020 (copy of claim and



delivery undertaking delivered or served by levying officer); Civil Code Section 1861.18 (copy of innkeeper's lien undertaking delivered or served by levying officer).

#### § 995.380. Defect in bond

995.380. (a) If a bond does not contain the substantial matter or conditions required by this chapter or by the statute providing for the bond, or if there are any defects in the giving or filing of the bond, the bond is not void so as to release the principal and sureties from liability.

(b) The beneficiary may, in proceedings to enforce the liability on the bond, suggest the defect in the bond, or its giving or filing, and enforce the liability against the principal and the persons who intended to become and were included as sureties on the bond.

**Comment.** Section 995.380 is drawn from former Government Code Section 1554 (official bond). The provision of former law relating to "equitable" liability is not continued; the sureties on the bond or undertaking are liable to the extent provided by statute. See Section 995.320 (contents of bond or undertaking); *Powers Regulator Co. v. Seaboard Surety Co.*, 204 Cal. App.2d 338, 22 Cal. Rptr. 373 (1962).

### Article 4. Approval and Effect

#### § 995.410. Approval of bond

995.410. (a) A bond becomes effective without approval unless the statute providing for the bond requires that the bond be approved by the court or officer.

(b) If the statute providing for a bond requires that the bond be approved, the court or officer may approve or disapprove the bond on the basis of the affidavit or certificate of the sureties or may require the attendance of witnesses and the production of evidence and may examine the sureties under oath touching their qualifications.

(c) Nothing shall be construed to preclude approval of a bond in an amount greater than that required by statute.

**Comment.** Subdivision (a) of Section 995.410 is new. Subdivision (b) continues the substance of numerous provisions of former law. See, *e.g.*, Gov't Code § 1531 (official bonds). If a bond or undertaking is required to be approved by a court, the

judge at chambers may approve the bond or undertaking. See Section 166 (actions that may be taken in chambers). Subdivision (c) is drawn from former subdivision (c) of Section 489.060 (attachment).

#### § 995.420. Time bond becomes effective

995.420. (a) Unless the statute providing for a bond provides that the bond becomes effective at a different time, a bond is effective at the time it is given or, if the statute requires that the bond be approved, at the time it is approved.

(b) If the statute providing for a bond provides that the bond becomes effective at a time other than the time it is given or approved, the bond is effective at the time provided unless an objection is made to the bond before that time. If an objection is made to a bond before the time provided, the bond becomes effective when the court makes an order determining the sufficiency of the bond.

**Comment.** Subdivision (a) of Section 995.420 is drawn from Section 489.060 (attachment).

Subdivision (b) is drawn from former Sections 680 (fraudulent conveyances) and 713½ (third-party claims). For statutes providing different effective dates, see, *e.g.*, Section 710c (third-party claim undertaking effective 10 days after service), Civil Code § 3449 (fraudulent conveyance undertaking effective 10 days after service).

#### § 995.430. Term of bond

995.430. A bond remains in force and effect until the earliest of the following events:

(a) The sureties withdraw from or cancel the bond or a new bond is given in place of the original bond.

(b) The purpose for which the bond was given is satisfied or the purpose is abandoned without any liability having been incurred.

(c) A judgment of liability on the bond that exhausts the amount of the bond is satisfied.

(d) The term of the bond expires. Unless the statute providing for the bond prescribes a fixed term, the bond is continuous.

**Comment.** Section 995.430 is drawn from former Insurance Code § 1664 (production agencies).

**§ 995.440. Term of license or permit bond**

995.440. A bond given as a condition of a license or permit shall be continuous in form, remain in full force and effect, and run concurrent with the license or permit period and any and all renewals, or until cancellation or withdrawal of the surety from the bond.

**Comment.** Section 995.440 continues the substance of former Civil Code Section 2852 (bond of licensee or permittee).

**Article 5. Personal sureties****§ 995.510. Qualifications of surety**

995.510. (a) A personal surety on a bond is sufficient if all of the following conditions are satisfied:

(1) The surety is a person other than the principal. No officer of the court or member of the State Bar shall act as a surety.

(2) The surety is a resident, and either an owner of real property or householder, within the state.

(3) The surety is worth the amount of the bond in real or personal property, or both, situated in this state over and above all debts and liabilities, exclusive of property exempt from enforcement of a money judgment.

(b) If the amount of a bond exceeds \$10,000 and is executed by more than two personal sureties, the worth of a personal surety may be less than the amount of the bond, so long as the aggregate worth of all sureties executing the bond is twice the amount of the bond.

**Comment.** Section 995.510 is drawn from former Section 1057 (bonds and undertakings) and Government Code Sections 1530 and 1531 (official bonds), and from Rules of Court 242(b) (Superior Court) and 530(b) (Municipal Court), with clarifying changes. The substitution of \$10,000 for \$3,000 is in recognition of the change in value of the dollar since the enactment of the former law.

**§ 995.520. Affidavit of surety**

995.520. (a) A bond executed by personal sureties shall be accompanied by an affidavit of qualifications of each surety.

(b) The affidavit shall contain all of the following information:

(1) The name, occupation, residence address, and business address (if any) of the surety.

(2) A statement that the surety is a resident and either an owner of real property or householder, within the state.

(3) A statement that the surety is worth the amount of the bond in real or personal property, or both, situated in this state over and above all debts and liabilities, exclusive of property exempt from enforcement of a money judgment.

(c) If the amount of the bond exceeds \$5,000, the affidavit shall contain, in addition to the information required by subdivision (b), all of the following information:

(1) A description sufficient for identification of real and personal property of the surety situated in this state and the nature of the surety's interest therein that qualifies the surety on the bond.

(2) The surety's best estimate of the fair market value of each item of property.

(3) A statement of any charge or lien and its amount, known to the surety, whether of public record or not, against any item of property.

(4) Any other impediment or cloud known to the surety on the free right of possession, use, benefit, or enjoyment of the property.

(d) If the amount of the bond exceeds \$10,000 and is executed by more than two sureties, the affidavit may state that the surety is worth less than the amount of the bond and the bond may stipulate that the liability of the surety is limited to the worth of the surety stated in the affidavit, so long as the aggregate worth of all sureties executing the bond is twice the amount of the bond.

**Comment.** Section 995.520 continues the substance of the first sentence of the first paragraph of former Section 1057 (bonds and undertakings) and a portion of former Section 830 (libel and slander). See also Gov't Code §§ 1530, 1531 (official bonds). The substitution of \$5,000 for \$2,000 and \$10,000 for \$3,000 is in recognition of the change in value of the dollar since the enactment of the former law.

## Article 6. Admitted Surety Insurers

### § 995.610. Admitted surety insurer in lieu of personal sureties

995.610. (a) If a statute provides for a bond with any number of sureties, one sufficient admitted surety insurer may become and shall be accepted as sole surety on the bond.

(b) The admitted surety insurer is subject to all the liabilities and entitled to all the rights of personal sureties.

**Comment.** Section 995.610 continues the substance of the first paragraph of former Section 1056 (bonds and undertakings) and former Civil Code Section 3227 (mechanics' liens and stop notices).

### § 995.620. More than one surety

995.620. Two or more admitted surety insurers may be sureties on a bond by executing the same or separate bonds for amounts aggregating the required amount of the bond. Each admitted surety insurer is jointly and severally liable to the extent of the amount of the liability assumed by it.

**Comment.** Section 995.620 is drawn from former Insurance Code Section 11698 (worker's compensation).

### § 995.630. Authentication of bond

995.630. An admitted surety insurer shall not be accepted or approved by the court or officer as surety on a bond unless, and shall be accepted or approved by the court or officer without further acknowledgment if, all of the following conditions are satisfied:

(a) A copy of the transcript or record of the unrevoked appointment, power of attorney, by-laws, or other instrument, duly certified by the proper authority and attested by the seal of the insurer entitling or authorizing the person who executed the bond to do so for and in behalf of the insurer, is filed in the office of the clerk of the county in which the court or officer is located.

(b) The bond is executed in the name of the insurer under penalty of perjury or the fact of execution of the bond is duly acknowledged before an officer authorized to take and certify acknowledgments.

**Comment.** Section 995.630 is drawn from the second and third paragraphs of former Section 1056 (bonds and undertakings) and from Court Rules 242(a) (Superior Court) and 530(a) (Municipal Court). The requirement that the officer taking an acknowledgment be “of this state” is not continued. See Civil Code § 1189 (acknowledgments outside state).

**§ 995.640. Certificate of authority**

**995.640.** The county clerk of any county shall, upon request of any person, do any of the following:

(a) Issue a certificate stating whether the certificate of authority of an admitted surety insurer issued by the Insurance Commissioner authorizing the insurer to transact surety insurance, has been surrendered, revoked, canceled, annulled, or suspended, and in the event that it has, whether renewed authority has been granted. The county clerk in issuing the certificate shall rely solely upon the information furnished by the Insurance Commissioner pursuant to Article 2 (commencing with Section 12070) of Chapter 1 of Part 4 of Division 2 of the Insurance Code.

(b) Issue a certificate stating whether a copy of the transcript or record of the unrevoked appointment, power of attorney, by-laws, or other instrument, duly certified by the proper authority and attested by the seal of an admitted surety insurer entitling or authorizing the person who executed a bond to do so for and in behalf of the insurer, is filed in the office of the clerk.

**Comment.** Subdivision (a) of Section 995.640 continues the substance of the last two paragraphs of former Section 1057a (bonds and undertakings). Subdivision (b) is new. The fee to be paid by the person requesting the certificate is \$3.00 for each certificate issued. See Gov’t Code Section 26855.3 (fee for issuing certificate).

**§ 995.650. Objection to sufficiency of surety**

**995.650.** If an objection is made to the sufficiency of an admitted surety insurer, the person making the objection shall attach to and incorporate in the objection one or both of the following:

(a) The certificate of the county clerk of the county in which the court is located stating that the insurer has not

been certified to the county clerk by the Insurance Commissioner as an admitted surety insurer or that the certificate of authority of the insurer has been surrendered, revoked, canceled, annulled, or suspended and has not been renewed.

(b) An affidavit stating facts that establish the insufficiency of the insurer.

**Comment.** Section 995.650 continues the substance of former Section 1057b (justification of admitted surety insurer). For the certificate of the county clerk, see Section 995.640 (certificate of authority).

### § 995.660. Determination of sufficiency of surety

995.660. (a) If an objection is made to the sufficiency of an admitted surety insurer on a bond or if the bond is required to be approved, the insurer shall submit to the court or officer the following documents:

(1) The original, or a certified copy, of the unrevoked appointment, power of attorney, by-laws, or other instrument entitling or authorizing the person who executed the bond to do so.

(2) A certified copy of the certificate of authority of the insurer issued by the Insurance Commissioner.

(3) A certificate from the county clerk of the county in which the court or officer is located that the certificate of authority of the insurer has not been surrendered, revoked, canceled, annulled, or suspended, or in the event that it has, that renewed authority has been granted.

(4) A financial statement of the assets and liabilities of the insurer at the end of the quarter calendar year prior to 30 days next preceding the date of the execution of the bond. The financial statement shall be made by an officers' certificate as defined in Section 173 of the Corporations Code. In the case of foreign insurer the financial statement may, instead of an officers' certificate, be verified by the oath of the principal officer or manager residing within the United States.

(b) If the admitted surety insurer complies with subdivision (a) and if it appears that the bond was duly executed, that the insurer is authorized to transact surety

insurance in the state, and that its assets exceed its liabilities in an amount equal to or in excess of the amount of the bond, the insurer is sufficient and shall be accepted or approved as surety on the bond, subject to Section 12090 of the Insurance Code.

**Comment.** Section 995.660 continues the substance of the first portion of former Section 1057a (justification of admitted surety insurer). The reference to Insurance Code Section 12090 (admitted surety insurer may not become surety on undertaking in excess of 10% of assets) is new. For the certificate of the county clerk, see Section 995.640.

## **Article 7. Deposit in Lieu of Bond**

### **§ 995.710. Deposit of money, certificates, accounts, bonds, or notes**

**995.710.** (a) Except to the extent the statute providing for a bond limits the form of security, the principal may, instead of giving a bond, deposit with the officer any of the following:

(1) Lawful money of the United States. The money shall be maintained by the officer in an interest-bearing trust account.

(2) Bearer bonds or bearer notes of the United States or the State of California.

(3) Certificates of deposit payable to the officer, not exceeding the federally insured amount, issued by banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation or by savings and loan associations authorized to do business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(4) Savings accounts assigned to the officer, not exceeding the federally insured amount, together with evidence of the deposit in the savings accounts with banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation.

(5) Investment certificates or share accounts assigned to the officer, not exceeding the federally insured amount, issued by savings and loan associations authorized to do



business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(6) Certificates for funds or share accounts assigned to the officer, not exceeding the guaranteed amount, issued by a credit union, as defined in Section 14002 of the Financial Code, whose share deposits are guaranteed by the National Credit Union Administration or guaranteed by any other agency approved by the Department of Corporations.

(b) The deposit shall be in an amount or have a face value, or in the case of bearer bonds or bearer notes have a market value, equal to or in excess of the amount that would be required to be secured by the bond if the bond were given by an admitted surety insurer.

(c) The deposit shall be accompanied by an agreement executed by the principal authorizing the officer to collect, sell, or otherwise apply the deposit to enforce the liability of the principal on the deposit. The agreement shall include the address at which the principal may be served with notices, papers, and other documents under this chapter.

**Comment.** Section 995.710 continues the substance of portions of former Section 1054a (deposit in lieu of undertaking) and numerous provisions of other statutes.

### § 995.720. Valuation of bearer bonds or notes

995.720. (a) The market value of bearer bonds or bearer notes shall be agreed upon by stipulation of the principal and beneficiary or, if the bonds or notes are given in an action or proceeding and the principal and beneficiary are unable to agree, the market value shall be determined by court order in the manner prescribed in this section. A certified copy of the stipulation or court order shall be delivered to the officer at the time of the deposit of the bonds or notes.

(b) If the bonds or notes are given in an action or proceeding, the principal may file a written application with the court to determine the market value of the bonds or notes. The application shall be served upon the beneficiary and proof of service shall be filed with the application. The application shall contain all of the following:

- (1) A specific description of the bonds or notes.
- (2) A statement of the current market value of the bonds or notes as of the date of the filing of the application.
- (3) A statement of the amount of the bonds or notes that the principal believes would be equal to the required amount of the deposit.

(c) The application pursuant to subdivision (b) shall be heard by the court not less than five days nor more than 10 days after service of the application. If at the time of the hearing no objection is made to the current market value of the bonds or notes alleged in the application, the court shall fix the amount of the bonds or notes on the basis of the market value alleged in the application. If the beneficiary contends that the current market value of the bonds or notes is less than alleged in the application, the principal shall offer evidence in support of the application, and the beneficiary may offer evidence in opposition. At the conclusion of the hearing, the court shall make an order determining the market value of the bonds or notes and shall fix and determine the amount of the bonds or notes to be deposited by the principal.

**Comment.** Section 995.720 continues the substance of the portion of former Section 1054a relating to valuation of bearer bonds or bearer notes.

#### § 995.730. Effect of deposit

995.730. A deposit given instead of a bond has the same force and effect, is treated the same, and is subject to the same conditions, liability, and statutory provisions, including provisions for increase and decrease of amount, as the bond.

**Comment.** Section 995.730 is drawn from portions of former Probate Code Sections 541.3 (executor or administrator) and 2331 (guardian or conservator).

#### § 995.740. Interest on deposit

995.740. If no proceedings are pending to enforce the liability of the principal on the deposit, the officer shall:

- (a) Pay quarterly, on demand, any interest on the deposit, when earned in accordance with the terms of the account or certificate, to the principal.

(b) Deliver to the principal, on demand, any interest coupons attached to bearer bonds or bearer notes as the interest coupons become due and payable, or pay annually any interest payable on the bonds or notes.

**Comment.** Subdivision (a) of Section 995.740 continues the substance of a portion of Harbors and Navigation Code Section 731, with the addition of the provision for payment of interest quarterly, on demand.

Subdivision (b) continues the substance of the fourth paragraph of former Section 1054a (deposit in lieu of undertaking) and former Business and Professions Code Section 9547.4 (cleaning, dyeing, and pressing license).

### § 995.750. Obligation of principal

995.750. (a) The principal shall pay the amount of the liability on the deposit within 30 days after the date on which the judgment of liability becomes final.

(b) If the deposit was given to stay enforcement of a judgment on appeal, the principal shall pay the amount of the liability on the deposit, including damages and costs awarded against the principal on appeal, within 30 days after the filing of the remittitur from the appellate court in the court from which the appeal is taken.

**Comment.** Section 995.750 is drawn from the third and fifth paragraphs of former Section 1054a (deposit in lieu of undertaking).

### § 995.760. Enforcement against deposit

995.760. (a) If the principal does not pay the amount of the liability on the deposit within the time prescribed in Section 995.750, the deposit shall be collected, sold, or otherwise applied to the liability upon order of the court that entered the judgment of liability, made upon five days' notice to the parties.

(b) Bearer bonds or bearer notes without a prevailing market price shall be sold at public auction. Notice of sale shall be served on the principal. Bearer bonds or bearer notes having a prevailing market price may be sold at private sale at a price not lower than the prevailing market price.

(c) The deposit shall be distributed in the following order:

(1) First, to pay the cost of collection, sale, or other application of the deposit.

(2) Second, to pay the judgment of liability of the principal on the deposit.

(3) Third, the remainder, if any, shall be returned to the principal.

**Comment.** 995.760 is drawn from the last portion of the fourth paragraph of former Section 1054a (bonds and undertakings). Subdivision (b) is drawn from Financial Code Section 12223 (check sellers and cashiers).

### § 995.770. Return of deposit

995.770. A deposit given pursuant to this article shall be returned to the principal at the earliest of the following times:

(a) Upon substitution of a sufficient bond for the deposit.

(b) The time provided by Section 995.360 for return of a bond.

(c) The time provided by statute for return of the deposit.

**Comment.** Section 995.770 is drawn from portions of former Probate Code Sections 541.3 (executor or administrator) and 2331 (guardian or conservator) and of Harbor and Navigation Code Section 731 (broker's license). Statutes may provide a specific time for return of the deposit. See, *e.g.*, Harb. & Nav. Code § 731 (deposit returned in four years); Veh. Code § 11102.1 (deposit returned in three years or earlier upon court order).

## Article 8. Bonds to the State of California

### § 995.810. Application of article

995.810. The provisions of this article apply to a bond executed to, in favor of, in the name of, or payable to the State of California or the people of the state, including but not limited to an official bond.

**Comment.** Section 995.810 supersedes former Section 304 (bonds of receivers, executions, and administrators). The other provisions of this chapter also apply to a bond or undertaking under this article. See also Sections 995.130 ("beneficiary" defined) and 996.510 (enforcement lien).

**§ 995.820. Bond by officer of court**

995.820. Except as otherwise provided by statute, a bond given by an officer of the court for the faithful discharge of the officer's duties and obedience to the orders of the court shall be to the State of California.

**Comment.** Section 995.820 continues the substance of a portion of former Section 304.1 (bonds or undertakings of trustees, receivers, assignees, officers of court). See also Section 995.840 (court approval of bond or undertaking).

**§ 995.830. Bond where statute specifies no beneficiary**

995.830. If a statute or court order pursuant thereto providing for a bond does not specify the beneficiary of the bond, the bond shall be to the State of California.

**Comment.** Section 995.830 is new.

**§ 995.840. Court approval of bond**

995.840. If a bond under this article is given in an action or proceeding:

(a) The bond shall be approved by the court.

(b) Any party for whose benefit the bond is given may object to the bond.

**Comment.** Section 995.840 continues the substance of numerous provisions of former law. See, *e.g.*, Section 567 (receivers) and former Section 571 (receivers, referees, and commissioners). The judge in chambers may approve a bond or undertaking. Section 166 (actions that may be taken in chambers).

**§ 995.850. Enforcement by or for benefit of persons damaged**

995.850. (a) The liability on a bond under this article may be enforced by or for the benefit of, and in the name of, any and all persons for whose benefit the bond is given who are damaged by breach of the condition of the bond.

(b) A person described in subdivision (a) may, in addition to any other remedy the person has, enforce the liability on the bond in the person's own name, without assignment of the bond.

**Comment.** Section 995.850 continues the substance of numerous provisions of former law. See, *e.g.*, the last portion of former Section 304.1 (bonds of trustees, receivers, assignees, or officers of a court).

## **Article 9. Objections to Bonds**

### **§ 995.910. Article limited to actions and proceedings**

**995.910.** This article governs objections to a bond given in an action or proceeding.

**Comment.** Section 995.910 limits the objection procedure to cases where there are adversary parties and a court to resolve disputes. In other situations the officer required to approve a bond or undertaking must do so without the objection procedure.

### **§ 995.920. Grounds for objection**

**995.920.** The beneficiary may object to a bond on any of the following grounds:

- (a) The sureties are insufficient.
- (b) The amount of the bond is insufficient.
- (c) The bond, from any other cause, is insufficient.

**Comment.** Subdivisions (a) and (b) of Section 995.920 are drawn from numerous provisions of former law. See, *e.g.*, former Sections 489.070 (attachment), 678 (fraudulent conveyances), 711½ (third-party claims). Subdivision (c) is intended to cover other defects in the bond or undertaking. For objection to the sufficiency of an admitted surety insurer, see Section 995.650 (objection to sufficiency of surety).

### **§ 995.930. Manner of making objection**

**995.930.** (a) An objection shall be in writing and shall be made by noticed motion. The notice of motion shall specify the precise grounds for the objection. If a ground for the objection is that the amount of the bond is insufficient, the notice of motion shall state the reason for the insufficiency and shall include an estimate of the amount that would be sufficient.

(b) The objection shall be made within 10 days after service of a copy of the bond on the beneficiary or such

other time as is required by the statute providing for the bond.

(c) If no objection is made within the time required by statute, the beneficiary is deemed to have waived all objections except upon a showing of changed circumstances.

**Comment.** Section 995.930 is drawn from numerous provisions of former law. See, *e.g.*, former Section 489.080 (attachment), Section 515.030 (claim and delivery), former Section 678 (fraudulent conveyances), Section 689 and former Sections 711½ and 712 (third-party claims). Service on the principal of the objection and notice of motion and proof of service are made pursuant to Sections 1010-1013a.

#### **§ 995.940. Objection to sufficiency of bond based on market value**

995.940. If a ground for the objection is that the value of property or an interest in property on which the amount of the bond is based exceeds the value estimated in the bond:

(a) The objection shall state the beneficiary's estimate of the market value of the property or interest in property.

(b) The principal may accept the beneficiary's estimate of the market value of the property or interest in property and immediately file an increased bond based on the estimate. In such case, no hearing shall be held on that ground for the objection, and the beneficiary is bound by the estimate of the market value of the property or interest in property.

**Comment.** Section 995.940 is drawn from numerous provisions of former law. See, *e.g.*, former Sections 489.080(b) (attachment), 678 (fraudulent conveyances), 711½ (third-party claims). As to subdivision (b), see, *e.g.*, former Section 489.100 (attachment) and the first portions of former Sections 679 (fraudulent conveyance) and 712½ (third-party claims).

#### **§ 995.950. Hearing on objection**

995.950. (a) Unless the parties otherwise agree, the hearing on an objection shall be held not less than two nor more than five days after service of the notice of motion.

(b) The hearing shall be conducted in such manner as the court determines is proper. The court may permit

witnesses to attend and testify and evidence to be procured and introduced in the same manner as in the trial of a civil case.

(c) If the value of property or an interest in property is a ground for the objection, the court shall estimate its value. The court may appoint one or more disinterested persons to appraise property or an interest in property for the purpose of estimating its value.

#### **§ 995.960. Determination of sufficiency of bond**

**995.960.** (a) Upon the hearing, the court shall make an order determining the sufficiency or insufficiency of the bond.

(b) If the court determines that the bond is insufficient:

(1) The court shall specify in what respect the bond is insufficient and shall order that a bond with sufficient sureties and in a sufficient amount be given within five days. If a sufficient bond is not given within the time required by the court order, all rights obtained by giving the bond immediately cease and the court shall upon *ex parte* motion so order.

(2) If a bond is in effect, the bond remains in effect until a bond with sufficient sureties and in a sufficient amount is given in its place, or the time in which to give the bond has expired, whichever first occurs. If the time in which to give a sufficient bond expires, the original bond remains in full force and effect for all liabilities incurred before, and for acts, omissions, or causes existing or which arose before, expiration.

(c) If the court determines that a bond is sufficient, no future objection to the bond may be made except upon a showing of changed circumstances.

**Comment.** Section 995.960 is drawn from numerous provisions of former law. See, *e.g.*, 489.090(c)-(e) (attachment), 678½ and 679 (fraudulent conveyances), Section 689 and former Sections 712 and 712½ (third-party claims), and former Civil Code Section 3080.13(b)-(d) (livestock service liens). For the time a bond or undertaking takes effect, see Section 995.420 (time bond or undertaking becomes effective).



## Article 10. Insufficient and Excessive Bonds

### § 996.010. Bond in action or proceeding

996.010. (a) If a bond is given in an action or proceeding, the court may determine that the bond is or has from any cause become insufficient because the sureties are insufficient or because the amount of the bond is insufficient.

(b) The court determination shall be upon motion supported by affidavit or upon the court's own motion. The motion shall be deemed to be an objection to the bond. The motion shall be heard and notice of motion shall be given in the same manner as an objection to the bond.

(c) Upon the determination the court shall order that a sufficient new, additional, or supplemental bond be given within a reasonable time not less than five days. The court order is subject to any limitations in the statute providing for the bond.

(d) If a sufficient bond is not given within the time required by the court order, all rights obtained by giving the original bond immediately cease and the court shall upon ex parte motion so order.

**Comment.** Section 996.010 is drawn from numerous provisions of former law. See, *e.g.*, former Section 1057 (bonds and undertakings) and provisions formerly found in Sections 391.3 (vexatious litigants), 566 (receivers) and 1030 (nonresident plaintiff).

### § 996.020. Bond other than in action or proceeding

996.020. (a) If a bond is given other than in an action or proceeding and it is shown by affidavit of a credible witness or it otherwise comes to the attention of the officer that the bond is or has from any cause become insufficient because the sureties are insufficient or because the amount of the bond is insufficient, the officer may serve an order on the principal to appear and show cause why the officer should not make a determination that the bond is insufficient. The order shall name a day not less than three nor more than 10 days after service.

(b) If the principal fails to appear or show good cause on the day named why a determination that the bond is insufficient should not be made, the officer may determine that the bond is insufficient and order a sufficient new, additional, or supplemental bond to be given.

(c) If a sufficient bond is not given within 10 days after the order, the officer shall make an order vacating the rights obtained by giving the original bond, including declaring vacant any office and suspending or revoking any license or certificate for which the bond was given. Any office vacated, license suspended or revoked, or any other rights lost, for failure to substitute a sufficient surety or to give a new, additional, or supplemental bond, shall not be reinstated until a sufficient surety is substituted or a new, additional, or supplemental bond is given.

**Comment.** Section 996.020 is drawn from numerous provisions of former law. See, *e.g.*, former Gov't Code §§ 1580-1581 and provisions formerly found in Gov't Code § 1582 (official bonds).

### **§ 996.030. Reduced bond**

996.030. (a) The court if a bond is given in an action or proceeding or the officer if a bond is given other than in an action or proceeding may determine that the amount of the bond is excessive and order the amount reduced to an amount that in the discretion of the court or officer appears proper under the circumstances. The order is subject to any limitations in the statute providing for the bond.

(b) The determination shall be made upon motion or affidavit of the principal in the same manner as a motion or affidavit for a determination under this article that a bond is insufficient. The notice of motion or the order to show cause made pursuant to affidavit shall be served on the beneficiary. The determination shall be made in the same manner and pursuant to the same procedures as a determination under this article that the bond is insufficient.

(c) The principal may give a new bond for the reduced amount. The sureties may be the same sureties as on the original bond.

**Comment.** Section 996.030 is drawn from numerous provisions of former law. See, *e.g.*, former Section 391.3 (vexatious litigants).

## **Article 11. Release or Substitution of Sureties on Bond Given in Action or Proceeding**

### **§ 996.110. Application for substitution and release**

996.110. (a) A surety on a bond given in an action or proceeding may at any time apply to the court for an order that the surety be released from liability on the bond.

(b) The principal on a bond may, if a surety applies for release from liability on a bond, apply to the court for an order that another surety be substituted for the original surety.

(c) The applicant shall serve on the principal or surety (other than the applicant) and on the beneficiary a copy of the application and a notice of hearing on the application. Service shall be made not less than 15 days before the date set for hearing.

**Comment.** Section 996.110 is drawn from numerous provisions of former law. See, *e.g.*, former Prob. Code §§ 551 and 553.5 (substitution and discharge of sureties). The manner of service is the same as for service of process in civil actions. See Section 995.030.

### **§ 996.120. Hearing**

996.120. Upon the hearing of the application, the court shall determine whether injury to the beneficiary would result from substitution or release of the surety. If the court determines that release would not reduce the amount of the bond or the number of sureties below the minimum required by the statute providing for the bond, substitution of a sufficient surety is not necessary and the court shall order the release of the surety. If the court determines that no injury would result from substitution of the surety, the court shall order the substitution of a sufficient surety within such time as appears reasonable.

**Comment.** Section 996.120 is drawn from numerous provisions of former law. See, *e.g.*, former Prob. Code § 553.6 (substitution of sureties) and Prob. Code § 2335(a) (guardian or conservator); former Gov't Code § 1600 (official bonds).

**§ 996.130. Substitution and release**

996.130. (a) If a substitute surety is given, the substitute surety is subject to all the provisions of this chapter, including but not limited to the provisions governing insufficient and excessive bonds.

(b) Upon the substitution of a sufficient surety, the court shall order the release of the original surety from liability on the bond.

**Comment.** Section 996.130 is drawn from numerous provisions of former law. See, *e.g.*, former Prob. Code §§ 553 and 553.6 (substitution of sureties).

**§ 996.140. Failure to give substitute surety**

996.140. If the principal does not give a sufficient substitute surety within the time ordered by the court or such longer time as the surety consents to, all rights obtained by giving the original bond immediately cease and the court shall upon *ex parte* motion so order.

**Comment.** Section 996.140 is drawn from numerous provisions of former law. See, *e.g.*, former Prob. Code § 552 (application by surety).

**§ 996.150. Liability of released surety**

996.150. If a surety is ordered released from liability on a bond:

(a) The bond remains in full force and effect for all liabilities incurred before, and for acts, omissions, or causes existing or which arose before, the release. Legal proceedings may be had therefor in all respects as though there had been no release.

(b) The surety is not liable for any act, default, or misconduct of the principal or other breach of the condition of the bond that occurs after, or for any liabilities on the bond that arise after, the release.

(c) The release does not affect the bond as to the remaining sureties, or alter or change their liability in any respect.

**Comment.** Section 996.150 is drawn from numerous provisions of former law. See, *e.g.*, former Gov't Code §§ 1612-1613 (official bonds) and 8218 (notary public).

## Article 12. New, Additional, and Supplemental Bonds

### § 996.210. When bond given

996.210. (a) The principal shall give a new, additional, or supplemental bond if the court or officer orders that a new, additional, or supplemental bond be given.

(b) The principal may give a new bond if a surety withdraws from or cancels the original bond or to obtain the release of sureties from liability on the original bond.

**Comment.** Section 996.210 is drawn from numerous provisions of former law. See, *e.g.*, former Gov't Code §§ 1601 and 1608 (official bonds).

### § 996.220. Contents of bond

996.220. (a) A new, additional, or supplemental bond shall be in the same form and have the same obligation as the original bond and shall be in all other respects the same as the original bond, and shall be in such amount as is necessary for the purpose for which the new, additional, or supplemental bond is given.

(b) A supplemental bond shall, in addition to any other requirements, recite the names of the remaining original sureties, the name of the new surety, and the amount for which the new surety is liable. The supplemental bond shall be for the amount for which the original surety was liable on the original bond.

**Comment.** Section 996.220 is drawn from numerous provisions of former law. As to subdivision (a), see, *e.g.*, former Sections 678½ (fraudulent conveyances) and 712 (third-party claims). As to subdivision (b), see, *e.g.*, former Gov't Code §§ 1608 and 1609 (official bonds).

### § 996.230. Provisions applicable to bond

996.230. A new, additional, or supplemental bond is subject to all the provisions applicable to the original bond and to the provisions of this chapter, including but not limited to the provisions governing giving and objecting to a bond and liabilities and enforcement procedures.

**Comment.** Section 996.230 is drawn from numerous provisions of former law. See, *e.g.*, former Sections 678½

(fraudulent conveyances) and 712 (third-party claims); former Gov't Code §§ 1584 and 1602 (official bonds).

**§ 996.240. Effect of new bond**

996.240. If a new bond is given in place of the original bond:

(a) The original bond remains in full force and effect for all liabilities incurred before, and for acts, omissions, or causes existing or which arose before, the new bond became effective.

(b) The sureties on the original bond are not liable for any act, default, or misconduct of the principal or other breach of the condition of the bond that occurs after or for any liabilities on the bond that arise after, the new bond becomes effective.

**Comment.** Section 996.240 is drawn from numerous provisions of former law. See, *e.g.*, Gov't Code §§ 1602 and 1611 (official bonds). For an exception to the rule of Section 996.240, see Business and Professions Code Section 17774 (trading stamp companies).

**§ 996.250. Effect of additional or supplemental bond**

996.250. (a) An additional or supplemental bond does not discharge or affect the original bond. The original bond remains in full force and effect as if the additional or supplemental bond had not been given.

(b) After an additional or supplemental bond is given, the principal and sureties are liable upon either or both bonds for injury caused by breach of any condition of the bonds. Subject to subdivision (c), the beneficiary may enforce the liability on either bond, or may enforce the liability separately on both bonds and recover separate judgments of liability on both.

(c) If the beneficiary recovers separate judgments of liability on both bonds for the same cause of action, the beneficiary may enforce both judgments. The beneficiary may collect, by execution or otherwise, the costs of both proceedings to enforce the liability and the amount actually awarded to the beneficiary on the same cause of action in only one of the proceedings, and no double recovery shall be allowed.

(d) If the sureties on either bond have been compelled to pay any sum of money on account of the principal, they are entitled to recover from the sureties on the remaining bond a distributive part of the sum paid, in the proportion the amounts of the bonds bear one to the other and to the sums paid.

**Comment.** Section 996.250 is drawn from former Government Code Sections 1585-1588 (official bonds).

### **Article 13. Cancellation of Bond or Withdrawal of Sureties**

#### **§ 996.310. Application of article**

996.310. This article governs cancellation of or withdrawal of a surety from a bond given other than in an action or proceeding.

**Comment.** Sections 996.310-996.360 are drawn from numerous provisions of former law. See, *e.g.*, former Civil Code Section 2851 (bond of licensee or permittee).

#### **§ 996.320. Notice of cancellation or withdrawal**

996.320. A surety may cancel or withdraw from a bond by giving a notice of cancellation or withdrawal to the officer to whom the bond was given in the same manner the bond was given. The surety shall at the same time mail or deliver a copy of the notice of cancellation or withdrawal to the principal.

**Comment.** See Comment to Section 996.310.

#### **§ 996.330. Effective date of cancellation or withdrawal**

996.330. Cancellation or withdrawal of a surety is effective at the earliest of the following times:

(a) Thirty days after notice of cancellation or withdrawal is given.

(b) If a new surety is substituted for the original surety, the date the substitution becomes effective.

(c) If a new bond is given, the date the new bond becomes effective.

**Comment.** See Comment to Section 996.310.

**§ 996.340. Effect of cancellation or withdrawal**

996.340. (a) If the principal does not give a new bond within 30 days after notice of cancellation or withdrawal is given, all rights obtained by giving the original bond immediately cease, any office for which the bond is given is vacant, any commission for which the bond is given is revoked, and any license for which the bond is given is suspended.

(b) A person whose license is suspended shall not operate or carry on business pursuant to the license during the period of suspension. A license that is suspended may be revived only by the giving of a new bond during the license period in which the cancellation or withdrawal occurred.

**Comment.** See Comment to Section 996.310.

**§ 996.350. New bond not required**

996.350. If the withdrawal of a surety does not reduce the amount of the bond or the number of sureties below the minimum required by the statute providing for the bond, no new bond is required or necessary to maintain the original bond in effect.

**Comment.** Section 996.350 is drawn from former Government Code Section 1600 (official bonds).

**§ 996.360. Liability of surety**

996.360. If a surety cancels or withdraws from a bond:

(a) The bond remains in full force and effect for all liabilities incurred before, and for acts, omissions, or causes existing or which arose before, the cancellation or withdrawal. Legal proceedings may be had therefor in all respects as though there had been no withdrawal.

(b) The surety is not liable for any act, default, or misconduct of the principal or other breach of the condition of the bond that occurs after, or for any liabilities on the bond that arise after, the cancellation or withdrawal.

(c) The cancellation or withdrawal does not affect the bond as to the remaining sureties, or alter or change their liability in any respect.

**Comment.** See Comment to Section 996.310.



## Article 14. Liability of Principal and Sureties

### § 996.410. Enforcement of liability on bond

996.410. (a) The beneficiary may enforce the liability on a bond against both the principal and sureties.

(b) If the beneficiary is a class of persons, any person in the class may enforce the liability on a bond in the person's own name, without assignment of the bond.

**Comment.** Section 996.410 continues the substance of numerous provisions of former law. For enforcement of liability on a bond to the State of California, see Section 995.850 (enforcement by or for benefit of persons interested).

Subdivision (b) is drawn from former Financial Code Section 12211 (check cashers and sellers) and Health and Safety Code Section 1773 (life care contracts).

### § 996.420. Surety subject to jurisdiction of court

996.420. (a) A surety on a bond given in an action or proceeding submits itself to the jurisdiction of the court in all matters affecting its liability on the bond.

(b) This section does not apply to a bond of a public officer or fiduciary.

**Comment.** Section 996.420 continues the substance of the first sentences of former Sections 1058a (bonds and undertakings) and 535 (injunctions).

### § 996.430. Action to enforce liability

996.430. (a) The liability on a bond may be enforced by civil action. Both the principal and the sureties shall be joined as parties to the action.

(b) If the bond was given in an action or proceeding, the action shall be commenced in the court in which the action or proceeding was pending. If the bond was given other than in an action or proceeding, the action shall be commenced in any court of competent jurisdiction, and the amount of damage claimed in the action, not the amount of the bond, determines the jurisdiction of the court.

(c) A cause of action on a bond may be transferred and assigned as other causes of action.

**Comment.** Section 996.430 continues the substance of numerous provisions of former law. See, *e.g.*, former Labor Code §§ 1700.42-1700.43 (artists' managers).

**§ 996.440. Motion to enforce liability**

996.440. (a) If a bond is given in an action or proceeding, the liability on the bond may be enforced on motion made in the court without the necessity of an independent action.

(b) The motion shall not be made until after entry of the final judgment in the action or proceeding in which the bond is given and the time for appeal has expired or, if an appeal is taken, until the appeal is finally determined. The motion shall not be made or notice of motion served more than one year after the later of the preceding dates.

(c) Notice of motion shall be served on the principal and sureties at least 30 days before the time set for hearing of the motion. The notice shall state the amount of the claim and shall be supported by affidavits setting forth the facts on which the claim is based. The notice and affidavits shall be served in accordance with any procedure authorized by Chapter 5 (commencing with Section 1010).

(d) Judgment shall be entered against the principal and sureties in accordance with the motion unless the principal or sureties serve and file affidavits in opposition to the motion showing such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. If such a showing is made, the issues to be tried shall be specified by the court. Trial shall be by the court and shall be set for the earliest date convenient to the court, allowing sufficient time for such discovery proceedings as may be requested.

(e) The principal and sureties shall not obtain a stay of the proceedings pending determination of any conflicting claims among beneficiaries.

**Comment.** Section 996.440 continues the substance of former Sections 1058a (bonds and undertakings) and 535 (injunctions), but requires court trial. This requirement should not be construed to deny the right to a jury trial on a bond or undertaking executed pursuant to prior law to the extent

constitutionally required. Subdivision (a) also continues the substance of a portion of Probate Code Section 684 (family allowance). Subdivision (b) also continues the substance of a portion of Section 1166a (unlawful detainer) and former Civil Code Section 3080.14(b) (livestock service liens). For the standards for affidavits, see Section 995.040.

#### § 996.450. Statute of limitations

996.450. No provision in a bond is valid that attempts by contract to shorten the period prescribed by Section 337 or other statute for the commencement of an action on the bond or the period prescribed by Section 996.440 for a motion to enforce a bond. This section does not apply if the principal, beneficiary, and surety accept a provision for a shorter period in a bond.

**Comment.** Section 996.450 is new. For an exception to the rule of Section 996.450, see Food and Agricultural Code § 55435. Although the general statute of limitations for an action on a bond or undertaking is the 4-year statute provided by Section 337, specific statutes may provide different limitation periods. See, *e.g.*, Bus. & Prof. Code §§ 6898 (3 years) and 7071.11 (2 years); Fin. Code §§ 12212, 17205 (2 years); Health & Safety Code §§ 1376 (2 years) and 5021 (6 months); Pub. Util. Code § 4840 (1 year). The time within which a motion to enforce must be made is one year. See Section 996.440(b).

#### § 996.460. Judgment of liability

996.460. (a) Notwithstanding Section 2845 of the Civil Code, a judgment of liability on a bond shall be in favor of the beneficiary and against the principal and sureties and shall obligate each of them jointly and severally.

(b) The judgment shall be in an amount determined by the court and shall include the costs of obtaining the judgment.

(c) A judgment that does not exhaust the full amount of the bond decreases the amount of the bond but does not discharge the bond. The liability on the bond may be enforced thereafter from time to time until the amount of the bond is exhausted.

(d) The judgment may be enforced by the beneficiary directly against the sureties. Nothing in this section affects

any right of subrogation of a surety against the principal or any right of a surety to compel the principal to satisfy the judgment.

**Comment.** Subdivision (a) of Section 996.460 is drawn from numerous provisions of former law. See, *e.g.*, former Section 391.5 (vexatious litigants), former Section 489.110 and Section 490.030 (attachment), and a portion of Section 917.1 (appeals).

Subdivision (b) is drawn from Insurance Code Section 11708 (worker's compensation), but does not provide for a reasonable attorney's fee.

Subdivision (c) is drawn from numerous provisions of former law. See, *e.g.*, former Prob. Code § 554 (executor, administrator, guardian, conservator), Gov't Code § 8214 (notary public), and former Rev. & Tax Code § 7455 (vehicle fuel license tax).

Subdivision (d) is drawn from numerous provisions of former law. See, *e.g.*, former Section 489.110 (attachment). See also Section 1050 (right of surety to compel satisfaction of debt by principal).

#### **§ 996.470. Limitation on liability of surety**

996.470. (a) Notwithstanding any other statute, the aggregate liability of a surety to all persons for all breaches of the condition of a bond is limited to the amount of the bond. Except as otherwise provided by statute, the liability of the principal is not limited to the amount of the bond.

(b) If a bond is given in an amount greater than the amount required by statute or by order of the court or officer pursuant to statute, the liability of the surety on the bond is limited to the amount required by statute or by order of the court or officer, unless the amount of the bond has been increased voluntarily or by agreement of the parties to satisfy an objection to the bond made in an action or proceeding.

(c) The liability of a surety is limited to the amount stipulated in any of the following circumstances:

(1) The bond contains a stipulation pursuant to Section 995.520 that the liability of a personal surety is limited to the worth of the surety.

(2) The bond contains a stipulation that the liability of a surety is an amount less than the amount of the bond

pursuant to a statute that provides that the liability of sureties in the aggregate need not exceed the amount of the bond.

**Comment.** Subdivision (a) of Section 996.470 is drawn from numerous provisions of former law. See, *e.g.*, former Sections 489.110 and 490.030 (attachment) and Sections 917.1, 917.4, 917.5, and 917.9 (appeals). Subdivision (b) is drawn from the last sentence of Section 922 (appeals). Subdivision (c) is drawn from the last paragraph of Section 917.1 (appeals). The liability of a surety may be further limited by the statute providing for the bond or undertaking. See, *e.g.*, Bus. & Prof. Code § 7071.11 (liability on contractor's bond limited to \$3,000).

### § 996.480. Voluntary payment by surety

996.480. (a) If the nature and extent of the liability of the principal is established by final judgment of a court and the time for appeal has expired or, if an appeal is taken, the appeal is finally determined and the judgment is affirmed:

(1) A surety may make payment on a bond without awaiting enforcement of the bond. The amount of the bond is reduced to the extent of any payment made by the surety in good faith.

(2) If the beneficiary makes a claim for payment on a bond given in an action or proceeding and the surety fails to make payment, the surety is liable for costs incurred in obtaining a judgment, including a reasonable attorney's fee, and interest on the judgment from the date of the claim, notwithstanding Section 996.470.

(b) Partial payment of a claim by a surety shall not be considered satisfaction of the claim and the beneficiary may enforce the liability on the bond. If a right is affected or a license is suspended or revoked until payment of a claim, the right continues to be affected and the license continues to be suspended or revoked until the claim is satisfied in full.

**Comment.** Subdivisions (a) (1) and (b) of Section 996.480 are drawn from Business and Professions Code Section 7071.11 (contractors). Subdivision (a) (2) is drawn from former Probate Code Section 554 (executor, administrator, guardian, conservator). The provision for a reasonable attorney's fee is

intended to ensure prompt payment by the surety where the liability of the principal is established. The reasonableness of the fee should be determined in relationship to the amount of the bond or undertaking.

**§ 996.490. Effect of payment by surety**

996.490. (a) Payment by a surety of the amount of a bond constitutes a full discharge of all the liability of the surety on the bond.

(b) Each surety is liable to contribution to cosureties who have made payment in proportion to the amount for which each surety is liable.

**Comment.** Subdivision (a) of Section 996.490 is drawn from former Insurance Code Section 11711 (worker's compensation). Subdivision (b) is drawn from former Government Code Section 1552 (official bonds).

**§ 996.495. Enforcement of judgment**

996.495. A judgment of liability on a bond may be enforced in the same manner and to the same extent as other money judgments.

**Comment.** Section 996.495 is new. For a special enforcement provision, see Section 996.510 (enforcement lien).

**Article 15. Enforcement Lien**

**§ 996.510. Application of article**

996.510. This article applies to proceedings for the benefit of the state to enforce the liability on a bond executed to, in favor of, or payable to the State of California or the people of the state, including but not limited to an official bond.

**Comment.** Section 996.510 continues the substance of the first portions of former Section 304.2 (bonds to State of California) and former Government Code Section 1555 (official bonds).

**§ 996.520. Affidavit**

996.520. The person enforcing the liability may file with the court in the proceedings an affidavit stating the following:

(a) The bond was executed by the defendant or one or more of the defendants (designating whom).

(b) The bond is one to which this article applies.

(c) The defendant or defendants have real property or an interest in real property (designating the county or counties in which the real property is situated).

(d) The liability is being enforced for the benefit of the state.

**Comment.** Section 996.520 continues the substance of the first sentence of former Section 304.2 (bonds to State of California) and former Government Code Section 1555 (official bonds). See also Section 995.040 (affidavits).

### § 996.530. Certification by clerk

996.530. The clerk receiving the affidavit shall certify to the recorder of the county in which the real property is situated all of the following:

(a) The names of the parties.

(b) The court in which the proceedings are pending.

(c) The amount claimed.

(d) The date of commencement of the proceedings.

**Comment.** Section 996.530 continues the substance of the second sentence of former Section 304.2 (bonds to State of California) and former Government Code Section 1556 (official bonds).

### § 996.540. Recordation of certificate

996.540. (a) Upon receiving the certificate the county recorder shall endorse upon it the time of its receipt.

(b) The certificate shall be filed and recorded in the same manner as notice of the pendency of an action affecting real property.

**Comment.** Section 996.540 is drawn from former Government Code Section 1557 (official bonds).

### § 996.550. Lien of judgment

996.550. (a) Any judgment recovered is a lien upon all real property belonging to the defendant situated in any county in which the certificate is filed, from the filing of the certificate.

(b) The lien is for the amount for which the owner of the real property is liable upon the judgment.

**Comment.** Section 996.550 is drawn from former Government Code Section 1558 (official bonds).

**§ 996.560. Specific performance of agreement to sell property**

**996.560.** If an agreement to sell real property affected by the lien created by the filing of a certificate was made before the filing of the certificate and the purchase price under the agreement was not due until after the filing of the certificate, and the purchaser is otherwise entitled to specific performance of the agreement:

(a) The court in an action to compel specific performance of the agreement shall order the purchaser to pay the purchase price, or so much of the purchase price as may be due, to the State Treasurer, and to take the State Treasurer's receipt for payment.

(b) Upon payment, the purchaser is entitled to enforcement of specific performance of the agreement. The purchaser takes the real property free from the lien created by the filing of the certificate.

(c) The State Treasurer shall hold the payment pending the proceedings referred to in the certificate. The payment is subject to the lien created by the filing of the certificate.

**Comment.** Subdivision (a) of Section 996.560 continues the substance of former Government Code Section 1559 (official bonds). Subdivisions (b) and (c) continue the substance of former Government Code Section 1560 (official bonds).



## **CONFORMING ADDITIONS, AMENDMENTS, AND REPEALS**

The Law Revision Commission's proposed legislation also makes necessary revisions (amendments, additions, and repeals) of existing codes to conform them to the Bond and Undertaking Law.

To save printing costs, the entire text of the conforming revisions is not set out in this report. For each section of the conforming revisions, a section heading for the section is set out followed by an explanatory comment to the section being amended, added, or repealed.

### **Business and Professions Code § 125.5 (amended)**

**Comment.** Section 125.5 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

### **Business and Professions Code § 125.7 (amended)**

**Comment.** Section 125.7 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

### **Business and Professions Code § 125.8 (amended)**

**Comment.** Section 125.8 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

### **Business and Professions Code § 656 (amended)**

**Comment.** Section 656 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 1705.5 (amended)**

**Comment.** Section 1705.5 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 2311 (amended)**

**Comment.** Section 2311 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 2545 (amended)**

**Comment.** Section 2545 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 2559 (amended)**

**Comment.** Section 2559 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 2672 (amended)**

**Comment.** Section 2672 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 2971 (amended)**

**Comment.** Section 2971 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 3131 (amended)**

**Comment.** Section 3131 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 3430 (amended)**

**Comment.** Section 3430 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 3533 (amended)**

**Comment.** Section 3533 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 5122 (amended)**

**Comment.** Section 5122 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public entity or officer).

**Business and Professions Code § 5527 (amended)**

**Comment.** Section 5527 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity or officer).

**Business and Professions Code § 6872 (amended)**

**Comment.** Section 6872 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 7028.3 (amended)**

**Comment.** Section 7028.3 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public entity or officer).

**Business and Professions Code § 7071.5 (amended)**

**Comment.** Section 7071.5 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. § 995.710 (deposit in lieu of bond); see also Code Civ. Proc. §§ 995.120 (“admitted surety insurer” defined); 996.430 (action to enforce liability). The other changes in Section 7071.5 are technical.

### **Business and Professions Code § 7071.6 (amended)**

**Comment.** Section 7071.6 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

### **Business and Professions Code § 7071.8 (amended)**

**Comment.** Section 7071.8 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 7071.8 are technical.

### **Business and Professions Code § 7071.9 (amended)**

**Comment.** Section 7071.9 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 7071.9 are technical.

### **Business and Professions Code § 7071.10 (amended)**

**Comment.** Section 7071.10 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 7071.10 are technical.

### **Business and Professions Code § 7071.11 (amended)**

**Comment.** Section 7071.11 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.430 (action to enforce liability), 995.730 (effect of deposit), 996.480 (voluntary payment by surety), 996.470 (limitation on liability of surety), 996.310 (cancellation of bond). The other changes in Section 7071.11 are technical.

### **Business and Professions Code § 7071.12 (repealed)**

**Comment.** The substance of former Section 7071.12 is continued in Code of Civil Procedure Sections 995.710 (deposit in lieu of bond) and 995.730 (effect of deposit).

**Business and Professions Code § 7074 (amended)**

**Comment.** Section 7074 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 7074 are technical.

**Business and Professions Code § 7074.5 (amended)**

**Comment.** Section 7074.5 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

**Business and Professions Code § 7398 (amended)**

**Comment.** Section 7398 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.120 (“admitted surety insurer” defined), 996.430 (action to enforce liability), 996.460 (judgment of liability), and 996.470 (limitation on liability of surety).

**Business and Professions Code § 7873 (amended)**

**Comment.** Section 7873 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity or officer).

**Business and Professions Code § 8693 (amended)**

**Comment.** Section 8693 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

**Business and Professions Code § 8697 (amended)**

**Comment.** Section 8697 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.310 (withdrawal of sureties or cancellation of bond) and 995.440 (term of license bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

**Business and Professions Code § 8697.2 (amended)**

**Comment.** Section 8697.2 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. §§ 996.430 (action to enforce liability) and 996.470 (limitation on liability of surety).

**Business and Professions Code § 8697.6 (repealed)**

**Comment.** The substance of former Section 8697.6 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Business and Professions Code § 9533.6 (amended)**

**Comment.** Section 9533.6 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 9547 (amended)**

**Comment.** Section 9547 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond) and 995.440 (term of license bond). The other changes in Section 9547 are technical.

**Business and Professions Code § 9547.1 (amended)**

**Comment.** Section 9547.1 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.850 (enforcement by persons interested) and 996.470 (limitation on liability of surety).

**Business and Professions Code § 9547.4 (repealed)**

**Comment.** The substance of former Section 9547.4 is continued in Code of Civil Procedure Sections 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), and 995.740 (interest on deposit).

**Business and Professions Code § 9702.3 (repealed)**

**Comment.** The substance of former Section 9702.3 is continued in Code of Civil Procedure Sections §§ 995.850 (enforcement by person interested) and 996.020 (insufficient bonds).

**Business and Professions Code § 9851 (amended)**

**Comment.** Section 9851 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 9884.14 (amended)**

**Comment.** Section 9884.14 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity or officer).

**Business and Professions Code § 9890.81 (amended)**

**Comment.** Section 9890.81 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety).

**Business and Professions Code § 9891.35 (amended)**

**Comment.** Section 9891.35 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond) and 996.470 (limitation on liability of surety).

**Business and Professions Code § 10072 (amended)**

**Comment.** Section 10072 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Business and Professions Code § 10133.25 (amended)**

**Comment.** Section 10133.25 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

**Business and Professions Code § 10237.8 (amended)**

**Comment.** Section 10237.8 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. § 995.850 (enforcement by persons interested) and 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

### **Business and Professions Code § 10238 (repealed)**

**Comment.** The substance of former Section 10238 is continued in Code of Civil Procedure Sections 995.710 (deposit in lieu of bond) and 995.730 (effect of deposit).

### **Business and Professions Code § 10540 (amended)**

**Comment.** Section 10540 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.850 (enforcement by persons interested) and 996.470 (limitation on liability of surety). The other changes in Section 10540 are technical.

### **Business and Professions Code § 10541 (repealed)**

**Comment.** The substance of former Section 10541 is continued in Code of Civil Procedure Section 995.440 (term of license bond).

### **Business and Professions Code § 10542 (repealed)**

**Comment.** Former Section 10542 is superseded by Code of Civil Procedure Sections 996.320 (notice of withdrawal) and 996.340 (effect of withdrawal).

### **Business and Professions Code § 11013.4 (amended)**

**Comment.** Section 11013.4 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.020 (insufficient bond) and 996.030 (reduced bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined). The other changes in Section 11013.4 are technical.

### **Business and Professions Code § 17540.7 (amended)**

**Comment.** Section 17540.7 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.850 (enforcement by persons interested), 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).



**Business and Professions Code § 17766.3 (amended)**

**Comment.** Section 17766.3 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety).

**Business and Professions Code § 17773.1 (repealed)**

**Comment.** The substance of former Section 17773.1 is continued in Code of Civil Procedure Sections 995.440 (term of license bond) and 996.310 (cancellation of bond).

**Business and Professions Code § 18690 (amended)**

**Comment.** Section 18690 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond) and 995.710 (deposit in lieu of bond). The other changes in Section 18690 are technical.

**Business and Professions Code § 22353 (amended)**

**Comment.** Section 22353 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.310 (cancellation of bond), 995.440 (term of bond), and 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

**Business and Professions Code § 22357 (amended)**

**Comment.** Section 22357 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.730 (effect of deposit).

**Business and Professions Code § 22390 (amended)**

**Comment.** Section 22390 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.430 (action to enforce liability) and 996.470 (limitation on liability of surety).

**Business and Professions Code § 22391 (repealed)**

**Comment.** The substance of former Section 22391 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Civil Code § 1812.54 (amended)**

**Comment.** The changes in Section 1812.54 are technical.

**Civil Code § 1812.65 (amended)**

**Comment.** Section 1812.65 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.850 (enforcement by or for benefit of persons interested) and 996.470 (limitation on liability of surety).

**Civil Code § 1812.66 (repealed)**

**Comment.** The substance of former Section 1812.66 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Civil Code § 1812.67 (amended)**

**Comment.** Section 1812.67 is amended to correct a section reference.

**Civil Code § 1812.104 (amended)**

**Comment.** Section 1812.104 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.850 (enforcement by or for benefit of persons interested) and 996.470 (limitation on liability of surety).

**Civil Code § 1812.105 (repealed)**

**Comment.** The substance of former Section 1812.105 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Civil Code § 1812.214 (amended)**

**Comment.** Section 1812.214 is amended to delete provisions duplicated in the general provisions governing bonds. See Code Civ. Proc. §§ 995.850 (enforcement by or for benefit of persons interested) and 996.470 (limitation on liability of surety). The other changes in Section 1812.214 are technical.

**Civil Code § 1861.12 (amended)**

**Comment.** Section 1861.12 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910

(objections to undertakings). The other changes in Section 1861.12 are technical.

### **Civil Code § 1861.19 (amended)**

**Comment.** Section 1861.19 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to undertakings). The other changes in Section 1861.19 are technical.

### **Civil Code § 1861.21 (amended)**

**Comment.** Section 1861.21 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (number of sureties), 995.320 (contents of undertaking). See also Code Civ. Proc. § 995.910 (objections to undertakings).

### **Civil Code § 1861.22 (amended)**

**Comment.** Section 1861.22 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (number of sureties), 995.320 (contents of undertaking), 995.370 (service of copy of undertaking); see also Code Civ. Proc. § 995.910 (objections to undertakings).

### **Civil Code § 1861.23 (amended)**

**Comment.** Section 1861.23 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.910-995.960 (objections to undertakings).

### **Civil Code § 1861a (amended)**

**Comment.** Section 1861a is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on undertaking), 995.910 (objections to undertakings). The other changes in Section 1861a are technical.

### **Civil Code § 2780 (repealed)**

**Comment.** Former Section 2780 is not continued. The sureties on bonds and undertakings given in legal proceedings are called “sureties” and not “bail.” See Code Civ. Proc. § 995.310 (sureties on bond or undertaking).

**Civil Code § 2781 (repealed)**

**Comment.** The substance of former Section 2781 is continued in Section 995.320 (contents of bond or undertaking).

**Civil Code § 2845 (amended)**

**Comment.** Section 2845 is amended to correct a section reference and make other technical changes.

**Civil Code § 2851 (repealed)**

**Comment.** The substance of former Section 2851 is continued in Code of Civil Procedure Section 996.310 (cancellation of bond).

**Civil Code § 2852 (repealed)**

**Comment.** The substance of former Section 2852 is continued in Code of Civil Procedure Section 995.440 (license or permit bond).

**Civil Code § 3061.5 (amended)**

**Comment.** Section 3061.5 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Section 995.710 (deposit in lieu of bond). The other changes in Section 3061.5 are technical.

**Civil Code § 3080.10 (amended)**

**Comment.** Section 3080.10 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to undertakings).

**Civil Code § 3080.11 (amended)**

**Comment.** Section 3080.11 is amended to delete a provision duplicated in the Bond and Undertaking Law and for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on undertaking) and 995.910 (objections to undertakings).

**Civil Code § 3080.12 (repealed)**

**Comment.** The substance of former Section 3080.12 is continued in Code of Civil Procedure Sections 995.910-995.940 (objections to undertakings).

**Civil Code § 3080.13 (repealed)**

**Comment.** The substance of former Section 3080.13 is continued in Code of Civil Procedure Sections 995.950-995.960 (objections to undertakings).

**Civil Code § 3080.14 (repealed)**

**Comment.** The substance of subdivision (a) of former Section 3080.14 is continued in Code of Civil Procedure Sections 996.460 (judgment of liability) and 996.470 (limitation of liability of surety). The substance of subdivision (b) is continued in Code of Civil Procedure Section 996.430 (motion to enforce liability).

**Civil Code § 3227 (repealed)**

**Comment.** The substance of former Section 3227 is continued in Code of Civil Procedure Section 995.610 (admitted surety insurer in lieu of personal sureties).

**Civil Code § 3228 (repealed)**

**Comment.** The substance of former Section 3228 is continued in Code of Civil Procedure Section 995.260 (evidence of bond).

**Civil Code § 3248 (amended)**

**Comment.** Section 3248 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 996.460 (judgment of liability), 996.470 (limitation of liability of surety). The other changes in Section 3248 are technical.

**Civil Code § 3415 (amended)**

**Comment.** Section 3415 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bond).

**Civil Code §§ 3439-3439.12 (chapter heading)**

**Comment.** A chapter heading is added to Sections 3439-3439.12 for organizational purposes.

**Civil Code § 3439 (amended)**

**Comment.** Section 3439 is amended for organizational purposes.

**Civil Code § 3440 (chapter heading)**

**Comment.** A chapter heading is added to Sections 3440-3443 for organizational purposes.

**Civil Code § 3440 (amended)**

**Comment.** Former Section 3440 is divided into several sections for organizational purposes. See Sections 3440-3443. The other changes in Sections 3440-3443 are technical.

**Civil Code § 3445 (added)**

**Comment.** Section 3445 is intended to simplify drafting.

**Civil Code § 3446 (added)**

**Comment.** Section 3446 continues the substance of former Code of Civil Procedure Section 676.

**Civil Code § 3447 (added)**

**Comment.** Section 3447 continues the substance of the third sentence of former Code of Civil Procedure Section 677.

**Civil Code § 3448 (added)**

**Comment.** Section 3448 continues the substance of a portion of the first sentence of former Code of Civil Procedure Section 677.

**Civil Code § 3449 (added)**

**Comment.** Section 3449 continues the substance of the first portion of former Code of Civil Procedure Section 680. For additional provisions governing the effective time of the undertaking, see Code of Civil Procedure Section 995.420 (time undertaking becomes effective).

**Code of Civil Procedure § 166 (amended)**

**Comment.** Section 166 is amended to authorize judges at chambers to approve bonds and undertakings. Formerly approval of probate bonds only at chambers was authorized. The other changes in Section 166 are technical.

**Code of Civil Procedure § 259 (amended)**

**Comment.** Section 259 is amended for consistency with the Bond and Undertaking Law. See Section 995.910 (objections to bonds and undertakings). The other changes in Section 259 are technical.

**Code of Civil Procedure §§ 304-304.2 (repealed)**

**Comment.** Former Section 304 is superseded by Section 995.810 (bonds to the State of California). Bonds and undertakings to the State of California are given by receivers pursuant to Section 567 and by executors and administrators pursuant to Probate Code Section 541.

The substance of the first portion of Section 304.1 is continued in Probate Code Section 1127 and Code of Civil Procedure Sections 567 (receivers) and 995.820 (bond by officer of court). The reference to the bond of an assignee is omitted. See former Civil Code Section 3467. The substance of the last portion of former Section 304.1 is continued in Section 995.850 (enforcement for benefit of persons interested).

The substance of former Section 304.2 is continued in Section 996.510 (enforcement lien).

**Code of Civil Procedure § 340 (amended)**

**Comment.** Section 340 is amended to delete the reference to an undertaking in a criminal action. Undertakings of bail are no longer governed by Section 340. See *People v. Burton*, 146 Cal. App.2d Supp. 878, 305 P.2d 302 (1956). Other undertakings in criminal actions are governed by the same rules that apply to undertakings generally. See Section 337 (four-year statute of limitations). The other changes in Section 340 are technical.

**Code of Civil Procedure § 391 (amended)**

**Comment.** Section 391 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Section 995.710 (deposit in lieu of undertaking). The other changes in Section 391 are technical.

**Code of Civil Procedure § 391.3 (amended)**

**Comment.** Section 391.3 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Sections

996.010 (undertaking in action or proceeding) and 996.030 (reduced undertaking).

**Code of Civil Procedure § 391.5 (repealed)**

**Comment.** The substance of former Section 391.5 is continued in Section 996.460 (judgment of liability).

**Code of Civil Procedure § 431.60 (repealed)**

**Comment.** Former Section 431.60 is superseded by Sections 515.010 (undertaking in claim and delivery) and 996.470 (limitation on liability of surety) and by Government Code Section 820.4 (immunity of public employees from liability in execution or enforcement of law).

**Code of Civil Procedure § 489.010 (repealed)**

**Comment.** Former Section 489.010 is superseded by Section 995.020 (application of bond and undertaking chapter).

**Code of Civil Procedure § 489.020 (repealed)**

**Comment.** The substance of former Section 489.020 is continued in Sections 995.130 (“beneficiary” defined) and 995.170 (“principal” defined).

**Code of Civil Procedure § 489.030 (repealed)**

**Comment.** The substance of former Section 489.030 is continued in Section 995.230 (waiver by beneficiary).

**Code of Civil Procedure § 489.040 (repealed)**

**Comment.** The substance of former Section 489.040 is continued in Section 995.310 (sureties on undertaking).

**Code of Civil Procedure § 489.050 (repealed)**

**Comment.** The substance of former Section 489.050 is continued in Section 995.320 (contents of undertaking).

**Code of Civil Procedure § 489.060 (amended)**

**Comment.** Subdivision (a) of Section 489.060 is amended to delete language made unnecessary by Section 995.420 (time



undertaking becomes effective). Subdivision (b) is amended for consistency with the Bond and Undertaking Law. See Section 995.120 (“admitted surety insurer” defined). Subdivision (c) is superseded by Section 995.410 (approval of undertaking).

### **Code of Civil Procedure § 489.070 (repealed)**

**Comment.** The substance of former Section 489.070 is continued in 995.920 (grounds for objection).

### **Code of Civil Procedure § 489.080 (repealed)**

**Comment.** The substance of subdivision (a) of former Section 489.080 is continued in Section 995.930 (manner of making objection). The substance of subdivision (b) is continued in Section 995.940 (objection to sufficiency of undertaking based on market value).

### **Code of Civil Procedure § 489.090 (repealed)**

**Comment.** The substance of subdivisions (a) and (b) of former Section 489.090 is continued in Section 995.950 (hearing on objection). The substance of subdivisions (c) through (e) is continued in Section 995.960 (determination of sufficiency of undertaking).

### **Code of Civil Procedure § 489.100 (repealed)**

**Comment.** The substance of former Section 489.100 is continued in Section 995.940 (objection to sufficiency of undertaking based on market value).

### **Code of Civil Procedure § 489.110 (repealed)**

**Comment.** The substance of former Section 489.110 is continued in Sections 996.460 (judgment of liability) and 996.470 (limitation on liability of surety).

### **Code of Civil Procedure § 489.120 (repealed)**

**Comment.** The substance of former Section 489.120 is continued in Section 996.440 (motion to enforce liability).

### **Code of Civil Procedure § 489.230 (amended)**

**Comment.** Subdivision (a) of Section 489.230 is amended to delete an incorrect section reference.

**Code of Civil Procedure § 489.420 (amended)**

**Comment.** Section 489.420 is amended for consistency with the Bond and Undertaking Law. See Section 995.910 (objections to undertakings).

**Code of Civil Procedure § 490.030 (repealed)**

**Comment.** The substance of former Section 490.030 is continued in Sections 996.440 (motion to enforce liability) and 996.460 (judgment of liability).

**Code of Civil Procedure § 493.040 (amended)**

**Comment.** Section 493.040 is amended to delete an incorrect section reference.

**Code of Civil Procedure § 512.080 (amended)**

**Comment.** Section 512.080 is amended for consistency with the Bond and Undertaking Law. See Section 995.910 (objections to undertakings). The other changes in Section 512.080 are technical.

**Code of Civil Procedure § 514.030 (amended)**

**Comment.** Section 514.030 is amended for consistency with the Bond and Undertaking Law. See Section 995.910 (objections to undertakings). The other changes in Section 514.030 are technical.

**Code of Civil Procedure § 515.010 (amended)**

**Comment.** Section 515.010 is amended to provide for an undertaking in the amount of the defendant's interest in the property in all cases. It is also amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.320 (contents of undertaking), 995.310 (sureties on undertaking), 995.910 (objections to undertakings). The other changes in Section 515.010 are technical.

**Code of Civil Procedure § 515.020 (amended)**

**Comment.** Section 515.020 is amended to conform to Section 515.010. It is also amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.320 (contents of

undertaking), 995.310 (sureties on undertaking), 995.910 (objections to undertakings), 995.370 (service of copy of undertaking), 995.240 (waiver in cases of indigency).

### **Code of Civil Procedure § 515.030 (amended)**

**Comment.** Section 515.030 is amended for consistency with the Bond and Undertaking Law. See Sections 995.910-995.960 (objections to undertakings).

### **Code of Civil Procedure § 529 (amended)**

**Comment.** Section 529 is amended for consistency with the Bond and Undertaking Law. See Sections 995.220 (undertaking not required of public entity or officer), 995.310 (sureties on undertaking), 995.920 (grounds for objection), 995.930 (manner of making objection), 995.950 (hearing on objection), 995.960 (determination of sufficiency of undertaking). Unlike Section 995.930, Section 529 requires objection to an undertaking to be made within 5 days after service of the injunction, rather than within 10 days after service of the undertaking. The other changes in Section 529 are technical.

### **Code of Civil Procedure § 529.1 (amended)**

**Comment.** Section 529.1 is amended for consistency with the Bond and Undertaking Law. See Sections 995.220 (undertaking not required of public entity), 995.320 (contents of undertaking), 996.410-996.495 (liability of sureties). Unlike Section 996.470 (limitation on liability of surety), Section 529.1 imposes a \$500,000 limitation on liability.

### **Code of Civil Procedure § 532 (amended)**

**Comment.** Section 532 is amended for consistency with the Bond and Undertaking Law. See Sections 995.910 (objections to bonds) and 996.410 (enforcement of liability on bond). The other changes in Section 532 are technical.

### **Code of Civil Procedure § 535 (repealed)**

**Comment.** The substance of the first sentence of former Section 535 is continued in Section 996.420 (surety subject to jurisdiction of court). The substance of the second through seventh sentences is continued in Section 996.440 (action to

enforce liability), which provides for court rather than jury trial of the liability of principal and sureties. The substance of the last sentence is continued in Section 995.040 (affidavits).

### **Code of Civil Procedure § 566 (amended)**

**Comment.** Section 566 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking) and 996.010 (insufficient undertakings). The other changes in Section 566 are technical.

### **Code of Civil Procedure § 567 (amended)**

**Comment.** Section 567 is amended for consistency with the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking), and 995.840 (court approval of undertaking). The last sentence of subdivision (b) continues the substance of a portion of former Section 1042. The other changes in Section 567 are technical.

### **Code of Civil Procedure § 571 (amended)**

**Comment.** Section 571 is amended for consistency with the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking) and 995.840 (court approval of undertaking). The other changes in Section 571 are technical.

### **Code of Civil Procedure § 581 (amended)**

**Comment.** Section 581 is amended to delete a provision duplicated in the general provisions governing undertakings. See Sections 995.360 (return of undertaking) and 996.430 (action to enforce liability).

### **Code of Civil Procedure § 674 (amended)**

**Comment.** Section 674 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Section 995.710 (deposit in lieu of undertaking). The other changes in Section 674 are technical.

### **Code of Civil Procedure § 676 (repealed)**

**Comment.** The substance of former Section 676 is continued in Civil Code Section 3446.

**Code of Civil Procedure § 677 (repealed)**

**Comment.** The substance of the first sentence of former Section 677 is continued in Section 995.310 (number of sureties) and Civil Code Section 3449. The substance of the second sentence is continued in Section 995.320 (contents of undertaking). The substance of the third sentence is continued in Civil Code Section 3448.

**Code of Civil Procedure § 677½ (repealed)**

**Comment.** The substance of former Section 677½ is continued in Sections 995.340 (filing required) and 995.370 (service of copy of undertaking).

**Code of Civil Procedure § 678 (repealed)**

**Comment.** The substance of former Section 678 is continued in Sections 995.910-995.940 (objections to undertakings).

**Code of Civil Procedure § 678½ (repealed)**

**Comment.** The first sentence of former Section 678½ is superseded by Section 995.950 (hearing on objection). The substance of the second sentence is continued in Section 995.950 (hearing on objection). The substance of the third sentence is continued in Section 995.960 (determination of sufficiency of undertaking). The substance of the fourth sentence is continued in Sections 995.960 (determination of sufficiency of undertaking) and 996.240 (provisions applicable to new undertaking).

**Code of Civil Procedure § 679 (repealed)**

**Comment.** The substance of former Section 679 is continued in Sections 995.940 (objection to sufficiency of undertaking based on market value), 995.950 (hearing on objection), 995.960 (determination of sufficiency of undertaking), and 995.320 (contents of undertaking).

**Code of Civil Procedure § 679½ (repealed)**

**Comment.** Former Section 679½ is superseded by Section 995.910 (objections to undertakings).

**Code of Civil Procedure § 680 (repealed)**

**Comment.** The substance of former Section 680 is continued in Section 995.420 (time undertaking becomes effective) and Civil Code Section 3449 (time undertaking becomes effective).

**Code of Civil Procedure § 680½ (repealed)**

**Comment.** Former Section 680½ is superseded by Section 996.440 (motion to enforce liability).

**Code of Civil Procedure § 681a (amended)**

**Comment.** Section 681a is amended for consistency with the general provisions governing stays on appeal. See Section 917.1. The other changes in Section 681a are technical.

**Code of Civil Procedure § 682a (amended)**

**Comment.** Section 682a is amended for consistency with the Bond and Undertaking Law. See, *e.g.*, Sections 995.130 (“beneficiary” defined), 995.310 (sureties on bond), 995.910 (objections to bonds). The other changes in Section 682a are technical.

**Code of Civil Procedure § 689 (amended)**

**Comment.** Section 689 is amended for consistency with the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking), 995.910 (objections to undertakings). The other changes in Section 689 are technical.

**Code of Civil Procedure § 689b (amended)**

**Comment.** Section 689b is amended for consistency with the Bond and Undertaking Law. See Sections 995.320 (contents of undertaking), 995.910 (objections to undertakings). The other changes in Section 689b are technical.

**Code of Civil Procedure § 710c (amended)**

**Comment.** Section 710c is amended for conformity with the Bond and Undertaking Law. See, *e.g.*, Sections 995.310 (sureties on undertaking) and 995.320 (contents of undertaking). The other changes in Section 710c are technical.

**Code of Civil Procedure § 711 (repealed)**

**Comment.** The substance of former Section 711 is continued in Sections 995.340 (filing required) and 995.370 (service of copy of undertaking).

**Code of Civil Procedure § 711½ (repealed)**

**Comment.** The substance of former Section 711½ is continued in Sections 995.910-995.940 (objections to undertakings).

**Code of Civil Procedure § 712 (repealed)**

**Comment.** The substance of former Section 712 is continued in Sections 995.950-995.960 (objections to undertakings) and 996.230 (provisions applicable to new undertaking).

**Code of Civil Procedure § 712½ (repealed)**

**Comment.** The substance of former Section 712½ is continued in Sections 995.940 (objection to sufficiency of undertaking based on market value), 995.950 (hearing on objection), 995.960 (determination of sufficiency of undertaking), and 995.320 (contents of undertaking).

**Code of Civil Procedure § 713 (repealed)**

**Comment.** Former Section 713 is superseded by Section 995.910 (objections to undertakings).

**Code of Civil Procedure § 713½ (repealed)**

**Comment.** Former Section 713½ is superseded by Section 995.420 (time undertaking becomes effective).

**Code of Civil Procedure § 726 (amended)**

**Comment.** Section 726 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.820 (undertaking by officer of court) and 995.840 (court approval of undertaking). The other changes in Section 726 are technical.

**Code of Civil Procedure § 729 (amended)**

**Comment.** Section 729 is amended to delete provisions duplicated elsewhere. See Sections 726 (undertaking and oath of commissioner), 995.820 (undertaking by officer of court), and 995.840 (court approval of undertaking).

**Code of Civil Procedure § 731c (amended)**

**Comment.** Section 731c is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of provisions).

**Code of Civil Procedure § 917.1 (amended)**

**Comment.** Section 917.1 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 996.440 (motion to enforce liability), 996.470 (limitation on liability of surety); see also Section 995.120 (“admitted surety insurer” defined). Subdivision (c) continues the substance of former Section 1059.

**Code of Civil Procedure § 917.4 (amended)**

**Comment.** Section 917.4 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Section 996.470 (limitation on liability of surety). The other changes in Section 917.4 are technical.

**Code of Civil Procedure § 917.5 (amended)**

**Comment.** Section 917.5 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Section 996.470 (limitation on liability of surety).

**Code of Civil Procedure § 917.9 (amended)**

**Comment.** Section 917.9 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Section 996.470 (limitation on liability of surety). The other changes in Section 917.9 are technical.

**Code of Civil Procedure § 920 (repealed)**

**Comment.** The substance of the first sentence of former Section 920 is continued in Section 995.710 (deposit in lieu of



undertaking). The substance of the second sentence is continued in Section 995.230 (waiver by beneficiary).

### **Code of Civil Procedure § 921 (amended)**

**Comment.** Section 921 is amended for consistency with the Bond and Undertaking Law. See Section 995.910 (objections to undertakings). The other changes in Section 921 are technical.

### **Code of Civil Procedure § 922 (amended)**

**Comment.** Section 922 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking), 995.910-995.960 (objections to undertakings), 996.470 (limitation on liability of surety).

### **Code of Civil Procedure § 1029.5 (amended)**

**Comment.** Section 1029.5 is amended for consistency with the Bond and Undertaking Law. See Sections 995.250 (cost of undertaking recoverable), 995.310 (sureties on undertaking), 995.320 (contents of undertaking), 995.340 (filing required), and 995.710 (deposit in lieu of undertaking).

### **Code of Civil Procedure § 1029.6 (amended)**

**Comment.** Section 1029.6 is amended for consistency with the Bond and Undertaking Law. See Sections 995.250 (cost of undertaking recoverable), 995.310 (sureties on undertaking), 995.320 (contents of undertaking), 995.340 (filing required), and 995.710 (deposit in lieu of undertaking).

### **Code of Civil Procedure § 1030 (amended)**

**Comment.** Section 1030 is amended to delete provisions duplicated by the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking), 995.320 (contents of undertaking), 995.340 (filing required), 995.370 (service of copy of undertaking), 995.910-995.960 (objections to undertakings), 996.010 (insufficient undertaking), 996.030 (reduced undertaking).

### **Code of Civil Procedure § 1035 (repealed)**

**Comment.** The substance of former Section 1035 is continued in Section 995.250 (cost of bond recoverable).

**Code of Civil Procedure § 1041 (repealed)**

**Comment.** The substance of the first paragraph of former Section 1041 is continued in Section 995.320 (contents of undertaking). The substance of the second paragraph is continued in Section 995.330 (form of undertaking). The substance of the third paragraph is continued in Section 995.320 (contents of undertaking). The last paragraph is superseded by Section 995.020 (application of provisions).

**Code of Civil Procedure § 1042 (repealed)**

**Comment.** The substance of former Section 1042 is continued in Section 567 (receiver), and Probate Code Section 1127 (trustee). See also former Civil Code § 3467 (assignee).

**Code of Civil Procedure § 1054 (amended)**

**Comment.** The portion of Section 1054 that related to undertakings and sureties is continued in Section 995.050 (extensions of time).

**Code of Civil Procedure § 1054.1 (amended)**

**Comment.** The portion of Section 1054.1 that related to undertakings and sureties is continued in Section 995.050 (extensions of time).

**Code of Civil Procedure § 1054a (repealed)**

**Comment.** The substance of former Section 1054a is continued in Sections 995.160 (“officer” defined), 995.710 (deposit in lieu of undertaking), and 995.720 (valuation of bearer bonds or notes).

**Code of Civil Procedure § 1056 (repealed)**

**Comment.** The substance of the first paragraph of former Section 1056 is continued in Sections 995.120 (“admitted surety insurer” defined), 995.310 (sureties on bond or undertaking), and 995.610 (admitted surety insurer in lieu of personal sureties). The substance of the second and third paragraphs is continued in Section 995.630 (authentication of bond or undertaking) and Penal Code Section 1276 (bail bonds and undertakings of bail).

**Code of Civil Procedure § 1057 (repealed)**

**Comment.** The substance of the first sentence of former Section 1057 is continued in Section 995.520 (affidavit of surety). The substance of the second and third sentences is continued in Sections 995.610 (admitted surety insurer in lieu of personal sureties) and 995.660 (determination of sufficiency of surety). The substance of the fourth and fifth sentences is continued in Section 996.010 (insufficient undertaking). The substance of the sixth sentence is continued in Section 995.350 (entry in register of actions). The substance of the seventh sentence is continued in Section 995.260 (evidence of undertaking).

**Code of Civil Procedure § 1057a (repealed)**

**Comment.** The substance of the first portion of former Section 1057a is continued in Section 995.660 (determination of sufficiency of surety). The substance of the last two paragraphs is continued in Section 995.640 (certificate of authority) and Government Code Section 26855.3 (fee).

**Code of Civil Procedure § 1057b (repealed)**

**Comment.** The substance of former Section 1057b is continued in Section 995.650 (objection to sufficiency of surety).

**Code of Civil Procedure § 1058 (repealed)**

**Comment.** The substance of former Section 1058 is continued in Section 995.220 (bond or undertaking not required of public entity or officer).

**Code of Civil Procedure § 1058a (repealed)**

**Comment.** The substance of the first sentence of former Section 1058a is continued in Section 996.420 (surety subject to jurisdiction of court). The substance of the second sentence is continued in Section 995.320 (contents of bond or undertaking). The substance of the remainder is continued in Section 996.440 (motion to enforce liability), with the exception of the last sentence which is continued in Section 995.040 (affidavit).

**Code of Civil Procedure § 1059 (repealed)**

**Comment.** The substance of former Section 1059 is continued in Section 917.1(c).

**Code of Civil Procedure § 1166a (amended)**

**Comment.** Section 1166a is amended for consistency with the Bond and Undertaking Law. See Sections 995.910 (objections to undertakings) and 996.410 (enforcement of liability on undertaking). The other changes in Section 1166a are technical.

**Code of Civil Procedure § 1210 (amended)**

**Comment.** Section 1210 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking) and 995.320 (contents of undertaking). The other changes in Section 1210 are technical.

**Code of Civil Procedure § 1213 (amended)**

**Comment.** Section 1213 is amended to substitute the more accurate reference to an undertaking for the misleading reference to “bail.” The other changes in Section 1213 are technical.

**Code of Civil Procedure § 1215 (amended)**

**Comment.** Section 1215 is amended to delete the reference to “bail” and to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking) and 995.320 (contents of undertaking).

**Code of Civil Procedure § 1220 (amended)**

**Comment.** Section 1220 is amended to delete a provision duplicated in the Bond and Undertaking Law and for consistency with the provisions of the Law. See Sections 996.410-996.495 (liability of principal and sureties) and 996.460 (judgment of liability).

**Code of Civil Procedure § 1255.240 (amended)**

**Comment.** Subdivision (a) of Section 1255.240 is amended for consistency with the Bond and Undertaking Law. See Sections 995.310 (sureties on undertaking) and 995.910 (objections to undertakings). Subdivision (b) is an exception to the rule of Section 995.250 (cost of undertaking recoverable).

**Code of Civil Procedure § 1255.250 (amended)**

**Comment.** Section 1255.250 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Sections 995.230 (waiver or reduction by beneficiary), 995.250 (cost of undertaking recoverable), 995.310 (sureties on undertaking). See also Section 995.910 (objections to undertakings).

**Commercial Code § 6103 (amended)**

**Comment.** Section 6103 is amended to correct a cross-reference.

**Commercial Code § 7601 (amended)**

**Comment.** Section 7601 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of provisions).

**Corporations Code § 419 (amended)**

**Comment.** Section 419 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 419 are technical.

**Corporations Code § 800 (amended)**

**Comment.** Section 800 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.010 (insufficient bond), 996.030 (reduced bond), 996.460 (judgment of liability), 995.710 (deposit in lieu of bond). The other changes in Section 800 are technical.

**Corporations Code § 5710 (amended)**

**Comment.** Section 5710 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.010 (insufficient bond), 996.030 (reduced bond), 996.460 (judgment of liability), 995.710 (deposit in lieu of bond).

**Corporations Code § 6513 (amended)**

**Comment.** Section 6513 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public officer).

**Corporations Code § 7710 (amended)**

**Comment.** Section 7710 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.010 (insufficient bond), 996.030 (reduced bond), 996.460 (judgment of liability), 995.710 (deposit in lieu of bond).

**Corporations Code § 8513 (amended)**

**Comment.** Section 8513 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public officer).

**Corporations Code § 15038 (amended)**

**Comment.** Section 15038 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds). The other changes in Section 15038 are technical.

**Corporations Code § 25100 (amended)**

**Comment.** Section 25100 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer). The other changes in Section 25100 are technical.

**Corporations Code § 25216 (amended)**

**Comment.** Section 25216 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond), 996.470 (limitation on liability of surety), 996.310 (cancellation of bond). The other changes in Section 25216 are technical.

**Corporations Code § 25530 (amended)**

**Comment.** Section 25530 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer). The other changes in Section 25530 are technical.

**Corporations Code § 31113 (amended)**

**Comment.** Section 31113 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. § 996.470 (limitation on liability of surety). The other changes in Section 31113 are technical.

### **Corporations Code § 31400 (amended)**

**Comment.** Section 31400 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer).

### **Education Code § 39450 (amended)**

**Comment.** Section 39450 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond). The other changes in Section 39450 are technical.

### **Education Code § 48269 (amended)**

**Comment.** Section 48269 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds). The last sentence of Section 48269 continues a provision formerly found in Section 48271.

### **Education Code § 48270 (repealed)**

**Comment.** The substance of former Section 48270 is continued in Code of Civil Procedure Section 996.440 (motion to enforce liability).

### **Education Code § 48271 (repealed)**

**Comment.** The substance of the first sentence of former Section 48271 is continued in Section 996.495 (enforcement of judgment). The second sentence is continued in Section 48269.

### **Education Code § 81400 (amended)**

**Comment.** Section 81400 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond). The other changes in Section 81400 are technical.

### **Education Code § 90225 (amended)**

**Comment.** Section 90225 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 996.020 (insufficient bonds).

**Financial Code § 1824 (amended)**

**Comment.** Section 1824 is amended to delete provisions duplicated in the general provisions governing stays on appeal. See Code Civ. Proc. § 916 *et seq.* (stay on appeal), 995.220 (bond not required of public officer).

**Financial Code § 1881 (amended)**

**Comment.** Section 1881 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer).

**Financial Code § 1893 (amended)**

**Comment.** Section 1893 is amended to delete provisions duplicated in the general provisions governing stays on appeal. See Code Civ. Proc. §§ 916 *et seq.* (stays on appeal), 995.220 (bond not required of public officer). The other changes in Section 1893 are technical.

**Financial Code § 3102 (amended)**

**Comment.** Section 3102 is amended to delete provisions duplicated in the general provisions governing stays on appeal. See Code Civ. Proc. §§ 916 *et seq.* (stays on appeal), 995.220 (bond not required of public officer). The other changes in Section 3102 are technical.

**Financial Code § 5611 (amended)**

**Comment.** Section 5611 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.020 (insufficient bonds).

**Financial Code § 9004 (amended)**

**Comment.** Section 9004 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer). The other changes in Section 9004 are technical.

**Financial Code § 9517 (amended)**

**Comment.** Section 9517 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.910 (objections to bonds).



**Financial Code § 12206 (amended)**

**Comment.** The last sentence of Section 12206 continues a provision formerly found in Section 12206.1. See also Code Civ. Proc. §§ 995.170 (“principal” defined) and 995.410 (approval of bond).

**Financial Code § 12206.1 (repealed)**

**Comment.** The substance of former Section 12206.1 is continued in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), 995.770 (return of deposit).

**Financial Code § 12207 (amended)**

**Comment.** Section 12207 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.310 (sureties on bond).

**Financial Code § 12210 (repealed)**

**Comment.** The substance of former Section 12210 is continued in Code of Civil Procedure Section 996.310 (cancellation of bond).

**Financial Code § 12211 (repealed)**

**Comment.** The substance of former Section 12211 is continued in Code of Civil Procedure Section 995.850 (enforcement by person interested).

**Financial Code § 12223 (amended)**

**Comment.** Section 12223 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), 995.760 (enforcement against deposit), 996.020 (insufficient bonds).

**Financial Code § 12224 (repealed)**

**Comment.** The substance of former Section 12224 is continued in Code of Civil Procedure Sections 995.440 (term of license bond) and 996.310 (cancellation of bond). The provisions relating to amendment of the bond are not continued.

**Financial Code § 17202 (amended)**

**Comment.** Section 17202 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.310 (sureties on bond). The last sentence continues a provision formerly found in Section 17202.1.

**Financial Code § 17202.1 (repealed)**

**Comment.** The substance of former Section 17202.1 is continued in Code of Civil Procedure Sections 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), and 995.770 (return of deposit). The last sentence is continued in Section 17202.

**Financial Code § 17203 (amended)**

**Comment.** Section 17203 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.170 (“principal” defined). The other changes in Section 17203 are technical.

**Financial Code § 17203.1 (amended)**

**Comment.** Section 17203.1 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.470 (limitation on liability of surety), 996.020 (insufficient bonds); see also Section 995.310 (sureties on bond). The last sentence of Section 17203.1 continues a provision formerly found in Section 17203.2.

**Financial Code § 17203.2 (repealed)**

**Comment.** The substance of subdivision (a) of Section 17203.2 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond). Subdivision (b) is continued in Section 17203.1.

**Financial Code § 17204 (repealed)**

**Comment.** The substance of former Section 17204 is continued in Code of Civil Procedure Sections 995.440 (term of bond), 996.020 (insufficient bonds), and 996.310 (cancellation of bond). The provisions relating to amendment of the bond are not continued.

**Financial Code § 17205 (amended)**

**Comment.** Section 17205 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.850 (enforcement by persons interested).

**Financial Code § 17213.5 (amended)**

**Comment.** Section 17213.5 is amended to remove an obsolete section reference. The other changes in Section 17213.5 are technical.

**Financial Code § 17623 (amended)**

**Comment.** Section 17623 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public officer). The other changes in Section 17623 are technical.

**Financial Code § 18346 (amended)**

**Comment.** Section 18346 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.440 (term of bond), 996.310 (cancellation of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined). The provisions relating to amendment of a bond are not continued.

**Financial Code § 18370 (amended)**

**Comment.** Section 18370 is amended to delete provisions duplicated in the general provisions governing stays on appeal. See Code Civ. Proc. §§ 916 *et seq.* (stays on appeal), 995.220 (bond not required of public officer).

**Financial Code § 18495 (amended)**

**Comment.** Section 18495 is amended to delete provisions duplicated in the general provisions governing stays on appeal. See Code Civ. Proc. §§ 916 *et seq.* (stays on appeal), 995.220 (bond not required of public officer).

**Financial Code § 30606 (amended)**

**Comment.** Section 30606 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. § 995.220 (bond not required of public officer). The other changes in Section 30606 are technical.

### **Financial Code § 34101 (amended)**

**Comment.** Section 34101 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer).

### **Financial Code § 34113 (amended)**

**Comment.** Section 34113 is amended to delete provisions duplicated in the general provisions governing stays on appeal. See Code Civ. Proc. §§ 916 *et seq.* (stays on appeal), 995.220 (bond not required of public officer). The other changes in Section 34113 are technical.

### **Fish and Game Code § 12150.6 (amended)**

**Comment.** Section 12150.6 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.710 (deposit in lieu of bond). The other changes in Section 12150.6 are technical.

### **Food and Agricultural Code § 11935 (amended)**

**Comment.** Section 11935 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

### **Food and Agricultural Code § 55649 (amended)**

**Comment.** Section 55649 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds).

### **Food and Agricultural Code § 57193 (amended)**

**Comment.** Section 57193 is amended to add a provision formerly found in Section 57194.

### **Food and Agricultural Code § 57194 (repealed)**

**Comment.** The first sentence of former Section 57194 is continued in Section 57193. The second sentence is continued in

Code of Civil Procedure Section 995.850 (enforcement by persons interested).

### **Food and Agricultural Code § 59958 (amended)**

**Comment.** Section 59958 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public officer).

### **Government Code § 1502 (repealed)**

**Comment.** The substance of former Section 1502 is continued in Code of Civil Procedure Sections 995.310 (sureties on bond), without the one thousand dollar limitation.

### **Government Code § 1503 (repealed)**

**Comment.** The substance of the first sentence of former Section 1503 is continued in Code of Civil Procedure Section 995.320 (contents of bond). The second sentence is superseded by Code of Civil Procedure Sections 995.510 (qualifications of sureties) and 995.620 (more than one surety).

### **Government Code §§ 1530-1532 (article heading)**

**Comment.** The heading of Article 4 (commencing with Section 1530) is amended for consistency with the contents of the article.

### **Government Code § 1530 (amended)**

**Comment.** Section 1530 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.520 (affidavit of surety).

### **Government Code § 1531 (amended)**

**Comment.** Section 1531 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.510 (qualifications of surety), 995.410 (approval of bond).

### **Government Code § 1550 (repealed)**

**Comment.** The substance of former Section 1550 is continued in Code of Civil Procedure Section 995.850 (enforcement by or for benefit of persons interested).

**Government Code § 1551 (repealed)**

**Comment.** The first sentence of former Section 1551 is superseded by Code of Civil Procedure Section 996.430 (action to enforce liability). The second sentence is superseded by Code of Civil Procedure Section 996.460 (judgment of liability). The third sentence is superseded by Code of Civil Procedure Section 996.470 (limitation of liability of surety).

**Government Code § 1552 (repealed)**

**Comment.** The substance of former Section 1552 is continued in Code of Civil Procedure Section 996.490 (effect of payment of surety).

**Government Code § 1553 (repealed)**

**Comment.** The substance of former Section 1553 is continued in Section 996.460 (judgment of liability).

**Government Code § 1554 (repealed)**

**Comment.** The substance of former Section 1554 is continued in Section 995.380 (defect in bond).

**Government Code § 1555 (repealed)**

**Comment.** The substance of the introductory portion of former Section 1555 is continued in Code of Civil Procedure Sections 996.510 and 996.520 (enforcement lien).

**Government Code § 1556 (repealed)**

**Comment.** The substance of former Section 1556 is continued in Code of Civil Procedure Section 996.530 (certification by clerk).

**Government Code § 1557 (repealed)**

**Comment.** The substance of former Section 1557 is continued in Code of Civil Procedure Section 996.540 (recordation of certificate).

**Government Code § 1558 (repealed)**

**Comment.** The substance of former Section 1558 is continued in Code of Civil Procedure Section 996.550 (lien of judgment).

**Government Code § 1559 (repealed)**

**Comment.** The substance of former Section 1559 is continued in Section 996.560 (specific performance of agreement to sell property).

**Government Code § 1560 (repealed)**

**Comment.** The substance of former Section 1560 is continued in Code of Civil Procedure Section 996.560 (specific performance of agreement to sell property).

**Government Code § 1580 (repealed)**

**Comment.** The substance of former Section 1580 is continued in Code of Civil Procedure Section 996.020 (insufficient bonds).

**Government Code § 1581 (repealed)**

**Comment.** The substance of former Section 1581 is continued in Code of Civil Procedure Section 996.020 (insufficient bonds).

**Government Code § 1582 (repealed)**

**Comment.** The substance of former Section 1582 is continued in Code of Civil Procedure Section 996.020 (insufficient bonds).

**Government Code § 1583 (repealed)**

**Comment.** The substance of former Section 1583 is continued in Code of Civil Procedure Sections 996.210-996.230 (additional bonds).

**Government Code § 1584 (repealed)**

**Comment.** The substance of former Section 1584 is continued in Code of Civil Procedure Section 996.250 (effect of additional bond).

**Government Code § 1585 (repealed)**

**Comment.** The substance of former Section 1585 is continued in Code of Civil Procedure Section 996.250 (effect of additional bond).

**Government Code § 1586 (repealed)**

**Comment.** The substance of former Section 1586 is continued in Code of Civil Procedure Section 996.250 (effect of additional bond).

**Government Code § 1587 (repealed)**

**Comment.** The substance of former Section 1587 is continued in Code of Civil Procedure Section 996.250 (effect of additional bond).

**Government Code § 1588 (repealed)**

**Comment.** The substance of former Section 1588 is continued in Code of Civil Procedure Section 996.250 (effect of additional bond).

**Government Code § 1600 (repealed)**

**Comment.** Former Government Code Section 1600 is superseded by Section 996.350 (new bond or additional bond not required).

**Government Code § 1601 (repealed)**

**Comment.** The substance of former Section 1601 is continued in Code of Civil Procedure Section 996.210 (when bond given).

**Government Code § 1602 (repealed)**

**Comment.** The substance of former Section 1602 is continued in Code of Civil Procedure Section 996.240 (effect of new bond).

**Government Code § 1603 (repealed)**

**Comment.** The substance of former Section 1603 is continued in Code of Civil Procedure Section 996.310 (withdrawal of sureties).

**Government Code § 1604 (repealed)**

**Comment.** The substance of former Section 1604 is continued in Code of Civil Procedure Section 996.320 (notice of withdrawal).



**Government Code § 1605 (repealed)**

**Comment.** The substance of former Section 1605 is continued in Code of Civil Procedure 996.320 (notice of withdrawal).

**Government Code § 1606 (repealed)**

**Comment.** The substance of former Section 1606 is continued in Code of Civil Procedure Sections 996.320 (notice of withdrawal) and 995.030 (manner of service).

**Government Code § 1607 (repealed)**

**Comment.** Former Section 1607 is superseded by Sections 996.330 (effective date of withdrawal) and 996.340 (effect of withdrawal).

**Government Code § 1608 (repealed)**

**Comment.** The substance of the first sentence of former Section 1608 is continued in Code of Civil Procedure Section 996.340 (effect of withdrawal). The substance of the second sentence is continued in Code of Civil Procedure Section 996.220 (contents of supplemental bond).

**Government Code § 1609 (repealed)**

**Comment.** The substance of former Section 1609 is continued in Code of Civil Procedure Section 996.220 (contents of supplemental bond).

**Government Code § 1610 (repealed)**

**Comment.** Former Section 1610 is not continued.

**Government Code § 1611 (repealed)**

**Comment.** The substance of former Section 1611 is continued in Code of Civil Procedure Section 996.250 (effect of supplemental bond).

**Government Code § 1612 (repealed)**

**Comment.** The substance of former Section 1612 is continued in Code of Civil Procedure Section 996.360 (liability of surety).

**Government Code § 1613 (repealed)**

**Comment.** The substance of former Section 1613 is continued in Code of Civil Procedure Section 996.360 (liability of surety).

**Government Code § 4201 (amended)**

**Comment.** Section 4201 is amended to delete the cost bond provision. This provision did not meet the constitutional standards enunciated in *Beaudreau v. Superior Court*, 14 Cal.3d 448, 535 P.2d 713, 121 Cal. Rptr. 585 (1975), which held unconstitutional Government Code Sections 947 and 951, the cost bond provisions of the California Tort Claims Act. See Recommendation Relating to Security for Costs, 14 Cal. L. Revision Comm'n Reports 319 (1978). The other changes in Section 4201 are technical.

**Government Code § 8213 (amended)**

**Comment.** Section 8213 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.260 (evidence of bond). The other changes in Section 8213 are technical.

**Government Code § 8214 (amended)**

**Comment.** Section 8214 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.460 (judgment of liability).

**Government Code § 8216 (repealed)**

**Comment.** Former Section 8216 is superseded by Code of Civil Procedure Section 996.110 (application for substitution and release).

**Government Code § 8217 (repealed)**

**Comment.** Former Section 8217 is superseded by Code of Civil Procedure Section 996.140 (failure to give substitute surety).

**Government Code § 8218 (repealed)**

**Comment.** Former Section 8218 is superseded by Code of Civil Procedure Section 996.150 (liability of released surety).

**Government Code § 8222 (amended)**

**Comment.** Section 8222 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond not required of public officer). The other changes in Section 8222 are technical.

**Government Code § 14350 (amended)**

**Comment.** Section 14350 is amended to delete the cost bond provision. This provision did not meet the constitutional standards enunciated in *Beaudreau v. Superior Court*, 14 Cal.3d 448, 535 P.2d 713, 121 Cal. Rptr. 585 (1975), which held unconstitutional Government Code Sections 947 and 951, the cost bond provisions of the California Tort Claims Act. See Recommendation Relating to Security for Costs, 14 Cal. L. Revision Comm'n Reports 319 (1978). The other changes in Section 14350 are technical.

**Government Code § 14375 (amended)**

**Comment.** Section 14375 of the Government Code is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.020 (insufficient bonds).

**Government Code § 25549.11 (amended)**

**Comment.** Section 25549.11 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Government Code § 26855.3 (amended)**

**Comment.** Section 26855.3 is amended to correct a section reference.

**Government Code § 50512 (amended)**

**Comment.** Section 50512 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.510 (qualifications of surety).

**Government Code § 50513 (amended)**

**Comment.** Section 50513 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.510 (qualifications of surety).

**Government Code § 53461 (amended)**

**Comment.** Section 53461 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of chapter).

**Government Code § 53464 (amended)**

**Comment.** Section 53464 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of chapter).

**Government Code § 53466 (amended)**

**Comment.** Section 53466 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of chapter).

**Government Code § 71682 (amended)**

**Comment.** Section 71682 is amended to delete the reference to justification of sureties, which does not occur under the Bond and Undertaking Law. See Code Civ. Proc. § 995.010 *et seq.*

**Harbors and Navigation Code § 495.5 (amended)**

**Comment.** Section 495.5 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to undertakings).

**Harbors and Navigation Code § 495.6 (amended)**

**Comment.** Section 495.6 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on undertaking) and 995.710 (deposit in lieu of undertaking).

**Harbors and Navigation Code § 515 (amended)**

**Comment.** Section 515 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Harbors and Navigation Code § 731 (amended)**

**Comment.** Section 731 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond), 995.740 (interest on deposit), and 995.770 (return of deposit).

**Harbors and Navigation Code § 4042 (amended)**

**Comment.** Section 4042 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond). The other changes in Section 4042 are technical.

**Health and Safety Code § 1318 (amended)**

**Comment.** Section 1318 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.020 (insufficient bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined). The other changes in Section 1318 are technical.

**Health and Safety Code § 1376 (amended)**

**Comment.** Section 1376 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.440 (term of license bond), 996.470 (limitation on liability of surety), 996.310 (cancellation of bond), 995.710 (deposit in lieu of bond).

**Health and Safety Code § 1392 (amended)**

**Comment.** Section 1392 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public officer).

**Health and Safety Code § 1560 (amended)**

**Comment.** Section 1560 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ.

Proc. §§ 995.850 (enforcement by persons interested), 996.470 (limitation on liability of surety), 996.020 (insufficient bond).

### **Health and Safety Code § 1712 (amended)**

**Comment.** Section 1712 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity).

### **Health and Safety Code § 1773 (amended)**

**Comment.** Section 1773 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.850 (enforcement by persons interested).

### **Health and Safety Code § 1812 (amended)**

**Comment.** Section 1812 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

### **Health and Safety Code § 8734 (amended)**

**Comment.** Section 8734 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.470 (limitation on liability of surety), 995.710 (deposit in lieu of bond), 995.740 (interest on deposit), 995.730 (effect of deposit); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined). The other changes in Section 8734 are technical.

### **Health and Safety Code § 11126 (repealed)**

**Comment.** The substance of former Section 11126 is continued in Code of Civil Procedure Section 995.850 (enforcement by persons interested).

### **Health and Safety Code § 11574 (amended)**

**Comment.** Section 11574 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.220 (undertaking not required of public entity), 995.310 (sureties on undertaking), 995.320 (contents of undertaking).

**Health and Safety Code § 11586 (amended)**

**Comment.** Section 11586 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds). The other changes in Section 11586 are technical.

**Health and Safety Code § 42355 (amended)**

**Comment.** Section 42355 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.710 (deposit in lieu of undertaking). The other changes in Section 42355 are technical.

**Insurance Code § 847 (amended)**

**Comment.** Section 847 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond); see also Code Civ. Proc. § 995.140 (“bond” defined).

**Insurance Code § 848 (repealed)**

**Comment.** The substance of former Section 848 is continued in Code of Civil Procedure Section 995.850 (enforcement by persons interested).

**Insurance Code § 849 (repealed)**

**Comment.** Former Section 849 is superseded by Code of Civil Procedure Section 996.020 (insufficient bonds).

**Insurance Code § 1300.5 (repealed)**

**Comment.** The substance of former Section 1300.5 is continued in Code of Civil Procedure Sections 995.120 (“admitted surety insurer” defined) and 995.610 (admitted surety insurer in lieu of personal sureties).

**Insurance Code § 1326 (amended)**

**Comment.** Section 1326 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.310 (cancellation of bond).

**Insurance Code § 1616 (amended)**

**Comment.** Section 1616 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.340 (filing required), 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.910 (objections to bond).

**Insurance Code § 1620 (amended)**

**Comment.** Section 1620 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.910 (objections to bonds) and 995.710 (deposit in lieu of bond). The other changes in Section 1620 are technical.

**Insurance Code § 1664 (repealed)**

**Comment.** The substance of former Section 1664 is continued in Code of Civil Procedure Sections 996.310 (cancellation of bond) and 995.440 (term license of bond).

**Insurance Code § 1665 (amended)**

**Comment.** Section 1665 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety).

**Insurance Code § 1760.5 (amended)**

**Comment.** Section 1760.5 is amended to delete an obsolete section reference. The other changes in Section 1760.5 are technical.

**Insurance Code § 1765 (amended)**

**Comment.** Section 1765 is amended to delete an obsolete section reference. The other changes in Section 1765 are technical.

**Insurance Code § 1766 (repealed)**

**Comment.** The substance of former Section 1766 is continued in Code of Civil Procedure Section 996.020 (insufficient bonds).

**Insurance Code § 1803.5 (repealed)**

**Comment.** The substance of former Section 1803.5 is continued in Code of Civil Procedure Sections 995.850



(enforcement by persons interested), 996.430 (action to enforce liability), 995.440 (term of license bond), 996.310 (cancellation of bond).

### **Insurance Code § 1841 (amended)**

**Comment.** Section 1841 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.440 (term of license bond), 996.470 (limitation on liability of surety), 996.310 (cancellation of bond). The other changes in Section 1841 are technical.

### **Insurance Code § 11011 (amended)**

**Comment.** Section 11011 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.020 (insufficient bonds).

### **Insurance Code § 11696 (repealed)**

**Comment.** The substance of former Section 11696 is continued in Code of Civil Procedure Section 996.020 (insufficient bonds).

### **Insurance Code § 11698 (repealed)**

**Comment.** The substance of former Section 11698 is continued in Code of Civil Procedure Section 995.620 (more than one surety).

### **Insurance Code § 11711 (repealed)**

**Comment.** The substance of former Section 11711 is continued in Code of Civil Procedure Sections 996.470 (limitation on liability of surety) and 996.490 (effect of payment by surety).

### **Insurance Code § 11712 (repealed)**

**Comment.** Former Section 11712 is superseded by Code of Civil Procedure Section 996.020 (insufficient bonds).

### **Insurance Code § 12629.43 (amended)**

**Comment.** Section 12629.43 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond). The other changes in Section 12629.43 are technical.

**Labor Code § 240 (amended)**

**Comment.** Section 240 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond). The other changes in Section 240 are technical.

**Labor Code § 1684 (amended)**

**Comment.** Section 1684 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 1684 are technical.

**Labor Code § 1687 (amended)**

**Comment.** Section 1687 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.730 (effect of deposit). The other changes in Section 1687 are technical.

**Labor Code § 1688 (amended)**

**Comment.** Section 1688 is amended to delete provisions superseded by the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

**Labor Code § 1688.5 (repealed)**

**Comment.** The substance of former Section 1688.5 is continued in Code of Civil Procedure Section 996.320 (notice of cancellation).

**Labor Code § 1691 (repealed)**

**Comment.** The substance of former Section 1691 is continued in Code of Civil Procedure Section 996.340 (effect of cancellation).

**Labor Code § 1693 (amended)**

**Comment.** Section 1693 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.470 (limitation on liability of sureties), 995.850 (enforcement by persons interested), and 996.430 (action to enforce liability). The other changes in Section 1693 are technical.

**Labor Code § 1697 (amended)**

**Comment.** Section 1697 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.730 (effect of deposit). The other changes in Section 1697 are technical.

**Labor Code § 1700.17 (repealed)**

**Comment.** The substance of former Section 1700.17 is continued in Code of Civil Procedure Section 996.340 (effect of cancellation).

**Labor Code § 1700.42 (repealed)**

**Comment.** The substance of former Section 1700.42 is continued in Code of Civil Procedure Sections 996.430 (action to enforce liability) and 995.850 (enforcement by persons interested).

**Labor Code § 1700.43 (repealed)**

**Comment.** The substance of former Section 1700.43 is continued in Code of Civil Procedure Sections 995.030 (manner of service) and 996.430 (action to enforce liability).

**Labor Code § 3712 (amended)**

**Comment.** Section 3712 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public officer). The other changes in Section 3712 are technical.

**Labor Code § 6000 (amended)**

**Comment.** Section 6000 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on undertaking) and 995.320 (contents of undertaking).

**Labor Code § 7303 (amended)**

**Comment.** Section 7303 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity).

**Labor Code § 7343 (amended)**

**Comment.** Section 7343 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity).

**Labor Code § 7912 (amended)**

**Comment.** Section 7912 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.470 (limitation on liability of surety), 995.710 (deposit in lieu of bond).

**Military and Veterans Code § 925 (amended)**

**Comment.** Section 925 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond or undertaking). The other changes in Section 925 are technical.

**Penal Code § 706 (amended)**

**Comment.** Section 706 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on undertaking).

**Penal Code § 1276 (added)**

**Comment.** Section 1276 continues the substance of a portion of former Code of Civil Procedure Section 1056.

**Penal Code § 1447 (amended)**

**Comment.** Section 1447 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on undertaking), 995.320 (contents of undertaking).

**Penal Code § 1448 (amended)**

**Comment.** The changes in Section 1448 are technical.

**Penal Code § 11202 (amended)**

**Comment.** Section 11202 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity),

995.320 (contents of undertaking), 995.310 (sureties on undertaking). The other changes in Section 11202 are technical.

### **Penal Code § 11232 (amended)**

**Comment.** Section 11232 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds). The other changes in Section 11232 are technical.

### **Penal Code § 11308 (amended)**

**Comment.** Section 11308 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.220 (undertaking not required of public entity), 995.320 (contents of undertaking), 995.310 (sureties on undertaking). The other changes in Section 11308 are technical.

### **Penal Code § 11314 (amended)**

**Comment.** Section 11314 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds). The other changes in Section 11314 are technical.

### **Probate Code § 287 (amended)**

**Comment.** Section 287 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of chapter).

### **Probate Code § 541 (amended)**

**Comment.** Section 541 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.840 (court approval of bond), 995.320 (contents of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

### **Probate Code § 541.3 (repealed)**

**Comment.** The substance of former Section 541.3 is continued in Code Civ. Proc. §§ 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), and 995.770 (return of deposit).

**Probate Code § 545 (repealed)**

**Comment.** The substance of former Section 545 is continued in Code of Civil Procedure Sections 995.520 (affidavit of surety), 995.630 (authentication of bond), 995.840 (court approval of bond), 995.350 (entry in register of actions), and 995.260 (evidence of bond).

**Probate Code § 546 (repealed)**

**Comment.** Former Section 546 is superseded by Code of Civil Procedure Section 996.010 (insufficient bonds).

**Probate Code § 547 (repealed)**

**Comment.** Former Section 547 is superseded by Code of Civil Procedure Section 996.010 (insufficient bonds).

**Probate Code § 548 (repealed)**

**Comment.** Former Section 548 is superseded by Code of Civil Procedure Section 996.010 (insufficient bonds) and 995.030 (manner of service). See also Section 549 (failure to provide sufficient bond).

**Probate Code § 549 (amended)**

**Comment.** Section 549 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 996.010 (insufficient bonds). The other changes in Section 549 are technical.

**Probate Code § 550 (amended)**

**Comment.** Section 550 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.910 (objections to bonds).

**Probate Code § 551 (repealed)**

**Comment.** The substance of former Section 551 is continued in Code of Civil Procedure Section 996.110 (substitution and release of sureties).

**Probate Code § 552 (repealed)**

**Comment.** The substance of former Section 552 is continued in Code of Civil Procedure Section 996.140 (failure to give substitute surety).

**Probate Code § 553 (repealed)**

**Comment.** The substance of former Section 553 is continued in Code of Civil Procedure Sections 996.130 (substitution and release) and 996.150 (liability of released surety).

**Probate Code § 553.3 (amended)**

**Comment.** Section 553.3 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.030 (reduced bond).

**Probate Code § 553.5 (amended)**

**Comment.** Section 553.5 is amended to delete provisions duplicated in the Bond and Undertaking Law and to incorporate a provision from former Section 553.6. See Code Civ. Proc. § 996.110 (substitution of sureties).

**Probate Code § 553.6 (repealed)**

**Comment.** The substance of former Section 553.6 is continued in Section 553.5 and Code of Civil Procedure Sections 996.120-996.130 (substitution of sureties).

**Probate Code § 554 (repealed)**

**Comment.** The substance of subdivisions (b) and (c) of former Section 554 is continued in Code of Civil Procedure Sections 996.470 (limitation on liability of surety), 996.480 (voluntary payment by surety), and 996.460 (judgment of liability). Subdivision (a) is not continued.

**Probate Code § 580 (amended)**

**Comment.** Section 580 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.020 (application of chapter).

**Probate Code § 684 (amended)**

**Comment.** Section 684 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on undertaking), 995.320 (contents of undertaking), 996.440 (motion to enforce liability), 996.460 (judgment of liability), 996.470 (limitation on liability of surety). The other changes in Section 684 are technical.

**Probate Code § 759 (amended)**

**Comment.** Section 759 is amended for consistency with the Bond and Undertaking Law. See Section 996.410 (enforcement of liability on bond).

**Probate Code § 2329 (amended)**

**Comment.** Section 2329 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.030 (reduced bond).

**Probate Code § 2331 (repealed)**

**Comment.** The substance of former Section 2331 is continued in Code of Civil Procedure Sections 995.710 (deposit in lieu of bond), 995.730 (effect of deposit), and 995.770 (return of deposit).

**Probate Code § 2332 (repealed)**

**Comment.** The substance of former Section 2332 is continued in Code of Civil Procedure Section 995.340 (filing required).

**Probate Code § 2334 (amended)**

**Comment.** Section 2334 is amended to delete provisions superseded by the Bond and Undertaking Law. See Code Civ. Proc. § 996.010 (insufficient bonds).

**Probate Code § 2335 (amended)**

**Comment.** Section 2335 is amended to delete material duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.110-996.150 (substitution and release of sureties).



**Probate Code § 2336 (repealed)**

**Comment.** The substance of former Section 2336 is continued in Code of Civil Procedure Sections 996.110-996.150 (substitution and release of sureties).

**Probate Code § 3150 (amended)**

**Comment.** Section 3150 is amended to delete obsolete section references.

**Public Resources Code § 3205.5 (amended)**

**Comment.** Section 3205.5 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond) and 995.730 (effect of deposit).

**Public Resources Code § 3344 (amended)**

**Comment.** Section 3344 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity). The other changes in Section 3344 are technical.

**Public Resources Code § 3728.5 (amended)**

**Comment.** Section 3728.5 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond) and 995.730 (effect of deposit).

**Public Resources Code § 4606 (amended)**

**Comment.** Section 4606 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

**Public Utilities Code § 1074 (amended)**

**Comment.** Section 1074 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

**Public Utilities Code § 3575 (amended)**

**Comment.** Section 3575 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.470 (limitation on liability of surety); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

**Public Utilities Code § 4839 (repealed)**

**Comment.** The substance of former Section 4839 is continued in Code of Civil Procedure Section 996.470 (limitation on liability of sureties).

**Public Utilities Code § 4840 (amended)**

**Comment.** Section 4840 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.310 (withdrawal of sureties).

**Public Utilities Code § 6010 (amended)**

**Comment.** Section 6010 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined). The other changes in Section 6010 are technical.

**Public Utilities Code §§ 6066-6068 (repealed)**

**Comment.** Former Sections 6066-6068 are superseded by the Bond and Undertaking Law. See, *e.g.*, Code Civ. Proc. §§ 996.110-996.150 (substitution and release of sureties) and 996.210-996.250 (new, additional, and supplemental bonds).

**Public Utilities Code § 6301 (amended)**

**Comment.** Section 6301 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 996.460 (judgment of liability). The other changes in Section 6301 are technical.

**Public Utilities Code § 16541 (amended)**

**Comment.** Section 16541 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Revenue and Taxation Code § 2954 (amended)**

**Comment.** Section 2954 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

**Revenue and Taxation Code § 2955 (amended)**

**Comment.** Section 2955 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.770 (return of deposit), 996.110 (release of sureties). The other changes in Section 2955 are technical.

**Revenue and Taxation Code § 3006 (amended)**

**Comment.** Section 3006 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.710 (deposit in lieu of bond) and 995.770 (return of deposit). The other changes in Section 3006 are technical.

**Revenue and Taxation Code § 7390 (amended)**

**Comment.** Section 7390 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

**Revenue and Taxation Code § 7391 (amended)**

**Comment.** Section 7391 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond).

**Revenue and Taxation Code § 7401 (amended)**

**Comment.** Section 7401 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond). The other changes in Section 7401 are technical.

**Revenue and Taxation Code § 7453 (amended)**

**Comment.** Section 7453 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.120 (“admitted surety insurer” defined), 995.140 (“bond” defined).

**Revenue and Taxation Code § 7455 (repealed)**

**Comment.** The substance of former Section 7455 is continued in Code of Civil Procedure Sections 996.460 (judgment of liability), 996.240 (effect of new bond), and 996.310 (withdrawal of sureties).

**Revenue and Taxation Code § 7456 (repealed)**

**Comment.** The substance of former Section 7456 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Revenue and Taxation Code § 14178 (repealed)**

**Comment.** The substance of former Section 14178 is continued in Code of Civil Procedure Section 996.010 (insufficient bonds).

**Revenue and Taxation Code § 15937 (repealed)**

**Comment.** The substance of former Section 15937 is continued in Code of Civil Procedure Section 996.020 (insufficient bonds).

**Revenue and Taxation Code § 30141 (amended)**

**Comment.** Section 30141 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.120 (“admitted surety insurer” defined), 995.140 (“bond” defined).

**Revenue and Taxation Code § 30145 (repealed)**

**Comment.** The substance of former Section 30145 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Revenue and Taxation Code § 32102 (amended)**

**Comment.** Section 32102 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.120 (“admitted surety insurer” defined), 995.140 (“bond” defined).

**Revenue and Taxation Code § 32105 (repealed)**

**Comment.** The substance of former Section 32105 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Revenue and Taxation Code § 4117 (amended)**

**Comment.** Section 4117 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity).

**Streets and Highways Code § 1052 (amended)**

**Comment.** Section 1052 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.710 (deposit in lieu of bond). The other changes in Section 1052 are technical.

**Streets and Highways Code § 1188 (amended)**

**Comment.** Section 1188 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 996.460 (judgment of liability).

**Streets and Highways Code § 5242 (amended)**

**Comment.** Section 5242 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.510 (qualifications of surety), 995.520 (affidavit of surety), 995.140 (“bond” defined).

**Streets and Highways Code § 5254 (amended)**

**Comment.** Section 5254 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.510 (qualifications of surety), 995.520 (affidavit of surety).

**Streets and Highways Code § 5291 (amended)**

**Comment.** Section 5291 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.510 (qualifications of surety), 995.520 (affidavit of surety), 996.470 (limitation on liability of surety).

**Streets and Highways Code § 10502 (amended)**

**Comment.** Section 10502 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310

(sureties on bond), 995.510 (qualifications of surety), 995.520 (affidavit of surety), 995.140 (“bond” defined). The other changes in Section 10502 are technical.

### **Streets and Highways Code § 26022 (amended)**

**Comment.** Section 26022 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.510 (qualifications of surety).

### **Streets and Highways Code § 30158 (amended)**

**Comment.** Section 30158 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

### **Streets and Highways Code § 30159 (amended)**

**Comment.** Section 30159 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.730 (effect of deposit), 996.020 (insufficient bond), 996.030 (reduced bond).

### **Streets and Highways Code § 30867 (amended)**

**Comment.** Section 30867 is amended to delete a provision superseded by the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

### **Streets and Highways Code § 31127 (amended)**

**Comment.** Section 31127 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined).

### **Streets and Highways Code § 31128 (amended)**

**Comment.** Section 31128 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.730 (effect of deposit), 996.020 (insufficient bond), 996.030 (reduced bond).

**Vehicle Code § 1815 (amended)**

**Comment.** Section 1815 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.140 (“bond” defined). The other changes in Section 1815 are technical.

**Vehicle Code § 4158 (amended)**

**Comment.** Section 4158 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.430 (action to enforce liability) and 996.470 (limitation on liability of surety).

**Vehicle Code § 9801 (amended)**

**Comment.** Section 9801 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Vehicle Code § 9924 (amended)**

**Comment.** Section 9924 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.430 (action to enforce liability) and 996.470 (limitation on liability of surety).

**Vehicle Code § 11102 (amended)**

**Comment.** Section 11102 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.470 (limitation on liability of surety), 995.710 (deposit in lieu of bond); see also Code Civ. Proc. § 995.120 (“admitted surety insurer” defined). The other changes in Section 11102 are technical.

**Vehicle Code § 11102.1 (amended)**

**Comment.** Section 11102.1 is amended for consistency with Section 11102. The other changes in Section 11102.1 are technical.

**Vehicle Code § 11110 (amended)**

**Comment.** Section 11110 is amended for consistency with Section 11102. The other changes in Section 11110 are technical.

**Vehicle Code § 11301.3 (repealed)**

**Comment.** The substance of former Section 11301.3 is continued in Code of Civil Procedure Section 995.710 (deposit in lieu of bond).

**Vehicle Code § 11301.5 (amended)**

**Comment.** Section 11301.5 is amended to reflect the repeal of Section 11301.3. The other changes in Section 11301.5 are technical.

**Vehicle Code § 11612 (amended)**

**Comment.** Section 11612 is amended to reflect the repeal of Section 11710.1. See also Code Civ. Proc. § 995.310 (sureties on bond).

**Vehicle Code § 11614 (amended)**

**Comment.** Section 11614 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond). The other changes in Section 11614 are technical.

**Vehicle Code § 11710 (amended)**

**Comment.** Section 11710 is amended for consistency with the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 995.120 (“admitted surety insurer” defined), 995.710 (deposit in lieu of bond). The other changes in Section 11710 are technical.

**Vehicle Code § 11710.1 (repealed)**

**Comment.** The substance of former Section 11710.1 is continued in Code of Civil Procedure Sections 995.710 (deposit in lieu of bond) and 995.730 (effect of deposit).

**Vehicle Code § 11710.2 (amended)**

**Comment.** Section 11710.2 is amended to reflect the repeal of Section 11710.1. The other changes in Section 11710.2 are technical.



**Vehicle Code § 11713 (amended)**

**Comment.** Section 11713 is amended for consistency with Section 11710. The other changes in Section 11713 are technical.

**Vehicle Code § 16434 (amended)**

**Comment.** Section 16434 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.310 (sureties on bond), 996.440 (motion to enforce liability).

**Vehicle Code § 38055 (amended)**

**Comment.** Section 38055 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 996.410 (enforcement of liability on bond) and 996.470 (limitation on liability of surety).

**Water Code § 2020 (amended)**

**Comment.** Section 2020 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity).

**Water Code § 22308 (amended)**

**Comment.** Section 22308 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Water Code § 43308 (amended)**

**Comment.** Section 43308 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Water Code § 50658 (amended)**

**Comment.** Section 50658 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Water Code § 50659 (amended)**

**Comment.** Section 50659 is amended to delete provisions duplicated in the Bond and Undertaking Law. See Code Civ. Proc. §§ 995.140 (“bond” defined), 995.310 (sureties on bond).

**Water Code § 60339 (amended)**

**Comment.** Section 60339 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (undertaking not required of public entity). The other changes in Section 60339 are technical.

**Water Code § 70176 (amended)**

**Comment.** Section 70176 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on bond).

**Water Code § 71689.3 (amended)**

**Comment.** Section 71689.3 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity). The other changes in Section 71689.3 are technical.

**Water Code § 75632 (amended)**

**Comment.** Section 75632 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity).

**Water Code § 75633 (amended)**

**Comment.** Section 75633 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.220 (bond or undertaking not required of public entity).

**Water Code § 75902 (amended)**

**Comment.** Section 75902 is amended to delete a provision duplicated in the Bond and Undertaking Law. See Code Civ. Proc. § 995.310 (sureties on undertaking).

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