

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

2010-2011 Annual Report

California Law Revision Commission
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SUMMARY OF WORK OF COMMISSION

Recommendations to the 2010 Legislature

In 2010, bills effectuating four Commission recommendations were enacted, relating to the following subjects:

- Nonsubstantive reorganization of deadly weapon statutes
- Reorganization of mechanics lien law
- Donative transfer restrictions
- Trial court restructuring

Recommendations to the 2011 Legislature

In 2011, the Commission expects that the Legislature will consider new legislation recommended by the Commission on the following subjects:

- Statutory clarification and simplification of CID law
- Trial court restructuring
- Record notice of option to purchase real property
- Nonsubstantive reorganization of deadly weapon statutes (clean-up legislation)
- Reorganization of mechanics lien law (clean-up legislation)
- Obsolete cross-references to former Code of Civil Procedure Section 116.780(d)

Commission Activities Planned for 2011

During 2011, the Commission intends to work on the following major topics: charter schools and the Government Claims Act, commercial and industrial common interest developments, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), trial court restructuring, deadly weapons clean-up legislation, and enforcement of family protections and creditor claims against nonprobate assets. The Commission will work on other topics as time permits.

CONTENTS

	<i>Page</i>
2010-2011 ANNUAL REPORT	9
Introduction	9
2011 Legislative Program	10
Major Studies in Progress	10
Charter Schools and the Government Claims Act	11
Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA)	11
Common Interest Developments.....	11
Trial Court Restructuring	11
Deadly Weapons Clean-up Legislation	12
Enforcement of Family Protections and Creditor Claims Against Nonprobate Assets	12
Other Subjects	12
Calendar of Topics for Study	12
Function and Procedure of Commission.....	12
Background Studies	14
Recommendations	14
Official Comments.....	16
Commission Materials as Legislative History	16
Use of Commission Materials To Determine Legislative Intent	18
Publications	22
Electronic Publication and Internet Access	23
Electronic Mail.....	23
MCLE Credit	24
Personnel of Commission	24
Commission Budget.....	26
Other Activities	26
National Conference of Commissioners on Uniform State Laws	27

Other Staff Activities27

Legislative History of Recommendations in the 2010
 Legislative Session.....27

Deadly Weapons27

Mechanics Lien Law28

Donative Transfer Restrictions28

Trial Court Restructuring28

Report on Statutes Repealed by Implication or Held
 Unconstitutional29

Recommendations30

APPENDICES

1. Statute Governing the California Law Revision
 Commission31

2. Calendar of Topics Authorized for Study37

3. Report of the California Law Revision Commission
 on Chapter 178 of the Statutes of 2010 (Senate
 Bill 1115)43

4. Report of the California Law Revision Commission
 on Chapter 620 of the Statutes of 2010 (Senate
 Bill 105)45

5. Report of the California Law Revision Commission
 on Chapter 697 of the Statutes of 2010 (Senate
 Bill 189)49

6. Report of the California Law Revision Commission
 on Chapter 711 of the Statutes of 2010 (Senate
 Bill 1080)107

7. Legislative Action on Commission Recommendations
 (Cumulative)177

8. Commission Publications209

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CALIFORNIA LAW REVISION COMMISSION

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February 10, 2011

To: The Honorable Edmund G. Brown, Jr.
Governor of California, and
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission submits this report of its activities during 2010 and its plans for 2011.

Each of the four Commission recommendations considered by the Legislature in 2010 were enacted into law, in whole or in substantial part.

The Commission is grateful to the members of the Legislature who carried Commission-recommended legislation in 2010:

- Senator Alan Lowenthal (Mechanics Lien Law)
- Senator Tom Harman (Donative Transfer Restrictions)
- Senate Public Safety Committee (Deadly Weapons Statutes)
- Assembly Judiciary Committee (Trial Court Restructuring)

The Commission held five one-day meetings in 2010, and one two-day meeting. Meetings were held in Sacramento, Davis, and Burbank.

Respectfully submitted,

Associate Justice
John Zebrowski (ret.)
Chairperson

2010-2011 ANNUAL REPORT

Introduction

The California Law Revision Commission was created in 1953 and commenced operation in 1954 as the permanent successor to the Code Commission,¹ with responsibility for a continuing substantive review of California statutory and decisional law.² The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission ordinarily works on major topics, assigned by the Legislature, that require detailed study and cannot easily be handled in the ordinary legislative process. The Commission's work is independent, nonpartisan, and objective.

The Commission consists of:³

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

The Commission may study only topics that the Legislature has authorized.⁴

1. See 1953 Cal. Stat. ch. 1445, operative September 9, 1953. The first meeting of the Commission was held on February 23, 1954.

2. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra*). See also *1955 Report* [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

3. For current membership, see "Personnel of Commission" *infra*.

4. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*. However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § 8298. Additionally, a concurrent resolution or statute may directly confer authority to study a particular subject. See, e.g., 2006 Cal. Stat. res. ch. 128 [ACR 73] (nonsubstantive reorganization of weapon statutes); 2006 Cal. Stat. ch. 216 [AB 2034] (donative transfer restrictions).

The Commission has submitted 389 recommendations to the Legislature, of which 357 (more than 90%) have been enacted in whole or in substantial part.⁵ Commission recommendations have resulted in the enactment of legislation affecting 24,266 sections of California law: 4,791 sections amended, 10,635 sections added, and 8,840 sections repealed.

The Commission's recommendations, reports, and other selected materials are published in softcover and later collected in hardcover volumes. Recent materials are also available through the Internet. A list of past publications and information on obtaining printed or electronic versions are at the end of this Annual Report.⁶

2011 Legislative Program

In 2011, the Commission plans to seek the introduction of legislation effectuating Commission recommendations on the following subjects:

- Statutory clarification and simplification of CID law
- Trial court restructuring
- Record notice of option to purchase real property
- Nonsubstantive reorganization of deadly weapon statutes (clean-up legislation)
- Reorganization of mechanics lien law (clean-up legislation)
- Obsolete cross-references to former Code of Civil Procedure Section 116.780(d)

Major Studies in Progress

During 2011, the Commission intends to work on the following major topics: charter schools and the Government Claims Act, commercial and industrial common interest developments, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), trial court restructuring, deadly

5. See *Legislative Action on Commission Recommendations*, Appendix 7 *infra*.

6. See *Commission Publications*, Appendix 8 *infra*.

weapons clean-up legislation, and enforcement of family protections and creditor claims against nonprobate assets. To the extent time permits, the Commission will also consider other subjects.

Charter Schools and the Government Claims Act

The Legislature has authorized the Commission to analyze “the legal and policy implications of treating a charter school as a public entity for the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code” (i.e., the Government Claims Act).⁷ The Commission began work on this study in December 2009.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA)

The Commission will study whether the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) should be adopted in California, and, if so, in what form it should be adopted.

Common Interest Developments

The Commission is actively studying the application of the Davis-Stirling Common Interest Development Act (Civ. Code §§ 1350-1378) to commercial and industrial CIDs. The study should be completed in 2011.

The Commission may study other matters relating to CIDs as time permits.

Trial Court Restructuring

The Commission will continue its work to identify and study statutes made obsolete as a result of trial court unification, the Lockyer-Isenberg Trial Court Funding Act (1997 Cal. Stat. ch. 850), and the Trial Court Employment Protection and Governance Act (2000 Cal. Stat. ch. 1010).

7. 2009 Cal. Stat. res. ch. 98 (ACR 49 (Evans)).

Deadly Weapons Clean-up Legislation

The Commission will prepare clean-up legislation necessary to fully implement its recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217 (2009).

Enforcement of Family Protections and Creditor Claims Against Nonprobate Assets

The Commission will study the status of creditor claims and family protections with respect to a decedent's assets that pass outside the probate system.

Other Subjects

The major studies in progress described above will dominate the Commission's time and resources during 2011. As time permits, the Commission will consider other subjects authorized for study.

Calendar of Topics for Study

The Commission's calendar includes 22 topics authorized by the Legislature for study.⁸

Function and Procedure of Commission

The principal duties of the Commission are to:⁹

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,¹⁰ bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.

8. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

9. Gov't Code §§ 8280-8298 (statute governing California Law Revision Commission). See Appendix 1 *infra*.

10. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov't Code § 8261.

- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.¹¹

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.¹² However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution.¹³ Additionally, a concurrent resolution¹⁴ or statute¹⁵ may directly confer authority to study a particular subject.

11. Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov't Code § 8290. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra*.

12. Gov't Code § 8293. Section 8293 requires a concurrent resolution authorizing the Commission to study topics contained in the calendar of topics set forth in the Commission's regular report to the Legislature. Section 8293 also requires that the Commission study any topic that the Legislature by concurrent resolution or statute refers to the Commission for study.

13. Gov't Code § 8298.

14. For an example of a concurrent resolution referring a specific topic to the Commission for study, see 2006 Cal. Stat. res. ch. 128 [ACR 73] (nonsubstantive reorganization of weapon statutes).

15. For example, Code of Civil Procedure Section 703.120(a) requires the Commission to review statutes providing for exemptions from enforcement of money judgments every 10 years and to recommend any needed revisions. The Commission also has continuing statutory authority to study enforcement of judgments pursuant to Code of Civil Procedure Section 703.120(b).

Government Code Section 70219 requires the Commission, in consultation with the Judicial Council, to perform follow-up studies taking into consideration the experience in courts that have unified. For a list of specific studies, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998).

Government Code Section 71674 requires the Commission to recommend repeal of provisions made obsolete by the Trial Court Employment Protection and Governance Act (Gov't Code § 71600 *et seq.*), Lockyer-Isenberg Trial

Background Studies

The Commission's work on a recommendation typically begins after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant.¹⁶ Law professors and practicing attorneys who serve as consultants have already acquired the considerable knowledge necessary to understand the specific problems under consideration, and receive little more than an honorarium for their services. From time to time, expert consultants are also retained to advise the Commission at meetings.

Recommendations

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to interested persons and organizations, including the State Bar, local and specialized bar associations, public interest organizations, and business and professional associations. Notice of the availability of the tentative recommendation is mailed to interested persons on the Commission's mailing list and publicized in legal newspapers and other relevant publications. Notice is also posted on the Commission's website and emailed to interested persons.

Comments received on the tentative recommendation are considered by the Commission in determining what recommendation, if any, will be made to the Legislature.¹⁷ When

Court Funding Act of 1997 (1997 Cal. Stat. ch. 850), and the implementation of trial court unification.

Statutory authority may be uncodified. See, e.g., 2005 Cal. Stat. ch. 422 (beneficiary deeds).

16. The following persons are presently under contract as Commission consultants, or have served in that capacity on presently active studies: James E. Acret, Pacific Palisades; Professor Susan F. French, UCLA Law School; Prof. Edward C. Halbach, Jr., Berkeley; Keith Honda, Monterey; Gordon Hunt, Hunt Ortmann; Professor J. Clark Kelso, McGeorge School of Law; Professor Miguel A. Méndez, Stanford Law School; Nathaniel Sterling, former Executive Secretary, California Law Revision Commission, Palo Alto; Professor Gregory S. Weber, McGeorge School of Law.

17. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouilly,

the Commission has reached a conclusion on the matter,¹⁸ its recommendation to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.¹⁹

Fact Finding for Legislation: A Case Study, 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Gaal, *Evidence Legislation in California*, 36 S.W.U. L. Rev. 561, 563-69 (2008); Quillinan, *The Role and Procedures of the California Law Revision Commission in Probate and Trust Law Changes*, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

18. Occasionally, one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noted in the minutes of the meeting at which the recommendation is approved.

19. For recent background studies published in law reviews, see Méndez, *California Evidence Code - Federal Rules of Evidence, IX. General Provisions*, 44 U.S.F. L. Rev. 891 (2010); Méndez, *California Evidence Code - Federal Rules of Evidence, VIII. Judicial Notice*, 44 U.S.F. L. Rev. 141 (2009); Méndez, *California Evidence Code - Federal Rules of Evidence, VII. Relevance: Definition and Limitations*, 42 U.S.F. L. Rev. 329 (2007); Méndez, *California Evidence Code - Federal Rules of Evidence, VI. Authentication and the Best and Secondary Evidence Rules*, 41 U.S.F. L. Rev. 1 (2006); Méndez, *California Evidence Code - Federal Rules of Evidence, V. Witnesses: Conforming the California Evidence Code to the Federal Rules of Evidence*, 39 U.S.F. L. Rev. 455 (2005); Alford, *Report to Law Revision Commission Regarding Recommendations for Changes to California Arbitration Law*, 4 Pepp. Disp. Resol. L.J. 1 (2004); Méndez, *California Evidence Code - Federal Rules of Evidence, IV. Presumptions and Burden of Proof: Conforming the California Evidence Code to the Federal Rules of Evidence*, 38 U.S.F. L. Rev. 139 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, I. Hearsay and Its Exceptions: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 351 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, II. Expert Testimony and the Opinion Rule: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 411 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, III. The Role of Judge and Jury: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 1003 (2003); Tung, *After Orange County: Reforming California Municipal Bankruptcy Law*, 53 Hastings L.J. 885 (2002); Weber, *Potential Innovations in*

Official Comments

The Commission ordinarily prepares an official Comment explaining each section it recommends for enactment, amendment, or repeal. The Comments are included in the Commission's published recommendations. A Comment indicates the derivation of a section and often explains its purpose, its relation to other law, and potential issues concerning its meaning or application.²⁰

Commission Materials as Legislative History

Commission recommendations are printed and sent to both houses of the Legislature, as well as to the Legislative Counsel and Governor.²¹ Receipt of a recommendation by the Legislature is noted in the legislative journals, and the recommendation is referred to the appropriate policy committee.²²

The bill introduced to effectuate a Commission recommendation is assigned to legislative committees charged with study of the matter in depth.²³ A copy of the recommendation is provided to

Civil Discovery: Lessons for California from the State and Federal Courts, 32 McGeorge L. Rev. 1051 (2001).

For a list of background studies published in law reviews before 2000, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971); 11 Cal. L. Revision Comm'n Reports 1008 n.5, 1108 n.5 (1973); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990); 32 Cal. L. Revision Comm'n Reports 585 n.14 (2002).

20. Commission Comments are published by LexisNexis and Thomson/West in their print and CD-ROM editions of the annotated codes, and printed in selected codes prepared by other publishers. Comments are also available on Westlaw and LexisNexis.

21. See Gov't Code §§ 8291, 9795, 11094-11099; see also *Reynolds v. Superior Court*, 12 Cal. 3d 834, 847 n.18, 528 P.2d 45, 53 n.18, 117 Cal. Rptr. 437, 445 n.18 (1974) (Commission "submitted to the Governor and the Legislature an elaborate and thoroughly researched study").

22. See, e.g., Senate J. Aug. 18, 2003, at 2031 (noting receipt of 2002-2003 recommendations and their transmittal to the Committee on Judiciary).

23. See, e.g., Office of Chief Clerk, California State Assembly, California's Legislature 126-27 (2000) (discussing purpose and function of legislative committee system).

legislative committee members and staff before the bill is heard and throughout the legislative process. The legislative committees rely on the recommendation in analyzing the bill and making recommendations to the Legislature concerning it.²⁴

If an amendment is made to the bill that renders one of the Commission's original Comments inconsistent, the Commission generally will adopt a revised Comment and provide it to the committee. The Commission also provides this material to the Governor's office once the bill has passed the Legislature and is before the Governor for action. These materials are a matter of public record.

Until the mid-1980s, a legislative committee, on approving a bill implementing a Commission recommendation, would adopt the Commission's recommendation as indicative of the committee's intent in approving the bill.²⁵ If a Comment required revision, the revised Comment would be adopted as a legislative committee Comment. The committee's report would be printed in the journal of the relevant house.²⁶

The Legislature has discontinued the former practice due to increased committee workloads and an effort to decrease the volume of material reprinted in the legislative journals. Under

24. The Commission does not concur with the suggestion of the court in *Conservatorship of Wendland*, 26 Cal. 4th 519, 542, 28 P.3d 151, 166, 110 Cal. Rptr. 2d 412, 430 (2001), that a Commission Comment might be entitled to less weight based on speculation that the Legislature may not have read and endorsed every statement in the Commission's report. That suggestion belies the operation of the committee system in the Legislature. See White, *Sources of Legislative Intent in California*, 3 Pac. L.J. 63, 85 (1972) ("The best evidence of legislative intent must surely be the records of the legislature itself and the reports which the committees relied on in recommending passage of the legislation.").

25. See, e.g., *Baldwin v. State*, 6 Cal. 3d 424, 433, 491 P.2d 1121, 1126, 99 Cal. Rptr. 145, 150 (1972). For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

26. For an example of such a report, see *Report of Senate Committee on Judiciary on Assembly Bill 3472*, Senate J. June 14, 1984, reprinted in 18 Cal. L. Revision Comm'n Reports 1, 115 (1986).

current practice, a legislative committee relies on Commission materials in its analysis of a bill, but does not separately adopt the materials. Instead, the Commission makes a report detailing the legislative history of the bill, including any revised Comments. Bill reports are published as appendices to the Commission's annual reports.²⁷

Use of Commission Materials To Determine Legislative Intent

Commission materials that have been placed before and considered by the Legislature are legislative history, are declarative of legislative intent,²⁸ and are entitled to great weight in construing statutes.²⁹ The materials are a key interpretive aid for

27. Commission reports have in the past been published as well in the legislative journals. See, e.g., *In re Marriage of Neal*, 153 Cal. App. 3d 117, 124, 200 Cal. Rptr. 341, 345 (1984) (noting that Chairman of Senate Judiciary Committee, when reporting on AB 26 on Senate floor, moved that revised Commission report be printed in Senate Journal as evidence of legislative intent).

28. See, e.g., *Fair v. Bakhtiari*, 40 Cal. 4th 189, 195, 147 P.3d 653, 657, 51 Cal. Rptr. 3d 871, 875 (2006) ("The Commission's official comments are deemed to express the Legislature's intent."); *People v. Williams*, 16 Cal. 3d 663, 667-68, 547 P.2d 1000, 128 Cal. Rptr. 888 (1976) ("The official comments of the California Law Revision Commission on the various sections of the Evidence Code are declarative of the intent not only of the draft[ers] of the code but also of the legislators who subsequently enacted it.").

29. See, e.g., *Dep't of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 40 Cal. 4th 1, 12-13 n.9, 145 P.3d 462, 469 n.9, 50 Cal. Rptr. 3d 585, 593 n.9 (2006) (Commission's official comments are persuasive evidence of Legislature's intent); *Hale v. S. Cal. IPA Med. Group, Inc.*, 86 Cal. App. 4th 919, 927, 103 Cal. Rptr. 2d 773, 778 (2001):

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 400, fn. 8 [276 Cal. Rptr. 524]; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal.App.3d 524, 535, fn. 7 [260 Cal. Rptr. 713].) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal.App.4th 23, 30, fn. 10 [17 Cal. Rptr. 2d 340].)

practitioners as well as courts,³⁰ and courts may judicially notice and rely on them.³¹ Courts at all levels of the state³² and federal³³ judicial systems depend on Commission materials to construe statutes enacted on Commission recommendation.³⁴ Appellate

30. Cf. 7 B. Witkin, Summary of California Law *Constitutional Law* § 123, at 230 (10th ed. 2005) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

31. See, e.g., Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc., 133 Cal. App. 4th 26, 34 Cal. Rptr. 3d 520 (2005) (providing overview of materials that may be judicially noticed in determining legislative intent); Hale, 86 Cal. App. 4th at 927; Barkley v. City of Blue Lake, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993).

32. See, e.g., Sullivan v. Delta Air Lines, Inc., 15 Cal. 4th 288, 298, 935 P.2d 781, 63 Cal. Rptr. 2d 74 (1997) (California Supreme Court); Admin. Mgmt Services, Inc. v. Fid. Deposit Co. of Md., 129 Cal. App. 3d 484, 488, 181 Cal. Rptr. 141 (1982) (court of appeal); Rossetto v. Barross, 90 Cal. App. 4th Supp. 1, 110 Cal. Rptr. 2d 255 (2001) (appellate division of superior court).

33. See, e.g., California v. Green, 399 U.S. 149, 154 n.3 (1970) (United States Supreme Court); S. Cal. Bank v. Zimmerman (*In re Hilde*), 120 F.3d 950, 953 (9th Cir. 1997) (federal court of appeals); Williams v. Townsend, 283 F. Supp. 580, 582 (C.D. Cal. 1968) (federal district court); Ford Consumer Fin. Co. v. McDonell (*In re McDonell*), 204 B.R. 976, 978-79 (B.A.P. 9th Cir. 1996) (bankruptcy appellate panel); *In re Garrido*, 43 B.R. 289, 292-93 (Bankr. S.D. Cal. 1984) (bankruptcy court).

34. See, e.g., Jevne v. Superior Court, 35 Cal. 4th 935, 947, 111 P.3d 954, 962, 28 Cal. Rptr. 3d 685, 694-95 (2005) (Commission report entitled to substantial weight in construing statute); Collection Bureau of San Jose v. Rumsey, 24 Cal. 4th 301, 308 & n.6, 6 P.3d 713, 718 & n.6, 99 Cal. Rptr. 2d 792, 797 & n.6 (2000) (Comments to reenacted statute reiterate the clear understanding and intent of original enactment); Brian W. v. Superior Court, 20 Cal. 3d 618, 623, 574 P.2d 788, 791, 143 Cal. Rptr. 717, 720 (1978) (Comments persuasive evidence of Legislature's intent); Volkswagen Pac., Inc. v. City of Los Angeles, 7 Cal. 3d 48, 61-63, 496 P.2d 1237, 1247-48, 101 Cal. Rptr. 869, 879-80 (1972) (Comments evidence clear legislative intent of law); Van Arsdale v. Hollinger, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968) (Comments entitled to substantial weight), overruled on other grounds by Privette v. Superior Court, 5 Cal. 4th 689, 854 P.2d 721, 21 Cal. Rptr. 2d 72 (1993); County of Los Angeles v. Superior Court, 62 Cal. 2d 839, 843-44, 402 P.2d 868, 870-71, 44 Cal. Rptr. 796, 798-99 (1965) (statutes reflect policy recommended by Commission).

courts alone have cited Commission materials in several thousand published opinions.³⁵

Commission materials have been used as direct support for a court's interpretation of a statute,³⁶ as one of several indicia of legislative intent,³⁷ to explain the public policy behind a statute,³⁸ and on occasion to demonstrate (by their silence) the Legislature's intention not to change the law.³⁹ The Legislature's failure to adopt a Commission recommendation may be used as evidence of legislative intent to reject the proposed rule.⁴⁰

Commission materials are entitled to great weight, but they are not conclusive.⁴¹ While the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every consistent or inconsistent

35. In this connection it should be noted that the Law Revision Commission should not be cited as the "Law Revision Committee" or as the "Law Review Commission." See, e.g., *Venerable v. City of Sacramento*, 185 F. Supp. 2d 1128, 1132 (E.D. Cal. 2002) (Law Revision "Committee"); *Ryan v. Garcia*, 27 Cal. App. 4th 1006, 1010 n.2, 33 Cal. Rptr. 2d 158, 160 n.2 (1994) (Law "Review" Commission).

36. See, e.g., *People v. Ainsworth*, 45 Cal. 3d 984, 1015, 755 P.2d 1017, 1036, 248 Cal. Rptr. 568, 586 (1988).

37. See, e.g., *Heieck & Moran v. City of Modesto*, 64 Cal. 2d 229, 233 n.3, 411 P.2d 105, 108 n.3, 49 Cal. Rptr. 377, 380 n.3 (1966).

38. See, e.g., *Southern Cal. Gas Co. v. Public Utils. Comm'n*, 50 Cal. 3d 31, 38 n.8, 784 P.2d 1373, 1376 n.8, 265 Cal. Rptr. 801, 804 n.8 (1990).

39. See, e.g., *State ex rel. State Pub. Works Bd. v. Stevenson*, 5 Cal. App. 3d 60, 64-65, 84 Cal. Rptr. 742, 745-46 (1970) (finding that Legislature had no intention of changing existing law where "not a word" in Commission's reports indicated intent to abolish or emasculate well-settled rule).

40. See, e.g., *Nestle v. City of Santa Monica*, 6 Cal. 3d 920, 935-36, 496 P.2d 480, 490, 101 Cal. Rptr. 568, 578 (1972).

41. See, e.g., *Redevelopment Agency v. Metropolitan Theatres Corp.*, 215 Cal. App. 3d 808, 812, 263 Cal. Rptr. 637, 639 (1989) (Comment does not override clear and unambiguous statute). Commission materials are but one indicium of legislative intent. See, e.g., *Estate of Joseph*, 17 Cal. 4th 203, 216, 949 P.2d 472, 480, 70 Cal. Rptr. 2d 619, 627 (1998). The accuracy of a Comment may also be questioned. See, e.g., *Buzgheia v. Leasco Sierra Grove*, 30 Cal. App. 4th 766, 774, 36 Cal. Rptr. 2d 144, 149 (1994); *In re Thomas*, 102 B.R. 199, 202 (Bankr. E.D. Cal. 1989).

case is noted in the Comments,⁴² nor can it anticipate judicial conclusions as to the significance of existing case authorities.⁴³ Hence, failure of the Comment to note every change the recommendation would make in prior law, or to refer to a consistent or inconsistent judicial decision, is not intended to, and should not, influence the construction of a clearly stated statutory provision.⁴⁴

Some types of Commission materials may not properly be relied on as evidence of legislative intent. Courts have on occasion cited preliminary Commission materials such as tentative recommendations, correspondence, and staff memoranda and drafts in support of their construction of a statute.⁴⁵ While these materials may be indicative of the Commission's intent in proposing the legislation, only the Legislature's intent in adopting

42. Cf. *People v. Coleman*, 8 Cal. App. 3d 722, 731, 87 Cal. Rptr. 554, 559 (1970) (Comments make clear intent to reflect existing law even if not all supporting cases are cited).

43. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 885, 109 Cal. Rptr. 421, 426-27 (1973) (noting that decisional law cited in Comment was distinguished by the California Supreme Court in a case decided after enactment of the Commission recommendation).

44. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal. 3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973); 1974 Cal. Stat. ch. 227.

45. See, e.g., *Rojas v. Superior Court*, 33 Cal. 4th 407, 93 P.3d 260, 15 Cal. Rptr. 3d 643 (2005) (tentative recommendation, correspondence, and staff memorandum and draft); *Yamaha Corp. v. State Bd. of Equalization*, 19 Cal. 4th 1, 12-13, 960 P.2d 1031, 1037, 78 Cal. Rptr. 2d 1, 7 (1998) (tentative recommendation). However, in some cases, proposed legislation will be based on a tentative, rather than final, Commission recommendation. See, e.g., *Estate of Archer*, 193 Cal. App. 3d 238, 243, 239 Cal. Rptr. 137, 140 (1987). In that event, reliance on the tentative recommendation is proper.

See also *Ilkhchooyi v. Best*, 37 Cal. App. 4th 395, 406, 45 Cal. Rptr. 2d 766, 772-73 (1995) (letter responding to tentative recommendation); D. Henke, *California Legal Research Handbook* § 3.51 (1971) (background studies).

the legislation is entitled to weight in construing the statute.⁴⁶ Unless preliminary Commission materials were placed before the Legislature during its consideration of the legislation, those materials are not legislative history and are not relevant in determining the Legislature's intention in adopting the legislation.⁴⁷

A Commission study prepared after enactment of a statute that analyzes the statute is not part of the legislative history of the statute.⁴⁸ However, documents prepared by or for the Commission may be used by the courts for their analytical value, apart from their role in statutory construction.⁴⁹

Publications

Commission publications are distributed to the Governor, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.⁵⁰ Commission materials are also distributed to interest groups, lawyers, law professors, courts, district attorneys, law libraries, and other individuals requesting materials.

46. *Cf. Rittenhouse v. Superior Court*, 235 Cal. App. 3d 1584, 1589, 1 Cal. Rptr. 2d 595, 598 (1991) (linking Commission's intent and Legislature's intent); *Guthman v. Moss*, 150 Cal. App. 3d 501, 508, 198 Cal. Rptr. 54, 58 (1984) (determination of Commission's intent used to infer Legislature's intent).

47. The Commission concurs with the opinion of the court in *Juran v. Epstein*, 23 Cal. App. 4th 882, 894 n.5, 28 Cal. Rptr. 2d 588, 594 n.5 (1994), that staff memoranda to the Commission should not be considered as legislative history.

48. See, e.g., *Duarte v. Chino Community Hosp.*, 72 Cal. App. 4th 849, 856 n.3, 85 Cal. Rptr. 2d 521, 525 n.3 (1999).

49. See, e.g., *Sierra Club v. San Joaquin Local Agency Formation Comm'n*, 21 Cal. 4th 489, 502-03, 981 P.2d 543, 551-52, 87 Cal. Rptr. 2d 702, 712 (1999) (unenacted Commission recommendation useful as "opinion of a learned panel"); *Hall v. Hall*, 222 Cal. App. 3d 578, 585, 271 Cal. Rptr. 773, 777 (1990) (Commission staff report most detailed analysis of statute available); *W.E.J. v. Superior Court*, 100 Cal. App. 3d 303, 309-10, 160 Cal. Rptr. 862, 866 (1979) (law review article prepared for Commission provides insight into development of law); *Schonfeld v. City of Vallejo*, 50 Cal. App. 3d 401, 407 n.4, 123 Cal. Rptr. 669, 673 n.4 (1975) (court indebted to many studies of Commission for analytical materials).

50. See Gov't Code § 8291. For limitations on Section 8291, see Gov't Code §§ 9795, 11094-11099.

The Commission's reports, recommendations, and studies are republished in hardcover volumes that serve as a permanent record of the Commission's work and, it is believed, are a valuable contribution to the legal literature of California. These volumes are available at many county law libraries and at some other libraries. About half of the hardcover volumes are out of print, but others are available for purchase.⁵¹ Publications that are out of print are available as electronic files.⁵²

Electronic Publication and Internet Access

Since 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.⁵³ Interested persons with Internet access can find the current agenda, meeting minutes, background studies, tentative and final recommendations, staff memoranda, and general background information.

Since 2002, all Commission publications and staff memoranda are available as electronic files. Recent publications and memoranda may be downloaded from the Commission's website. Files that are not on the website are available on request.⁵⁴

Electronic Mail

Email commenting on Commission proposals or suggesting issues for study is given the same consideration as letter correspondence, if the email message includes the name and regular mailing address of the sender. Email to the Commission may be sent to *commission@clrc.ca.gov*.

The Commission distributes the majority of its meeting agendas, staff memoranda, and other written materials electronically, by means of its website and email distribution lists. The Commission encourages use of email as an inexpensive and expedient means of communication with the Commission.

51. See *Commission Publications*, Appendix 8 *infra*.

52. See "Electronic Publication and Internet Access" *infra*.

53. The URL for the Commission's website is <<http://www.clrc.ca.gov>>.

54. See *Commission Publications*, Appendix 8 *infra*.

MCLE Credit

The Commission is approved by the State Bar of California as a minimum continuing legal education provider. Participants and attendees at Commission meetings may be eligible to receive MCLE credit. To receive credit for participation or attendance at a meeting, a person must register at the meeting. Meeting materials are available free of charge on the Internet⁵⁵ or may be purchased in advance from the Commission.

Personnel of Commission

As of February 10, 2011, the following persons were members of the Law Revision Commission:

Legislative Members⁵⁶

Senator Tom Harman, Costa Mesa

Members Appointed by Governor⁵⁷

	<i>Term Expires</i>
Associate Justice John Zebrowski (ret.), Glendale <i>Chairperson</i>	October 1, 2011
Stephen Murphy, Dixon <i>Vice Chairperson</i>	October 1, 2013
Damian Capozzola, Hermosa Beach	October 1, 2013
Mark Dundee, La Cañada Flintridge	October 1, 2013
Sidney Greathouse, Calabasas Hills	October 1, 2011
Pamela L. Hemminger, Los Angeles	October 1, 2011
Susan Duncan Lee, San Francisco	October 1, 2011

55. See “Electronic Publication and Internet Access” *supra*.

56. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov’t Code § 8281.

57. Seven Commission members are appointed by the Governor with the advice and consent of the Senate. Gov’t Code § 8281. These Commissioners serve staggered four-year terms. *Id.* The provision in Government Code Section 8281 to the effect that Commission members appointed by the Governor hold office until the appointment and qualification of their successors has been superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov’t Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

Legislative Counsel⁵⁸

Diane F. Boyer-Vine, Sacramento

Effective September 1, 2010, the Commission elected Associate Justice John Zebrowski (ret.) as Chairperson (succeeding Susan Duncan Lee), and Stephen Murphy as Vice Chairperson (succeeding Associate Justice John Zebrowski (ret.)). The terms of the new officers end August 31, 2011.

On July 8, 2010, the Governor appointed Mark Dundee of La Cañada Flintridge and Stephen Murphy of Dixon as Commissioners, to terms ending on October 1, 2013, filling the vacant seats of former Commissioners Frank Kaplan and William Weinberger.

On September 9, 2010, Commissioner Ali Jahangiri ended his service as Commissioner.

On December 13, 2010, the Governor appointed Damian Capozzola of Hermosa Beach as a Commissioner, to a term ending on October 1, 2013, filling the vacant seat of former Commissioner Ali Jahangiri.

On February 10, 2011, Senator Tom Harman was appointed to the Commission, replacing Senator Ellen Corbett.

The following persons are on the Commission's staff:

Legal

BRIAN HEBERT
Executive Director

BARBARA S. GAAL
Chief Deputy Counsel

STEVE COHEN
Staff Counsel

Administrative-Secretarial

DEBORA LARRABEE
*Associate Governmental
Program Analyst*

VICTORIA V. MATIAS
Secretary

58. The Legislative Counsel serves on the Commission by virtue of office. Gov't Code § 8281.

During the latter half of 2010, Michael Lew, a recent graduate of the University of Michigan School of Law, served as a law clerk for the Commission, and Jennifer Maguire, a student at the University of California Davis School of Law, served as an extern.

In October 2010, Cindy Dole completed a one-year fellowship with the Commission.

In December 2010, Catherine Bidart resigned her position as a staff counsel with the Commission. The Commission greatly appreciates Ms. Bidart's four years of diligent and excellent work.

Commission Budget

The Commission's operations for the 2010-11 fiscal year have been funded through reimbursements from the California Legislature. The amount appropriated to the Commission is \$667,000.

The Commission's general fund allocation is supplemented by \$15,000 budgeted for income generated from sale of documents to the public, representing reimbursement for the production and shipping cost of the documents.

The Commission also receives substantial donations of necessary library materials from the legal publishing community, especially California Continuing Education of the Bar, LexisNexis, and Thomson/West. In addition, the Commission receives benchbooks from the California Center for Judicial Education and Research (CJER). The Commission receives additional library materials from other legal publishers and from other law reform agencies on an exchange basis, and has full access to the University of California Davis School of Law Library and the Stanford University Law Library. The Commission is grateful for these contributions.

Other Activities

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific

associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.⁵⁹

National Conference of Commissioners on Uniform State Laws

The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws.⁶⁰ Legislative Counsel and Commission member Diane F. Boyer-Vine is a member of the California Commission on Uniform State Laws and the National Conference. The Commission's Executive Secretary, Brian Hebert, is an associate member of the National Conference.

Other Staff Activities

In 2010, the Chief Deputy Counsel continued to participate in meetings of the Judicial Council's Small Civil Cases Working Group (as the California Law Revision Commission Liaison to that group). The group's work led to the enactment of Assembly Bill 2284 (Evans), 2010 Cal. Stat. ch. 674, which establishes an expedited jury trial ("EJT") procedure for use in California.

Legislative History of Recommendations in the 2010 Legislative Session

Four Commission recommendations were enacted, in whole or in part, in 2010.

Deadly Weapons

Senate Bills 1080 (2010 Cal. Stat. ch. 711) and 1115 (2010 Cal. Stat. ch. 178) were introduced by the Senate Public Safety Committee to effectuate the Commission's recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217 (2008). Senate Bill 1080 was enacted, with amendments; Senate Bill 1115 was enacted as introduced. See *Report of the California Law Revision Commission on Chapter 178 of the Statutes of 2010 (Senate Bill 1115)*, 40 Cal.

59. Gov't Code § 8296.

60. Gov't Code § 8289.

L. Revision Comm'n Reports 43 (2010) (Appendix 3 *infra*); *Report of the California Law Revision Commission on Chapter 711 of the Statutes of 2010 (Senate Bill 1080)*, 40 Cal. L. Revision Comm'n Reports 107 (2010) (Appendix 6 *infra*).

Mechanics Lien Law

Senate Bill 189 (2010 Cal. Stat. ch. 697) was introduced in 2009 by Senator Alan Lowenthal to effectuate the Commission's recommendation on *Mechanics Lien Law*, 37 Cal. L. Revision Comm'n Reports 527 (2007). The measure was enacted, with amendments. See *Report of the California Law Revision Commission on Chapter 697 of the Statutes of 2010 (Senate Bill 189)*, 40 Cal. L. Revision Comm'n Reports 49 (2010) (Appendix 5 *infra*).

Donative Transfer Restrictions

Senate Bill 105 (2010 Cal. Stat. ch. 620) was introduced in 2009 by Senator Tom Harman to effectuate the Commission's recommendation on *Donative Transfer Restrictions*, 38 Cal. L. Revision Comm'n Reports 107 (2008). The measure was enacted, with amendments. See *Report of the California Law Revision Commission on Chapter 620 of the Statutes of 2010 (Senate Bill 105)*, 40 Cal. L. Revision Comm'n Reports 45 (2010) (Appendix 4 *infra*).

Trial Court Restructuring

Assembly Bill 2767 (2010 Cal. Stat. ch. 212) was introduced by the Assembly Judiciary Committee to, among other things, effectuate most of the Commission's recommendation on *Statutes Made Obsolete by Trial Court Restructuring: Part 5*, 39 Cal. L. Revision Comm'n Reports 109 (2009). The measure was enacted, with amendments.

Report on Statutes Repealed by Implication or Held Unconstitutional

Government Code Section 8290 provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual Report was prepared⁶¹ and has the following to report:

- No decision holding a state statute repealed by implication has been found.
- No decision of the United States Supreme Court holding a state statute unconstitutional has been found.
- No decision of the California Supreme Court holding a state statute unconstitutional has been found.⁶²

61. This study has been carried through opinions published on or before October 25, 2010.

62. Two decisions of the California Supreme Court imposed constitutional qualifications on the application of a state statute.

In *People v. Engram*, 50 Cal. 4th 1131, 240 P.3d 237, 116 Cal. Rptr. 3d 762 (2010), the court held that Penal Code Section 1050, a statute generally directing trial courts to give criminal cases precedence over civil cases, would violate constitutional provisions relating to separation-of-powers, and the obligation of a court to provide for fair administration of justice, if it were applied so as to compel a trial court to forgo or abandon consideration of all civil cases or proceedings over an extended period of time.

In *People v. Kelly*, 47 Cal. 4th 1008, 222 P.3d 186, 103 Cal. Rptr. 3d 733 (2010), the court held that Health & Safety Code Section 11362.77 is an invalid amendment of the voter-adopted Compassionate Use Act (Health & Safety Code § 11362.5), under article II, section 10, subdivision (c) of the California Constitution, to the extent that the section is applied so as to burden a defense available under the Compassionate Use Act.

Recommendations

The Commission respectfully recommends that the Legislature authorize the Commission to continue its study of the topics previously authorized.⁶³

63. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

APPENDIX 1

STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION (Government Code Sections 8280-8298*)

§ 8280. Creation

8280. There is created in the State Government the California Law Revision Commission.

§ 8281. Membership

8281. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this article, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this article and as a joint interim investigating committee shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first

* Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298), 2004 Cal. Stat. ch. 193, § 33 (amending Section 8293). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, he or she shall appoint a person to the office, who shall hold office for the balance of the unexpired term of his or her predecessor.

Note. The provision in the third paragraph to the effect that Commission members appointed by the Governor hold office until appointment and qualification of their successors is superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

§ 8282. Compensation and expenses

8282. (a) The members of the commission shall serve without compensation, except that each member appointed by the Governor shall receive fifty dollars (\$50) for each day's attendance at a meeting of the commission.

(b) In addition, each member shall be allowed actual expenses incurred in the discharge of his or her duties, including travel expenses.

Note. Government Code Section 11564.5 provides a per diem compensation of \$100, notwithstanding any other provision of law.

§ 8283. Chairperson

8283. The commission shall select one of its members chairperson.

§ 8284. Executive secretary

8284. The commission may appoint an executive secretary and fix his or her compensation, in accordance with law.

§ 8285. Employees

8285. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

§ 8286. Assistance of state

8286. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

§ 8287. Assistance of bar

8287. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

§ 8288. Political activities of commissioners and staff

8288. No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 8293, advocate the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor or appear before any committee of the Legislature as to such matters unless requested to do so by the committee or its chairperson. In no event shall an employee or member of the commission appointed by the Governor advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his or her official capacity as an employee or member.

§ 8289. Duties of commission

8289. The commission shall, within the limitations imposed by Section 8293:

(a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National

Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions.

§ 8290. Unconstitutional and impliedly repealed statutes

8290. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

§ 8291. Submission and distribution of reports

8291. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

Note. Section 8291 is limited by later-enacted rules governing distribution of state reports set out in Government Code Sections 9795 and 11094-11099.

§ 8292. Contents of reports

8292. The commission may, within the limitations imposed by Section 8293, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

§ 8293. Calendar of topics

8293. The commission shall file a report at each regular session of the Legislature that shall contain a calendar of topics selected by

it for study, including a list of the studies in progress and a list of topics intended for future consideration. The commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report that have been or are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic that the Legislature, by concurrent resolution or statute, refers to it for study.

§ 8294. Printing of reports

8294. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

§ 8295. Cooperation with legislative committees

8295. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any committee for the rendition of service, by either for the other, in the work of revision.

§ 8296. Cooperation with bar and other associations

8296. The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this article.

§ 8297. Research contracts

8297. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

§ 8298. Recommendations concerning minor revisions

8298. The commission may study and recommend revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study.

APPENDIX 2

CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission's calendar of topics authorized for study includes the subjects listed below.¹ Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 2009 Cal. Stat. res. ch. 98.

1. Creditors' remedies. Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.²

2. Probate Code. Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code, and related matters.³

3. Real and personal property. Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on

1. The calendar of topics lists only those topics selected by the Commission for study and authorized by the Legislature. The Commission also studies topics specifically directed to it by concurrent resolution of the Legislature or by statute. See, e.g., 2006 Cal. Stat. res. ch. 128 [ACR 73] (nonsubstantive reorganization of deadly weapon statutes); 2006 Cal. Stat. ch. 215 [AB 2034] (donative transfer restrictions). The Commission may also study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § 8298.

2. See also 1983 Cal. Stat. res. ch. 40; 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

3. See also 1980 Cal. Stat. res. ch. 37. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

land use or relating to land, powers of termination, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, and related matters.⁴

4. Family law. Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.⁵

5. Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised.⁶

6. Special assessments for public improvement. Whether the acts governing special assessments for public improvement should be simplified and unified.⁷

7. Rights and disabilities of minors and incompetent persons. Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised.⁸

8. Evidence. Whether the Evidence Code should be revised.⁹

4. See 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81. Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661 (2000).

5. See 1997 Cal. Stat. res. ch. 102, consolidating Family Code authority, child custody, adoption, and guardianship authority, and family law proceedings authority. See also 1995 Cal. Stat. res. ch. 87; 1989 Cal. Stat. res. ch. 70; 1983 Cal. Stat. res. ch. 40; 1978 Cal. Stat. res. ch. 65; 1972 Cal. Stat. res. ch. 27; 1956 Cal. Stat. res. ch. 42.

6. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 526-28 (1974).

7. See also 1980 Cal. Stat. res. ch. 37.

8. See also 1979 Cal. Stat. res. ch. 19; 14 Cal. L. Revision Comm'n Reports 217-18 (1978).

9. See also 1965 Cal. Stat. res. ch. 130.

9. Alternative Dispute Resolution. Whether the law relating to arbitration, mediation, and other alternative dispute resolution techniques should be revised.¹⁰

10. Administrative law. Whether there should be changes to administrative law.¹¹

11. Attorney's fees. Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised.¹²

12. Uniform Unincorporated Nonprofit Association Act. Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California.¹³

13. Trial court unification. Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.¹⁴

14. Contract law. Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.¹⁵

15. Common interest developments. Whether the law governing common interest housing developments should be revised to clarify the law, eliminate unnecessary or obsolete provisions, consolidate existing statutes in one place in the codes, establish a clear, consistent, and unified policy with regard to formation and management of these developments and transaction of real property interests located within

10. See also 1968 Cal. Stat. res. ch. 110; 8 Cal. L. Revision Comm'n Reports 1325-26 (1967). Revised in 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 661-62 (2000).

11. See also 1987 Cal. Stat. res. ch. 47.

12. See also 1995 Cal. Stat. res. ch. 87; 1988 Cal. Stat. res. ch. 20.

13. See also 1993 Cal. Stat. res. ch. 31; 22 Cal. L. Revision Comm'n Reports 846 (1992).

14. See also 1995 Cal. Stat. res. ch. 87; 1993 Cal. Stat. res. ch. 96.

15. See also 1996 Cal. Stat. res. ch. 38; 25 Cal. L. Revision Comm'n Reports 628-29 (1995).

them, and to determine to what extent they should be subject to regulation.¹⁶

16. Legal malpractice statutes of limitation. Whether the statutes of limitation for legal malpractice actions should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters.¹⁷

17. Coordination of public records statutes. Whether the law governing disclosure of public records and the law governing protection of privacy in public records should be revised to better coordinate them, including consolidation and clarification of the scope of required disclosure and creation of a single set of disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the law governing disclosure of public records adequately treats electronic information, and related matters.¹⁸

18. Criminal sentencing. Whether the law governing criminal sentences for enhancements relating to weapons or injuries should be revised to simplify and clarify the law and eliminate unnecessary or obsolete provisions.¹⁹

19. Subdivision Map Act and Mitigation Fee Act. Whether the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), and the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1 of Title 7 of the Government Code) should be revised to improve their organization, resolve inconsistencies, clarify and rationalize provisions, and related matters.²⁰

16. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 693-94 (1998).

17. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 696 (1998).

18. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 695-96 (1998).

19. See also 1999 Cal. Stat. res. ch. 81; 28 Cal. L. Revision Comm'n Reports 695 (1998). Revised in 2002 Cal. Stat. res. ch. 166.

20. See also 2001 Cal. Stat. res. ch. 78; 30 Cal. L. Revision Comm'n Reports 662 (2000).

20. Uniform Statute and Rule Construction Act. Whether the Uniform Statute and Rule Construction Act (1995) should be adopted in California in whole or part, and related matters.²¹

21. Place of trial in a civil case. Whether the law governing the place of trial in a civil case should be revised.²²

22. Charter schools and the Government Claims Act. Analysis of the legal and policy implications of treating a charter school as a public entity for the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.²³

21. See also 2003 Cal. Stat. res. ch. 92; 33 Cal. L. Revision Comm'n Reports 599 (2003).

22. See also 2007 Cal. Stat. res. ch. 100; 38 Cal. L. Revision Comm'n Reports 30 (2008).

23. See also 2009 Cal. Stat. res. ch. 98; 39 Cal. L. Revision Comm'n Reports 28 (2009).

APPENDIX 3

REPORT OF THE
CALIFORNIA LAW REVISION COMMISSION
ON CHAPTER 178 OF THE STATUTES OF 2010
(SENATE BILL 1115)

Nonsubstantive Reorganization of Deadly Weapon Statutes

Chapter 178 of the Statutes of 2010 was introduced as Senate Bill 1115, authored by the Committee on Public Safety. The measure implements the conforming revisions in the California Law Revision Commission recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217 (2009). The revised Comments set out below supersede the comparable Comments in the recommendation.

Bus. & Prof. Code § 7574.14 (amended). Persons exempt from chapter

Comment. Subdivision (k) of Section 7574.14 is amended to reflect nonsubstantive reorganization of the statutes governing control of deadly weapons.

Fish & Game Code § 10500 (amended). Taking or possessing in refuges

Comment. Subdivision (b) of Section 10500 is amended to reflect nonsubstantive reorganization of the statutes governing control of deadly weapons.

Penal Code § 833.5 (amended). Detention by peace officer to determine whether crime relating to firearms or deadly weapons was committed

Comment. Subdivision (e) of Section 833.5 is amended to reflect nonsubstantive reorganization of the statutes governing control of deadly weapons.

APPENDIX 4

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 620 OF THE STATUTES OF 2010 (SENATE BILL 105)

Donative Transfer Restrictions

Chapter 620 of the Statutes of 2010 was introduced as Senate Bill 105, authored by Senator Tom Harman. The measure implements the California Law Revision Commission recommendation on *Donative Transfer Restrictions*, 38 Cal. L. Revision Comm'n Reports 107 (2008). The revised Comments set out below supersede the comparable Comments in the recommendation and reflect amendments made to Senate Bill 105 in the legislative process.

Prob. Code § 21362. “Care custodian”

Comment. Section 21362 is similar to the last sentence of former Section 21350(c), with two substantive exceptions:

- (1) The definition of “care custodian” does not include a person who provides health and social services without remuneration and who had a personal relationship with the dependent adult a specified period of time prior to the provision of services, the death of the dependent adult, and the admission of the dependent adult to hospice care.
- (2) The definition of “care custodian” does not incorporate the list of persons from Welfare and Institutions Code Section 15610.17.

Subdivision (b) provides an illustrative list of the sorts of services that are included in the term “health and social services.”

See also Section 56 (“person” defined).

Prob. Code § 21366. “Dependent adult”

Comment. Section 21366 is new.

See also Section 45 (“instrument”).

Prob. Code § 21370. “Independent attorney”

Comment. Section 21370 is new. The standard provided in this section is similar to California Rules of Professional Conduct 3-310(B)(1) and (3), except that there is an exclusion for an attorney who would be appointed as fiduciary or receive a pecuniary benefit by operation of the instrument to be reviewed. See also Section 21384 (independent attorney review).

Prob. Code § 21380. Presumption of fraud or undue influence

Comment. Subdivision (a) of Section 21380 restates the substance of former Section 21350(a), with three exceptions:

- (1) Subdivision (a)(3) limits the care custodian presumption to gifts made during the period in which the care custodian provided services to the transferor, or within 90 days before or after that period.
- (2) Subdivision (a)(6) generalizes the reference to a “law partnership or law corporation” in former Section 21350(a)(3), to include any law firm, regardless of how it is organized.
- (3) Subdivision (a)(6) generalizes the rule creating a presumption of fraud or undue influence when a gift is made to the law firm of the drafter of a donative instrument, so that it also applies to a fiduciary of the transferor who transcribes an instrument or causes it to be transcribed.

Subdivision (b) restates the substance of the first sentence of former Section 21351(d), with two exceptions:

- (1) The former limitation on proof by the testimony of the beneficiary is not continued.
- (2) The presumption of menace and duress is not continued.

Subdivision (c) continues the substance of former Section 21351(e)(1), and expands the rule to apply to gifts to specified relatives and associates of the drafter of a donative instrument.

Subdivision (d) restates the substance of the second sentence of former Section 21351(d).

The burden of establishing the facts that give rise to the presumption under subdivision (a) is borne by the person who contests the validity of a donative transfer under this section. See Evid. Code § 500 (general rule on burden of proof).

See also Sections 45 (“instrument”), 21362 (“care custodian”), 21364 (“cohabitant”), 21366 (“dependent adult”), 21368 (“domestic partner”), 21372 (“interested witness”), 21374 (“related by blood or affinity”).

Prob. Code § 21382. Exceptions

Comment. Subdivisions (a) and (b) of Section 21382 restate the substance of former Section 21351(a) and (g), with the following exceptions:

- (1) The scope of the exemption is narrowed from the fifth degree of relation to the fourth.
- (2) “Heirs of the transferor” are no longer included in the exemption.
- (3) The former exemption of an instrument drafted by an exempt person has been generalized to include an instrument that is transcribed by an exempt person.

Subdivision (c) continues former Section 21351(c) without substantive change.

Subdivision (d) continues former Section 21351(f) without substantive change.

Subdivision (e) continues former Section 21351(h) without substantive change, except that the \$3,000 amount for a small gift has been increased to \$5,000.

Subdivision (f) continues former Section 21351(i) without substantive change.

See also Sections 45 (“instrument”), 21364 (“cohabitant”), 21374 (“related by blood or affinity”).

Prob. Code § 21384. Attorney certification

Comment. Section 21384 restates the substance of former Section 21351(b), with the following exceptions:

- (1) The counseling must be conducted out of the presence of any heir or proposed beneficiary.
- (2) The counseling must address the effect of the intended transfer on the transferor’s heirs and other beneficiaries.
- (3) A drafting attorney may conduct the review and certification of a gift to a care custodian.

See also Sections 45 (“instrument”), 21362 (“care custodian”), 21370 (“independent attorney”).

Prob. Code § 21392. Application of part

Comment. Subdivision (a) of Section 21392 continues limits the application of this part to instruments that become irrevocable on or after January 1, 2011. Instruments that became irrevocable before that date are governed by the former law. See Sections 3(g), 21355.

Subdivision (b) is new. It makes clear that this part supplements and does not supersede the common law governing menace, duress, fraud, and undue influence. See *Bernard v. Foley*, 39 Cal. 4th 794, 800, 139

P.3d 1196, 47 Cal. Rptr. 3d 248 (2006); *Rice v. Clark*, 28 Cal. 4th 89, 97, 47 P.3d 300, 120 Cal. Rptr. 2d 522 (2002).

See also Section 45 (“instrument”).

APPENDIX 5

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 697 OF THE STATUTES OF 2010 (SENATE BILL 189)

Mechanics Lien Law

Chapter 697 of the Statutes of 2010 was introduced as Senate Bill 189, authored by Senator Alan Lowenthal. The measure implements the California Law Revision Commission recommendation on *Mechanics Lien Law*, 37 Cal. L. Revision Comm'n Reports 527 (2007). The new and revised Comments set out below supersede the comparable Comments in the recommendation. They reflect amendments made to Senate Bill 189 in the legislative process and correct minor technical errors.

A revised disposition table set out at the end of this report supersedes the disposition table in the recommendation.

Civ. Code §§ 3081.1-3081.10 (repealed). Design professionals lien

Comment. Former Chapter 8 (former Sections 3081.1-3081.10) is replaced by Chapter 3 (Sections 8300-8318) of Title 2 of Part 6 of Division 4. For the disposition of a section in former Chapter 8, see *Mechanics Lien Law*, 37 Cal. L. Revision Comm'n Reports 527 (2007); Report of the California Law Revision Commission on Chapter 697 of the Statutes of 2010 (Senate Bill 189), 40 Cal. L. Revision Comm'n Reports 49 (2010).

Civ. Code §§ 3082-3267 (repealed). Works of improvement

Comment. Former Title 15 (former Sections 3082-3267) is replaced by new Part 6 (Sections 8000-9566) of Division 4 of the Civil Code. For the disposition of a section in former Title 15, see *Mechanics Lien Law*, 37 Cal. L. Revision Comm'n Reports 527 (2007); Report of the California Law Revision Commission on Chapter 697 of the Statutes of 2010 (Senate Bill 189), 40 Cal. L. Revision Comm'n Reports 49 (2010).

Civ. Code §§ 7100-7106 (amended). Automatic checkout system

Comment. The heading of Part 8 (Sections 7100-7106) is amended to renumber the part as Part 5.5. The section numbers and text of the part remain unchanged.

Civ. Code § 8002. “Admitted surety insurer”

Comment. Section 8002 is new. It is included for drafting convenience. “Admitted surety insurer” replaces references in former law to a corporate surety authorized to write or issue surety bonds in the State of California.

See Sections 8424 (lien claim release bond), 8510 (stop payment notice release bond), 8534 (construction lender objection to bonded stop payment notice), 8604 (lending institution objection to surety on payment bond), 8606 (payment bond).

Civ. Code § 8004. “Claimant”

Comment. Section 8004 restates former Section 3085 without substantive change.

See also Sections 8026 (“lien”), 8030 (“payment bond”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8006. “Construction lender”

Comment. Section 8006 restates former Section 3087 without substantive change.

See also Section 14 (present includes future).

See also Sections 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8008. “Contract”

Comment. Section 8008 broadens the definition of “contract” in former Section 3088.

There are instances in this part where the term is not used in its defined sense. See, e.g., Section 8444(d)(2). See also Section 8000 (application of definitions).

An agreement between an owner and a direct contractor that provides for all or part of a work of improvement is a “direct contract.” See Section 8016.

See also Section 8050 (“work of improvement”).

Civ. Code § 8010. “Contract price”

Comment. Section 8010 is new. It is included for drafting convenience.

See also Sections 8016 (“direct contract”), 8050 (“work of improvement”).

Civ. Code § 8012. “Contractor”

Comment. Section 8012 is new. It is included for drafting convenience.

See also Sections 8018 (“direct contractor”), 8046 (“subcontractor”).

Civ. Code § 8014. “Design professional”

Comment. Section 8014 generalizes the first paragraph of former Section 3081.1, and adds a licensed landscape architect to the persons included within the definition of “design professional.”

See also Sections 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8016. “Direct contract”

Comment. Section 8016 restates former Section 3088 without substantive change.

See also Sections 8008 (“contract”), 8018 (“direct contractor”), 8050 (“work of improvement”).

Civ. Code § 8018. “Direct contractor”

Comment. Section 8018 supersedes former Section 3095 (“original contractor”). A direct contractor within the meaning of this section is one that contracts directly with the owner, as opposed to one that contracts with another contractor (i.e., a subcontractor).

A direct contractor is at times referred to in other code sections as a “prime contractor.” See e.g., Pub. Cont. Code § 4113.

Civ. Code § 8020. “Funds”

Comment. Section 8020 is new. It is included for drafting convenience. It generalizes provisions of former Sections 3186, 3187, and 3196.

See also Section 8038 (“public works contract”).

Civ. Code § 8022. “Labor, service, equipment, or material”

Comment. Section 8022 is new. It is included for drafting convenience. The phrase is intended to replace various phrases used throughout the former law, including “labor or material,” “labor, services, equipment, or materials,” “appliances, teams, or power,” and the like, and is not intended to effect any change in the law. The definition applies to variant grammatical forms of the phrase used in this part, such as “labor, service, equipment, *and* material.”

See also Section 8050 (“work of improvement”).

Civ. Code § 8024. “Laborer”

Comment. Subdivision (a) of Section 8024 continues former Section 3089(a) without substantive change.

Subdivision (b) restates the first sentence of former Section 3089(b) and a part of former Section 3111 without substantive change.

Subdivision (c) restates the second and third sentences of former Section 3089(b) and a part of former Section 3111 without substantive change.

See also Sections 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8026. “Lien”

Comment. Section 8026 is new. It is included for drafting convenience. There are instances in this part where the term is not used in its defined sense. See Section 8000 (application of definitions).

Note that the application of this part to a design professionals lien is limited. See Section 8308 (application of part).

See also Sections 8014 (“design professional”), 8042 (“site improvement”), 8050 (“work of improvement”).

Civ. Code § 8028. “Material supplier”

Comment. Section 8028 continues former Section 3090 without substantive change. It replaces the term “materialman” with the term “material supplier” to conform to contemporary usage under this part.

See also Sections 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8034. “Preliminary notice”

Comment. Section 8034 supersedes parts of former Sections 3097 and 3098. The substantive requirements for preliminary notice on a private work are relocated to Section 8200 *et seq.* The substantive requirements for preliminary notice on a public work are relocated to Section 9300 *et seq.*

Civ. Code § 8036. “Public entity”

Comment. Section 8036 continues former Section 3099 without change.

See also Section 14 (“county” includes city and county).

Civ. Code § 8038. “Public works contract”

Comment. Section 8038 supersedes former Section 3100 (“public work”). Under Public Contract Code Section 1101, “public works

contract” means an agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

Civ. Code § 8042. “Site improvement”

Comment. Section 8042 continues former Section 3102 without substantive change, except that subdivision (f) makes clear that the reference in former law to “making any improvements” means preparatory work, and does not include construction of a structure.

See also Sections 8040 (“site”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8044. “Stop payment notice”

Comment. Section 8044 supersedes former Section 3103. The term “stop payment notice” replaces the term “stop notice” used in former law.

See also Section 8004 (“claimant”).

Civ. Code § 8046. “Subcontractor”

Comment. The first sentence of Section 8046 continues former Section 3104 without substantive change. The second sentence is new; it makes clear that the term “subcontractor” includes a subcontractor of a subcontractor.

See also Section 8018 (“direct contractor”).

Civ. Code § 8048. “Work”

Comment. Section 8048 is new. It is included for drafting convenience.

See also Sections 8022 (“labor, service, equipment, or material”), 8050 (“work of improvement”).

Civ. Code § 8050. “Work of improvement”

Comment. Section 8050 restates former Section 3106. The section is revised to reorganize and tabulate the different types of work falling within the definition, to expand the coverage of the definition, and to make various technical, nonsubstantive revisions. The term “real property” replaces “lot or tract of land.”

A site improvement is treated under this part in the same manner as a work of improvement, except as specifically provided in this part. See e.g., Sections 8450 (priority of lien), 8458 (priority of site improvement lien).

See also Section 8042 (“site improvement”).

Civ. Code § 8052. Application of former law

Comment. Section 8052 is new. Although this part applies generally to all works of improvement on or after July 1, 2012, it does not govern notices given or actions taken prior to July 1, 2012, on a work of improvement. Such notices or actions are governed by former law.

Subdivision (c) states the relationship between a provision of this part and a provision of former law that the provision of this part continues or restates. See also Section 107 of Chapter 697 of the Statutes of 2010.

See also Section 8050 (“work of improvement”).

Civ. Code § 8054. Relation to other statutes

Comment. Subdivision (a) of Section 8054 restates former Section 3266(a).

Subdivision (b) is new. It clarifies the interrelation between this part and the Subdivision Map Act. For relevant provisions of that act, see Government Code Sections 66499-66499.10 (improvement security).

Subdivision (c) restates former Section 3266(b). This provision updates the former cross-reference to Streets and Highways Code Sections 5290-5297, which were repealed in 1982 when the Public Contract Code was created. See 1982 Cal. Stat. ch. 465, § 56. The repealed sections were superseded by Public Contract Code Sections 20457-20464. See 1982 Cal. Stat. ch. 465, § 11. The new sections apply to bonds in “street work” projects under Division 2 (commencing with Section 1600) of the Public Contract Code. See Pub. Cont. Code § 20457.

Civ. Code § 8056. Rules of practice

Comment. Section 8056 continues the first sentence of former Section 3259 without substantive change. The second sentence of former Section 3259 is not continued; this part does not include special provisions relating to new trials or appeals.

Section 8056 makes former Section 3149, relating to joinder and consolidation of actions, unnecessary. Part 2 of the Code of Civil Procedure enables persons claiming liens on the same property to join in the same action to enforce their liens. See Code Civ. Proc. § 378 (permissive joinder). If separate actions are commenced, the court may consolidate them. See Code Civ. Proc. § 1048 (consolidation of actions).

Civ. Code § 8058. Calculation of time

Comment. Section 8058 is new. A reference to the term “day” in a statute typically means a calendar day, unless otherwise specifically

indicated. *Iverson v. Superior Court*, 167 Cal. App. 3d 544, 548, 213 Cal. Rptr. 399 (1985).)

See also Sections 10 (computing time), 11 (holidays).

Civ. Code § 8060. Filing and recordation of papers

Comment. Subdivisions (a) and (b) of Section 8060 are new. They generalize a number of provisions of former law. See also Section 1170 (recordation), Gov't Code §§ 27280, 27287 (recordation of documents).

Subdivisions (c) and (d) continue former Section 3258 without substantive change.

See also Sections 8008 (“contract”), 8024 (“lien”), 8030 (“payment bond”), 8050 (“work of improvement”).

Civ. Code § 8062. Effect of act by owner

Comment. Section 8062 restates former Section 3263 without substantive change.

See also Section 8152 (no release of surety from liability).

See also Sections 8008 (“contract”), 8018 (“direct contractor”), 8030 (“payment bond”).

Civ. Code § 8064. Co-owners

Comment. Section 8064 is new. It generalizes provisions found in former Sections 3092 (notice of cessation) and 3093 (notice of completion).

Civ. Code § 8066. Agency

Comment. Section 8066 is a specific application of Section 2305. This section makes clear that an agent’s authority is limited to the scope of the agency. Thus, to the extent a direct contractor is deemed to be the agent of an owner for the purpose of engaging a subcontractor, the scope of the agency does not include other acts, such as compromise of litigation.

For provisions relating to the agency authority of co-owners, see Section 8064 (co-owners).

See also Section 8032 (“person”).

Civ. Code § 8100. Written notice

Comment. Section 8100 generalizes various provisions of former law. See, e.g., former Sections 3092 (notice of cessation), 3093 (notice of completion), 3094 (notice of nonresponsibility), 3097 (preliminary notice (private work)), 3103 (stop notice).

See also Evid. Code § 250 (“writing”).

Civ. Code § 8102. Contents of notice

Comment. Section 8102 is new. It generalizes and standardizes provisions found throughout former law. See, e.g., former Sections 3092 (notice of cessation), 3093 (notice of completion), 3097 (preliminary notice), 3103 (stop notice).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8018 (“direct contractor”), 8032 (“person”), 8040 (“site”), 8048 (“work”).

Civ. Code § 8104. Notice of overdue laborer compensation

Comment. Section 8104 restates former Section 3097(k), with the additional requirement that the information provided be given to the owner or reputed owner, and include the name and address of the unpaid laborer. See also Sections 8100-8118 (notice).

The reference to the Registrar of Contractors in the final sentence of former Section 3097(k) is revised to refer to the Contractors’ State License Law. This is a technical, nonsubstantive change.

The information required in this notice is in addition to the information required by Section 8102 (contents of notice).

Compliance with this section does not excuse compliance with Section 8202(b), if applicable. See Section 8202 (contents of preliminary notice).

See also Sections 8006 (“construction lender”), 8018 (“direct contractor”), 8024 (“laborer”), 8032 (“person”), 8046 (“subcontractor”), 8050 (“work of improvement”).

Civ. Code § 8108. Address at which notice is given

Comment. Section 8108 is new. It generalizes and standardizes provisions found throughout former law. For an example of a more particularized notice provision, see Section 8506.

Subdivision (f) does not continue the unique provisions found in former Section 3227 for notice to alternate persons in the case of a personal surety or admitted surety insurer. The bond and undertaking law requires every bond to include the address at which the principal and sureties may be served with notices, papers, and other documents. See Code Civ. Proc. § 995.320.

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8008 (“contract”), 8012 (“contractor”), 8016 (“direct contract”), 8018 (“direct contractor”), 8026 (“lien”), 8030 (“payment bond”), 8032 (“person”), 8034 (“preliminary notice”), 8036 (“public entity”), 8044 (“stop payment notice”), 8046 (“subcontractor”).

Civ. Code § 8114. Posting of notice

Comment. Section 8114 is new. It generalizes provisions found in former law. See, e.g., former Sections 3094 (notice of nonresponsibility), 3260.2 (stop work notice).

See also Section 8040 (“site”).

Civ. Code § 8116. When notice complete

Comment. Section 8116 is new. It generalizes and standardizes provisions found in former law. See, e.g., former Section 3097(f)(3) (service of preliminary notice).

Under subdivision (b), when notice is given in the manner provided in Code of Civil Procedure Section 1013, the notice is complete when deposited in the mail or with an express service carrier. The 10 and 20 day delays provided in the Code of Civil Procedure for completion of service under that code are inapplicable. For an exception to this rule, see Section 8486 (notice of hearing on lien release petition).

Under subdivision (c), when notice is given in the manner provided in Code of Civil Procedure Section 415.20 for service of summons and complaint, the notice is complete five days after mailing of the notice. The 10 day delay provided in the Code of Civil Procedure for completion of service under that code is inapplicable.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8110 (mailed notice), 8114 (posting of notice).

Civ. Code § 8118. Proof of notice

Comment. Section 8118 is new. It generalizes and standardizes provisions found throughout former law, and expands the methods of proof to include documentation of the mailing provided by the United States Postal Service or an express service carrier. See, e.g., former Sections 3097 (preliminary notice), 3260.2 (stop work notice).

Subdivision (b) specifies the documentation that must be attached to a proof of notice declaration when notice is given by mail. Documentation establishing proof of delivery or attempted delivery of the notice as specified in subdivision (b)(3)-(4) is sufficient, but not necessary, to satisfy the requirement of the subdivision. Proof that payment was made to the United States Postal Service or an express service carrier for an approved method of delivery is also sufficient. See subdivision (b)(1)-(2).

See also Section 8110 (mailed notice).

See also Section 8032 (“person”).

Civ. Code § 8120. Application of chapter

Comment. Section 8120 is new. It provides the scope of applicability of the provisions of Chapter 3 of Title 1.

See also Section 8050 (“work of improvement”).

Civ. Code § 8122. Terms of contract

Comment. Section 8122 continues the first and second sentences of former Section 3262(a) without substantive change, except to add a reference to a subcontractor.

See also Sections 8004 (“claimant”), 8008 (“contract”), 8018 (“direct contractor”), 8046 (“subcontractor”).

Civ. Code § 8124. Waiver and release

Comment. Section 8124 continues the third and fourth sentences of former Section 3262(a) without substantive change. The term “financial institution” replaces “bank” in subdivision (b) and in the forms provided in this article.

The waiver and release may be signed by the claimant’s agent. See Section 8066 (agency).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8026 (“lien”), 8030 (“payment bond”).

Civ. Code § 8126. Statement of claimant

Comment. Section 8126 continues former Section 3262(b)(1) without substantive change.

See also Section 8004 (“claimant”), 8026 (“lien”).

Civ. Code § 8128. Reduction or release of stop payment notice

Comment. Subdivisions (a) and (c) of Section 8128 generalize former Section 3262(b)(2), so as to apply to a stop payment notice given to a construction lender as well as to a stop payment notice given to an owner.

Subdivision (b) is new.

See also Sections 8004 (“claimant”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8130. Accord and satisfaction or settlement agreement not affected

Comment. Section 8130 continues former Section 3262(c) without substantive change.

See also Section 8026 (“lien”).

Civ. Code § 8132. Conditional waiver and release on progress payment

Comment. Section 8132 restates former Section 3262(d)(1) without substantive change, except to add language relating to progress payments covered by previous releases that have not been paid. The statutory form is recast for clarity.

See also Sections 8004 (“claimant”), 8008 (“contract”), 8026 (“lien”), 8030 (“payment bond”), 8032 (“person”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 8134. Unconditional waiver and release on progress payment

Comment. Section 8134 restates former Section 3262(d)(2) without substantive change. The statutory form is recast for clarity.

See also Sections 8004 (“claimant”), 8008 (“contract”), 8026 (“lien”), 8030 (“payment bond”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 8136. Conditional waiver and release on final payment

Comment. Section 8136 restates former Section 3262(d)(3) without substantive change, except to add a line for identification of the waivant’s customer. The statutory form is recast for clarity.

See also Sections 8004 (“claimant”), 8026 (“lien”), 8030 (“payment bond”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8138. Unconditional waiver and release on final payment

Comment. Section 8138 restates former Section 3262(d)(4) without substantive change. The statutory form is recast for clarity.

See also Sections 8004 (“claimant”), 8026 (“lien”), 8030 (“payment bond”), 8044 (“stop payment notice”).

Civ. Code § 8150. Application of Bond and Undertaking Law

Comment. Section 8150 is new. It is a specific application of Code of Civil Procedure Section 995.020 (application of Bond and Undertaking Law).

Former Section 3227, relating to notice to principal and surety, is not continued. Its substance is superseded by Sections 8100-8118 (notice).

Civ. Code § 8152. No release of surety from liability

Comment. Section 8152 restates former Section 3225 without substantive change. See also Section 8062 (effect of act by owner).

See also Sections 8004 (“claimant”), 8008 (“contract”), 8032 (“person”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8154. Construction of bond

Comment. Section 8154 restates former Section 3226 without substantive change. See also Sections 8400-8404 (who is entitled to lien).

See also Sections 8004 (“claimant”), 8016 (“direct contract”), 8032 (“person”).

Civ. Code § 8160. Application of title

Comment. Section 8160 is new. It provides the scope of applicability of the provisions of this title. Title 3 (commencing with Section 9000) of this part governs a work of improvement contracted for by a public entity. See Section 9000.

See also Section 8050 (work of improvement).

Civ. Code § 8170. Contract forms

Comment. Section 8170 restates the parts of former Section 3097(l) and (m) relating to the contents of contracts, deleting the limitation to the owner’s residence address.

The reference to “written” contract is added to subdivision (b) for consistency with subdivision (a). The reference to “lender or lenders” in subdivision (a) is shortened to “lender” for consistency with subdivision (b). See Section 14 (singular includes plural, and plural includes singular). These and other minor wording changes are technical, nonsubstantive revisions.

For the direct contractor’s duty to provide information to persons seeking to serve a preliminary notice, see Section 8208.

This section does not require that all contracts between an owner and a direct contractor be in writing.

See also Sections 8006 (“construction lender”), 8008 (“contract”), 8016 (“direct contract”), 8018 (“direct contractor”), 8046 (“subcontractor”).

Civ. Code § 8172. Designation of construction lender on building permit

Comment. Section 8172 continues former Section 3097(i) without substantive change.

See also Sections 8006 (“construction lender”), 8032 (“person”), 8034 (“preliminary notice”), 8036 (“public entity”).

Civ. Code § 8174. Construction trust deed

Comment. Section 8174 continues former Section 3097(j) without substantive change.

See also Section 8060 (filing and recordation of papers).

See also Sections 8006 (“construction lender”), 8032 (“person”), 8034 (“preliminary notice”), 8050 (“work of improvement”).

Civ. Code § 8180. Completion

Comment. Section 8180 restates former Section 3086, to the extent it applied to a private work.

References to occupation or use by an owner may include occupation or use by the owner’s agent. See Section 8066 (agency).

“Acceptance by the owner” is not continued as a form of completion.

The provision in subdivision (b) for acceptance by a public entity refers to acceptance pursuant to a legislative enactment of the public entity and not to inspection and approval or issuance of a certificate of occupancy under building regulations.

Subdivision (b) applies only to a private work of improvement. See Section 8160 (application of title).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8188 (notice of cessation).

See also Sections 8036 (“public entity”), 8050 (“work of improvement”).

Civ. Code § 8182. Notice of completion

Comment. Section 8182 restates former Section 3093 without substantive change, except that the 10 day period for recording a notice of completion is extended to 15 days. For the date of completion of a work of improvement, see Section 8180.

A notice of completion may be signed and verified or recorded by an agent of the owner, to the extent the act is within the scope of the agent’s authority. See Section 8066 (agency).

For the effect of a recordation of a notice of completion, see Sections 8412 and 8414 (time for claim of lien), 8612 (notice of payment bond claim).

A claim of lien must be filed within 30 or 60 days after recordation of a notice of completion (depending on the nature of the claimant), subject to a maximum of 90 days after actual completion. See Sections 8412 and 8414 (recordation of claim of lien). However, an owner that records a notice of completion that states an incorrect date of completion may be estopped from asserting the running of the filing period. See *Doherty v. Carruthers*, 171 Cal. App. 2d 214, 340 P.2d 58 (1959).

A notice of completion is ineffective to shorten the time for a claim of lien unless notice of recordation is given to the person whose claim of lien is affected. See Section 8190 (notice of recordation by owner).

A notice of completion is recorded in the office of the county recorder of the county in which the work of improvement or part of it is situated. See Section 8060(a) (filing and recordation of papers). A notice of completion is recorded when it is filed for record. See Sections 1170 (recordation), 8060(b) (filing and recordation of papers).

The reference to a successor's "transferors" is omitted from subdivision (c)(2). See Section 14 (singular includes plural).

See also Sections 8058 (calculation of time), 8064 (co-owners).

See also Sections 8008 ("contract"), 8018 ("direct contractor"), 8032 ("person"), 8040 ("site"), 8048 ("work"), 8050 ("work of improvement").

Civ. Code § 8184. Recordation of notice of completion

Comment. Section 8184 continues a portion of former Section 3093 without substantive change.

See also Sections 1170 (recordation), 8058 (filing and recordation of papers), 8182 (notice of completion), 8186 (notice of completion of contract for portion of work of improvement), 8190 (notice of recordation by owner); Gov't Code §§ 27280, 27287 (recordation of documents).

Civ. Code § 8186. Notice of completion of contract for portion of work of improvement

Comment. Section 8186 continues the substance of former Section 3117, but eliminates the 10 day period for recordation of a notice of completion of a contract for a portion of a work of improvement.

This section omits the rules found in former law governing the time for recordation of a lien claim after a notice of completion for a portion of a work of improvement. The general rules governing the time for recordation do not distinguish among types of notice of completion, and appear to be satisfactory for purposes of this section, with the clarification set out in subdivision (a). A claim of lien must be recorded within 30 or 60 days after recordation of notice of completion (depending on the nature of the claimant), subject to a maximum of 90 days after actual completion. See Sections 8412 and 8414 (recordation of claim of lien).

For the effect of a recordation of a notice of completion, see Sections 8412 and 8414 (time for recordation of lien claim), 8612 (notice of payment bond claim).

The recordation of a notice of completion of a contract for a portion of a work of improvement does not affect the rights of a claimant with respect to work provided pursuant to another contract.

See also Sections 8064 (co-owners), 8182 (notice of completion).

See also Sections 8004 (“claimant”), 8008 (“contract”), 8016 (“direct contract”), 8018 (“direct contractor”), 8026 (“lien”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8188. Notice of cessation

Comment. Section 8188 restates former Section 3092 without substantive change.

The notice of cessation may be signed, verified, and recorded by an agent of the owner to the extent the act is within the scope of the agent’s authority. See Section 8066 (agency).

For the effect of a recordation of a notice of cessation, see Sections 8412 and 8414 (time for recordation of lien claim).

A notice of cessation is recorded in the office of the county recorder of the county in which the work of improvement or part of it is performed. See Section 8060(a) (filing and recordation of papers). The notice is recorded when it is filed for record. See Sections 1170 (recordation), 8060(b) (filing and recordation of papers).

A notice of cessation is ineffective to shorten the time for a claim of lien unless notice of recordation is given to the person whose claim of lien is affected. See Section 8190 (notice of recordation by owner).

See also Sections 8058 (calculation of time), 8064 (co-owners).

See also Sections 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8190. Notice of recordation by owner

Comment. Section 8190 restates former Section 3259.5, replacing the notice of recordation with a copy of the notice that the owner files for recordation, and expanding the manner of notice. The notice may no longer be given by regular mail. See Sections 8106 (manner of giving notice), 8110 (mailed notice).

Subdivision (c) is recast in terms of the ineffectiveness of the notice of completion or cessation, in place of the former references to extension of time.

A notice is recorded when it is filed for record. See Sections 1170 (recordation), 8060 (filing and recordation of papers).

See also Sections 8058 (calculation of time), 8064 (co-owners), 8180 (completion), 8182 (notice of completion), 8186 (notice of completion of contract for portion of work of improvement), 8188 (notice of cessation).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8026 (“lien”), 8032 (“person”), 8034 (“preliminary notice”).

Civ. Code § 8200. Preliminary notice prerequisite to remedies

Comment. Section 8200 restates the introductory clause and parts of subdivisions (a) and (b) of former Section 3097. Some repetitive detail is omitted in reliance on defined terms and other substantive provisions.

Subdivision (e)(2) makes clear that all direct contractors must give preliminary notice to the construction lender or reputed construction lender, if any. This resolves a possible ambiguity in former Section 3097(b).

For an exception to the requirement that preliminary notice must be given before asserting a claim against a payment bond, see Section 8612.

The substance of former Sections 3097(f) and 3097.1 are continued in the general notice provisions of this part. See Sections 8100-8118 (notice).

The transitional provisions of former Section 3097(p) are obsolete and not continued.

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8018 (“direct contractor”), 8024 (“laborer”), 8026 (“lien”), 8030 (“payment bond”), 8032 (“person”), 8034 (“preliminary notice”), 8044 (“stop payment notice”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8202. Contents of preliminary notice

Comment. Section 8202 continues the substance of former Section 3097(c)(1)-(6), the unnumbered paragraph following paragraph (6), and the requirement of former Section 3097(a) that the preliminary notice be written. See also Sections 8100-8118 (notice). The reference to an “express trust fund” is replaced by a reference to a generalized category of persons or entities included within the definition of “laborer.” See Section 8024 (“laborer”).

The continuation of the provision in subdivision (c) is not intended to make any change with respect to otherwise applicable privacy rights.

The information required in this notice is in addition to the information required by Section 8102 (contents of notice).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8182 (notice of completion), 8186 (notice of completion of contract for portion of work of improvement), 8188 (notice of cessation).

See also Sections 8012 (“contractor”), 8022 (“labor, service, equipment, or material”), 8024 (“laborer”), 8026 (“lien”), 8032

(“person”), 8034 (“preliminary notice”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8204. Effect of preliminary notice

Comment. Subdivision (a) of Section 8204 continues former Section 3097(d) without substantive change.

Subdivision (b) continues the unnumbered paragraph preceding former Section 3097(d) without substantive change, except to add a licensed landscape architect to the group of design professionals to which the provision is applicable.

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8014 (“design professional”), 8026 (“lien”), 8030 (“payment bond”), 8034 (“preliminary notice”), 8044 (“stop payment notice”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8206. Coverage of preliminary notice

Comment. Section 8206 restates former Section 3097(g) without substantive change.

See also Sections 8004 (“claimant”), 8008 (“contract”), 8032 (“person”), 8034 (“preliminary notice”), 8046 (“subcontractor”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8208. Direct contractor’s duty to provide information

Comment. Section 8208 restates the parts of former Section 3097(l) and (m) relating to a direct contractor’s duty to provide information, deleting the limitation to the owner’s residence address.

See also Sections 8006 (“construction lender”), 8018 (“direct contractor”), 8032 (“person”), 8034 (“preliminary notice”).

Civ. Code § 8210. Owner’s duty to give notice of construction loan

Comment. Section 8210 continues former Section 3097(n) without substantive change. The reference to commencement of construction is changed to commencement of a work of improvement for consistency with the remainder of this part.

See also Sections 8006 (“construction lender”), 8032 (“person”), 8034 (“preliminary notice”), 8050 (“work of improvement”).

Civ. Code § 8212. Waiver void

Comment. Section 8212 continues former Section 3097(e) without substantive change.

Civ. Code § 8214. Notices filed with county recorder

Comment. Section 8214 continues former Section 3097(o) without substantive change.

The former reference to the date after which the county recorder is authorized to act is deleted as a transitional provision that is now obsolete.

See also Sections 8060(a) (filing with county recorder), 8102 (contents of notice), 8182 (notice of completion), 8186 (notice of completion of contract for portion of work of improvement), 8188 (notice of cessation), 8412 (time for claim of lien by direct contractor), 8414 (time for claim of lien by claimant other than direct contractor).

See also Sections 8026 (“lien”), 8032 (“person”), 8034 (“preliminary notice”).

Civ. Code § 8216. Subcontractor discipline

Comment. Section 8216 continues the first paragraph of former Section 3097(h) without substantive change.

See also Sections 8008 (“contract”), 8046 (“subcontractor”), 8050 (“work of improvement”).

Civ. Code § 8300. Design professional lien claimant

Comment. Section 8300 restates former Section 3081.1, adding a licensed landscape architect to the design professionals who may claim a lien under this chapter. See Section 8014 (“design professional”).

The introductory clause and the second paragraph of former Section 3081.1 are not continued because they are surplus. See Section 8000 (application of definitions).

See also Sections 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8302. Lien

Comment. Section 8302 restates former Section 3081.2. The amount of the lien is limited to the fee for services provided under the contract rather than the fee for services provided before commencement of the work of improvement, since the lien provided by this section is only available prior to commencement of the work of improvement. See also Section 8306 (lien terminates on commencement of work).

See also Sections 1170 (recordation), 8060 (filing and recordation of papers), 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”), 8040 (“site”), 8050 (“work of improvement”).

Civ. Code § 8304. Prerequisites for lien

Comment. Section 8304 restates former Section 3081.3, with the clarification that a lien under this chapter is unavailable if construction has commenced. See subdivision (a).

A building permit or other governmental approval for the work of improvement obtained in connection with or utilizing the services provided by the design professional is required as a condition of recordation of a lien claim under Section 8302 (lien).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”), 8040 (“site”), 8050 (“work of improvement”).

Civ. Code § 8306. Creation, expiration, and release of lien

Comment. Section 8306 restates former Section 3081.4. On expiration of the lien as a result of commencement of the work of improvement, the design professional may obtain a lien under Section 8400 (mechanics lien). See Section 8310 (mechanics lien right not affected).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8308. Application of part

Comment. Section 8308 continues the substance of former Section 3081.5, and provides for the application of the definitional provisions of this part.

See also Section 8026 (“lien”).

Civ. Code § 8310. Mechanics lien right not affected

Comment. Section 8310 restates former Section 3081.6.

See Section 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8312. Time for claim of lien

Comment. Section 8312 restates former Section 3081.7.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8314. Right to pursue other remedies

Comment. Section 8314 restates former Section 3081.8.

See also Section 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”).

Civ. Code § 8316. Priorities

Comment. Section 8316 restates former Section 3081.9.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8300 (design professional lien claimant).

See also Sections 8006 (“construction lender”), 8014 (“design professional”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8318. Exemption

Comment. Section 8318 restates former Section 3081.10. The exemption is based on expected construction cost, since the lien is only available if the work of improvement is not constructed. See Section 8306 (creation, expiration, and release of lien).

See also Section 8300 (design professional lien claimant).

See also Sections 8014 (“design professional”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8400. Persons entitled to lien

Comment. Section 8400 restates the part of former Section 3110 providing a lien for contributions to a work of improvement. It implements the directive of Article XIV, Section 3, of the California Constitution that, “Mechanics, persons furnishing materials, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.”

The reference in the introductory portion of Section 8400 to work “authorized” replaces the references in former Section 3110 to the “instance or request of the owner or any other person acting by his authority or under him, as contractor or otherwise.” See Section 8404 (who may authorize work).

The type of contribution to the work of improvement that qualifies for a lien right is described in the introductory portion of Section 8400 as provision of “work.” Elimination of the former references to “bestowing

skill or other necessary services” or “furnishing appliances, teams, or power” or “work done or materials furnished” is not a substantive change. See Section 8048 (“work”).

The listing of classes of persons with lien rights in subdivisions (a)-(f) restates without substantive change the comparable part of former Section 3110. This provision does not continue the former listing of types of contractors, subcontractors, laborers, and design professionals, such as mechanics, artisans, machinists, builders, teamsters, draymen, architects, registered engineers, and licensed land surveyors. This is not a substantive change; these classes are included in the defined terms used in this section.

A person or entity described in Section 8024(b) has the same lien right as the laborer in subdivision (e), to the extent of the laborer’s compensation agreed to be paid to the person or entity for labor on the improvement. See Section 8024 (“laborer”).

See also Sections 8014 (“design professional”), 8018 (“direct contractor”), 8026 (“lien”), 8028 (“material supplier”), 8032 (“person”), 8046 (“subcontractor”), 8050 (“work of improvement”).

Civ. Code § 8402. Site improvement lien

Comment. Section 8402 restates former Section 3112. The reference to work done or material furnished is superseded by the reference to work. See Section 8048 (“work”). The reference to work at the instance or request of the owner or any person acting by or under authority of the owner as contractor or otherwise is replaced by the reference to work authorized. See Section 8404 (who may authorize work).

A site improvement is treated in the same manner as a work of improvement, except as provided in Sections 8448 (claim against separate residential units), 8450 (priority of lien), 8454 (separate contract for site improvement), 8458 (priority of site improvement lien). See Section 8050 (“work of improvement”).

See also Sections 8026 (“lien”), 8032 (“person”), 8042 (“site improvement”).

Civ. Code § 8404. Who may authorize work

Comment. Section 8404 restates parts of former Sections 3110 and 3112.

The reference in subdivision (a) to work provided at the request of an owner includes work provided at the instance of the owner, or of a person acting by or under the owner’s authority. See Section 8066 (agency).

The inclusion in subdivision (b) of project managers is new.

The references in former law to sub-subcontractors and builders are omitted as surplus. A contractor either has a contract with the owner (and is a direct contractor) or does not (and is a subcontractor). This part does not distinguish among levels of subcontractor. The term “builder” was not defined in former law and was used only in former Section 3110.

A work of improvement includes a site improvement. See Section 8050 (“work of improvement”).

See also Sections 8018 (“direct contractor”), 8032 (“person”), 8042 (“site improvement”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8410. Preliminary notice required

Comment. Section 8410 restates former Section 3114 without substantive change. A claimant must give preliminary notice to the extent provided in the preliminary notice provisions of this part. See Section 8200 *et seq.*

See also Section 8118 (proof of notice).

See also Sections 8004 (“claimant”), 8026 (“lien”), 8034 (“preliminary notice”).

Civ. Code § 8412. Time for claim of lien by direct contractor

Comment. Section 8412 restates former Section 3115 without substantive change. A contract is complete within the meaning of this section when the contractor’s obligations under it are substantially performed, excused, or otherwise discharged. See *Howard S. Wright Construction Co. v. BBIC Investors, LLC*, 136 Cal. App. 4th 228, 38 Cal. Rptr. 3d 769 (2006).

For completion of a work of improvement, see Section 8180. For recordation of a notice of completion, see Sections 8182 (notice of completion), 8186 (notice of completion of contract for portion of work of improvement). For recordation of a notice of cessation, see Section 8188 (notice of cessation).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers).

See also Sections 8016 (“direct contract”), 8018 (“direct contractor”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8414. Time for claim of lien by claimant other than direct contractor

Comment. Section 8414 restates former Section 3116 without substantive change.

For completion of a work of improvement, see Section 8180. For recordation of a notice of completion, see Sections 8182 (notice of

completion), 8186 (notice of completion of contract for portion of work of improvement). For recordation of a notice of cessation, see Section 8188 (notice of cessation).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8026 (“lien”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8416. Contents of claim of lien

Comment. Paragraphs (1)-(5), (7), and (8) of subdivision (a) of Section 8416 restate former Section 3084(a) without substantive change.

Subdivision (b) restates former Section 3084(b) without substantive change.

Subdivision (a)(6) is new. It implements other provisions that invoke a claimant’s address. *Cf.* Sections 8424 (release bond), 8486 (time of hearing).

Subdivision (c) restates former Section 3084(c)(1) without substantive change.

Subdivision (d) restates former Section 3084(c)(2) without substantive change.

Subdivision (e) restates former Section 3084(d) without substantive change.

The claim of lien may be executed by the claimant’s authorized agent. See Section 8066 (agency).

See also Sections 1170 (recordation); 8058 (filing and recordation of papers); Gov’t Code §§ 27280, 27287 (recordation of documents).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8032 (“person”), 8040 (“site”), 8048 (“work”).

Civ. Code § 8422. Forfeiture of lien for false claim

Comment. Section 8422 combines the substance of former Sections 3118 and 3261. The terminology of the combined provision is conformed to Section 8416 (contents of claim of lien).

Subdivision (b)(1) expands the bases for invalidity to include intent to slander title.

See also Sections 8004 (“claimant”), 8048 (“work”), 8026 (“lien”), 8040 (“site”).

Civ. Code § 8424. Release bond

Comment. Subdivisions (a)-(c) of Section 8424 restate former Section 3143, reducing the required amount of the lien release bond to 125% of the amount of the recorded claim of lien applicable to the liened

property. This harmonizes the required amount of a lien release bond with the required amount of a stop payment notice release bond. See Section 8510. The language of the section is harmonized with the Bond and Undertaking Law, Chapter 2 (commencing with Section 995.010) of Title 14 of Part 2 of the Code of Civil Procedure.

Subdivision (d) restates former Section 3144.5 without substantive change, except to broaden the notice provisions.

The reference to recordation of the bond in the county in which the claim of lien is recorded is omitted as unnecessary. Both the claim of lien and the bond are recorded in the office of the county recorder of the county in which the work of improvement or part of it is situated. See Sections 1170 (recordation), 8060 (filing and recordation of papers).

If an action to enforce a lien has been timely commenced before a release bond is recorded, the claimant may name the surety as a defendant and seek recovery against the bond in the enforcement action; the claimant is not required to commence a new action on the bond. See *Hutnick v. United States Fidelity & Guaranty Co.*, 47 Cal. 3d 456, 763 P.2d 1326, 253 Cal. Rptr. 236 (1988).

See also Sections 8002 (“admitted surety insurer”), 8004 (“claimant”), 8018 (“direct contractor”), 8026 (“lien”), 8032 (“person”), 8046 (“subcontractor”).

Civ. Code § 8430. Amount of lien

Comment. Section 8430 restates former Section 3123(a)-(b) and a part of former Section 3110. The provision of former Section 3123(c) that required an owner to give notice of a change of 5 percent or more is not continued.

As used in this section, the reasonable value of work includes the reasonable use value of appliances, equipment, teams, and power.

See also Sections 8416 (contents of claim of lien), 8600 (payment bond).

See also Sections 8004 (“claimant”), 8008 (“contract”), 8010 (“contract price”), 8026 (“lien”), 8032 (“person”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8432. Lien limited to work included in contract or modification

Comment. Section 8432 restates former Section 3124 without substantive change.

In subdivision (a), “direct contractor” is substituted for the undefined “contractor.” The concept of “authorized” is substituted for “employed.”

See Section 8404 (who may authorize work). See also Sections 1170 (recordation), 8060 (filing and recordation of papers).

See also Sections 8004 (“claimant”), 8008 (“contract”), 8016 (“direct contract”), 8018 (“direct contractor”), 8026 (“lien”), 8032 (“person”), 8046 (“subcontractor”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8434. Amount of recovery

Comment. Section 8434 continues former Section 3140 without substantive change.

See also Sections 8004 (“claimant”), 8008 (“contract”), 8012 (“contractor”), 8018 (“direct contractor”), 8026 (“lien”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8440. Property subject to lien

Comment. Section 8440 restates the parts of former Sections 3128 and 3112 that described property subject to the lien, without substantive change. A reference to “real property” is substituted for references to “land.”

See also Sections 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8442. Interest subject to lien

Comment. Section 8442 restates the last part of former Section 3128, and former Section 3129, without substantive change. A reference to “work” is substituted for the former reference to “commencement of the work or of the furnishing of the materials.” See Section 8048 (“work”).

It should be noted that under this section, the interest of a person that contracts for a work of improvement indirectly, for example through a provision in a lease that requires a tenant to make the work of improvement, may be subject to the lien. Likewise, the interest of a person that did not contract for a work of improvement might in some circumstances be subject to the lien if the person is a “participating owner.” See, e.g., *Los Banos Gravel Co. v. Freeman*, 58 Cal. App. 3d 785, 130 Cal. Rptr. 180 (1976).

See also Sections 8026 (“lien”), 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8444. Notice of nonresponsibility

Comment. Section 8444 restates former Section 3094.

The information required in this notice is in addition to the information required by Section 8102 (contents of notice).

The notice of nonresponsibility may be signed and verified by the owner or person owning or claiming an interest in the property, or by the owner's or other person's agent. See Section 8066 (agency).

A notice of nonresponsibility is recorded in the office of the county recorder of the county in which the work of improvement or part of it is situated. See Section 8060 (filing and recordation of papers).

See also Sections 1170 (recordation), 8058 (calculation of time), 8064 (co-owners), 8114 (posting of notice).

See also Sections 8032 ("person"), 8050 ("work of improvement").

Civ. Code § 8446. Multiple works of improvement

Comment. Section 8446 restates former Section 3130 without substantive change. The concept of "contracted for" is substituted for "employed" in subdivisions (a) and (b). See Section 8404 (who may authorize work).

Subdivision (c) is intended to apply to a single work of improvement situated on two or more parcels of land that have distinct owners.

See also Sections 1170 (recordation), 8060 (filing and recordation of papers).

See also Sections 8004 ("claimant"), 8008 ("contract"), 8026 ("lien"), 8032 ("person"), 8048 ("work"), 8050 ("work of improvement").

Civ. Code § 8448. Claim against separate residential units

Comment. Section 8448 restates the first paragraph of former Section 3131 without substantive change. The reference to "filing" a claim of lien is changed to recording. See Sections 1170 (recordation), 8060 (filing and recordation of papers), 8412 and 8414 (recordation of claim of lien).

The second paragraph of former Section 3131 is not continued.

See also Sections 8180 (completion), 8402 (site improvement lien), 8416 (contents of claim of lien), 8446 (multiple works of improvement).

See also Sections 8004 ("claimant"), 8026 ("lien"), 8050 ("work of improvement").

Civ. Code § 8450. Priority of lien

Comment. Section 8450 restates former Section 3134 without substantive change. For the priority of a site improvement lien, see Section 8458 (priority of site improvement lien).

See also Sections 1170 (recordation), 8060 (filing and recordation of papers), 8402 (site improvement lien), 8452 (payment bond obtained by holder of mortgage or deed of trust).

See also Sections 8004 (“claimant”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8452. Payment bond obtained by holder of mortgage or deed of trust

Comment. Section 8452 restates former Section 3138 without substantive change. See also Sections 1170 (recordation), 8060 (filing and recordation of papers).

See also Sections 8026 (“lien”), 8030 (“payment bond”), 8048 (“work”).

Civ. Code § 8454. Separate contract for site improvement

Comment. Section 8454 restates former Section 3135 without substantive change.

See also Sections 8016 (“direct contract”), 8042 (“site improvement”), 8050 (“work of improvement”).

Civ. Code § 8456. Priority of advances by lender

Comment. Section 8456 restates former Section 3136.

See also Sections 8006 (“construction lender”), 8026 (“lien”).

Civ. Code § 8458. Priority of site improvement lien

Comment. Subdivision (a) of Section 8458 restates former Section 3137 without substantive change.

Subdivision (b) restates former Section 3139 without substantive change.

See also Sections 1170 (recordation), 8060 (filing and recordation of papers), 8180 (completion), 8402 (site improvement lien).

See also Sections 8004 (“claimant”), 8026 (“lien”), 8030 (“payment bond”), 8042 (“site improvement”), 8050 (“work of improvement”).

Civ. Code § 8460. Time for commencement of enforcement action

Comment. Section 8460 restates former Sections 3144 and 3145.

Subdivision (b) makes clear that the owner must be a party to the extension of credit, and allows for late recording of the extension of credit. This codifies the rule in *Richards v. Hillside Development Co.*, 177 Cal. App. 2d 776, 2 Cal. Rptr. 693 (1960), and overrules *Dorer v. McKinsey*, 188 Cal. App. 2d 199, 10 Cal. Rptr. 287 (1961).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers), 8180 (completion).

See also Sections 8004 (“claimant”), 8026 (“lien”), 8050 (“work of improvement”).

Civ. Code § 8461. Recordation of lis pendens

Comment. Section 8461 restates former Section 3146 without substantive change.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers).

See also Section 8026 (“lien”).

Civ. Code § 8462. Dismissal for lack of prosecution

Comment. Section 8462 restates former Section 3147 without substantive change. The cross-reference to the Code of Civil Procedure is added to make clear that this section modifies the general three-year period for discretionary dismissal. See also Section 8056 (rules of practice).

See also Section 8026 (“lien”).

Civ. Code § 8464. Costs

Comment. Section 8464 continues former Section 3150 without substantive change.

See also Sections 8004 (“claimant”), 8026 (“lien”).

Civ. Code § 8466. Deficiency

Comment. Section 8466 restates former Section 3151 without substantive change.

See also Section 8026 (“lien”).

Civ. Code § 8468. Other remedies

Comment. Section 8468 restates former Section 3152 without substantive change. The reference in the introductory portion of the section to “this title” is changed to “this chapter” consistent with the scope of the chapter.

For provisions relating to attachment, see Code Civ. Proc. § 481.010 *et seq.* For provisions relating to enforcement of a money judgment, see Code Civ. Proc. § 681.010 *et seq.*

See also Sections 8004 (“claimant”), 8026 (“lien”), 8032 (“person”).

Civ. Code § 8470. Defense of lien enforcement action by contractor

Comment. Section 8470 restates former Section 3153 without substantive change. This section does not apply to an action to enforce a lien brought by a direct contractor.

See also Sections 8010 (“contract price”), 8012 (“contractor”), 8016 (“direct contract”), 8026 (“lien”), 8018 (“direct contractor”), 8048 (“work”).

Civ. Code § 8480. Petition for release order

Comment. Subdivision (a) of Section 8480 restates former Section 3154(a) without substantive change.

Subdivision (b) restates the first sentence of former Section 3154(h) without substantive change. In *Solit v. Tokai Bank, Ltd. New York Branch*, 68 Cal. App. 4th 1435, 81 Cal. Rptr. 2d 243 (1999), the court held that an order releasing a lien because it had not been timely enforced may not bar the recordation of a new claim for the same work, if the time for recordation of a new claim of lien had not yet expired.

Subdivision (c) provides a limited exception to the last sentence of former Section 3154(h), allowing the petition to be joined with a pending action to enforce the claim of lien that is the subject of the petition.

Subdivision (d) continues former Section 3154(i) without substantive change.

See also Sections 8004 (“claimant”), 8026 (“lien”).

Civ. Code § 8482. Demand prerequisite to petition

Comment. Section 8482 is new. If the lien claimant complies with the demand, a release proceeding is unnecessary.

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8026 (“lien”).

Civ. Code § 8484. Contents of petition

Comment. Section 8484 restates former Section 3154(b).

The information included in the petition is intended to facilitate the court’s order under Section 8488 (hearing and order). The reference to series number is added to cover a county in which the recorder uses a sequence number for record location.

See also Sections 1170 (recordation), 8060 (filing and recordation of papers).

See also Sections 8004 (“claimant”), 8026 (“lien”).

Civ. Code § 8486. Time of hearing

Comment. Section 8486 restates former Section 3154(c)-(d), and the first sentence of Section 3154(e), increasing the time for serving a copy of the petition and notice of hearing to 15 days, and adding a requirement that the court act no later than 60 days after the petition is filed. See also Section 8058 (calculation of time).

The specific notice provisions in subdivisions (b) and (c) supersede the general notice provisions in Sections 8100-8118, to the extent inconsistent.

See also Section 8004 (“claimant”).

Civ. Code § 8488. Hearing and order

Comment. Subdivision (a) of Section 8488 restates the last sentence of former Section 3154(b)(5) and the last two sentences of former Section 3154(e) without substantive change, except that language is added to clarify the burden of production and the burden of proof.

Subdivision (b) restates a part of former Section 3154(f); the remainder of the former provision is continued in Article 8 (commencing with Section 8490) (removal of claim of lien from record).

Subdivision (c) restates former Section 3154(g), deleting the \$2,000 limitation.

See also Section 8056 (rules of practice), Evid. Code §§ 500 (burden of proof), 550 (burden of producing evidence).

See also Sections 8004 (“claimant”), 8026 (“lien”).

Civ. Code § 8490. Court order

Comment. Subdivision (a) of Section 8490 generalizes a part of former Section 3154(f). The reference to sequence number is added to cover a county in which the recorder uses a series number for record location. The reference to the city where the claim of lien is recorded is omitted as superfluous.

Subdivisions (b) and (d) generalize former Section 3148.

Subdivision (c) generalizes the second sentence of former Section 3154(f)(4).

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers).

See also Section 8026 (“lien”).

Civ. Code § 8494. Effect of expiration or recordation of court order

Comment. Section 8494 is drawn from Code of Civil Procedure Section 405.60 (lis pendens).

See also Sections 8026 (“lien”), 8032 (“person”).

Civ. Code § 8500. Stop payment notice exclusive remedy to reach construction funds

Comment. Section 8500 continues Section 3264 without substantive change, except that it is limited to a private work. See Section 8160 (application of title). For a comparable provision applicable to a public work, see Section 9350 (stop payment notice exclusive remedy to reach construction funds).

The reference to a “direct” written contract has been revised to avoid confusion with the term “direct contract.” See Section 8016 (“direct contract”). The revision is non-substantive.

This section is not intended to either ratify or abrogate the holding of *Nibbi Brothers, Inc. v. Home Fed. Sav. & Loan Ass'n*, 205 Cal. App. 3d 1415, 253 Cal. Rptr. 289 (1988), that in an appropriate case a person providing labor or materials may recover from a construction lender on a theory of unjust enrichment.

See also Sections 8032 (“person”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8502. Contents of stop payment notice

Comment. Section 8502 supersedes subdivisions (a) through (d) of former Section 3103. A stop payment notice may be executed by the claimant’s agent. See Section 8066 (agency).

Subdivision (c) is drawn from the last sentence of former Section 3159(a)(3), and provides a special rule that supplements the requirement of Section 8102(a)(6)(C) (demand of claimant).

See also Sections 8100-8118 (notice).

See also Sections 8004 (“claimant”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 8504. False stop payment notice

Comment. Section 8504 restates former Section 3168 without substantive change.

See also Sections 8004 (“claimant”), 8026 (“lien”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 8506. Manner of giving stop payment notice

Comment. Subdivisions (a) and (b) of Section 8506 restate a part of the last two sentences of former Section 3083, and a part of the second paragraph of former Section 3103, without substantive change.

Subdivision (c) supersedes the last paragraph of former Section 3103.

See also Sections 8006 (“construction lender”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8508. Requirements for valid stop payment notice

Comment. Section 8508 restates a part of the first sentence of former Section 3159 and former Section 3160 without substantive change. For the time within which a claim of lien must be recorded, see Sections 8412 and 8414 (time for claim of lien); see also Section 8186 (notice of completion of contract for portion of work of improvement). For the person to which the notice must be given, see Section 8506.

See also Sections 8004 (“claimant”), 8026 (“lien”), 8034 (“preliminary notice”), 8044 (“stop payment notice”).

Civ. Code § 8510. Release bond

Comment. Section 8510 restates former Section 3171, eliminating the restrictions on the persons and the conditions under which a release bond may be given, and requiring the bond to be given by an admitted surety insurer. See Sections 8002 (“admitted surety insurer”), 8150 (application of Bond and Undertaking Law).

See also Sections 8004 (“claimant”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8520. Stop payment notice to owner

Comment. Section 8520 restates former Section 3158. It makes clear that the owner’s demand under subdivision (b) requires either a bonded or an unbonded stop payment notice.

See also Sections 8018 (“direct contractor”), 8026 (“lien”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8522. Duty of owner

Comment. Section 8522 restates former Section 3161.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (filing and recordation of papers).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8030 (“payment bond”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8530. Stop payment notice to construction lender

Comment. Section 8530 restates a part of the first sentence of former Section 3159 without substantive change. See also Section 8508 (requirements for valid stop payment notice).

For provisions governing the amount withheld where the person giving a stop payment notice is a direct contractor or subcontractor and there is a claim of another subcontractor or material supplier, see Section 8542 (amount withheld).

See also Sections 8006 (“construction lender”), 8026 (“lien”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8532. Bonded stop payment notice

Comment. Section 8532 restates the first sentence of former Section 3083 without substantive change. The former reference to “good and sufficient sureties” on the bond is omitted as unnecessary. See Code Civ. Proc. § 995.310 (sufficient sureties on bond required). The second two sentences of former Section 3083 are continued in Section 8506(b) (manner of giving stop payment notice).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8018 (“direct contractor”), 8026 (“lien”), 8044 (“stop payment notice”).

Civ. Code § 8534. Objection to bond

Comment. Section 8534 restates former Section 3163 without substantive change.

See also Section 8058 (calculation of time).

See also Sections 8002 (“admitted surety insurer”), 8004 (“claimant”), 8006 (“construction lender”), 8044 (“stop payment notice”).

Civ. Code § 8536. Duty of construction lender

Comment. Section 8536 restates former Sections 3159(a)(1)-(2) and 3162(a)(1)-(2). The requirement in former Section 3162(a) that the lender withhold sufficient funds to pay “any claim of lien that may be recorded therefor” is omitted; any amount paid pursuant to a stop payment notice reduces the claim of lien. The reference to recordation of a payment bond “in the office of the county recorder where the site is located” is omitted from subdivision (b)(2) as unnecessary.

If a bonded stop payment notice is given by a direct contractor, the construction lender must withhold funds regardless of whether a payment bond has previously been recorded under Section 8600.

For provisions governing the amount withheld where the person giving a stop payment notice is a direct contractor or subcontractor and there is a claim of another subcontractor or material supplier, see Section 8542 (amount withheld).

See also Sections 1170 (recordation), 8060 (filing and recordation of papers).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8018 (“direct contractor”), 8030 (“payment bond”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8538. Notice of election

Comment. Section 8538 restates former Sections 3159(a)(3) and 3162(a)(3) without substantive change, except that the last sentence of former Section 3159(a)(3) is continued in Section 8502(c) (contents of stop payment notice).

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8030 (“payment bond”), 8044 (“stop payment notice”).

Civ. Code § 8540. Distribution of funds withheld pursuant to stop payment notice

Comment. Section 8540 restates former Section 3167 without substantive change. Only valid claims, as determined in an enforcement action, are entitled to participate in the distribution. *Cf.* Idaho Lumber Co. v. Northwestern S. & L. Ass'n, 265 Cal. App. 2d 490, 71 Cal. Rptr. 422 (1968).

The amount of the claim of a contractor is governed by Section 8542.

See also Sections 8004 (“claimant”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8542. Amount withheld

Comment. Section 8542 restates former Sections 3159(b)-(c) and 3162(b)-(c), except that the rules governing a bonded notice are generalized to also apply to funds that a construction lender actually withholds pursuant to an unbonded notice.

See also Sections 8006 (“construction lender”), 8018 (“direct contractor”), 8028 (“material supplier”), 8044 (“stop payment notice”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8544. Effect of stop payment notice on assignment of funds

Comment. Section 8544 restates former Section 3166 without substantive change.

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8018 (“direct contractor”), 8044 (“stop payment notice”).

Civ. Code § 8550. Time for enforcement of claim stated in stop payment notice

Comment. Section 8550 restates former Section 3172 without substantive change.

A stop payment notice must be given before expiration of the time within which a claim of lien must be recorded under Chapter 4 (commencing with Section 8400). See Section 8508 (requirements for valid stop payment notice).

For the manner in which notice of commencement of an enforcement action is to be given, see Section 8506 (manner of giving stop payment notice).

Funds released for failure to timely commence an enforcement action must be paid or delivered to the person to which they are due.

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8552. Joinder, consolidation, and interpleader

Comment. Section 8552 restates former Section 3175 without substantive change. Subdivision (a) is a specific application of the general rule stated in Section 8056 (rules of practice).

See also Sections 8004 (“claimant”), 8006 (“construction lender”), 8044 (“stop payment notice”).

Civ. Code § 8554. Dismissal of enforcement action for lack of prosecution

Comment. Section 8554 restates former Section 3173 without substantive change. The cross-reference to the Code of Civil Procedure is added to make clear that this section modifies the general three-year period for discretionary dismissal. *Cf.* Section 8056 (rules of practice).

See also Section 8044 (“stop payment notice”).

Civ. Code § 8556. Dismissal of action or judgment against claimant

Comment. Section 8556 restates former Section 3174 without substantive change. Funds released as a result of dismissal of the action or judgment against the claimant must be paid or delivered to the person to which they are due.

See also Sections 8004 (“claimant”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 8558. Attorney’s fee in action to enforce payment of claim stated in bonded stop payment notice

Comment. Section 8558 restates former Section 3176 without substantive change.

See also Sections 8004 (“claimant”), 8044 (“stop payment notice”).

Civ. Code § 8560. Interest in action to enforce payment of claim stated in bonded stop payment notice

Comment. Section 8560 continues former Section 3176.5 without substantive change.

See also Sections 8004 (“claimant”), 8044 (“stop payment notice”).

Civ. Code § 8600. Limitation of owner’s liability

Comment. Subdivision (a) of Section 8600 restates the first part of former Section 3235 and the first sentence of former Section 3236

without substantive change. It makes clear that the bond, as well as the contract, must be recorded before the commencement of work. See also Sections 1170 (recordation), 8060 (filing and recordation of papers).

Subdivision (b) restates the last part of former Section 3235 without substantive change.

See also Sections 8004 (“claimant”), 8016 (“direct contract”), 8018 (“direct contractor”), 8026 (“lien”), 8030 (“payment bond”), 8048 (“work”).

Civ. Code § 8602. Public policy of payment bond

Comment. Section 8602 restates the second sentence of former Section 3236 without substantive change.

See also Sections 8016 (“direct contract”), 8018 (“direct contractor”), 8030 (“payment bond”), 8048 (“work”).

Civ. Code § 8604. Bond required by lending institution

Comment. Section 8604 supersedes former Section 3237. It makes clear that the lender may not object to the bond if given by an admitted surety insurer.

This section is not intended to either ratify or abrogate the holding of *Azusa Western, Inc. v. City of West Covina*, 45 Cal. App. 3d 259, 119 Cal. Rptr. 434 (1975), requiring a public entity in an appropriate case to ensure that the surety on a stop payment notice release bond is not the surety that issued a payment bond on the project.

See also Sections 8002 (“admitted surety insurer”), 8030 (“payment bond”), 8032 (“person”), 8050 (“work of improvement”).

Civ. Code § 8606. Conditions of payment bond

Comment. Section 8606 restates former Section 3096 without substantive change, except to add a requirement that the bond be given by an admitted surety insurer. See also Section 8150 (application of Bond and Undertaking Law).

See also Sections 8002 (“admitted surety insurer”), 8004 (“claimant”), 8018 (“direct contractor”), 8026 (“lien”), 8030 (“payment bond”), 8046 (“subcontractor”).

Civ. Code § 8608. Limitation on part

Comment. Section 8608 restates former Section 3267 without substantive change, clarifying that claimants providing work to subcontractors at every level have a right to recover against a direct contractor’s payment bond as provided in this section. See Union

Asphalt, Inc. v. Planet Ins. Co., 21 Cal. App. 4th 1762, 27 Cal. Rptr. 2d 371 (1994).

Note that “design professional” includes a licensed landscape architect. See Section 8014.

See also Sections 8004 (“claimant”), 8016 (“direct contract”), 8018 (“direct contractor”), 8030 (“payment bond”), 8044 (“stop payment notice”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8609. Bond provision prescribing limitation of action

Comment. Section 8609 continues former Section 3239 without substantive change.

See also Sections 1170 (recordation), 8060 (filing and recordation of papers), 8180 (completion).

See also Sections 8004 (“claimant”), 8030 (“payment bond”), 8050 (“work of improvement”).

Civ. Code § 8610. Statute of limitations for suit on recorded bond

Comment. Section 8610 restates former Section 3240, broadening it to cover enforcement of any liability on the bond, not limited to the liability of the surety. *Cf.* Code Civ. Proc. § 996.440 (judgment on bond against principal and sureties).

See also Sections 1170 (recordation), 8060 (filing and recordation of papers), 8180 (completion).

See also Sections 8030 (“payment bond”), 8050 (“work of improvement”).

Civ. Code § 8612. Notice prerequisite to enforcement

Comment. Section 8612 restates former Section 3242 without substantive change. The former limitation to a contract entered into on or after January 1, 1995, is omitted due to lapse of time.

See also Sections 1170 (recordation), 8100-8118 (notice), 8058 (calculation of time), 8060 (filing and recordation of papers), 8180 (completion), 8182 (notice of completion), 8184 (notice of completion of contract for portion of work of improvement).

See also Sections 8004 (“claimant”), 8030 (“payment bond”), 8034 (“preliminary notice”), 8050 (“work of improvement”).

Civ. Code § 8614. Notice to principal and surety

Comment. Section 8614 restates former Section 3227.

Cf. Code Civ. Proc. §§ 995.170 (“principal”), 995.185 (“surety”).

Civ. Code § 8700. Application of chapter

Comment. Subdivision (a) of Section 8700 restates former Section 3110.5(a)(2) without substantive change.

Subdivision (b) restates former Section 3110.5(a)(1) without substantive change.

Under this section, if the owner that contracts for the work of improvement owns the fee interest in the property, the owner of a less than fee interest that does not contract for the work of improvement is not required to provide security or to comply with any other obligation of an owner under this chapter.

If the owner that contracts for a work of improvement owns a less than fee interest in the property, the owner of the fee interest that does not contract for the work of improvement is not required to provide security or to comply with any other obligation of an owner under this chapter.

See also Sections 8010 (“contract price”), 8050 (“work of improvement”).

Civ. Code § 8702. Single-family residence and low income housing excluded

Comment. Section 8702 restates former Section 3110.5(e) without substantive change, except to omit reference to a public work. This part does not apply to a public work. See Section 8160 (application of title).

See also Section 8050 (“work of improvement”).

Civ. Code § 8704. Qualified publicly traded company and qualified private company excluded

Comment. Section 8704 restates former Section 3110.5(f) without substantive change.

See also Sections 8008 (“contract”), 8050 (“work of improvement”).

Civ. Code § 8710. Security for owner’s payment obligation

Comment. Section 8710 restates the first part of former Section 3110.5(b) without substantive change. As used in this section, “owner” includes the owner of the fee simple absolute interest or any lesser interest in the property. See Section 8700 (application of chapter).

See also Sections 8060 (filing and recordation of papers), 8100-8118 (notice), 8174 (construction trust deed).

See also Sections 8008 (“contract”), 8018 (“direct contractor”), 8022 (“lending institution”), 8050 (“work of improvement”).

Civ. Code § 8712. Demand for security

Comment. Section 8712 restates the second sentence of former Section 3110.5(c) without substantive change.

See also Section 8058 (calculation of time).

See also Sections 8018 (“direct contractor”), 8048 (“work”).

Civ. Code § 8714. Security not waivable

Comment. Section 8714 restates former Section 3110.5(g) without substantive change. This title does not apply to a public work. See Section 8160 (application of title).

Civ. Code § 8716. Rights not affected

Comment. Section 8716 restates former Section 3110.5(d) without substantive change, except to omit the reference to Public Contract Code Section 10262. This title does not apply to a public work. See Section 8160 (application of title).

See also Sections 8018 (“direct contractor”), 8030 (“payment bond”), 8044 (“stop payment notice”), 8046 (“subcontractor”).

Civ. Code § 8720. Form of security

Comment. Section 8720 restates a part of former Section 3110.5(b) without substantive change.

Civ. Code § 8722. Bond

Comment. Section 8722 restates former Section 3110.5(b)(1) without substantive change.

See also Section 8058 (calculation of time).

See also Sections 8002 (“admitted surety insurer”), 8008 (“contract”), 8010 (“contract price”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8724. Irrevocable letter of credit

Comment. Section 8724 restates former Section 3110.5(b)(2) without substantive change.

See also Sections 8010 (“contract price”), 8018 (“direct contractor”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8726. Escrow account

Comment. Section 8726 restates parts of former Section 3110.5(b)(3) without substantive change.

See also Sections 8006 (“construction lender”), 8018 (“direct contractor”), 8032 (“person”).

Civ. Code § 8728. Deposits to and disbursements from escrow account

Comment. Section 8728 restates parts of former Section 3110.5(b)(3) without substantive change.

See also Sections 8008 (“contract”), 8010 (“contract price”), 8018 (“direct contractor”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8730. Contract price

Comment. Section 8730 restates the first sentence of former Section 3110.5(c) without substantive change.

See also Sections 8008 (“contract”), 8010 (“contract price”), 8018 (“direct contractor”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8800. Progress payment between owner and direct contractor

Comment. Section 8800 restates former Section 3260.1, adding a reasonableness limitation on an attorney’s fee. This title is limited to a private work. See Section 8160 (application of title).

The owner’s duty runs from the time notice is complete, rather than the time of “receipt.” See Section 8116 (when notice is complete).

The operative date provision of former Section 3260.1 is omitted due to lapse of time.

See also Section 8058 (calculation of time).

See also Sections 8008 (“contract”), 8018 (“direct contractor”).

Civ. Code § 8802. Progress payment between direct contractor and subcontractor on public utility work

Comment. Section 8802 restates former Section 3262.5, adding a reasonableness limitation on an attorney’s fee.

The reference to 15 “working days” is converted to 21 “days,” consistent with the remainder of the mechanics lien law. See Section 8058 (calculation of time).

See also Sections 8008 (“contract”), 8012 (“contractor”), 8018 (“direct contractor”), 8046 (“subcontractor”), 8048 (“work”), 8050 (“work of improvement”).

Civ. Code § 8810. Application of article

Comment. Section 8810 restates former Section 3260(b) without substantive change. This title is limited to a private work. See Section 8160 (application of title).

The transitional provision found in former Section 3260(a), relating to contracts entered into before 1991, 1993, and 1994, is omitted due to lapse of time.

See also Sections 8018 (“direct contractor”), 8046 (“subcontractor”).

Civ. Code § 8812. Payment of retention by owner

Comment. Section 8812 restates former Section 3260(c) without substantive change, except that detailed provisions defining the date of completion are eliminated in reliance on the general provisions of this part governing completion. See Section 8180 (completion).

The right of the owner to withhold disputed amounts is made subject to a condition of good faith, consistent with other provisions of this part.

See also Section 8058 (calculation of time).

See also Sections 8018 (“direct contractor”), 8036 (“public entity”), 8050 (“work of improvement”).

Civ. Code § 8814. Payment of retention by direct contractor

Comment. Section 8814 restates former Section 3260(d)-(e) without substantive change.

See also Section 8058 (calculation of time).

See also Sections 8018 (“direct contractor”), 8046 (“subcontractor”).

Civ. Code § 8816. Payment for disputed work

Comment. Section 8816 restates former Section 3260(f) without substantive change.

See also Section 8058 (calculation of time).

See also Sections 8008 (“contract”), 8018 (“direct contractor”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 8818. Wrongful withholding

Comment. Section 8818 restates former Section 3260(g) without substantive change, except to add a reasonableness limitation on an attorney’s fee.

See also Sections 8018 (“direct contractor”), 8032 (“person”).

Civ. Code § 8830. “Stop work notice” defined

Comment. Section 8830 restates a part of the first sentence of former Section 3260.2(a) without substantive change. The term “stop work notice” replaces the term “10-day stop work order” used in former law.

This article is limited to a private work of improvement. See Section 8160 (application of title).

Former Section 3260.2(g), relating to the mechanics of the notice, is superseded by Sections 8100-8118 (notice).

See also Section 8058 (calculation of time).

See also Sections 8018 (“direct contractor”), 8048 (“work”).

Civ. Code § 8832. Stop work notice

Comment. Section 8832 restates a part of the first sentence of former Section 3260.2(a) without substantive change.

See also Section 8058 (calculation of time).

See also Sections 8008 (“contract”), 8018 (“direct contractor”), 8830 (“stop work notice”).

Civ. Code § 8834. Additional notice

Comment. Section 8834 restates the second and third sentences of former Section 3260.2(a), and requires that the contractor give a copy of the stop work notice to the contractor’s subcontractors.

See also Sections 8058 (calculation of time), 8114 (posting of notice).

See also Sections 8018 (“direct contractor”), 8040 (“site”), 8046 (“subcontractor”), 8050 (“work of improvement”), 8830 (“stop work notice”).

Civ. Code § 8836. Notice to construction lender

Comment. Section 8836 restates the fourth sentence of former Section 3260.2(a).

See also Section 8058 (calculation of time).

See also Sections 8006 (“construction lender”), 8018 (“direct contractor”), 8830 (“stop work notice”).

Civ. Code § 8838. Immunity from liability

Comment. Section 8838 restates former Section 3260.2(c), correcting two inadvertent drafting errors in former law.

See also Sections 8018 (“direct contractor”), 8028 (“material supplier”), 8046 (“subcontractor”), 8048 (“work”), 8830 (“stop work notice”).

Civ. Code § 8840. Notice of resolution of dispute or cancellation of stop work notice

Comment. Section 8840 restates the second paragraph of former Section 3260.2(a) without substantive change.

See also Section 8114 (posting of notice).

See also Sections 8018 (“direct contractor”), 8040 (“site”), 8046 (“subcontractor”), 8050 (“work of improvement”), 8830 (“stop work notice”).

Civ. Code § 8842. Stop work remedy not exclusive

Comment. Section 8842 restates former Section 3260.2(b) without substantive change.

See also Sections 8018 (“direct contractor”), 8048 (“work”).

Civ. Code § 8844. Judicial proceeding

Comment. Subdivision (a) of Section 8844 restates former Section 3260.2(d) without substantive change, except to additionally allow an owner to seek a judicial determination of liability for the amount due in an expedited proceeding.

Subdivision (b) is comparable to Code of Civil Procedure Sections 1062.3 and 1260.010.

See also Section 8058 (calculation of time).

See also Sections 8018 (“direct contractor”), 8050 (“work of improvement”), 8830 (“stop work notice”).

Civ. Code § 9000. Application of title

Comment. Section 9000 restates former Sections 3100 and 3179.

See also Sections 8036 (“public entity”), 8050 (“work of improvement”).

Civ. Code § 9100. Who may use remedies

Comment. Section 9100 restates former Section 3181, and parts of former Sections 3110, 3111, and 3112. The former references to site improvement work and to provisions, provender, or other supplies are included within the meaning of subdivision (a). See Section 8048 (“work”).

The reference to an “express trust fund” in former Section 3111 is replaced by a reference to a generalized category of persons or entities included within the definition of “laborer.” See Section 8024 (“laborer”).

See also Sections 8018 (“direct contractor”), 8024 (“laborer”), 8030 (“payment bond”), 8032 (“person”), 8036 (“public entity”), 8038 (“public works contract”), 8044 (“stop payment notice”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 9200. Completion

Comment. Section 9200 restates former Section 3086 to the extent it applied to a public work of improvement, but extends the period of

continuous cessation of labor necessary to constitute completion from 30 days to 60 days.

See also Section 8058 (calculation of time).

See also Sections 8008 (“contract”), 8036 (“public entity”), 8050 (“work of improvement”).

Civ. Code § 9202. Notice of cessation

Comment. Section 9202 restates former Section 3092, to the extent it applied to a public works contract. For the effect of recordation of a notice of cessation, see Sections 9356 (time for giving stop payment notice), 9558 (time for enforcing payment bond claim).

A notice of cessation is recorded in the office of the county recorder of the county in which the public works contract or part of it is performed. See Section 8060 (recordation of notice). A notice of cessation is recorded when it is filed for record. See Sections 1170 (recordation), 8060 (recordation of notice).

See also Sections 8058 (calculation of time), 8066 (agency).

See also Section 8036 (“public entity”).

Civ. Code § 9204. Notice of completion

Comment. Section 9204 restates former Section 3093 to the extent it applied to a public works contract, extending the 10 day period for recordation of a notice of completion under former law to 15 days. For the date of completion of a work of improvement, see Section 9200.

For the effect of recordation of a notice of completion, see Sections 9356 (time for giving stop payment notice), 9558 (time for enforcing payment bond claim), 9560 (notice of payment bond claim).

A notice of completion is recorded in the office of the county recorder of the county in which the public works contract or part of it is performed. See Section 8060 (recordation of notice). A notice of completion is recorded when it is filed for record. See Sections 1170 (recordation), 8060 (recordation of notice).

See also Sections 8058 (calculation of time), 8066 (agency).

See also Sections 8036 (“public entity”), 8050 (“work of improvement”).

Civ. Code § 9208. Recordation of notice

Comment. Section 9208 continues a portion of former Section 3093 without substantive change. See also Sections 1170 (recordation); 8058 (filing and recordation of papers); Gov’t Code §§ 27280, 27287 (recordation of documents).

See also Section 9204 (notice of completion).

Civ. Code § 9300. Preliminary notice prerequisite to remedies

Comment. Section 9300 restates part of the introductory clause and subdivisions (a) and (c) of former Section 3098. Repetitive detail is omitted, in reliance on defined terms and other substantive provisions. For a statutory exception to the preliminary notice requirement, see Section 9560 (notice of claim against payment bond).

The transitional provision of former Section 3098(e) is not continued due to lapse of time.

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8024 (“laborer”), 8030 (“payment bond”), 8032 (“person”), 8034 (“preliminary notice”), 8036 (“public entity”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 9302. Giving preliminary notice

Comment. Section 9302 restates the second and fourth sentences of former Section 3098(a).

See also Sections 8036 (“public entity”), 8034 (“preliminary notice”), 8038 (“public works contract”), 8048 (“work”).

Civ. Code § 9303. Content of preliminary notice

Comment. Section 9303 restates a part of former Section 3098(a).

See also Sections 8034 (“preliminary notice”), 8048 (“work”).

Civ. Code § 9304. Effect of preliminary notice

Comment. Section 9304 restates parts of former Sections 3098(a) and 3098(d).

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8030 (“payment bond”), 8034 (“preliminary notice”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 9306. Subcontractor discipline

Comment. Section 9306 continues the first paragraph of former Section 3098(b) without substantive change.

See also Sections 8008 (“contract”), 8046 (“subcontractor”), 8050 (“work of improvement”).

Civ. Code § 9350. Stop payment notice exclusive remedy to reach construction funds

Comment. Section 9350 restates former Section 3264, to the extent it applied to a public works contract. For a comparable provision applicable to a private work, see Section 8500.

There may be specific statutory provisions that authorize payment by a public entity from a fund designated for a public work, notwithstanding the provisions of Section 9350. See, e.g., Code Civ. Proc. § 708.760 (satisfaction of judgment against direct contractor on public work), Labor Code § 1727 (public entity to withhold amounts needed to satisfy prevailing wage violations from funds due direct contractor on public work). This section is not intended to change existing law with respect to such provisions.

The term “fund” has a meaning distinct from the term “funds” as defined in Section 8020. Consistent with former Section 3264, “fund” refers to the source for payment of construction costs, not the form of payment itself.

See also Sections 8032 (“person”), 8038 (“public works contract”), 8048 (“work”).

Civ. Code § 9352. Contents of stop payment notice

Comment. Section 9352 supersedes former Section 3103(a)-(d). A stop payment notice may be executed by the claimant’s agent. See Section 8066 (agency).

Subdivision (c) provides a special rule that supplements the requirement of Section 8102(a)(5)(C) (demand of claimant).

See also Sections 8100-8118 (notice).

See also Sections 8004 (“claimant”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 9354. Giving of stop payment notice

Comment. Section 9354 restates the first unnumbered paragraph of former Section 3103.

A claimant wishing to receive return notice of the time within which payment of the claim stated in a stop payment notice must be enforced must pay the public entity ten dollars (\$10) at the time of giving the stop payment notice. See Section 9362.

See also Sections 8032 (“person”), 8036 (“public entity”), 8038 (“public works contract”), 8044 (“stop payment notice”).

Civ. Code § 9356. Time for giving notice

Comment. Section 9356 restates former Section 3184.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (recordation of notice), 9200 (completion), 9202 (notice of cessation), 9204 (notice of completion).

See also Section 8044 (“stop payment notice”).

Civ. Code § 9358. Duty to withhold funds

Comment. Section 9358 restates former Section 3186. See also Section 8066 (agency).

See also Sections 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9360. Payment notwithstanding stop payment notice

Comment. Section 9360 restates former Section 3187.

See also Sections 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9362. Notice to claimant

Comment. Section 9362 restates former Section 3185. The \$2 fee is increased to \$10 in recognition of the change in the value of the dollar since the fee’s enactment.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (recordation of notice), 9200 (completion), 9202 (notice of cessation), 9204 (notice of completion), 9502 (time for enforcement of payment of claim stated in stop payment notice).

See also Sections 8004 (“claimant”), 8036 (“public entity”), 8038 (“public works contract”), 8044 (“stop payment notice”).

Civ. Code § 9364. Release bond

Comment. Section 9364 restates former Section 3196.

See also Sections 8002 (“admitted surety insurer”), 8004 (“claimant”), 8018 (“direct contractor”), 8020 (“funds”), 8030 (“payment bond”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9400. Grounds for summary proceeding

Comment. Section 9400 restates former Section 3197.

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8020 (“funds”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 9402. Contractor’s affidavit and demand for release

Comment. Section 9402 restates former Section 3198. The grounds for release are provided in Section 9400.

See also Sections 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”).

Civ. Code § 9404. Notice to claimant

Comment. Section 9404 restates former Section 3199.

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”).

Civ. Code § 9406. Claimant’s counteraffidavit

Comment. Section 9406 restates former Section 3200.

See also Section 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”).

Civ. Code § 9408. Commencement of action

Comment. Section 9408 restates former Section 3201, and provides that notice of the hearing by mail is complete five days after mailing.

See also Sections 8056 (rules of practice), 8058 (calculation of time).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8036 (“public entity”).

Civ. Code § 9410. Pleadings and burden of proof

Comment. Section 9410 restates former Section 3202.

See also Section 8056 (rules of practice).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8036 (“public entity”).

Civ. Code § 9412. Court determination

Comment. Section 9412 restates former Section 3203. Former Section 3204 relating to jury trial is not continued; proceedings under this article are tried to the judge, not to a jury.

See also Section 8056 (rules of practice).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”).

Civ. Code § 9414. Summary determination not res judicata

Comment. Section 9414 restates former Section 3205. The former reference to a “labor and material bond” is replaced by a reference to a payment bond.

See also Sections 8004 (“claimant”), 8030 (“payment bond”).

Civ. Code § 9450. Distribution of funds withheld pursuant to stop payment notice

Comment. Section 9450 restates former Section 3190.

Only valid claims, as determined in an enforcement action, are entitled to participate in the distribution. *Cf. Idaho Lumber Co. v. Northwestern S. & L. Ass'n*, 265 Cal. App. 2d 490, 71 Cal. Rptr. 422 (1968).

The amount of the claim for which payment is required is determined under Article 4 (commencing with Section 9500) (enforcement of payment of claim stated in stop payment notice).

See also Sections 8004 (“claimant”), 8020 (“funds”), 8032 (“person”), 8044 (“stop payment notice”).

Civ. Code § 9452. Stop payment notice remedy not exclusive

Comment. Section 9452 restates former Section 3191.

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8030 (“payment bond”).

Civ. Code § 9454. Forfeiture for false notice

Comment. Section 9454 restates former Section 3192.

See also Sections 8032 (“person”), 8036 (“public entity”), 8038 (“public works contract”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 9456. Effect of assignment or garnishment

Comment. Section 9456 restates former Section 3193.

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8038 (“public works contract”), 8044 (“stop payment notice”).

Civ. Code § 9500. Prerequisites for enforcement of notice

Comment. Subdivision (a) of Section 9500 restates former Section 3183.

Subdivision (b) restates former Section 3265.

See also Sections 8004 (“claimant”), 8034 (“preliminary notice”), 8044 (“stop payment notice”).

Civ. Code § 9502. Time for enforcement of payment of claim stated in stop payment notice

Comment. Section 9502 restates former Section 3210.

See also Sections 8058 (calculation of time), 9356 (time within which stop payment notice must be given).

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8020 (“funds”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9504. Notice of action

Comment. Section 9504 restates former Section 3211. See Sections 8058 (calculation of time), 8100-8118 (notice), 9354 (giving of stop payment notice).

See also Sections 8004 (“claimant”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9506. Joinder, consolidation, and interpleader

Comment. Section 9506 restates former Section 3214. See also Section 8056 (rules of practice).

See also Sections 8004 (“claimant”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9508. Dismissal of enforcement action for lack of prosecution

Comment. Section 9508 restates former Section 3212. The cross-reference to the Code of Civil Procedure is added to make clear that this section modifies the general three-year period for discretionary dismissal. *Cf.* Section 8056 (rules of practice).

See also Section 8044 (“stop payment notice”).

Civ. Code § 9510. Dismissal of action or judgment against claimant

Comment. Section 9510 restates former Section 3213.

See also Sections 8004 (“claimant”), 8020 (“funds”), 8036 (“public entity”), 8044 (“stop payment notice”).

Civ. Code § 9550. Payment bond requirement

Comment. Section 9550 restates former Section 3247. The transitional provisions of the former section are omitted due to lapse of time.

Subdivision (c) is an exception to the rule stated in *Electrical Electronic Control, Inc. v. Los Angeles Unified*, 126 Cal. App. 4th 601, 24 Cal. Rptr. 3d 316 (2005), holding that a payment bond under former Section 3247, unless otherwise stated or agreed upon, provides coverage only for work performed pursuant to the contract for which the bond was given.

Note that “design professional” includes a licensed landscape architect. See Section 8014.

See also Sections 8018 (“direct contractor”), 8036 (“public entity”), 8030 (“payment bond”), 8038 (“public works contract”), 8048 (“work”).

Civ. Code § 9552. Consequences of failure to give bond

Comment. Section 9552 restates former Section 3251. The former operative date provision is deleted due to lapse of time.

See also Sections 8004 (“claimant”), 8018 (“direct contractor”), 8030 (“payment bond”), 8036 (“public entity”), 8038 (“public works contract”), 8044 (“stop payment notice”).

Civ. Code § 9554. Bond requirements

Comment. Section 9554 restates former Section 3248, and supersedes former Section 3096.

Subdivision (a) of Section 9554 also restates a part of Code of Civil Procedure Section 995.311(a), which provides that a payment bond required on a public works contract shall be executed by an admitted surety insurer.

See also Sections 8002 (“admitted surety insurer”), 8012 (“contractor”), 8018 (“direct contractor”), 8030 (“payment bond”), 8032 (“person”), 8038 (“public works contract”), 8046 (“subcontractor”), 8048 (“work”).

Civ. Code § 9558. Statute of limitations

Comment. Section 9558 restates former Section 3249, and broadens it to cover enforcement of any liability on the bond, not limited to the liability of the surety. *Cf.* Code Civ. Proc. § 996.440 (judgment on bond against principal and sureties).

See also Sections 8058 (calculation of time), 8060 (recordation of notice), 9200 (completion), 9202 (notice of cessation), 9204 (notice of completion).

See also Sections 8004 (“claimant”), 8044 (“stop payment notice”), 8048 (“work”).

Civ. Code § 9560. Notice required

Comment. Section 9560 restates former Section 3252. The former limitation to a contract entered into on or after January 1, 1995, is omitted due to lapse of time.

See also Sections 1170 (recordation), 8058 (calculation of time), 8060 (recordation of notice), 9200 (completion), 9204 (notice of completion).

See also Sections 8004 (“claimant”), 8030 (“payment bond”), 8034 (“preliminary notice”), 8050 (“work of improvement”).

Civ. Code § 9562. Notice to principal and surety

Comment. Section 9562 restates former Section 3227.

Cf. Code Civ. Proc. §§ 995.170 (“principal”), 995.185 (“surety”).

Civ. Code § 9564. Action on bond

Comment. Section 9564 restates former Section 3250. The provision that a reasonable attorney's fee is "to be taxed as costs" is deleted as surplus. See Code Civ. Proc. § 1033.5(a)(10)(B) (attorney's fee allowable as costs). See also Section 8056 (rules of practice).

See also Sections 8004 ("claimant"), 8008 ("contract"), 8030 ("payment bond"), 8036 ("public entity"), 8044 ("stop payment notice").

Civ. Code § 9566. Limitation on chapter

Comment. Section 9566 restates former Section 3267, clarifying that claimants providing work to subcontractors at every level have a right to recover against a direct contractor's payment bond as provided in this section. See *Union Asphalt, Inc. v. Planet Ins. Co.*, 21 Cal. App. 4th 1762, 27 Cal. Rptr. 2d 371 (1994).

Note that "design professional" includes a licensed landscape architect. See Section 8014.

This section omits the reference in former law to holders of secured interests in the land; although the relevance of that provision to a public works contract is limited, this section is not intended to affect priorities among those interests to the extent they may exist.

See also Sections 8004 ("claimant"), 8018 ("direct contractor"), 8030 ("payment bond"), 8038 ("public works contract"), 8044 ("stop payment notice"), 8046 ("subcontractor"), 8048 ("work").

Civ. Code § 27361.9 (amended). County recorder fee

Comment. Section 27361.9 is amended to correct cross references and obsolete terminology.

DISPOSITION OF EXISTING LAW

The table below shows the disposition of former sections of existing law that were repealed by Chapter 697 of the Statutes of 2010 (Senate Bill 189 (Lowenthal)). All sections listed in the table are from the Civil Code. For further detail, see the Comment to the new provision in the enacted legislation.

Former Provision	New Provision(s)
3081.1	8014, 8300
3081.2	8302
3081.3	8304
3081.4	8306
3081.5	8308
3081.6	8310
3081.7	8312
3081.8	8314
3081.9	8316
3081.10	8318
3082	8000
3083	8506, 8532
3084	8416
3085	8004
3086 (except subd. (b))	8180, 9200
3086(b).....	not continued
3087	8006
3088	8008, 8016
3089	8024
3090	8028
3092	8188, 9202
3093	8182, 8184, 9204, 9208
3094	8444
3095	8018
3096	8606, 9554
3097	8034, 8200
3097(a).....	8200
3097(b).....	8200
3097(c).....	8102, 8202

Former Provision	New Provision(s)
3097(d).....	8204
3097(e).....	8212
3097(f).....	8116
3097(g).....	8206
3097(h).....	8216
3097(i).....	8172
3097(j).....	8174
3097(k).....	8104
3097(l).....	8170, 8208
3097(m).....	8170, 8208
3097(n).....	8210
3097(o).....	8214
3097(p).....	not continued
3097.1.....	8118
3098.....	8034, 9300
3098(a).....	9300, 9302, 9303, 9304
3098(b).....	9306
3098(c).....	9300
3098(d).....	9304
3098(e).....	not continued
3099.....	8036
3100.....	8038
3101.....	8040
3102.....	8042
3103.....	8044, 8502, 8506, 9352, 9354
3104.....	8046
3105.....	not continued
3106.....	8050
3109.....	8160
3110.....	8400, 8404, 8430, 9100
3110.5(a)(1).....	8700
3110.5(a)(2).....	8700
3110.5(b).....	8710, 8720
3110.5(b)(1).....	8722
3110.5(b)(2).....	8724
3110.5(b)(3).....	8726, 8728
3110.5(c).....	8712, 8730
3110.5(d).....	8716
3110.5(e).....	8702

Former Provision	New Provision(s)
3110.5(f)	8704
3110.5(g).....	8714
3111	8024, 9100
3112	8402, 8404, 8440, 9100
3114	8410
3115	8412
3116	8414
3117	8186
3118	8422
3123(a).....	8430
3123(b).....	8430
3123(c).....	not continued
3124	8432
3128	8440, 8442
3129	8442
3130	8446
3131 (first paragraph)	8448
3131 (second paragraph)	not continued
3134	8450
3135	8454
3136	8456
3137	8458
3138	8452
3139	8458
3140	8434
3143	8424
3144	8460
3144.5	8424
3145	8460
3146	8461
3147	8462
3148	8490
3149	not continued
3150	8464
3151	8466
3152	8468
3153	8470
3154(a).....	8480
3154(b).....	8484, 8488

Former Provision	New Provision(s)
3154(c).....	8486
3154(d).....	8486
3154(e).....	8486, 8488
3154(f).....	8488, 8490
3154(g).....	8488
3154(h).....	8480
3154(i).....	8480
3156.....	8160
3158.....	8520
3159.....	8508, 8530
3159(a).....	8502, 8536, 8538
3159(b).....	8542
3159(c).....	8542
3160.....	8508
3161.....	8522
3162(a).....	8536, 8538
3162(b).....	8542
3162(c).....	8542
3163.....	8534
3166.....	8544
3167.....	8540
3168.....	8504
3171.....	8510
3172.....	8550
3173.....	8554
3174.....	8556
3175.....	8552
3176.....	8558
3176.5.....	8560
3179.....	9000
3181.....	9100
3183.....	9500
3184.....	9356
3185.....	9362
3186.....	9358
3187.....	9360
3190.....	9450
3191.....	9452
3192.....	9454

Former Provision	New Provision(s)
3193	9456
3196	9364
3197	9400
3198	9402
3199	9404
3200	9406
3201	9408
3202	9410
3203	9412
3204	not continued
3205	9414
3210	9502
3211	9504
3212	9508
3213	9510
3214	9506
3225	8152
3226	8154
3227	8614, 9562
3235	8600
3236	8600, 8602
3237	8604
3239	8609
3240	8610
3242	8612
3247	9550
3248	9554
3249	9558
3250	9564
3251	9552
3252	9560
3258	8060
3259	8056
3259.5	8190
3260(a)	not continued
3260(b)	8810
3260(c)	8812
3260(c)(1)	not continued
3260(c)(2)	not continued

Former Provision	New Provision(s)
3260(d).....	8814
3260(e).....	8814
3260(f).....	8816
3260(g).....	8818
3260.1.....	8800
3260.2(a).....	8830, 8832, 8834, 8836, 8840
3260.2(b).....	8842
3260.2(c).....	8838
3260.2(d).....	8844
3260.2(e).....	8846
3260.2(f).....	8848
3260.2(g).....	not continued
3261.....	8422
3262(a).....	8122, 8124
3262(b)(1).....	8126
3262(b)(2).....	8128
3262(c).....	8130
3262(d)(1).....	8132
3262(d)(2).....	8134
3262(d)(3).....	8136
3262(d)(4).....	8138
3262.5.....	8802
3263.....	8062
3264.....	8500, 9350
3265.....	9500
3266.....	8054
3267.....	8608, 9566

APPENDIX 6

REPORT OF THE
CALIFORNIA LAW REVISION COMMISSION
ON CHAPTER 711 OF THE STATUTES OF 2010
(SENATE BILL 1080)

Nonsubstantive Reorganization of Deadly Weapon Statutes

Chapter 711 of the Statutes of 2010 was introduced as Senate Bill 1080, authored by the Committee on Public Safety. The measure implements the California Law Revision Commission recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217 (2009), except the conforming revisions. The material set out below (statutes, Comments, disposition table, and supplemental disposition table) supplements the recommendation and supersedes comparable material in the recommendation. This new material reflects revisions made to coordinate SB 1080 with other legislation enacted in 2010.

Penal Code § 12021.5 (as operative Jan. 1, 2012). Weapon enhancement for street gang crime

12021.5. (a) Every person who carries a loaded or unloaded firearm on his or her person, or in a vehicle, during the commission or attempted commission of any street gang crimes described in subdivision (a) or (b) of Section 186.22, shall, upon conviction of the felony or attempted felony, be punished by an additional term of imprisonment in the state prison for one, two, or three years in the court's discretion. The court shall impose the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of sentence.

(b) Every person who carries a loaded or unloaded firearm together with a detachable shotgun magazine, a detachable pistol magazine, a detachable magazine, or a belt-feeding device on his or her person, or in a vehicle, during the commission or attempted commission of any street gang crimes described in subdivision (a)

or (b) of Section 186.22, shall, upon conviction of the felony or attempted felony, be punished by an additional term of imprisonment in the state prison for two, three, or four years in the court's discretion. The court shall impose the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of sentence.

(c) As used in this section, the following definitions shall apply:

(1) "Detachable magazine" means a device that is designed or redesigned to do all of the following:

(A) To be attached to a rifle that is designed or redesigned to fire ammunition.

(B) To be attached to, and detached from, a rifle that is designed or redesigned to fire ammunition.

(C) To feed ammunition continuously and directly into the loading mechanism of a rifle that is designed or redesigned to fire ammunition.

(2) "Detachable pistol magazine" means a device that is designed or redesigned to do all of the following:

(A) To be attached to a semiautomatic firearm that is not a rifle or shotgun that is designed or redesigned to fire ammunition.

(B) To be attached to, and detached from, a firearm that is not a rifle or shotgun that is designed or redesigned to fire ammunition.

(C) To feed ammunition continuously and directly into the loading mechanism of a firearm that is not a rifle or a shotgun that is designed or redesigned to fire ammunition.

(3) "Detachable shotgun magazine" means a device that is designed or redesigned to do all of the following:

(A) To be attached to a firearm that is designed or redesigned to fire a fixed shotgun shell through a smooth or rifled bore.

(B) To be attached to, and detached from, a firearm that is designed or redesigned to fire a fixed shotgun shell through a smooth bore.

(C) To feed fixed shotgun shells continuously and directly into the loading mechanism of a firearm that is designed or redesigned to fire a fixed shotgun shell.

(4) “Belt-feeding device” means a device that is designed or redesigned to continuously feed ammunition into the loading mechanism of a machinegun or a semiautomatic firearm.

(5) “Rifle” shall have the same meaning as specified in Section 17090.

(6) “Shotgun” shall have the same meaning as specified in Section 17190.

(d) This section shall become operative on January 1, 2012.

Comment. Section 12021.5 continues former Section 12021.5 (as operative Jan. 1, 2012) without change, except that subdivisions (c)(5)-(6) are revised to correct cross-references to the definitions of “rifle” and “shotgun.”

See also Section 12001 (“firearm” defined).

Penal Code § 12022.2 (as operative Jan. 1, 2012). Possession of armor penetrating ammunition or wearing of body vest

12022.2. (a) Any person who, while armed with a firearm in the commission or attempted commission of any felony, has in his or her immediate possession ammunition for the firearm designed primarily to penetrate metal or armor, shall upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony, be punished by an additional term of 3, 4, or 10 years. The court shall order the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of the sentence.

(b) Any person who wears a body vest in the commission or attempted commission of a violent offense, as defined in Section 29905, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of one, two, or five years. The court shall order the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of the sentence.

(c) As used in this section, “body vest” means any bullet-resistant material intended to provide ballistic and trauma protection for the wearer.

(d) This section shall become operative on January 1, 2012.

Comment. Section 12022.2 continues former Section 12022.2 (as operative Jan. 1, 2012) without change, except that subdivision (b) is revised to correct a cross-reference to the definition of “violent offense.”

See also Section 12001 (“firearm” defined).

Penal Code § 12022.4 (as operative Jan. 1, 2012). Furnishing firearm

12022.4. (a) Any person who, during the commission or attempted commission of a felony, furnishes or offers to furnish a firearm to another for the purpose of aiding, abetting, or enabling that person or any other person to commit a felony shall, in addition and consecutive to the punishment prescribed by the felony or attempted felony of which the person has been convicted, be punished by an additional term of one, two, or three years in the state prison. The court shall order the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of the sentence. The additional term provided in this section shall not be imposed unless the fact of the furnishing is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(b) This section shall become operative on January 1, 2012.

Comment. Section 12022.4 continues former Section 12022.4 (as operative Jan. 1, 2012) without change.

See also Section 12001 (“firearm” defined).

Penal Code § 16288. “Body armor”

16288. As used in Section 31360, “body armor” means any bullet-resistant material intended to provide ballistic and trauma protection for the person wearing the body armor.

Comment. Section 16288 continues former Section 12370(f) without substantive change.

Penal Code § 16650. “Handgun ammunition”

16650. (a) As used in this part, “handgun ammunition” means ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person,

notwithstanding that the ammunition may also be used in some rifles.

(b) As used in Section 30312 and in Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4, “handgun ammunition” does not include either of the following:

(1) Ammunition designed and intended to be used in an antique firearm.

(2) Blanks.

Comment. Subdivision (a) of Section 16650 continues the first clause of former Section 12060(b), the first clause of former Section 12318(b)(2), and former Section 12323(a) without substantive change.

Subdivision (b) continues the remainder of former Section 12060(b) (except the definition of “antique firearm”) and the remainder of former Section 12318(b)(2) (except the definition of “antique firearm”) without substantive change.

See Sections 16170 (“antique firearm”), 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,” “pistol,” and “revolver”).

Penal Code § 22295. Wooden club or baton for law enforcement purposes

22295. (a) Nothing in any provision listed in Section 16580 prohibits any police officer, special police officer, peace officer, or law enforcement officer from carrying any wooden club or baton.

(b) Nothing in any provision listed in Section 16580 prohibits a uniformed security guard, regularly employed and compensated by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of employment, from carrying any wooden club or baton if the uniformed security guard has satisfactorily completed a course of instruction certified by the Department of Consumer Affairs in the carrying and use of the club or baton. The training institution certified by the Department of Consumer Affairs to present this course, whether public or private, is authorized to charge a fee covering the cost of the training.

(c) The Department of Consumer Affairs, in cooperation with the Commission on Peace Officer Standards and Training, shall develop standards for a course in the carrying and use of a club or baton.

(d) Any uniformed security guard who successfully completes a course of instruction under this section is entitled to receive a permit to carry and use a club or baton within the scope of employment, issued by the Department of Consumer Affairs. The department may authorize a certified training institution to issue permits to carry and use a club or baton. A fee in the amount provided by law shall be charged by the Department of Consumer Affairs to offset the costs incurred by the department in course certification, quality control activities associated with the course, and issuance of the permit.

(e) Any person who has received a permit or certificate that indicates satisfactory completion of a club or baton training course approved by the Commission on Peace Officer Standards and Training prior to January 1, 1983, shall not be required to obtain a club or baton permit or complete a course certified by the Department of Consumer Affairs.

(f) Any person employed as a county sheriff's or police security officer, as defined in Section 831.4, shall not be required to obtain a club or baton permit or to complete a course certified by the Department of Consumer Affairs in the carrying and use of a club or baton, provided that the person completes a course approved by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton, within 90 days of employment.

(g) Nothing in any provision listed in Section 16580 prohibits an animal control officer, as described in Section 830.9, or an illegal dumping enforcement officer, as described in Section 830.7, from carrying any wooden club or baton if the animal control officer or illegal dumping enforcement officer has satisfactorily completed the course of instruction certified by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton. The training institution certified by the Commission on Peace Officer Standards and Training to present this course, whether public or private, is authorized to charge a fee covering the cost of the training.

Comment. With respect to a wooden club or baton, subdivision (a) of Section 22295 continues former Section 12002(a) without substantive

change. The remainder of former Section 12002(a) is continued in Section 17515 without substantive change.

Subdivisions (b)-(g) continue former Section 12002(b)-(g) without substantive change.

Penal Code § 27120. Exception for return of unloaded firearms to wholesaler to treat as merchandise

27120. Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) do not apply to the sale, delivery, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

Comment. Section 27120 continues former Section 12078(k)(3) without substantive change, as that provision applied to former Section 12071.

See Sections 16520 ("firearm"), 17340 ("wholesaler"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

Penal Code § 29805. Firearm access by person convicted of misdemeanor violation of certain statutes or other specified offense

29805. Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section 171b, paragraph (1) of subdivision (a) of Section 171c, 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or

under custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

Comment. Section 29805 continues former Section 12021(c)(1) without substantive change.

For an exemption from this provision, see Section 29850 (justifiable violation of Section 29800, 29805, 29815, or 29820). For guidance on petitioning for relief from this provision, see Sections 29855 (petition by peace officer for relief from prohibition in Section 29805) and 29860 (petition by person who was convicted of offense before that offense was added to Section 29805). For guidance on false arrest arising from enforcement of this provision, see Section 29865 (immunity from liability for false arrest). For a notice requirement relating to this provision, see Section 29810 (notice to person who is subject to Section 29800 or 29805).

See Section 16520 (“firearm”).

Penal Code § 29825. Firearm access by person subject to temporary restraining order, injunction, or protective order

29825. (a) Every person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, or a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Every person who owns or possesses a firearm knowing that the person is prohibited from doing so by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or

527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, or a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) If probation is granted upon conviction of a violation of this section, the court shall impose probation consistent with Section 1203.097.

(d) The Judicial Council shall provide notice on all protective orders that the respondent is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect. The order shall also state that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed within a specified time of receipt of the order. The order shall state the penalties for a violation of the prohibition. The order shall also state on its face the expiration date for relinquishment.

Comment. Subdivision (a) of Section 29825 continues former Section 12021(g)(1) without substantive change.

Subdivision (b) continues former Section 12021(g)(2) without substantive change.

Subdivision (c) continues former Section 12021(g)(4) without substantive change.

Subdivision (d) continues former Section 12021(g)(3) without substantive change.

See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

Penal Code § 31360. Purchase, ownership, or possession of body armor by person convicted of violent felony

31360. (a) A person who has been convicted of a violent felony under the laws of the United States, the State of California, or any other state, government, or country, who purchases, owns, or possesses body armor, as defined in Section 16288, except as authorized under subdivision (b), is guilty of a felony, punishable

by imprisonment in a state prison for 16 months, or two or three years.

(b) A person whose employment, livelihood, or safety is dependent on the ability to legally possess and use body armor, who is subject to the prohibition imposed by subdivision (a) due to a prior violent felony conviction, may file a petition for an exception to this prohibition with the chief of police or county sheriff of the jurisdiction in which that person seeks to possess and use the body armor. The chief of police or sheriff may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as the chief of police or sheriff deems appropriate, based on the following:

(1) A finding that the petitioner is likely to use body armor in a safe and lawful manner.

(2) A finding that the petitioner has a reasonable need for this type of protection under the circumstances.

In making its decision, the chief of police or sheriff shall consider the petitioner's continued employment, the interests of justice, any relevant evidence, and the totality of the circumstances. It is the intent of the Legislature that law enforcement officials exercise broad discretion in fashioning appropriate relief under this paragraph in cases in which relief is warranted. However, this paragraph may not be construed to require law enforcement officials to grant relief to any particular petitioner. Relief from this prohibition does not relieve any other person or entity from any liability that might otherwise be imposed.

(c) The chief of police or sheriff shall require, as a condition of granting an exception under subdivision (b), that the petitioner agree to maintain on the petitioner's person a certified copy of the law enforcement official's permission to possess and use body armor, including any conditions or limitations.

(d) Law enforcement officials who enforce the prohibition specified in subdivision (a) against a person who has been granted relief pursuant to subdivision (b), shall be immune from any liability for false arrest arising from the enforcement of this

subdivision unless the person has in possession a certified copy of the permission granting the person relief from the prohibition, as required by subdivision (c). This immunity from liability does not relieve any person or entity from any other liability that might otherwise be imposed.

Comment. Section 31360 continues former Section 12370(a)-(d) without substantive change.

See Sections 16288 (“body armor”), 17320 (“violent felony”).

DISPOSITION OF EXISTING LAW

Note. This table shows the disposition of Penal Code Section 653k and Title 2 of Part 4 of the Penal Code (Penal Code Sections 12000-12809), as the law existed on January 1, 2011. Unless otherwise indicated, all statutory references are to the Penal Code.

Existing Provision	Corresponding New Provision
653k, 1st ¶	21510
653k, 2d ¶	17235
653k, 3d ¶	16965
12000-12101 (entire chapter).	See Section 16580
12000	23500
12001(a)(1)	16530(a)
12001(a)(2)	16640(a)
12001(b)	12001, 16520(a)
12001(c)	16520(b)
12001(d)	16520(c)
12001(e) (all except def. of “antique firearm”)	16520(d)
12001(e) (def. of “antique firearm”)	16170(b)
12001(f) (re “firearm capable of being concealed upon the person,” “pistol,” & “revolver”)	16530(b)
12001(f) (re “handgun”)	16640(b)
12001(g)	16250
12001(h)	17340
12001(i)	16190
12001(j)	16840(a)
12001(k)	23510
12001(l)	17800
12001(m)	23520
12001(n)	17000(a)
12001(o)	17000(b)
12001(p)	16240
12001(q)	16670

Existing Provision	Corresponding New Provision
12001(r)	16630
12001(s)	16410
12001.1 (entirety)	17290, 20810-20820 (entire article)*
12001.1(a), 1st sent.....	20810(a)
12001.1(a), 2d sent.	17290
12001.1(b).....	20810(b)
12001.1(c).....	20815
12001.1(d).....	20820
12001.5	33210
12001.6	23515
12002(a) (re equip, authorized for enforcement of law or ordinance in city or county)	17515
12002(a) (other aspects)	22295(a)
12002(b)-(g).....	22295(b)-(g)
12003	12003, 23505
12010	30000
12011	30005
12012	30010
12020 (entirety)	See discussion at pp. 245-47; see also Section 16590
12020(a)(1) (re air gauge knife)	20310
12020(a)(1) (re ballistic knife)	21110
12020(a)(1) (re belt buckle knife)	20410
12020(a)(1) (re billy, blackjack, sandbag, sandclub, sap, or slungshot).....	22210
12020(a)(1) (re bullet with explosive agent)	30210
12020(a)(1) (re camouflaging firearm container).....	24310
12020(a)(1) (re cane gun)	24410
12020(a)(1) (re cane sword)	20510
12020(a)(1) (re firearm not immediately recognizable as firearm) ..	24510
12020(a)(1) (re flechette dart)	30210
12020(a)(1) (re leaded cane).....	22210
12020(a)(1) (re lipstick case knife)	20610
12020(a)(1) (re metal knuckles)	21810
12020(a)(1) (re certain metal handgrenades).....	19200(a)

Existing Provision	Corresponding New Provision
12020(a)(1) (re multiburst trigger activator)	32900
12020(a)(1) (re nunchaku)	22010
12020(a)(1) (re shobi-zue)	20710
12020(a)(1) (re short-barreled rifle or short-barreled shotgun)	33215
12020(a)(1) (re shuriken)	22410
12020(a)(1) (re unconventional pistol)	31500
12020(a)(1) (re undetectable firearm)	24610
12020(a)(1) (re wallet gun)	24710
12020(a)(1) (re writing pen knife)	20910
12020(a)(1) (re zip gun)	33600
12020(a)(2)	32310
12020(a)(3)	19100
12020(a)(4), 1st ¶	21310
12020(a)(4), 2d ¶, 1st sent.	19200(b)
12020(a)(4), 2d ¶, 2d sent.	16460(b)
12020(b)(1)	33220
12020(b)(2)	33225
12020(b)(3)	22015(a)
12020(b)(4)	22015(b)
12020(b)(5), 1st sent.	17700
12020(b)(5), 2d sent.	16170(c)
12020(b)(6)	30215
12020(b)(7)	17705
12020(b)(8)	17710
12020(b)(9)	17715
12020(b)(10)	17720
12020(b)(11)	17725
12020(b)(12)	17730(a)-(b)
12020(b)(13)	17730(c)
12020(b)(14)	22215
12020(b)(15)	19205
12020(b)(16)	17735
12020(b)(17)	17740
12020(b)(18)	17745

Existing Provision	Corresponding New Provision
12020(b)(19)	32400
12020(b)(20)	32405
12020(b)(21)	32410
12020(b)(22)	32415
12020(b)(23)	32420
12020(b)(24)	32425(a)
12020(b)(25)	32425(b)
12020(b)(26)	32430
12020(b)(27)	32435(a)
12020(b)(28)	32435(b)
12020(b)(29)	32435(c)
12020(b)(30)	32440
12020(b)(31)	32445
12020(b)(32)	32450
12020(c)(1)	17180
12020(c)(2)	17170
12020(c)(3)	16940
12020(c)(4)	17330
12020(c)(5)	16330
12020(c)(6)	16570
12020(c)(7)	16920
12020(c)(8)	16220
12020(c)(9)	16320
12020(c)(10)	17360
12020(c)(11)	17200
12020(c)(12)	17270
12020(c)(13)	16260
12020(c)(14)	16830
12020(c)(15)	16340
12020(c)(16)	17160
12020(c)(17)	16760
12020(c)(18)	16140
12020(c)(19)	17350
12020(c)(20)	17090

Existing Provision	Corresponding New Provision
12020(c)(21)	17190
12020(c)(22)(A)-(B)	17280
12020(c)(22)(C) (def. of “firearm”)	16520(f)
12020(c)(22)(C) (def. of “major component”)	17280(b)
12020(c)(22)(C), 1st ¶ (def. of “Security Exemplar”)	17125
12020(c)(22)(C), 2d ¶	24680
12020(c)(23)	16930
12020(c)(24)	16470
12020(c)(25)	16740
12020(d).....	20200
12020.1, 1st sent.	21710
12020.1, 2d sent.	16405
12020.1, 3d & 4th sent.	16680
12020.3	23800
12020.5	17505
12021 (entirety)	29800-29875 (entire chapter)*
12021(a)	29800(a)
12021(b).....	29800(b)
12021(c)(1)	29805
12021(c)(2)	29855
12021(c)(3)	29860
12021(c)(4)	29865
12021(d)(1), 1st sent.	29815(a)
12021(d)(1), 2d & 3d sent.	29815(b)
12021(d)(2)	29810
12021(e), 1st sent.	29820(a)-(b)
12021(e), 2d sent.	29820(c)
12021(e), 3d & 4th sent.	29820(d)
12021(f)	29800(c)
12021(g) (entirety).....	29825
12021(g)(1)	29825(a)
12021(g)(2)	29825(b)
12021(g)(3)	29825(d)

Existing Provision	Corresponding New Provision
12021(g)(4)	29825(c)
12021(h).....	29850
12021(i)	29875
12021.1 (entirety)	29900-29905 (entire chapter)*
12021.1(a)	29900(a)
12021.1(b).....	29905
12021.1(c).....	29900(b)
12021.1(d).....	29900(c)
12021.3 (entirety)	26590, 33850-33895 (entire chapter)*
12021.3(a)	33850
12021.3(b).....	33855
12021.3(c)	33860
12021.3(d).....	33865(a)
12021.3(e)(1)	33865(c)
12021.3(e)(2)	33865(d)
12021.3(e)(3)	33865(b)
12021.3(f)	33865(e)
12021.3(g).....	33875
12021.3(h).....	33890
12021.3(i)(1).....	33870(a)
12021.3(i)(2), 1st ¶	33870(b)
12021.3(i)(2), 2d ¶	33870(c)
12021.3(i)(3).....	26590
12021.3(i)(4).....	33895
12021.3(j)	33880
12021.3(k).....	33885
12021.5-12022.95 (sentence enhancements)	left in place
12023	25800
12024	17500
12025 (entirety)	16750(a), 25400; 12025 (h) is not continued*
12025(a)	25400(a)
12025(b).....	25400(c)
12025(c).....	25400(f)
12025(d).....	25400(d)

Existing Provision	Corresponding New Provision
12025(e)	25400(e)
12025(f)	25400(b)
12025(g).....	16750(a)
12025(h).....	Not continued (repealed 1/1/05)
12025.5	25600
12026	25605
12026.1 (entirety)	16850, 25610*
12026.1(a), intro. cl.	25610(a)
12026.1(a)(1), except last phrase	25610(a)
12026.1(a)(1), last phrase	16850
12026.1(a)(2)	25610(a)
12026.1(b).....	25610(b)
12026.1(c).....	16850
12026.2 (entirety)	16850, 25505-25595 (entire article)*
12026.2(a)(1)	25510(a)
12026.2(a)(2)	25515
12026.2(a)(3)	25520
12026.2(a)(4)	25525(a)
12026.2(a)(5)	25530
12026.2(a)(6)	25525(b)
12026.2(a)(7)	25535(a)
12026.2(a)(8)	25510(b)
12026.2(a)(9)	25540
12026.2(a)(10)	25545
12026.2(a)(11)	25550
12026.2(a)(12)	25555
12026.2(a)(13)	25560
12026.2(a)(14)	25535(b)
12026.2(a)(15)	25565
12026.2(a)(16)	25570(a)
12026.2(a)(17)	25575
12026.2(a)(18)	25570(b)
12026.2(a)(19)	25580

Existing Provision	Corresponding New Provision
12026.2(a)(20)	25585
12026.2(b).....	25505
12026.2(c)	25595
12026.2(d).....	16850
12027 (entirety).	16360, 16690, 25450-25475 (entire article), 25615-25655 (inclusive)*
12027(a) (entirety).	16360, 16690, 25450-25475 (entire article)*
12027(a)(1)(A), 1st sent.	25450
12027(a)(1)(A), 2d sent.	25455(a)
12027(a)(1)(A), 3d sent.	25455(b)
12027(a)(1)(A), 4th & 5th sent.	16690
12027(a)(1)(B)	25455(c)
12027(a)(1)(C)	25460(a)-(b)
12027(a)(1)(D)	25460(c)
12027(a)(1)(E)	16360
12027(a)(2), 1st sent.	25465
12027(a)(2), 2d sent.....	25455(d)
12027(a)(2), 3d sent.....	25470(a)
12027(a)(2), 4th sent.....	25470(b)
12027(a)(3)	25475
12027(b).....	25615
12027(c)	25620
12027(d).....	25625
12027(e)	25630
12027(f)	25635
12027(g).....	25640
12027(h).....	25645
12027(i)	25650
12027(j)	25655
12027.1 (entirety).	26300-26325 (entire chapter)*
12027.1(a)(1)(A)(i)	26300(b)
12027.1(a)(1)(A)(ii).....	26300(a)
12027.1(a)(1)(A)(iii).....	26300(c)
12027.1(a)(1)(B)	26305(d)

Existing Provision	Corresponding New Provision
12027.1(a)(1)(C), 1st sent.....	26305(c)
12027.1(a)(1)(C), 2d-8th sent.....	26312
12027.1(a)(2)	26305(b)
12027.1(b)(1)	26305(d)
12027.1(b)(2)	26315
12027.1(b)(3)	26310
12027.1(c).....	26325
12027.1(d).....	26320
12027.1(e).....	26305(a)
12028 (entirety)	See discussion at pp. 247-48
12028(a) (re concealed explosive other than fixed ammunition)	19190
12028(a) (re concealed dirk or dagger)	21390
12028(a) (re unlawful concealed carrying of handgun)	25700(a)
12028(a) (re switchblade knife)	21590
12028(b)(1), 1st sent.....	29300(a)
12028(b)(1), 2d sent.	18000(c), 29300(b)
12028(b)(2)	29300(c)
12028(c), 1st sent.....	18000(a)
12028(c), 2d sent.	18000(b)
12028(c), 3d sent.	18005(a)
12028(c), 4th sent.	18005(b)
12028(d).....	18005(c)
12028(e) (re unlawful concealed carrying of handgun as nuisance)	25700(b)
12028(e) (re firearm of any nature constituting nuisance in specified circumstances)	29300(d)
12028(f)	18005(d)
12028.5 (entirety)	16120, 16430, 16490, 18250-18500 (entire division)*
12028.5(a)(1)	16120
12028.5(a)(2)	16490
12028.5(a)(3)	16430
12028.5(b), 1st sent.	18250
12028.5(b), 2d sent.	18255(a)

Existing Provision	Corresponding New Provision
12028.5(b), 3d sent.	18255(b)
12028.5(b), 4th sent.	18255(c)
12028.5(b), 5th sent.	18265(a)
12028.5(b), 6th sent.	18265(b)
12028.5(b), 7th sent.	18265(c)
12028.5(c)	18260
12028.5(d).....	18270
12028.5(e).....	18275
12028.5(f)	18400
12028.5(g).....	18405
12028.5(h).....	18410
12028.5(i)	18415
12028.5(j)	18420
12028.5(k).....	18500
12028.7	33800
12029 (entirety)	See discussion at pp. 247-48
12029, 1st sent., 1st-2d cl. (re air gauge knife, through catchall provision)	20390
12029, 1st sent., 1st-2d cl. (re ballistic knife, through catchall provision)	21190
12029, 1st sent., 1st-2d cl. (re belt buckle knife, through catchall provision)	20490
12029, 1st sent., 1st-2d cl. (re billy, blackjack, sandbag, sandclub, and slungshot)	22290
12029, 1st sent., 1st-2d cl. (re bullet with explosive agent, through catchall provision)	30290
12029, 1st sent., 1st-2d cl. (re camouflaging firearm container, through catchall provision)	24390
12029, 1st sent., 1st-2d cl. (re cane gun, through catchall provision)	24490
12029, 1st sent., 1st-2d cl. (re cane sword, through catchall provision)	20590
12029, 1st sent., 1st-2d cl. (re firearm not immediately recognizable as such, through catchall provision)	24590

Existing Provision	Corresponding New Provision
12029, 1st sent., 1st-2d cl. (re flechette dart ammunition, through catchall provision)	30290
12029, 1st sent., 1st-2d cl. (re large capacity magazine, through catchall provision)	32390
12029, 1st sent., 1st-2d cl. (re leaded cane, through catchall provision)	22290
12029, 1st sent., 1st-2d cl. (re lipstick case knife, through catchall provision)	20690
12029, 1st sent., 1st-2d cl. (re metal knuckles)	21890
12029, 1st sent., 1st-2d cl. (re certain metal handgrenades, through catchall provision)	19290
12029, 1st sent., 1st-2d cl. (re multiburst trigger activator, through catchall provision)	32990
12029, 1st sent., 1st-2d cl. (re nunchaku)	22090
12029, 1st sent., 1st-2d cl. (re sap, through catchall provision)	22290
12029, 1st sent., 1st-2d cl. (re shobi-zue, through catchall provision)	20790
12029, 1st sent., 1st-2d cl. (re short-barreled rifle or short-barreled shotgun)	33290
12029, 1st sent., 1st-2d cl. (re shuriken)	22490
12029, 1st sent., 1st-2d cl. (re unconventional pistol, through catchall provision)	31590
12029, 1st sent., 1st-2d cl. (re undetectable firearm, through catchall provision)	24690
12029, 1st sent., 1st-2d cl. (re wallet gun, through catchall provision)	24790
12029, 1st sent., 1st-2d cl. (re writing pen knife, through catchall provision)	20990
12029, 1st sent., 1st-2d cl. (re zip gun, through catchall provision)	33690
12029, 1st sent., last cl.	18010(a)
12029, 2d sent.	18010(b)
12029, 3d sent.	18010(c)
12030 (entirety).	16520(e), 34005, 34010*
12030(a)	34005(a)
12030(b)	34005(b)

Existing Provision	Corresponding New Provision
12030(c)	34005(c)
12030(d), 1st ¶, 1st -3d sent.....	34005(d)
12030(d), 1st ¶, 4th sent.....	16520(e)
12030(d), 1st ¶, 5th sent.....	34005(d)
12030(d), 2d ¶	34005(d)
12030(e)	34010
12031 (entirety).	16750(b), 16840(b), 17030, 25850-26025 (inclusive), 26030(a)-(c), 26035-26055 (inclusive); 12031(m) is not continued*
12031(a)(1)	25850(a)
12031(a)(2)	25850(c)
12031(a)(3)	16750(b)
12031(a)(4)	25850(f)
12031(a)(5)(A).....	25850(g)
12031(a)(5)(B)	25850(h)
12031(a)(6)	25850(d)
12031(a)(7)	25850(e)
12031(b)(1), 1st ¶, 1st sent.	25900
12031(b)(1), 1st ¶, 2d sent.....	25905(a)
12031(b)(1), 1st ¶, 3d sent.....	25905(b)
12031(b)(1), 2d ¶	25905(c)
12031(b)(1), 3d ¶	25910
12031(b)(2), 1st sent.....	25915
12031(b)(2), 2d sent.	25905(d)
12031(b)(2), 3d sent.	25920(a)
12031(b)(2), 4th sent.	25920(b)
12031(b)(3)	25925
12031(b)(4)	26000
12031(b)(5)	26005
12031(b)(6)	26010
12031(b)(7)	26015
12031(b)(8)	26020
12031(c)	26025
12031(d) (entirety).....	26030(a)-(c)
12031(d), intro. ¶, 1st sent.	26030(a), intro. cl.

Existing Provision	Corresponding New Provision
12031(d), intro. ¶, 2d sent.....	26030(c)
12031(d)(1)	26030(a)(1)
12031(d)(2)	26030(a)(2)-(3)
12031(d)(3) (re licensed private investigators)	26030(a)(4)
12031(d)(3) (re licensed private patrol operators)	26030(a)(6)
12031(d)(3) (re licensed alarm company operators)	26030(a)(8)
12031(d)(4)	26030(a)(9)
12031(d)(5), 1st sent.....	26030(a)(10)
12031(d)(5), 2d sent.	26030(b)
12031(d)(6) (re uniformed employees of licensed private investigators)	26030(a)(5)
12031(d)(6) (re uniformed employees of licensed private patrol operators)	26030(a)(7)
12031(e)	25850(b)
12031(f)	17030
12031(g).....	16840(b)
12031(h).....	26035
12031(i)	26040
12031(j)(1), 1st sent.....	26045(a)
12031(j)(1), 2d sent.	26045(c)
12031(j)(2).....	26045(b)
12031(k).....	26050
12031(l)	26055
12031.1	26060
12032	34000
12033	26030(d)
12034	26100
12035 (entirety).	16600, 16840(b), 16850, 16860, 25000, 25100-25130 (entire chapter)*
12035(a)(1)	16860
12035(a)(2)	16840(b)
12035(a)(3)	25000
12035(a)(4)	16600
12035(a)(5)	16850

Existing Provision	Corresponding New Provision
12035(b)(1)	25100(a)
12035(b)(2)	25100(b)
12035(c)	25105
12035(d)	25110
12035(e)	25115
12035(f)	25120
12035(g)	25125
12035(h)	25130
12036 (entirety)	16850, 16860, 25000, 25200-25225 (entire chapter)*
12036(a)(1)	16860
12036(a)(2)	25000
12036(a)(3)	25200(d)
12036(a)(4)	16850
12036(b)	25200(a)
12036(c)	25200(b)
12036(d)	25200(c)
12036(e)	25205
12036(f)	25210
12036(g)	25215
12036(h)	25220
12036(i)	25225
12039	34200
12040	25300
12050-12054 (entire article)	17020, 26150-26225 (entire chapter)*
12050(a)(1)(A)	26150
12050(a)(1)(B)	26155(a)-(b)
12050(a)(1)(C)	26170
12050(a)(1)(D)	26150
12050(a)(1)(E)	26165
12050(a)(2)(A)(i)	26220(a)
12050(a)(2)(A)(ii)	26220(b)
12050(a)(2)(B)	26220(e)
12050(a)(2)(C)	26220(c)
12050(a)(2)(D)	26220(d)

Existing Provision	Corresponding New Provision
12050(a)(3)	17020
12050(b).....	26200(a)
12050(c).....	26200(b)
12050(d).....	26195(a)
12050(e).....	26195(b)
12050(f)(1).....	26215(a)
12050(f)(2).....	26210(a)
12050(f)(3).....	26215(b)
12050(f)(4)(A)	26210(b)
12050(f)(4)(B)	26210(c), (d)
12050(f)(4)(C)	26210(e)
12050(f)(5).....	26215(c)
12050(f)(6).....	26215(d)
12050(g).....	26155(c)
12050.2	26160
12051 (entirety)	26175, 26180
12051(a)(1), 1st sent.	26175(c)
12051(a)(1), 2d sent.	26175(d)
12051(a)(1), 3d-4th sent.	26175(i)
12051(a)(2)	26175(e)
12051(a)(3)(A), 1st-3d sent.	26175(a)
12051(a)(3)(A), 4th sent.	26175(b)
12051(a)(3)(B)	26175(f)
12051(a)(3)(C).....	26175(g)
12051(a)(3)(D).....	26175(h)
12051(b).....	26180(a)
12051(c).....	26180(b)
12052	26185
12052.5	26205
12053	26225
12054 (entirety)	26190
12054(a), 1st ¶, 1st-3d sent.	26190(a)
12054(a), 1st ¶, 4th-6th sent.	26190(b)
12054(a), 2d ¶, 1st sent.	26190(c)

Existing Provision	Corresponding New Provision
12054(a), 2d ¶, 2d sent.....	26190(d)
12054(b).....	26190(e)
12054(c).....	26190(f)
12054(d).....	26190(g)
12060-12061 (entire article)	16170(b), 16450, 16650, 16662, 17315, 30345-30365*
12060(a).....	16450
12060(b), 1st cl.	16650(a)
12060(b) (def. of “antique firearm”)	16170(b)
12060(b), remainder	16650(b)
12060(c) (def. of “handgun ammunition vendor”)	16662
12060(c) (def. of “vendor”)	17315
12061 (entirety)	30345-30365*
12061(a), intro. cl.	30345
12061(a)(1)	30347
12061(a)(2)	30350
12061(a)(3)	30352(a)
12061(a)(4)	30355
12061(a)(5)	30357
12061(a)(6)	30360
12061(a)(7)	30362
12061(b).....	30352(b)
12061(c).....	30365
12070 (entirety)	16620, 16730(a) & (c), 16960, 17310, 26500-26588 (inclusive)*
12070(a).....	26500
12070(b) (entirety)	16620, 17310, 26505-26588 (inclusive)*
12070(b)(1)	26505
12070(b)(2)	26510
12070(b)(3)	26515
12070(b)(4)	26520
12070(b)(5), 1st ¶	26525(a)
12070(b)(5), 2d ¶	16620
12070(b)(5), 3d ¶	26525(b)

Existing Provision	Corresponding New Provision
12070(b)(5), 4th ¶	17310
12070(b)(6)	26530
12070(b)(7)	26535
12070(b)(8)	26540
12070(b)(9)	26545
12070(b)(10)	26550
12070(b)(11)	26555
12070(b)(12)	26560
12070(b)(13)	26565
12070(b)(14)	26570
12070(b)(15)	26575
12070(b)(16)	26580
12070(b)(17)	26585
12070(b)(18)	26587
12070(b)(19)	26588
12070(c)(1)(A), 1st sent.	16730(a)
12070(c)(1)(A), 2d sent.	16730(c)
12070(c)(1)(B)	16730(a)
12070(c)(2)	16960
12071 (entirety)	16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive)*
12071(a)(1)	26700
12071(a)(2)	26705(a)
12071(a)(3)	26705(b)
12071(a)(4)	26710(a)-(c)
12071(a)(5)	26710(d)
12071(a)(6)	26705(c)
12071(a)(7)	26705(d)
12071(b) (entirety)	16130, 26800-26885 (inclusive), 26890(a)-(b), 26895, 26900(a), 26905-26915 (inclusive)*
12071(b), intro. cl.	26800
12071(b)(1)	26805
12071(b)(2)	26810

Existing Provision	Corresponding New Provision
12071(b)(3)	26815
12071(b)(4)	26820
12071(b)(5)	26825
12071(b)(6)	26830
12071(b)(7)	26835
12071(b)(8)(A)	26840(a)
12071(b)(8)(B)	26840(b)
12071(b)(8)(C)	26845
12071(b)(8)(D)	26850(a)-(b), 26853, 26856, 26859
12071(b)(8)(E)	26850(c)
12071(b)(8)(F)	26850(d)
12071(b)(8)(G)	26850(e)
12071(b)(8)(H)	26850(f)
12071(b)(8)(I)	26850(g)
12071(b)(8)(J)	26850(h)
12071(b)(9)	26865
12071(b)(10)	26870
12071(b)(11)	26875
12071(b)(12)	26880
12071(b)(13)	26885
12071(b)(14)	26890(a)
12071(b)(15)	26890(b)
12071(b)(16)	26895
12071(b)(17)	26900(a)
12071(b)(18)	26905
12071(b)(19)	26910
12071(b)(20)(A)	26915(a)
12071(b)(20)(B)	26915(b)
12071(b)(20)(C)	26915(c)
12071(b)(20)(D)	26915(d)
12071(b)(20)(E)	26915(e)
12071(b)(20)(F)	26915(f)
12071(b)(20)(G)(i)	16130
12071(b)(20)(G)(ii)	26915(g)

Existing Provision	Corresponding New Provision
12071(c)(1)	16400
12071(c)(2)	17110
12071(c)(3)	16810
12071(c)(4)(A).....	16550
12071(c)(4)(B)	26900(b)
12071(d).....	26890(c)
12071(e) (entirety)	26715
12071(e)(1), 1st sent.	26715(a)
12071(e)(1), 2d sent.	26715(b)(1)
12071(e)(1), 3d sent.	26715(b)(3)
12071(e)(2)	26715(b)(2)
12071(e)(3)	26715(c)
12071(e)(4)	26715(d)
12071(f)	26720
12071(g).....	26725
12071(h).....	26890(d)
12071.1 (entirety)	16800, 27200-27245 (entire article)*
12071.1(a), 1st sent.	27200(a)
12071.1(a), 2d sent. (incl. (1)-(3))	27200(b)
12071.1(b).....	27200(c)
12071.1(c).....	16800
12071.1(d).....	27200(d)-(e)
12071.1(e)(1)	27245(a)
12071.1(e)(2)	27245(b)
12071.1(e)(3)	27245(c)
12071.1(f), 1st ¶	27205(a)
12071.1(f), 2d ¶	27205(b)
12071.1(f), 3d ¶	27205(c)
12071.1(g).....	27205(d)
12071.1(h).....	27210(a)
12071.1(i), 1st sent.	27210(b)
12071.1(i), 2d sent.	27210(c)
12071.1(i), 3d sent.	27210(d)

Existing Provision	Corresponding New Provision
12071.1(i), 4th sent.....	27210(e)
12071.1(j)	27215
12071.1(k), 1st sent.	27220(a)
12071.1(k), 2d sent.	27220(b)
12071.1(l)	27225
12071.1(m)	27230
12071.1(n).....	27235
12071.1(o).....	27240(a)
12071.1(p).....	27240(b)
12071.1(q).....	27200(f)
12071.4 (entirety).	27300-27350 (entire article)*
12071.4(a)	27300
12071.4(b).....	27305
12071.4(c)	27310
12071.4(d).....	27315
12071.4(e)	27320
12071.4(f)	27325
12071.4(g).....	27330
12071.4(h).....	27335
12071.4(i)	27340(a)
12071.4(j)	27340(b)
12071.4(k).....	27345
12071.4(l)	27350
12072 (entirety).	27500-27590 (entire article)*
12072(a)(1)	27500(a)
12072(a)(2)	27500(b)
12072(a)(3)(A).....	27505(a)
12072(a)(3)(B)	27505(b)
12072(a)(4)	27515
12072(a)(5)	27520
12072(a)(6)	27525(a)
12072(a)(7)	27525(b)
12072(a)(8)	27530
12072(a)(9)	27535

Existing Provision	Corresponding New Provision
12072(b).....	27510
12072(c).....	27540
12072(d).....	27545
12072(e).....	27550
12072(f)(1).....	27555
12072(f)(2).....	27560
12072(f)(3).....	27565
12072(f)(4).....	27570
12072(g).....	27590
12072.5(a).....	16230
12072.5(b)-(d).....	34350
12073	28100
12074	28105
12075	28110
12076 (entirety).	28200-28250 (entire article)*
12076(a).....	28205
12076(b)(1), 1st & 2d sent.....	28210(a)
12076(b)(1), 3d sent.	28210(b), 28250
12076(b)(2).....	28210(c)
12076(b)(3).....	28210(d)
12076(b)(4).....	28210(e)
12076(b)(5).....	28210(f)
12076(c)(1), 1st & 2d sent.....	28215(a)
12076(c)(1), 3d sent.....	28215(b), 28250
12076(c)(2).....	28215(d)
12076(c)(3).....	28215(c)
12076(c)(4).....	28215(e)
12076(c)(5).....	28215(f)
12076(d).....	28220
12076(e).....	28225(a)-(c)
12076(f).....	28230
12076(g).....	28235
12076(h).....	28225(d)

Existing Provision	Corresponding New Provision
12076(i)	28240(a)-(b)
12076(j)	28240(c)
12076(k).....	28245
12076(l)	28200
12076.5	28300
12077 (entirety)	28150-28180 (entire article)*
12077(a).....	28155
12077(b).....	28160
12077(c).....	28165
12077(d).....	28170
12077(e).....	28175
12077(f)	28180
12077(g).....	28150
12077.5	30105
12078 (entirety)	See discussion at pp. 248-49; see also Section 16585
12078(a)(1) (re § 12071 waiting period)	26950
12078(a)(1) (re § 12072 waiting period)	27650
12078(a)(2) (re § 12070)	26600
12078(a)(2) (re § 12071)	27050
12078(a)(2) (re §§ 12071.1 & 12071.4)	27400
12078(a)(2) (re § 12072)	27600
12078(a)(2) (re § 12072.5)	34355
12078(a)(2) (re § 12073)	28400
12078(a)(2) (re § 12074)	28400
12078(a)(2) (re § 12075)	28400
12078(a)(2) (re § 12076)	28400
12078(a)(2) (re § 12076.5)	28400
12078(a)(2) (re § 12077)	28400
12078(a)(2) (re § 12077.5)	30150
12078(a)(2) (re § 12801(b)).....	31705
12078(a)(3) (re § 12070)	26605
12078(a)(3) (re § 12071)	27055
12078(a)(3) (re §§ 12071.1 & 12071.4)	27405
12078(a)(3) (re § 12072)	27605

Existing Provision	Corresponding New Provision
12078(a)(3) (re § 12072.5)	34360
12078(a)(3) (re § 12073)	28405
12078(a)(3) (re § 12074)	28405
12078(a)(3) (re § 12075)	28405
12078(a)(3) (re § 12076)	28405
12078(a)(3) (re § 12076.5)	28405
12078(a)(3) (re § 12077)	28405
12078(a)(3) (re § 12077.5)	30155
12078(a)(3) (re § 12801(b)).....	31710
12078(a)(4) (re § 12070)	26610
12078(a)(4) (re § 12071)	27060
12078(a)(4) (re §§ 12071.1 & 12071.4)	27410
12078(a)(4) (re § 12072)	27610
12078(a)(4) (re § 12072.5)	34365
12078(a)(4) (re § 12073)	28410
12078(a)(4) (re § 12074)	28410
12078(a)(4) (re § 12075)	28410
12078(a)(4) (re § 12076)	28410
12078(a)(4) (re § 12076.5)	28410
12078(a)(4) (re § 12077)	28410
12078(a)(4) (re § 12077.5)	30160
12078(a)(4) (re § 12801(b)).....	31715
12078(a)(5) (re § 12070)	26615
12078(a)(5) (re § 12071)	27065
12078(a)(5) (re §§ 12071.1 & 12071.4)	27415
12078(a)(5) (re § 12072)	27615
12078(a)(5) (re § 12072.5)	34370
12078(a)(5) (re § 12073)	28415
12078(a)(5) (re § 12074)	28415
12078(a)(5) (re § 12075)	28415
12078(a)(5) (re § 12076)	28415
12078(a)(5) (re § 12076.5)	28415
12078(a)(5) (re § 12077)	28415

Existing Provision	Corresponding New Provision
12078(a)(5) (re § 12077.5)	30165
12078(a)(5) (re § 12801(b))	31720
12078(a)(6) (re § 12072(d))	27850
12078(a)(6) (re § 12801(b))	31725
12078(a)(7) (re § 12072(d))	27855
12078(a)(7) (re § 12801(b))	31730
12078(a)(8) (re § 12072(d))	27860
12078(a)(8) (re § 12801(b))	31735
12078(b)(1) (re § 12071)	27100
12078(b)(1) (re § 12072(c))	27700
12078(b)(1) (re § 12072(d))	27865
12078(b)(1) (re § 12801(b))	31740
12078(b)(2)	31745
12078(c)(1)	27870
12078(c)(2)	27875
12078(c)(3)	16720
12078(d)(1)	27880
12078(d)(2) (re § 12072(d))	27885
12078(d)(2) (re § 12801(b))	31750
12078(e)(1) (re § 12071)	27105
12078(e)(1) (re § 12072(c))	27705
12078(e)(1) (re § 12072(d))	27890
12078(e)(1) (re § 12072(f)(1))	27825
12078(e)(1) (re § 12801(b))	31755
12078(e)(2)(A)	27830
12078(e)(2)(B)	27835
12078(f) (re § 12072(d))	27895
12078(f) (re § 12801(b))	31760
12078(g)(1), 1st ¶	27900
12078(g)(1), 2d ¶	16730(b)
12078(g)(2)	27905
12078(g)(3) (re § 12071 waiting period)	26955
12078(g)(3) (re § 12072 waiting period)	27655
12078(h) (re § 12072(d))	27910

Existing Provision	Corresponding New Provision
12078(h) (re § 12801(b))	31765
12078(i)(1)	27915
12078(i)(2)	27920
12078(i)(3)	27925
12078(j) (re § 12072(d))	27930
12078(j) (re § 12801(b))	31770
12078(k)(1) (re § 12071)	27110
12078(k)(1) (re § 12072(c))	27710
12078(k)(1) (re § 12801(b))	31775
12078(k)(2) (re § 12071)	27115
12078(k)(2) (re § 12072(c))	27715
12078(k)(2) (re § 12801(b))	31780
12078(k)(3) (re § 12071)	27120
12078(k)(3) (re § 12072(c))	27720
12078(k)(3) (re § 12801(b))	31785
12078(k)(4) (re § 12071)	27125
12078(k)(4) (re § 12072(c))	27725
12078(k)(4) (re § 12801(b))	31790
12078(k)(5) (re § 12071)	27130
12078(k)(5) (re § 12072(c))	27730
12078(k)(5) (re § 12801(b))	31795
12078(k)(6) (re § 12071)	27135
12078(k)(6) (re § 12072(c))	27735
12078(k)(6) (re § 12801(b))	31800
12078(l)	28000
12078(m) (re § 12072(d))	27935
12078(m) (re § 12801(b))	31805
12078(n) (re § 12071 waiting period)	26960
12078(n) (re § 12072 waiting period)	27660
12078(o) (re § 12071)	27140
12078(o) (re § 12072(c))	27740
12078(o) (re § 12072(d))	27940
12078(p)(1) (re § 12072(a)(3))	27505(b)(4)

Existing Provision	Corresponding New Provision
12078(p)(1) (re § 12072(d))	27945(c)
12078(p)(2) (re § 12072(a)(3))	27505(b)(6)
12078(p)(2) (re § 12072(d))	27945(e)
12078(p)(2) (re § 12801(b))	31810(b)
12078(p)(3) (re § 12072(a)(3))	27505(b)(5)
12078(p)(3) (re § 12072(d))	27945(d)
12078(p)(3) (re § 12801(b))	31810(a)
12078(p)(4) (re § 12072(a)(3))	27505(b)(2)
12078(p)(4) (re § 12072(d))	27945(a)
12078(p)(5) (re § 12072(a)(3))	27505(b)(3)
12078(p)(5) (re § 12072(d))	27945(b)
12078(p)(6)(A)	27505(b)(1)
12078(p)(6)(B) (all except def. of “antique firearm”)	27505(b)(1)
12078(p)(6)(B) (def. of “antique firearm”)	16170(b)
12078(q).....	27950
12078(r) (re § 12071 waiting period)	26965
12078(r) (re § 12072 waiting period)	27665
12078(s)(1) (re § 12072(d))	27955
12078(s)(1) (re § 12801(b))	31815
12078(s)(2) (re § 12072(d))	27960
12078(s)(2) (re § 12072(f)(1))	27810
12078(s)(2) (re § 12801(b))	31820
12078(s)(3) (re § 12071(b))	27000
12078(s)(3) (re § 12072(c))	27745
12078(s)(3) (re § 12072(f)(1))	27805
12078(s)(3) (re § 12801(b))	31825
12078(s)(4) (re § 12071(b))	27005
12078(s)(4) (re § 12072(c))	27750
12078(s)(4) (re § 12072(f)(1))	27815
12078(s)(4) (re § 12801(b))	31830
12078(t)(1) (re § 12071 waiting period)	26970
12078(t)(1) (re § 12072 waiting period)	27670
12078(t)(2) (re § 12072(d))	27965
12078(t)(2) (re § 12072(f)(1))	27820

Existing Provision	Corresponding New Provision
12078(u)(1)	16730(a)
12078(u)(2)	16990
12079(a)	32315
12079(b).....	16740
12080	34205
12081 (entirety).	29500-29535 (entire chapter)*
12081(a), 1st sent.....	29500
12081(a), 2d & 3d sent.	29515
12081(b)(1)	29505(a)
12081(b)(2)	29505(b)
12081(b)(3)	29520(a)
12081(b)(4)	29520(b)
12081(b)(5)	29520(c)
12081(b)(6)	29525
12081(c)	29510(a)
12081(d).....	29535
12081(e)	29510(b)
12081(f)	29530
12082 (entirety).	28050-28070 (entire chapter)*
12082(a), 1st-6th sent.	28050
12082(a), 7th sent.	28055(a)-(b)
12082(a), 8th sent.	28055(d)
12082(a), 9th sent.	28055(c)
12082(b).....	28060
12082(c)	28065
12082(d).....	28070
12083 (entirety).	28450-28490 (entire article)*
12083(a) (except 2d sent. of ¶ (a)(3))	28450
12083(a) (2d sent. of ¶ (a)(3))	28455
12083(b).....	28460
12083(c)	28465
12083(d).....	28470
12083(e).....	28475

Existing Provision	Corresponding New Provision
12083(f)	28480
12083(g).....	28485
12083(h).....	28490
12085(a)-(d)	29010
12085(e)(1)	16520(b)
12085(e)(2)	16520(g)
12085(e)(3) (all except def. of “antique firearm”)	16520(d)
12085(e)(3) (def. of “antique firearm”)	16170(b)
12086 (entirety).	16450, 29030-29150 (entire chapter)*
12086(a)(1)	29030
12086(a)(2)	16450
12086(b)(1), 1st sent.....	29050(a)
12086(b)(1), 2d sent.	29050(d)
12086(b)(2)	29050(b)
12086(b)(3)	29055
12086(b)(4)	29050(c)
12086(c), intro. cl.	29100
12086(c)(1)	29105
12086(c)(2)	29110
12086(c)(3)	29115(a)
12086(c)(4)	29120
12086(c)(5)	29125
12086(c)(6)	29130
12086(c)(7)	29135
12086(c)(8)	29140
12086(c)(9)	29150
12086(c)(10)	29115(b)
12086(d).....	29141
12086(e).....	29142
12086(f)(1).....	29060
12086(f)(2).....	29065(a)
12086(f)(3).....	29065(b)
12086(g)(1)	29065(c)
12086(g)(2)	29070(a)

Existing Provision	Corresponding New Provision
12086(g)(3)	29070(b)
12086(h).....	29075
12087	23620
12087.5	23625
12087.6(a)	16540
12087.6(b).....	16610
12087.6(c).....	16870
12088	23655
12088.1 (entirety).	23635
12088.1(a).....	23635(a)
12088.1(b).....	23635(e)
12088.1(c).....	23635(d)
12088.1(d).....	23635(b)
12088.1(e).....	23635(c)
12088.15 (entirety).	23660 to 23670, inclusive
12088.15(a).....	23660(a)
12088.15(b).....	23660(b)
12088.15(c).....	23665(a)
12088.15(d).....	23665(b)
12088.15(e).....	23670(a)
12088.15(f)	23670(b)
12088.2	23650
12088.3	23640
12088.4	23680
12088.5	23685
12088.6	23645
12088.7	23675
12088.8 (all except def. of “antique firearm”).....	23630
12088.8 (def. of “antique firearm”)	16170(b)
12088.9	23690
12090	23900
12092	23910
12093	23915

Existing Provision	Corresponding New Provision
12094(a)	23920
12094(b)	23925
12095	33300
12096	33305
12097	33310
12098	33315
12099	33320
12101 (entirety)	17070, 29610-29750 (entire chapter)*
12101(a)(1)	29610
12101(a)(2)	29615
12101(b)(1)	29650
12101(b)(2)	29655
12101(c)	29700
12101(d)	29705
12101(e)	17070
12101(f)	29750
12125-12133 (entire chapter)	16380, 16900, 17140, 31900-32110 (inclusive)*
12125	32000
12126, intro. cl. & (a)-(b)	31910
12126(c)	16380
12126(d)	16900
12126(e)	17140
12127	31905
12128	31900
12129	32005
12130	32010
12131 (entirety)	32015 to 32025, inclusive
12131(a)-(b)	32015
12131(c)-(f)	32020
12131(g)	32025
12131.5	32030
12132 (entirety)	32105, 32110
12132(a)-(g)	32110(a)-(g)

Existing Provision	Corresponding New Provision
12132(h).....	32105
12132(i)	32110(h)
12132(j)	32110(i)
12132(k).....	32110(j)
12132(l)	32110(k)
12133	32100
12200-12251 (entire chapter).	16880, 32610-32750 (entire chapter)*
12200	16880
12201	32610
12220	32625
12230	32650
12231	32655
12232	32660
12233	32665
12234	32670
12250 (entirety).	32700-32720 (entire article)*
12250, intro. cl.	32700, 32710, 32720
12250(a)(1)-(4)	32700
12250(b), 1st ¶	32705
12250(b), 2d ¶	32710
12250(b), 3d ¶	32715
12251	32750
12275-12290 (entire chapter).	16170(a), 16350, 16790, 16890, 16970, 30500-31115 (entire chapter)*
12275	30500
12275.5	30505
12276 (entirety).	30510
12276, intro. cl & (a)-(d)	30510, intro. cl. & (a)-(d)
12276(e).....	30510(f)
12276(f)	30510(e)
12276.1(a)-(c)	30515
12276.1(d)(1)	16890
12276.1(d)(2)	16350

Existing Provision	Corresponding New Provision
12276.1(d)(3)	16170(a)
12276.1(e)	Not continued (obsolete & memorialized in § 30620(c))
12276.5	30520
12277	16970
12278(a)	30530(a)
12278(b)	30525
12278(c)	30530(b)
12278(d)	16170(a)
12280 (entirety).	30600-30675 (entire article)*
12280(a)	30600
12280(b)	30605
12280(c)	30610
12280(d)	30615
12280(e)	30625
12280(f)(1)	30630(a)
12280(f)(2)	30630(b)
12280(f)(3)	30630(c)
12280(g)	30635
12280(h)	30645
12280(i)	30655(a)
12280(j)	30655(b)
12280(k)	30660(a)-(b)
12280(l)	30660(c)
12280(m)	30665
12280(n)	30675(a)
12280(o)	30675(b)
12280(p)	30675(c)
12280(q)	30670(a)
12280(r)	30670(b)
12280(s)	30640
12280(t)	30650
12280(u)	30620
12281 (entirety).	30710-30735 (entire article)*
12281(a)-(d)	30715

Existing Provision	Corresponding New Provision
12281(e).....	30735(a)-(b)
12281(f)(1)-(3).....	30720
12281(f)(4).....	30735(c)
12281(g).....	30725(a)
12281(h).....	30730(a)
12281(i)	30710
12281(j)	30725(b)
12281(k).....	30730(b)
12282	30800
12285 (entirety).....	30900-30965 (entire article)*
12285(a)(1)	30900
12285(a)(2)	30905
12285(b)(1), 1st sent.....	30910
12285(b)(1), 2d sent.	30915, 30920(a)
12285(b)(1), 3d sent.	30920(b)
12285(b)(2).....	30925
12285(b)(3), 1st sent.....	30930
12285(b)(3), 2d sent.	30935
12285(b)(4).....	30940
12285(c).....	30945
12285(d).....	30950
12285(e).....	30955
12285(f)	30960(a)
12285(g).....	30965
12285(h).....	30960(b)
12286	31000
12287	31005
12288	31100
12288.5	31105
12289	31115
12289.5	31110
12290(a).....	31055
12290(b).....	31050

Existing Provision	Corresponding New Provision
12290(c)	16790
12301-12312 (entire chapter)	16160, 16180, 16460(a), 16510, 18710-19000 (entire chapter)*
12301(a)(1)-(2)	16460(a)
12301(a)(3), 1st sent.	16460(a)
12301(a)(3), 2d sent.....	16160
12301(a)(3), 3d sent.....	16180
12301(a)(4)-(6)	16460(a)
12301(b).....	16510
12302	18800
12303	18710
12303.1	18725
12303.2	18715
12303.3	18740
12303.6	18730
12304	18735
12305 (entirety)	18900-18910 (entire article)*
12305(a).....	18900(a)
12305(b).....	18900(b)
12305(c).....	18900(c)
12305(d).....	18900(d)
12305(e).....	18905
12305(f)-(g)	18910
12307	19000
12308	18745
12309	18750
12310	18755
12311	18780
12312	18720
12316-12325 (entire chapter)	16150, 16170(b), 16290, 16300, 16650, 16660, 16662, 17090, 30300-30340 (entire article)*
12316 (entirety)	See 16150, 16300, 30300, 30305, 30310*
12316(a)(1)(A).....	30300(a)
12316(a)(1)(B), 1st sent.....	30300(a)

Existing Provision	Corresponding New Provision
12316(a)(1)(B), 2d sent.	16150(a)
12316(a)(1)(B), 3d sent.	30300(a)
12316(a)(1)(C)	30300(a)
12316(a)(2), 1st sent.	30300(b)
12316(a)(2), 2d sent.	16300
12316(b)(1)	30305(a)
12316(b)(2)	16150(b)
12316(b)(3)	30305(a)
12316(b)(4)-(5)	30305(b)
12316(c)	30310
12316(d)(1)	30305(c)
12316(d)(2)-(3)	30305(d)
12317(a)-(b)	30306
12317(c)	16150(b)
12318(a), 1st sent.	30312(a)
12318(a), 2d sent.	30312(c)
12318(b)(1)	16300
12318(b)(2), 1st cl.	16650(a)
12318(b)(2) (def. of “antique firearm”)	16170(b)
12318(b)(2), remainder	16650(b)
12318(b)(3)	16662
12318(c)	30312(b)
12320	30315
12321	30320
12322(a)	30330
12322(b)	30325
12323(a)	16650(a)
12323(b)	16660
12323(c)	16290
12323(d)	17090
12324	30335
12325	30340
12355(a)-(b)	20110

Existing Provision	Corresponding New Provision
12355(c)	16310
12360-12370 (entire chapter)	16288, 17320, 31310-31360 (entire chapter)*
12360	31310
12361	31315
12362	31320
12363	31325
12364	31330
12365	31335
12366	31340
12367	31355
12368	31345
12369	31350
12370(a)-(d)	31360
12370(e)	17320
12370(f)	16288
12401-12426 (entire chapter)	17240, 17250, 22810-23025 (entire division)*
12401	17240
12402	17250
12403	22820
12403.1	22830
12403.5	22835
12403.7	22810
12403.8	22815
12403.9	22825
12404	22840
12420	22900
12421	22905
12422, 1st ¶	22910(a)
12422, 2d ¶	22910(b)
12423	23000
12424, 1st ¶- 3d ¶	23005
12424, 4th ¶	23010

Existing Provision	Corresponding New Provision
12424.5	23015
12425	23020
12426	23025
12500	17210
12501	33415
12520	33410
12550(a)	16250
12550(b)	16520(a)
12550(c)	16700(a)
12551	19910
12552	19915
12553(a)	20150
12553(b)	20155
12554	20160
12555(a)-(b)	20165
12555(c)	16700(b)
12556 (entirety)	20170 to 20180, inclusive
12556(a)	20170(a)
12556(b)	20180(a)
12556(c)	20180(b)
12556(d)	20175
12556(e)	20170(b)
12556(f)	20180(c)
12580	16270
12581	16280
12582	20010
12583	20015
12590(a)(1)-(3)	17510(a)
12590(a)(4)	830.95(a)
12590(b) (re picketing in uniform of police office)	830.95(b)
12590(b) (re acts other than picketing in uniform of police office)	17510(b)
12590(c)	17510(c)-(d)
12600	19400

Existing Provision	Corresponding New Provision
12601(a)-(b)	16780
12601(c)	16770
12650	17230
12651	22610
12652	22615
12653	22620
12654	22625
12655	19405
12800-12809 (entire article)	16170(b), 16370, 16450, 31610-31700 (inclusive)*
12800	31610
12801(a)(1)	16450
12801(a)(2)	16370
12801(b) (all except def. of “antique firearm”)	31615(a)
12801(b) (def. of “antique firearm”)	16170(b)
12801(c)	31615(b)
12801(d)	31615(c)
12802	31620
12803	31625
12804(a)	31630(a)
12804(b)	31630(b)
12804(c)(1), 1st sent.	31640(a)
12804(c)(1), 2d sent.	31640(b)
12804(c)(1), 3d sent.	31640(c)
12804(c)(2)	31640(b)
12804(d)	31635(a)
12804(e)	31640(e)
12804(f)	31630(c)
12804(g)	31655(a)
12804(h)	31665
12804(i)	31640(d)
12804(j)	31635(b)
12805 (entirety)	31645, 31650
12805(a)	31645(a)

Existing Provision	Corresponding New Provision
12805(b).....	31645(b)
12805(c).....	31650(a)
12805(d).....	31650(b)
12805(e).....	31650(c)
12805(f).....	31650(d)
12805(g).....	31650(e)
12806(a).....	31655(b)
12806(b).....	31655(c)
12807.....	31700
12808.....	31660
12809.....	31670



SUPPLEMENTAL DISPOSITION TABLE

Note. This table provides additional information regarding the disposition of certain provisions within Title 2 of Part 4 of the Penal Code. Unless otherwise indicated, all statutory references are to the Penal Code.

Existing Provision:

Section 12001.1

Corresponding New Provisions:

Article 6 (commencing with Section 20810) of Chapter 2 of Division 5 of Title 3 of Part 6, which is the same as Sections 20810 to 20820, inclusive

plus ...

Section 17290 (“undetectable knife”)

Existing Provision:

Section 12021

Corresponding New Provisions:

Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, which is the same as Sections 29800 to 29875, inclusive

Existing Provision:

Section 12021.1

Corresponding New Provisions:

Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6, which is the same as Sections 29900 and 29905

Existing Provision:

Section 12021.3

Corresponding New Provisions:

Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6, which is the same as Sections 33850 to 33895, inclusive

plus ...

Section 26590 (exception for delivery, transfer, or return of firearm made by court or law enforcement agency pursuant to Chapter 2 of Division 11)

Existing Provision:

Section 12025

Corresponding New Provisions:

Section 25400

plus ...

Section 16750(a) (“lawful possession of the firearm”)

⚠ Note. Section 12025(h) is not continued because it was repealed by its own terms on January 1, 2005. See 1999 Cal. Stat. ch. 571, § 2.

Existing Provision:

Section 12026.1

Corresponding New Provisions:

Section 25610

plus ...

Section 16850 (“locked container”)

Existing Provision:

Section 12026.2

Corresponding New Provisions:

Article 3 (commencing with Section 25505) of Chapter 2 of Division 5 of Title 4 of Part 6, which is the same as Sections 25505 to 25595, inclusive

plus ...

Section 16850 (“locked container”)

Existing Provision:

Section 12027

Corresponding New Provisions:

Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6, which is the same as Sections 25450 to 25475, inclusive

plus ...

Sections 25615 to 25655, inclusive

and ...

Sections 16360 (“CCW”) and 16690 (“honorably retired”)

Existing Provision:

Section 12027(a)

Corresponding New Provisions:

Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6, which is the same as Sections 25450 to 25475, inclusive

plus ...

Sections 16360 (“CCW”) and 16690 (“honorably retired”)

Existing Provision:

Section 12027.1

Corresponding New Provisions:

Chapter 5 (commencing with Section 26300) of Division 5 of Title 4 of Part 6, which is the same as Sections 26300 to 26325, inclusive

Existing Provision:

Section 12028.5

Corresponding New Provisions:

Division 4 (commencing with Section 18250) of Title 2 of Part 6, which is the same as Sections 18250 to 18500, inclusive

plus ...

Sections 16120 (“abuse”), 16430 (“deadly weapon”), and 16490 (“domestic violence”)

Existing Provision:

Section 12030

Corresponding New Provisions:

Sections 34005 and 34010

plus ...

Section 16520(e) (“firearm”)

Existing Provision:

Section 12031

Corresponding New Provisions:

Sections 25850 to 26025, inclusive, Section 26030(a)-(c), and Sections 26035 to 26055, inclusive

(This is the same as:

- Sections 25850 to 26055, inclusive, except not Section 26030(d)

or

- Article 2 (commencing with Section 25850), Article 3 (commencing with Section 25900), and Article 4 (commencing with Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6, except not Sections 26030(d) and 26060.)

plus ...

Sections 16750(b) (“lawful possession of the firearm”), 16840(b) (“loaded” and “loaded firearm”), and 17030 (“prohibited area”)

Existing Provision:

Section 12035

Corresponding New Provisions:

Chapter 2 (commencing with Section 25100) of Division 4 of Title 4 of Part 6, which is the same as Sections 25100 to 25130, inclusive

plus ...

Sections 16600 (“great bodily injury”), 16840(b) (“loaded” and “loaded firearm”), 16850 (“locked container”), and 16860 (“locking device” for firearm)

and ...

Section 25000 (“child”)

Existing Provision:

Section 12036

Corresponding New Provisions:

Chapter 3 (commencing with Section 25200) of Division 4 of Title 4 of Part 6, which is the same as Sections 25200 to 25225, inclusive

plus ...

Sections 16850 (“locked container”) and 16860 (“locking device” for firearm”)

and ...

Section 25000 (“child”)

Existing Provisions:

Sections 12050 to 12054, inclusive

(This is the same as Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4.)

Corresponding New Provisions:

Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6, which is the same as Sections 26150 to 26225, inclusive

plus ...

Section 17020 (“principal place of employment or business”)

Existing Provisions:

Sections 12060 and 12061

(This is the same as Chapter 2.6 (commencing with Section 12060) of Title 2 of Part 4.)

Corresponding New Provisions:

Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6, which is the same as Sections 30345 to 30365, inclusive

plus ...

Sections 16170(b) (“antique firearm”), 16450 (“department”), 16650 (“handgun ammunition”), 16662 (“handgun ammunition vendor”), and 17315 (“vendor”)

Existing Provision:

Section 12061

Corresponding New Provisions:

Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6, which is the same as Sections 30345 to 30365, inclusive

Existing Provision:

Section 12070

Corresponding New Provisions:

Sections 26500 to 26588, inclusive

(This is the same as Article 1 (commencing with Section 26500) of Chapter 1 of Division 6 of Title 4 of Part 6, except not Section 26590.)

plus ...

Sections 16620 (“Gun Show Trader”), 16730(a), (c) (“infrequent”), 16960 (“person taking title or possession of a firearm by operation of law”), and 17310 (“used firearm”)

Existing Provision:

Section 12070(b)

Corresponding New Provisions:

Sections 26505 to 26588, inclusive

(This is the same as Article 1 (commencing with Section 26500) of Chapter 1 of Division 6 of Title 4 of Part 6, except not Sections 26500 and 26590.)

plus ...

Sections 16620 (“Gun Show Trader”) and 17310 (“used firearm”)

Existing Provision:

Section 12071

Corresponding New Provisions:

Sections 26700 to 26915, inclusive, which is the same as Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6

plus ...

Sections 16130 (“agent”), 16400 (“clear evidence of the person’s identity and age”), 16550 (“firearm transaction record”), 16810 (“licensed premises,” “licensee’s business premises,” and “licensee’s place of business”), and 17110 (“secure facility” for firearm storage by dealer)

Existing Provision:

Section 12071(b)

Corresponding New Provisions:

Article 2 (commencing with Section 26800) of Division 6 of Title 4 of Part 6, except not Sections 26890(c)-(d) and 26900(b)

plus ...

Section 16130 (“agent”)

Existing Provision:

Section 12071.1

Corresponding New Provisions:

Article 1 (commencing with Section 27200) of Chapter 3 of Division 6 of Title 4 of Part 6, which is the same as Sections 27200 to 27245, inclusive

plus ...

Section 16800 (“licensed gun show producer”)

Existing Provision:

Section 12071.4

Corresponding New Provisions:

Article 2 (commencing with Section 27300) of Chapter 3 of Division 6 of Title 4 of Part 6, which is the same as Sections 27300 to 27350, inclusive

Existing Provision:

Section 12072

Corresponding New Provisions:

Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, which is the same as Sections 27500 to 27590, inclusive

Existing Provision:

Section 12076

Corresponding New Provisions:

Article 3 (commencing with Section 28200) of Chapter 6 of Division 6 of Title 4 of Part 6, which is the same as Sections 28200 to 28250, inclusive

Existing Provision:

Section 12077

Corresponding New Provisions:

Article 2 (commencing with Section 28150) of Chapter 6 of Division 6 of Title 4 of Part 6, which is the same as Sections 28150 to 28180, inclusive

Existing Provision:

Section 12081

Corresponding New Provisions:

Chapter 2 (commencing with Section 29500) of Division 8 of Title 4 of Part 6, which is the same as Sections 29500 to 29535, inclusive

Existing Provision:

Section 12082

Corresponding New Provisions:

Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, which is the same as Sections 28050 to 28070, inclusive

Existing Provision:

Section 12083

Corresponding New Provisions:

Article 6 (commencing with Section 28450) of Chapter 6 of Division 6 of Title 4 of Part 6, which is the same as Sections 28450 to 28490, inclusive

Existing Provision:

Section 12086

Corresponding New Provisions:

Chapter 2 (commencing with Section 29030) of Division 7 of Title 4 of Part 6, which is the same as Sections 29030 to 29150, inclusive

plus ...

Section 16450 (“department”)

Existing Provision:

Section 12101

Corresponding New Provisions:

Chapter 1 (commencing with Section 29610) of Division 9 of Title 4 of Part 6, which is the same as Sections 29610 to 29750, inclusive

plus ...

Section 17070 (“responsible adult”)

Existing Provisions:

Section 12125 to 12133, inclusive

(This is the same as Chapter 1.3 (commencing with Section 12125) of Title 2 of Part 4.)

Corresponding New Provisions:

Sections 31900 to 32110, inclusive, which is the same as Article 4 (commencing with Section 31900), Article 5 (commencing with Section 32000), and Article 6 (commencing with Section 32100) of Chapter 4 of Division 10 of Title 4 of Part 6

plus ...

Sections 16380 (“chamber load indicator”), 16900 (“magazine disconnect mechanism”), and 17140 (“semiautomatic pistol”)

Existing Provisions:

Sections 12200 to 12251, inclusive

(This is the same as Chapter 2 (commencing with Section 12200) of Title 2 of Part 4.)

Corresponding New Provisions:

Chapter 6 (commencing with Section 32610) of Division 10 of Title 4 of Part 6, which is the same as Sections 32610 to 32750, inclusive

plus ...

Section 16880 (“machinegun”)

Existing Provision:

Section 12250

Corresponding New Provisions:

Article 4 (commencing with Section 32700) of Chapter 6 of Division 10 of Title 4 of Part 6, which is the same as Sections 32700 to 32720, inclusive

Existing Provisions:

Sections 12275 to 12290, inclusive

(This is the same as Chapter 2.3 (commencing with Section 12275) of Title 2 of Part 4.)

Corresponding New Provisions:

Chapter 2 (commencing with Section 30500) of Division 10 of Title 4 of Part 6, which is the same as Sections 30500 to 31115, inclusive

plus ...

Sections 16170(a) (“antique firearm”), 16350 (“capacity to accept more than 10 rounds”), 16790 (“licensed gun dealer”), 16890 (“magazine”), and 16970 (“person”)

Existing Provision:

Section 12280

Corresponding New Provisions:

Article 2 (commencing with Section 30600) of Chapter 2 of Division 10 of Title 4 of Part 6, which is the same as Sections 30600 to 30675, inclusive

Existing Provision:

Section 12281

Corresponding New Provisions:

Article 3 (commencing with Section 30710) of Chapter 2 of Division 10 of Title 4 of Part 6, which is the same as Sections 30710 to 30735, inclusive

Existing Provision:

Section 12285

Corresponding New Provisions:

Article 5 (commencing with Section 30900) of Chapter 2 of Division 10 of Title 4 of Part 6, which is the same as Sections 30900 to 30965, inclusive

Existing Provisions:

Sections 12301 to 12312, inclusive

(This is the same as Chapter 2.5 (commencing with Section 12301) of Title 2 of Part 4.)

Corresponding New Provisions:

Chapter 1 (commencing with Section 18710) of Division 5 of Title 2 of Part 6, which is the same as Sections 18710 to 19000, inclusive

plus ...

Sections 16160 (“antique cannon”), 16180 (“antique rifle”), 16460(a) (“destructive device”), and 16510 (“explosive”)

Existing Provision:

Section 12305

Corresponding New Provisions:

Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2 of Part 6, which is the same as Sections 18900 to 18910, inclusive

Existing Provisions:

Sections 12316 to 12325, inclusive

(This is the same as Chapter 2.6 (commencing with Section 12316) of Title 2 of Part 4.)

Corresponding New Provisions:

Article 2 (commencing with Section 30300) of Chapter 1 of Division 10 of Title 4 of Part 6, which is the same as Sections 30300 to 30340, inclusive

plus ...

Sections 16150 (“ammunition”), 16170(b) (“antique firearm”), 16290 (“body vest” or “body shield”), 16300 (“bona fide evidence of identity” or “bona fide evidence of majority and identity”), 16650 (“handgun ammunition”), 16660 (“handgun ammunition designed primarily to penetrate metal or armor”), 16662 (“handgun ammunition vendor”), and 17090 (“rifle”)

Existing Provision:

Section 12316

Corresponding New Provisions:

Sections 30300, 30305, 30310

plus ...

Sections 16150 (“ammunition”) and 16300 (“bona fide evidence of identity” or “bona fide evidence of majority and identity”)

Existing Provisions:

Sections 12360 to 12370, inclusive

(This is the same as Chapter 3.5 (commencing with Section 12360) of Title 2 of Part 4.)

Corresponding New Provisions:

Chapter 3 (commencing with Section 31310) of Division 10 of Title 4 of Part 6, which is the same as Sections 31310 to 31360, inclusive

plus ...

Sections 16288 (“body armor”) and 17320 (“violent felony”)

Existing Provisions:

Sections 12401 to 12426, inclusive

(This is the same as Chapter 4 (commencing with Section 12401) of Title 2 of Part 4.)

Corresponding New Provisions:

Division 11 (commencing with Section 22810) of Title 3 of Part 6, which is the same as Sections 22810 to 23025, inclusive

plus ...

Sections 17240 (“tear gas”) and 17250 (“tear gas weapon”)

Existing Provisions:

Sections 12800 to 12809, inclusive

(This is the same as Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4.)

Corresponding New Provisions:

Sections 31610 to 31700, inclusive

(This is the same as Article 2 (commencing with Section 31610) of Chapter 4 of Division 10 of Title 4 of Part 6, plus Section 31700.)

plus ...

Sections 16170(b) (“antique firearm”), 16370 (“certified instructor” or “DOJ certified instructor”), and 16450 (“department”)

APPENDIX 7

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

Note. The “Action by Legislature” column may include references to relevant legislative history in the Commission’s Reports, following the italicized “*See.*” These references are to pages in Commission bound volumes (e.g., “35:73” refers to bound volume 35, page 73).

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1956, at 13-14 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm’n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney’s Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm’n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm’n Reports, at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.5, enacting substance of this recommendation
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm’n Reports, at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 1261 Comment
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm’n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490

Recommendation	Action by Legislature
9. <i>The Marital "For and Against" Testimonial Privilege</i> , 1 Cal. L. Revision Comm'n Reports, at F-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 970 Comment
10. <i>Suspension of the Absolute Power of Alienation</i> , 1 Cal. L. Revision Comm'n Reports, at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 Cal. L. Revision Comm'n Reports, at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 Cal. L. Revision Comm'n Reports, at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. <i>Choice of Law Governing Survival of Actions</i> , 1 Cal. L. Revision Comm'n Reports, at J-1 (1957)	No legislation recommended.
14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 1 Cal. L. Revision Comm'n Reports, at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 Cal. L. Revision Comm'n Reports, at L-1 (1957)	Not enacted
16. <i>Bringing New Parties Into Civil Actions</i> , 1 Cal. L. Revision Comm'n Reports, at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. <i>Grand Juries</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501
18. <i>Procedure for Appointing Guardians</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 29 (1959)	No legislation recommended

Recommendation	Action by Legislature
20. <i>Presentation of Claims Against Public Entities</i> , 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., art. XI, § 10 (1960)
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted. But see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted. But see Corp. Code §§ 1001, 1002, enacting substance of recommendation
. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted. But see Evid. Code § 810 <i>et seq.</i> , enacting substance of recommendation
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted. But see Gov't Code § 7260 <i>et seq.</i> , enacting substance of recommendation
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616

Recommendation	Action by Legislature
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , 3 Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 Cal. L. Revision Comm'n Reports, at H-1 (1961)	Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i>), which was enacted
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 Cal. L. Revision Comm'n Reports, at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 Cal. L. Revision Comm'n Reports, at J-1 (1961)	Not enacted.
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681 <i>See 4:211, 219</i>
39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715 <i>See 4:211, 222</i>
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682 <i>See 4:212, 223</i>
41. <i>Defense of Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683 <i>See 4:212, 224</i>
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684 <i>See 4:212, 224</i>

Recommendation	Action by Legislature
44. <i>Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes</i> , 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029 <i>See 4:213</i>
45. <i>Evidence Code</i> , 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299 <i>See 7:912, 923</i>
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653 <i>See 7:914, 928</i>
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650. Balance enacted. 1970 Cal. Stat. ch. 69 <i>See 8:1315</i>
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458 <i>See 8:1318; 9:18</i>
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702 <i>See 8:1317</i>
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72 <i>See 8:1317</i>
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89 <i>See 8:1319; 10:1018</i>
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150 <i>See 8:2319; 9:19</i>
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324 <i>See 8:1317</i>

Recommendation	Action by Legislature
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356 <i>See 9:16</i>
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133 <i>See 9:19</i>
58. <i>Service of Process on Unincorporated Associations</i> , 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132 <i>See 9:18</i>
59. <i>Sovereign Immunity — Statute of Limitations</i> , 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104 <i>See 9:98</i>
60. <i>Additur and Remittitur</i> , 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115 <i>See 9:99</i>
61. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114 <i>See 9:98</i>
62. <i>Quasi-Community Property</i> , 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312 <i>See 10:1019</i>
63. <i>Arbitration of Just Compensation</i> , 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417 <i>See 10:1018</i>
64. <i>Revisions of Evidence Code</i> , 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69. See also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888 <i>See 10:1018</i>
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156 <i>See 9:99</i>
66. <i>Powers of Appointment</i> , 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155 <i>See 9:98</i>
67. <i>Evidence Code — Revisions of Privileges Article</i> , 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed. But see 1970 Cal. Stat. chs. 1396, 1397 <i>See 9:98</i>
68. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618 <i>See 10:1019</i>
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720 <i>See 10:1021</i>

Recommendation	Action by Legislature
70. <i>Revisions of Governmental Liability Act</i> , 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099 <i>See 10:1020</i>
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45 <i>See 10:1021</i>
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950. See also 1973 Cal. Stat. ch. 828 <i>See 10:1125</i>
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133. See also 1979 Cal. Stat. ch. 66 <i>See 11:1024; 11:1123; 12:530; 13:2012; 14:13, 223; 15:1024</i>
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140 <i>See 10:1126</i>
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607 <i>See 10:1126</i>
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20 <i>See 11:1123</i>
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526 <i>See 11:1124</i>
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76. Legislation enacted. 1975 Cal. Stat. ch. 25 <i>See 11:1124; 12:530; 13:2012</i>
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211 <i>See 12:534</i>
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516. See also 1975 Cal. Stat. ch. 200 <i>See 12:530</i>

Recommendation	Action by Legislature
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332 <i>See 12:536</i>
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73
84. <i>Evidence — Judicial Notice</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. <i>Evidence — "Criminal Conduct" Exception</i> , 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974. See recommendation to 1975 session (item 90 <i>infra</i>), which was enacted <i>See 12:535</i>
86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227 <i>See 12:535</i>
87. <i>Liquidated Damages</i> , 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 1735 (1976); 13 Cal. L. Revision Comm'n Reports 2139 (1976)	Enacted. 1977 Cal. Stat. ch. 198 <i>See 12:535; 13:1616; 14:13</i>
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285 <i>See 13:2011</i>
89. <i>View by Trier of Fact in a Civil Case</i> , 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301 <i>See 13:2011</i>
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318 <i>See 13:2012</i>
91. <i>Improvement Acts</i> , 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426 <i>See 12:534</i>
92. <i>Condemnation Law and Procedure: Conforming Changes in Special District Statutes</i> , 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
93. <i>The Eminent Domain Law</i> , 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275 <i>See 13:2010</i>

Recommendation	Action by Legislature
94. <i>Oral Modification of Written Contracts</i> , 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109 <i>See 13:2011; 13:1616</i>
95. <i>Partition of Real and Personal Property</i> , 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73 <i>See 13:2013, 1610</i>
96. <i>Revision of the Attachment Law</i> , 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437 <i>See 13:1612</i>
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i>), which was enacted <i>See 13:1614</i>
98. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888 <i>See 13:1616</i>
99. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232 <i>See 14:12</i>
100. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49 <i>See 14:13</i>
101. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted <i>See 13:2012</i>
102. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145 <i>See 13:1614</i>
103. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143 <i>See 13:1614</i>
104. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994 <i>See 13:1615</i>
105. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144 <i>See 13:1615</i>
106. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted in bill not sponsored by Commission. See 1985 Cal. Stat. ch. 100 <i>For original history, see 13:1615</i>

Recommendation	Action by Legislature
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted. Legislation on this subject, not sponsored by Commission, was enacted in 1978. <i>For original history, see 14:11</i>
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155 <i>See 14:12</i>
109. <i>Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499 <i>See 14:12</i>
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286 <i>See 14:224</i>
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151 <i>See 14:224</i>
112. <i>Evidence of Market Value of Property</i> , 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294. Substance of remainder enacted in 1980. See item 123 <i>infra</i> <i>See 14:225</i>
113. <i>Psychotherapist-Patient Privilege</i> , 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evid. Code § 1028) <i>See 14:225</i>
114. <i>Parol Evidence Rule</i> , 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150 <i>See 14:224</i>
115. <i>Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"</i> 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273 <i>See 14:224</i>
116. <i>Powers of Appointment</i> (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31 <i>See 15:1025</i>
118. <i>Security for Costs</i> , 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114 <i>See 15:1025</i>

Recommendation	Action by Legislature
119. <i>Guardianship-Conservatorship Law</i> , 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730 <i>See 15:1024, 1427</i>
120. <i>Interest Rate on Judgments</i> , 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150 <i>See 15:1427; 16:2025</i>
121. <i>Married Women as Sole Traders</i> , 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123 <i>See 15:1426</i>
122. <i>State Tax Liens</i> , 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600 <i>See 15:1427</i>
123. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381 <i>See 15:1429</i>
124. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511 <i>See 16:25</i>
125. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119 <i>See 15:1428</i>
126. <i>Effect of New Bankruptcy Law on the Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177 <i>See 15:1024</i>
127. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568 <i>See 15:1024</i>
128. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122 <i>See 15:1428</i>
129. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135 <i>See 15:1427</i>
130. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050 <i>See 15:1429</i>
131. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44 <i>See 15:1428</i>
132. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682 <i>See 15:1426</i>
133. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215 <i>See 15:1426</i>

Recommendation	Action by Legislature
134. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89 <i>See 15:1428</i>
135. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124 <i>See 15:1426</i>
136. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246
137. <i>Revision of Guardianship-Conservatorship Law</i> , 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9 <i>See 16:24</i>
138. <i>Non-Probate Transfers</i> , 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92. Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 <i>infra</i>) <i>See 16:2026; 17:823</i>
139. <i>Revision of the Powers of Appointment Statute</i> , 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63 <i>See 16:25</i>
140. <i>The Enforcement of Judgments Law</i> , 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364 <i>See 16:2024</i>
141. <i>State Tax Liens</i> (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44 <i>See 16:2027</i>
144. <i>Missing Persons</i> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201 <i>See 17:822</i>
145. <i>Escheat</i> (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
146. <i>Emancipated Minors</i> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6 <i>See 17:823</i>

Recommendation	Action by Legislature
147. <i>Notice in Limited Conservatorship Proceedings</i> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72 <i>See 17:823</i>
148. <i>Disclaimer of Testamentary and Other Interests</i> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17 <i>See 17:823</i>
149. <i>Holographic and Nuncupative Wills</i> , 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187 <i>See 16:2026</i>
150. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268 <i>See 16:2026</i>
151. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998 <i>See 16:2025</i>
152. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198 <i>See 16:2025</i>
153. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342 <i>See 17:823</i>
154. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155 <i>See 17:824</i>
155. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18 <i>See 17:825</i>
156. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107 <i>See 17:824</i>
157. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842 <i>See 17:822</i>
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671 <i>See 18:20</i>
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204 <i>See 17:822</i>
160. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733 <i>See 18:21</i>

Recommendation	Action by Legislature
161. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661 <i>See 18:22</i>
162. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156 <i>See 18:21</i>
163. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249 <i>See 18:21</i>
164. <i>Awarding Temporary Use of Family Home</i> , 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463 <i>See 18:21</i>
165. <i>Disposition of Community Property</i> , 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted. <i>See 18:22</i>
166. <i>Statutes of Limitation for Felonies</i> , 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270 <i>See 18:23; 20:2305</i>
167. <i>Independent Administration of Decedent's Estate</i> , 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
168. <i>Distribution of Estates Without Administration</i> , 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
169. <i>Simultaneous Deaths</i> , 17 Cal. L. Revision Comm'n Reports 443 (1984)	Enacted in part. See 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 <i>infra</i>); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 <i>infra</i>) <i>See 18:20</i>
170. <i>Notice of Will</i> , 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted. <i>See 18:20</i>
171. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493 <i>See 18:19</i>
172. <i>Bonds for Personal Representatives</i> , 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
173. <i>Recording Affidavits of Death</i> , 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527 <i>See 18:20</i>
174. <i>Execution of Witnessed Will</i> , 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted. <i>See 18:20</i>

Recommendation	Action by Legislature
175. <i>Revision of Wills and Intestate Succession Law</i> , 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892 <i>See 18:19</i>
176. <i>Uniform Transfers to Minors Act</i> , 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243 <i>See 18:19</i>
177. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney) <i>See 18:18</i>
178. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
179. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i>) <i>See 18:21</i>
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705 <i>See 18:23</i>
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519 <i>See 18:23</i>
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20 <i>See 18:22</i>
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240 <i>See 18:22</i>
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538 <i>See 18:23</i>
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241 <i>See 18:23</i>
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>

Recommendation	Action by Legislature
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731 <i>See 18:218</i>
193. <i>Recording Severance of Joint Tenancy</i> , 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
194. <i>Abandoned Easements</i> , 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
195. <i>Distribution Under a Will or Trust</i> , 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
196. <i>Effect of Adoption or Out of Wedlock Birth on Rights at Death</i> , 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
197. <i>Durable Powers of Attorney</i> , 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403 <i>See 18:216</i>
198. <i>Litigation Expenses in Family Law Proceedings</i> , 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>
199. <i>Civil Code Sections 4800.1 and 4800.2</i> , 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted (<i>Application of Civil Code §§ 4800.1 and 4800.2</i>). 1986 Cal. Stat. ch. 49 <i>See 18:1717</i>
200. <i>The Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820 <i>See 18:1718</i>
201. <i>Disposition of Estate Without Administration</i> , 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
202. <i>Small Estate Set-Aside</i> , 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>

Recommendation	Action by Legislature
203. <i>Proration of Estate Taxes</i> , 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
204. <i>Notice in Guardianship and Conservatorship</i> , 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
205. <i>Preliminary Provisions and Definitions</i> , 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
206. <i>Technical Revisions in the Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128 <i>See 19:517</i>
207. <i>Supervised Administration</i> , 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
211. <i>Marital Deduction Gifts</i> , 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
212. <i>Estates of Missing Persons</i> , 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
213. <i>Public Guardians and Administrators</i> , 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
214. <i>Inventory and Appraisal</i> , 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
215. <i>Opening Estate Administration</i> , 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
216. <i>Abatement</i> , 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
217. <i>Accounts</i> , 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
218. <i>Litigation Involving Decedents</i> , 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
219. <i>Rules of Procedure in Probate</i> , 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>

Recommendation	Action by Legislature
220. <i>Distribution and Discharge</i> , 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
221. <i>Nondomiciliary Decedents</i> , 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
222. <i>Interest and Income During Administration</i> , 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
223. <i>Authority of the Law Revision Commission</i> , 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152
224. <i>1988 Probate Cleanup Bill</i> , see 19 Cal. L. Revision Comm'n Reports 1167, 1191-1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113
225. <i>Creditors' Remedies</i> , 19 Cal. L. Revision Comm'n Reports 1251 (1988)	Enacted. 1989 Cal. Stat. ch. 1416 <i>See 20:201</i>
226. <i>No Contest Clauses</i> , 20 Cal. L. Revision Comm'n Reports 7 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
227. <i>120-Hour Survival Requirement</i> , 20 Cal. L. Revision Comm'n Reports 21 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
228. <i>Compensation of Attorneys and Personal Representatives</i> , 20 Cal. L. Revision Comm'n Reports 31 (1990)	Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
229. <i>Multiple-Party Accounts</i> , 20 Cal. L. Revision Comm'n Reports 95 (1990)	Enacted. 1989 Cal. Stat. ch. 397 <i>See 20:202</i>
230. <i>Notice to Creditors</i> , 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990)	Enacted in part. 1989 Cal. Stat. ch. 544. Balance enacted. 1990 Cal. Stat. ch. 140 <i>See 20:201</i>
231. <i>1989 Probate Cleanup Bill</i> , see 20 Cal. L. Revision Comm'n Reports 201, 227 (1990)	Enacted. 1989 Cal. Stat. ch. 21
232. <i>Bonds of Guardians and Conservators</i> , 20 Cal. L. Revision Comm'n Reports 235 (1990)	Enacted. 1989 Cal. Stat. ch. 544
233. <i>Brokers' Commissions on Probate Sales</i> , 20 Cal. L. Revision Comm'n Reports 237-42 (1990)	Enacted. 1989 Cal. Stat. ch. 544
234. <i>Commercial Real Property Leases</i> , 20 Cal. L. Revision Comm'n Reports 251 (1990)	Enacted. 1989 Cal. Stat. ch. 982 <i>See 20:202</i>

Recommendation	Action by Legislature
235. <i>Trustees' Fees</i> , 20 Cal. L. Revision Comm'n Reports 279 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
236. <i>Springing Powers of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 405 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
237. <i>Uniform Statutory Form Powers of Attorney Act</i> , 20 Cal. L. Revision Comm'n Reports 415 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
238. <i>Disposition of Small Estate by Public Administrator</i> , 20 Cal. L. Revision Comm'n Reports 529 (1990)	Enacted. 1990 Cal. Stat. ch. 324 <i>See 20:2220</i>
239. <i>Court-Authorized Medical Treatment</i> , 20 Cal. L. Revision Comm'n Reports 537 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
240. <i>Survival Requirement for Beneficiary of Statutory Will</i> , 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
241. <i>Execution or Modification of Lease Without Court Order</i> , 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
242. <i>Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding</i> , 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
243. <i>Repeal of Probate Code Section 6402.5 (In-Law Inheritance)</i> , 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted. <i>See 20:2220</i>
244. <i>Access to Decedent's Safe Deposit Box</i> , 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 20:2219; 21:20</i>
245. <i>Priority of Conservator or Guardian for Appointment as Administrator</i> , 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
246. <i>New Probate Code</i> , 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
247. <i>Notice in Probate Where Address Unknown</i> , 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
248. <i>Jurisdiction of Superior Court in Trust Matters</i> , 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>

Recommendation	Action by Legislature
249. <i>Uniform Management of Institutional Funds Act</i> , 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307 <i>See 20:2220</i>
250. <i>Remedies for Breach of Assignment or Sublease Covenant</i> , 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
251. <i>Use Restrictions</i> , 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
252. <i>Uniform Statutory Rule Against Perpetuities</i> , 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>
253. <i>Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care</i> , 20 Cal. L. Revision Comm'n Reports 2605 (1990)	Enacted. 1991 Cal. Stat. ch. 896 <i>See 21:22</i>
254. <i>Recognition of Agent's Authority Under Statutory Form Power of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
255. <i>Debts That Are Contingent, Disputed, or Not Due</i> , 20 Cal. L. Revision Comm'n Reports 2707 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
256. <i>Remedies of Creditor Where Personal Representative Fails to Give Notice</i> , 20 Cal. L. Revision Comm'n Reports 2719 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
257. <i>Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)</i> , 20 Cal. L. Revision Comm'n Reports 2729 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
258. <i>Disposition of Small Estate Without Probate</i> , 20 Cal. L. Revision Comm'n Reports 2737 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
259. <i>Right of Surviving Spouse to Dispose of Community Property</i> , 20 Cal. L. Revision Comm'n Reports 2769 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
260. <i>Litigation Involving Decedents</i> , 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>

Recommendation	Action by Legislature
261. <i>Compensation in Guardianship and Conservatorship Proceedings</i> , 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
262. <i>Recognition of Trustees' Powers</i> , 20 Cal. L. Revision Comm'n Reports 2849 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
263. <i>Gifts in View of Impending Death</i> , 20 Cal. L. Revision Comm'n Reports 2869 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
264. <i>TOD Beneficiary Designation for Vehicles and Certain Other State Registered Property</i> , 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
265. <i>1991 General Probate Bill</i> (miscellaneous provisions), see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
266. <i>1991 Probate Urgency Clean-up Bill</i> , see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82 <i>See 21:21</i>
267. <i>Application of Marketable Title Statute to Executory Interests</i> , 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>
268. <i>Relocation of Powers of Appointment Statute</i> , 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30 <i>See 22:853</i>
269. <i>Miscellaneous Creditors' Remedies</i> , 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283 <i>See 22:853</i>
270. <i>Nonprobate Transfers of Community Property</i> , 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51 <i>See 22:852</i>
271. <i>Notice of Trustees' Fees</i> , 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
272. <i>Nonprobate Transfer to Trustee Named in Will</i> , 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
273. <i>Preliminary Distribution Without Court Supervision</i> , 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>

Recommendation	Action by Legislature
274. <i>Transfer of Conservatorship Property to Trust</i> , 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
275. <i>Family Code</i> , 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163 <i>See 22:851</i>
276. <i>Standing To Sue for Wrongful Death</i> , 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
277. <i>1992 General Probate Bill</i> (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
278. <i>Special Needs Trust for Disabled Minor or Incompetent Person</i> , 22 Cal. L. Revision Comm'n Reports 989 (1992)	Enacted. 1992 Cal. Stat. ch. 355 <i>See 22:853</i>
279. <i>1994 Family Code</i> , 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See 23:922</i>
280. <i>Family Code: Child Custody</i> , 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See 23:922</i>
281. <i>Family Code: Reorganization of Domestic Violence Provisions</i> , 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See 23:922</i>
282. <i>Deposit of Estate Planning Documents with Attorney</i> , 23 Cal. L. Revision Comm'n Reports 965 (1993)	Enacted. 1993 Cal. Stat. ch. 519 <i>See 23:923</i>
283. <i>Parent and Child Relationship for Intestate Succession</i> , 23 Cal. L. Revision Comm'n Reports 991 (1993)	Enacted. 1993 Cal. Stat. ch. 529 <i>See 23:923</i>
284. <i>Effect of Joint Tenancy Title on Marital Property</i> , 23 Cal. L. Revision Comm'n Reports 1013 (1993)	Not enacted. <i>See 24:568</i>
285. <i>Trial Court Unification: Constitutional Revision (SCA 3)</i> , 24 Cal. L. Revision Comm'n Reports 1 (1994); <i>Trial Court Unification: Transitional Provisions for SCA 3</i> , 24 Cal. L. Revision Comm'n Reports 627 (1994)	Not enacted. Commission recommendations adopted in SCA 3 (1993-94), but SCA 3 not approved by Assembly. Commission recommendations largely enacted in SCA 4 (1996 Cal. Stat. res. ch. 36) <i>See 24:568; 28:707</i>

Recommendation	Action by Legislature
286. <i>Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 111 (1994); <i>1995 Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 323 (1994)	Enacted. 1994 Cal. Stat. ch. 307 <i>See 24:567</i>
287. <i>Orders To Show Cause and Temporary Restraining Orders</i> , 24 Cal. L. Revision Comm'n Reports 603 (1994)	Enacted. 1994 Cal. Stat. ch. 587 <i>See 24:567</i>
288. <i>Family Code Technical Amendments</i> . See 24 Cal. L. Revision Comm'n Reports 621 (1994); 26 Cal. L. Revision Comm'n Reports 175 (1996)	Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061 <i>See 24:567; 26:132</i>
289. <i>Debtor-Creditor Relations</i> , 25 Cal. L. Revision Comm'n Reports 1 (1995)	Enacted in part. 1995 Cal. Stat. ch. 196 <i>See 25:636, 707</i>
290. <i>Administrative Adjudication by State Agencies</i> , 25 Cal. L. Revision Comm'n Reports 55 (1995)	Enacted. 1995 Cal. Stat. ch. 938 <i>See 25:636, 711</i>
291. <i>Uniform Prudent Investor Act</i> , 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63 <i>See 25:636, 673</i>
292. <i>Power of Attorney Law Technical Amendments</i> . See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300 <i>See 25:637</i>
293. <i>Statute of Limitations in Trust Matters: Probate Code Section 16460</i> , 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862 <i>See 26:132</i>
294. <i>Inheritance From or Through Child Born Out of Wedlock</i> , 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862 <i>See 26:132</i>
295. <i>Collecting Small Estate Without Administration</i> , 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563 <i>See 26:132</i>
296. <i>Repeal of Civil Code Section 1464: The First Rule in Spencer's Case</i> , 26 Cal. L. Revision Comm'n Reports 29 (1996)	Enacted. 1998 Cal. Stat. ch. 14 <i>See 28:706</i>
297. <i>Homestead Exemption</i> , 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted. <i>See 26:133</i>

Recommendation	Action by Legislature
298. <i>Tolling Statute of Limitations When Defendant Is Out of State</i> , 26 Cal. L. Revision Comm'n Reports 83 (1996)	Enacted in part (technical amendments). 1997 Cal. Stat. ch. 1012, §§ 13, 14 <i>See 27:555, 623</i>
299. <i>Administrative Adjudication Technical Amendments</i> , 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390 <i>See 26:132</i>
300. <i>Unfair Competition Litigation</i> , 26 Cal. L. Revision Comm'n Reports 191 (1996)	Not enacted. <i>See 27:555</i>
301. <i>Administrative Adjudication by Quasi-Public Entities</i> , 26 Cal. L. Revision Comm'n Reports 277 (1996)	Enacted. 1997 Cal. Stat. ch. 220 <i>See 27:554, 593</i>
302. <i>Marketable Title: Enforceability of Land Use Restrictions</i> , 26 Cal. L. Revision Comm'n Reports 289 (1996)	Enacted in part. 1998 Cal. Stat. ch. 14 <i>See 28:706</i>
303. <i>Attachment by Undersecured Creditors</i> , 26 Cal. L. Revision Comm'n Reports 307 (1996)	Enacted. 1997 Cal. Stat. ch. 222 <i>See 27:554</i>
304. <i>Ethical Standards for Administrative Law Judges</i> , 26 Cal. L. Revision Comm'n Reports 335 (1996)	Enacted. 1998 Cal. Stat. ch. 95 <i>See 28:706</i>
305. <i>Best Evidence Rule</i> , 26 Cal. L. Revision Comm'n Reports 369 (1996)	Enacted. 1998 Cal. Stat. ch. 100 <i>See 28:706</i>
306. <i>Mediation Confidentiality</i> , 26 Cal. L. Revision Comm'n Reports 407 (1996)	Enacted. 1997 Cal. Stat. ch. 772 <i>See 27:554, 595</i>
307. <i>Judicial Review of Agency Action</i> , 27 Cal. L. Revision Comm'n Reports 1 (1997)	Not enacted <i>See 28:708</i>
308. <i>Business Judgment Rule</i> , 28 Cal. L. Revision Comm'n Reports 1 (1998)	Not enacted. <i>See 28:708</i>
309. <i>Trial Court Unification: Revision of Codes</i> , 28 Cal. L. Revision Comm'n Reports 51 (1998)	Enacted. 1998 Cal. Stat. ch. 931 <i>See 28:707</i>
310. <i>Response to Demand for Production of Documents in Discovery</i> , 28 Cal. L. Revision Comm'n Reports 561 (1998)	Enacted. 1998 Cal. Stat. ch. 932 <i>See 28:708</i>
311. <i>Uniform TOD Security Registration Act</i> , 28 Cal. L. Revision Comm'n Reports 577 (1998)	Enacted. 1998 Cal. Stat. ch. 242 <i>See 28:707</i>

Recommendation	Action by Legislature
312. <i>Effect of Dissolution of Marriage on Nonprobate Transfers</i> , 28 Cal. L. Revision Comm'n Reports 599 (1998)	Enacted. 2001 Cal. Stat. ch. 417 <i>See 31:26</i>
313. <i>Administrative Rulemaking: Consent Regulations and Other Noncontroversial Regulations</i> , 28 Cal. L. Revision Comm'n Reports 625 (1998)	Vetoed. <i>See 29:605</i>
314. <i>Administrative Rulemaking: Advisory Interpretations</i> , 28 Cal. L. Revision Comm'n Reports 657 (1998)	Vetoed. <i>See 29:605</i>
315. <i>Health Care Decisions for Adults Without Decisionmaking Capacity</i> , 29 Cal. L. Revision Comm'n Reports 1 (1999)	Enacted. 1999 Cal. Stat. ch. 658 <i>See 29:604</i>
316. <i>Uniform Principal and Income Act</i> , 29 Cal. L. Revision Comm'n Reports 245 (1999)	Enacted. 1999 Cal. Stat. ch. 145 <i>See 29:604</i>
317. <i>Admissibility, Discoverability, and Confidentiality of Settlement Negotiations</i> , 29 Cal. L. Revision Comm'n Reports 345 (1999)	Not enacted <i>See 30:676</i>
318. <i>Air Resources Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 409 (1999)	Enacted. 2000 Cal. Stat. ch. 890 <i>See 30:676</i>
319. <i>Administrative Rulemaking</i> , 29 Cal. L. Revision Comm'n Reports 459 (1999)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>
320. <i>Trial Court Unification Follow-Up</i> , 29 Cal. L. Revision Comm'n Reports 657 (1999)	Enacted. 1999 Cal. Stat. ch. 344 <i>See 29:604</i>
321. <i>Enforcement of Judgments Under the Family Code: Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 695 (1999)	Enacted. 2000 Cal. Stat. ch. 808 <i>See 30:675</i>
322. <i>Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822</i> , 29 Cal. L. Revision Comm'n Reports 733 (1999)	Enacted. 2000 Cal. Stat. ch. 948 <i>See 30:676</i>
323. <i>Alternate Distributee for Unclaimed Distribution</i> , 29 Cal. L. Revision Comm'n Reports 743 (1999)	Enacted. 2000 Cal. Stat. ch. 17 <i>See 30:675</i>

Recommendation	Action by Legislature
324. <i>Jurisdictional Classification of Good Faith Improver Claims</i> , 30 Cal. L. Revision Comm'n Reports 281 (2000)	Enacted. 2000 Cal. Stat. ch. 688 <i>See 30:675</i>
325. <i>Authority to Appoint Receivers</i> , 30 Cal. L. Revision Comm'n Reports 291 (2000)	Enacted. 2001 Cal. Stat. ch. 44 <i>See 31:25</i>
326. <i>Stay of Mechanic's Lien Enforcement Pending Arbitration</i> , 30 Cal. L. Revision Comm'n Reports 307 (2000); 31 Cal. L. Revision Comm'n Reports 333 (2002)	2000 Recommendation enacted. 2003 Cal. Stat. ch. 113 <i>See 33:641</i>
327. <i>Trout Affidavit</i> , 30 Cal. L. Revision Comm'n Reports 319 (2000)	Enacted. 2000 Cal. Stat. ch. 167 <i>See 30:675</i>
328. <i>Expired Pilot Projects</i> , 30 Cal. L. Revision Comm'n Reports 327 (2000)	Enacted. 2001 Cal. Stat. ch. 115 <i>See 31:25</i>
329. <i>Law Library Board of Trustees</i> , 30 Cal. L. Revision Comm'n Reports 429 (2000)	Enacted. 2001 Cal. Stat. ch. 52 <i>See 31:25</i>
330. <i>Unnecessary Procedural Differences Between Limited and Unlimited Civil Cases</i> , 30 Cal. L. Revision Comm'n Reports 443 (2000)	Enacted. 2001 Cal. Stat. ch. 812 <i>See 31:27</i>
331. <i>Civil Procedure: Technical Corrections</i> , 30 Cal. L. Revision Comm'n Reports 479 (2000)	Enacted. 2001 Cal. Stat. ch. 44 <i>See 31:25</i>
332. <i>Improving Access to Rulemaking Information Under the Administrative Procedure Act</i> , 30 Cal. L. Revision Comm'n Reports 517 (2000)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>
333. <i>Administrative Rulemaking Cleanup</i> , 30 Cal. L. Revision Comm'n Reports 533 (2000)	Enacted. 2001 Cal. Stat. ch. 59 <i>See 31:25</i>
334. <i>Rulemaking Under Penal Code Section 5058</i> , 30 Cal. L. Revision Comm'n Reports 545 (2000)	Enacted. 2001 Cal. Stat. ch. 141 <i>See 31:26</i>
335. <i>Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain</i> , 30 Cal. L. Revision Comm'n Reports 567 (2000)	Enacted. 2001 Cal. Stat. ch. 428 <i>See 31:26</i>
336. <i>Estate Planning During Marital Dissolution</i> , 30 Cal. L. Revision Comm'n Reports 603 (2000)	Enacted. 2001 Cal. Stat. ch. 417 <i>See 31:26</i>

Recommendation	Action by Legislature
337. <i>Health Care Decisions Law: Miscellaneous Revisions</i> , 30 Cal. L. Revision Comm'n Reports 621 (2000)	Enacted. 2001 Cal. Stat. ch. 230 <i>See 31:26</i>
338. <i>Evidence of Prejudgment Deposit Appraisal in Eminent Domain</i> , 31 Cal. L. Revision Comm'n Reports 109 (2001)	Enacted. 2002 Cal. Stat. ch. 293 <i>See 32:601</i>
339. <i>Debtor-Creditor Law: Technical Revisions</i> , 31 Cal. L. Revision Comm'n Reports 123 (2001)	Enacted. 2002 Cal. Stat. ch. 68 <i>See 32:600</i>
340. <i>Municipal Bankruptcy</i> , 31 Cal. L. Revision Comm'n Reports 143 (2001)	Enacted. 2002 Cal. Stat. ch. 94 <i>See 32:600</i>
341. <i>Rules of Construction for Trusts and Other Instruments</i> , 31 Cal. L. Revision Comm'n Reports 167 (2001)	Enacted. 2002 Cal. Stat. ch. 138 <i>See 32:601</i>
342. <i>Cases in Which Court Reporter Is Required</i> , 31 Cal. L. Revision Comm'n Reports 223 (2001)	Enacted. 2002 Cal. Stat. ch. 71 <i>See 32:600</i>
343. <i>Electronic Communications and Evidentiary Privileges</i> , 31 Cal. L. Revision Comm'n Reports 245 (2001)	Enacted. 2002 Cal. Stat. ch. 72 <i>See 32:600</i>
344. <i>Administrative Rulemaking Refinements</i> , 31 Cal. L. Revision Comm'n Reports 259 (2001)	Enacted. 2002 Cal. Stat. ch. 389 <i>See 32:601</i>
345. <i>The Double Liability Problem in Home Improvement Contracts</i> , 31 Cal. L. Revision Comm'n Reports 281 (2001)	Not enacted. <i>See 32:602.</i>
346. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 1</i> , 32 Cal. L. Revision Comm'n Reports 1 (2002)	Enacted. 2002 Cal. Stat. ch. 784 (statutory revision); 2002 Cal. Stat. res. ch. 88 (proposed constitutional amendment) <i>See 32:601</i>
347. <i>Common Interest Developments: Organization of Davis-Stirling Common Interest Development Act</i> , 33 Cal. L. Revision Comm'n Reports 1 (2003).	Enacted. 2003 Cal. Stat. ch. 557 <i>See 33:645</i>
348. <i>Common Interest Developments: Association Rulemaking and Decisionmaking</i> , 33 Cal. L. Revision Comm'n Reports 81 (2003).	Enacted in part. 2003 Cal. Stat. ch. 557 <i>See 33:645</i>

Recommendation	Action by Legislature
349. <i>Exemptions from Enforcement of Money Judgments: Second Decennial Review</i> , 33 Cal. L. Revision Comm'n Reports 113 (2003).	Enacted. 2003 Cal. Stat. ch. 379
350. <i>Probate Code Technical Corrections</i> , 33 Cal. L. Revision Comm'n Reports 145 (2003).	Enacted. 2003 Cal. Stat. ch. 32
351. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 2</i> , 33 Cal. L. Revision Comm'n Reports 169 (2003).	Enacted. 2003 Cal. Stat. ch. 149 <i>See 33:643</i>
352. <i>Obsolete Reporting Requirements</i> , 33 Cal. L. Revision Comm'n Reports 267 (2003)	Enacted. 2004 Cal. Stat. ch. 193
353. <i>Authority of Court Commissioner</i> , 33 Cal. L. Revision Comm'n Reports 673 (2003)	Enacted. 2004 Cal. Stat. ch. 49
354. <i>Alternative Dispute Resolution in Common Interest Developments</i> , 33 Cal. L. Revision Comm'n Reports 689 (2003)	Enacted. 2004 Cal. Stat. ch. 754 <i>See 34:81</i>
355. <i>Unincorporated Associations</i> , 33 Cal. L. Revision Comm'n Reports 729 (2003)	Enacted. 2004 Cal. Stat. ch. 178 <i>See 34:71</i>
356. <i>Civil Discovery: Nonsubstantive Reform</i> , 33 Cal. L. Revision Comm'n Reports 789 (2003)	Enacted. 2004 Cal. Stat. ch. 182 <i>See 34:75</i>
357. <i>Common Interest Development Law: Architectural Review and Decisionmaking</i> , 34 Cal. L. Revision Comm'n Reports 107 (2004)	Enacted. 2004 Cal. Stat. ch. 346 <i>See 34:77</i>
358. <i>Preemption of CID Architectural Restrictions</i> , 34 Cal. L. Revision Comm'n Reports 117 (2004)	Enacted. 2005 Cal. Stat. ch. 37 <i>See 35:30.</i>
359. <i>Obsolete Cross-References to Former Code of Civil Procedure Section 383</i> , 34 Cal. L. Revision Comm'n Reports 127 (2004)	Enacted. 2005 Cal. Stat. ch. 37 <i>See 35:30.</i>
360. <i>Civil Discovery: Statutory Clarification and Minor Substantive Improvements</i> , 34 Cal. L. Revision Comm'n Reports 137 (2004)	Enacted. 2005 Cal. Stat. ch. 294 <i>See 35:77</i>
361. <i>Civil Discovery: Correction of Obsolete Cross-References</i> , 34 Cal. L. Revision Comm'n Reports 161 (2004)	Enacted. 2005 Cal. Stat. ch. 294 <i>See 35:77</i>

Recommendation	Action by Legislature
362. <i>Ownership of Amounts Withdrawn from Joint Account</i> , 34 Cal. L. Revision Comm'n Reports 199 (2004)	Not enacted. <i>See 36:31 n. 62</i>
363. <i>Emergency Rulemaking Under the Administrative Procedure Act</i> , 34 Cal. L. Revision Comm'n Reports 221 (2004)	Enacted. 2006 Cal. Stat. ch. 713 <i>See 36:31</i>
364. <i>Unincorporated Association Governance</i> , 34 Cal. L. Revision Comm'n Reports 231 (2004)	Enacted. 2005 Cal. Stat. ch. 116 <i>See 35:73</i>
365. <i>Nonprofit Association Tort Liability</i> , 34 Cal. L. Revision Comm'n Reports 257 (2004)	Enacted. 2005 Cal. Stat. ch. 116 <i>See 35:73</i>
366. <i>Waiver of Privilege by Disclosure</i> , 34 Cal. L. Revision Comm'n Reports 265 (2004)	Not enacted. <i>See 36:31 n. 62</i>
367. <i>Financial Privacy</i> , 34 Cal. L. Revision Comm'n Reports 401 (2004)	Not enacted. <i>See 36:31 n. 62</i>
368. <i>Common Interest Development Ombudsperson</i> , 35 Cal. L. Revision Comm'n Reports 123 (2005)	Vetoed. <i>See 36:31 n. 62</i>
369. <i>Enforcement of Judgments Under the Family Code</i> , 35 Cal. L. Revision Comm'n Reports 161 (2005)	Enacted. 2006 Cal. Stat. ch. 86 <i>See 36:31</i>
370. <i>Oral Argument in Civil Procedure</i> , 35 Cal. L. Revision Comm'n Reports 181 (2005)	No legislation recommended.
371. <i>Technical and Minor Substantive Statutory Corrections</i> , 35 Cal. L. Revision Comm'n Reports 219 (2006)	Enacted. 2007 Cal. Stat. ch. 263. <i>See 37:28, 37:71</i>
372. <i>Time Limits for Discovery in an Unlawful Detainer Case</i> , 36 Cal. L. Revision Comm'n Reports 271 (2006).	Enacted. 2007 Cal. Stat. ch. 113. <i>See 37:28</i>
373. <i>Statutes Made Obsolete by Trial Court Restructuring: Part 3</i> , 36 Cal. L. Revision Comm'n Reports 341 (2006).	Enacted. 2007 Cal. Stat. ch. 43. <i>See 37:29</i>
374. <i>Revocable Transfer on Death (TOD) Deed</i> , 36 Cal. L. Revision Comm'n Reports 103 (2006).	Not enacted. <i>See 38:28, n. 66</i>

Recommendation	Action by Legislature
375. <i>Deposition in Out-of-State Litigation</i> , 37 Cal. L. Revision Comm'n Reports 99 (2007).	Enacted. 2008 Cal. Stat. ch. 231. <i>See 38:29, 38:77</i>
376. <i>Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture</i> , 37 Cal. L. Revision Comm'n Reports 149 (2007).	Not enacted. <i>See 38:28 n. 66</i>
377. <i>Trial Court Restructuring: Statutes Made Obsolete by Trial Court Restructuring: Part 4</i> , 37 Cal. L. Revision Comm'n Reports 171 (2007).	Enacted. 2008 Cal. Stat. ch. 56. <i>See 38:29</i>
378. <i>Trial Court Restructuring: Transfer of Case Based on Lack of Jurisdiction</i> , 37 Cal. L. Revision Comm'n Reports 195 (2007).	Enacted. 2008 Cal. Stat. ch. 56. <i>See 38:29</i>
379. <i>Technical and Minor Substantive Statutory Corrections: References to Recording Technology</i> , 37 Cal. L. Revision Comm'n Reports 211 (2007).	Enacted. 2009 Cal. Stat. ch. 88. <i>See 39:27, 39:71</i>
380. <i>Revision of No Contest Clause Statute</i> , 37 Cal. L. Revision Comm'n Reports 359 (2008).	Enacted. 2008 Cal. Stat. ch. 174. <i>See 38:29, 38:75</i>
381. <i>Miscellaneous Hearsay Exceptions: Present Sense Impression</i> , 37 Cal. L. Revision Comm'n Reports 407 (2007).	No legislation introduced.
382. <i>Miscellaneous Hearsay Exceptions: Forfeiture by Wrongdoing</i> , 37 Cal. L. Revision Comm'n Reports 443 (2007).	No legislation introduced. But see 2010 Cal. Stat. ch. 537, enacting a similar amendment of Evid. C. § 240.
383. <i>Mechanics Lien Law</i> , 37 Cal. L. Revision Comm'n Reports 527 (2007).	Enacted. 2010 Cal. Stat. ch. 697. <i>See 39:27, 40:28, 40:49</i>
384. <i>Donative Transfer Restrictions</i> , 38 Cal. L. Revision Comm'n Reports 107 (2008).	Enacted 2009 Cal. Stat. ch. 348, 2010 Cal. Stat. ch. 620. <i>See 39:27, 40:28, 40:45</i>
385. <i>Attorney-Client Privilege After Client's Death</i> , 38 Cal. L. Revision Comm'n Reports 163 (2008).	Enacted. 2009 Cal. Stat. ch. 8. <i>See 39:27.</i>
386. <i>Revision of No Contest Clause Statute: Conforming Revisions</i> , 38 Cal. L. Revision Comm'n Reports 203 (2008).	Enacted. 2009 Cal. Stat. ch. 348. <i>See 39:27</i>

Recommendation	Action by Legislature
387. <i>Nonsubstantive Reorganization of Deadly Weapon Statutes</i> , 38 Cal. L. Revision Comm'n Reports 217 (2009).	Enacted. 2010 Cal. Stat. ch. 178, 2010 Cal. Stat. ch. 711. <i>See 40:28, 40:43, 40:107</i>
388. <i>Marketable Record Title: Notice of Option</i> , 39 Cal. L. Revision Comm'n Reports 99 (2009).	Legislation pending.
389. <i>Trial Court Restructuring: Statutes Made Obsolete by Trial Court Restructuring: Part 5</i> , 39 Cal. L. Revision Comm'n Reports 109 (2009).	Enacted. 2010 Cal. Stat. ch. 212. <i>See 40:28</i>
390. <i>Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1)</i> , 39 Cal. L. Revision Comm'n Reports 157 (2009).	Legislation pending.
391. <i>Obsolete Cross-References to Former Code of Civil Procedure Section 116.780(d)</i> , 39 Cal. L. Revision Comm'n Reports 223 (2009).	Legislation pending.

APPENDIX 8

COMMISSION PUBLICATIONS

From 1955 until 2009, the California Law Revision Commission's annual reports, recommendations, and studies were published in separate pamphlets, which were later bound in a small edition of hard-cover volumes. Beginning with the Commission's 2009-2010 Annual Report, the printing of separate pamphlets was generally discontinued. As a general rule, only the hard-cover volumes are now published. (The Commission may occasionally publish a separate report for ease of reference.)

Commission publications are assigned sequential publication numbers to facilitate cataloging and ordering. Beginning with publication #189, the publication number is printed on the reverse of the title page of each publication.

All Commission reports are available as electronic files, at no cost. Procedures for obtaining printed or electronic versions of Commission publications are described below.

How To Obtain Printed Publications

Commission publications may be obtained from:

California Law Revision Commission
4000 Middlefield Road, Room D-2
Palo Alto, CA 94303-4739
Tel: 650-494-1335

Payment in advance is generally required for publications that are available only by purchase. Checks or money orders should be made payable to the "California Law Revision Commission."

Orders should include the titles of the requested publications, the quantity desired, and the street address to which the order is to be sent (*not* a post office box number).

Prices

With the following two exceptions, the price for a hardcover volume of the Commission's *Reports, Recommendations, and Studies* is \$75.00:

(1) Volume 15 is printed in two separately bound books. The price for each of these books is \$75.00.

(2) Volumes 21 and 22 are combined in a single bound book. The price for this book is \$75.00.

California residents must also add sales tax.

Reports that were printed in pamphlet form are usually available on request. The first copy is free; additional copies are available for the price indicated below. On occasion, special reports may be available only for purchase, such as where the Commission needs to cover costs of producing a particular publication.

Where applicable, the price of Commission pamphlets is determined by the number of pages, unless a special price has been set:

10 or fewer pages:	\$5.50
11-50 pages:	\$8.50
51-100 pages:	\$18.00
101 or more pages:	\$25.00

Whether a charge will be imposed and the amount of the charge are subject to change without notice. When a charge is imposed, special discounts may be available for large orders.

Publication Table

The bound volumes and separate pamphlets listed below are available unless noted as being out of print. For some years, only a few copies remain. If a bound volume is out of print, individual pamphlets from that volume may still be available. Conversely, some pamphlets are unavailable on an individual basis, but can be found in available bound volumes. Note that all publications are now available as electronic files (see below).

Prices are indicated only for individual pamphlets that are still in print.

A frequently updated version of the publication list is available on the Internet at www.clrc.ca.gov — the Commission's website.

How To Obtain Publications in Electronic Form

All Commission publications may be downloaded from the Commission's website at www.clrc.ca.gov.

Key to Publication Table

The first column lists the publication number, if any.

The second column gives the publication title, and includes a list of the recommendations and studies included within a pamphlet that contains more than one item.

In the third column, the first line lists the month and year of the report, followed by a citation to the volume and page number of the report and any supplement to the report (in the format vol:page).

Through Volume 38, the second line in the third column lists the number of pages in a publication and gives its standard price, unless it is out of print (indicated by OOP).

Volume 1 (1957)

[Hardcover Volume Out of Print]

#1	1955 [Annual] Report [for 1954] — includes: • Homestead Law and Probate Code Sections 640 to 646 • Summary Disposition of Small Estates Under Probate Code Sections 640 to 646	1/55 59 pp	1:1-1 OOP
#2	1956 [Annual] Report [for 1955] — includes: • Comparative Survey of the California Inheritance and Gift Tax Laws and the Federal Estate and Gift Tax Laws	3/56 63 pp	1:2-1 OOP
#3	1957 [Annual] Report [for 1956]	1/57 28 pp	1:3-1 OOP
#4	Maximum Period of Confinement in a County Jail — includes: • Maximum Period of Confinement in a County Jail (Rec) • Penal Code Section 19a and Related Code Sections (Study)	10/56 34 pp	1:A-1 OOP
#5	Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions — includes: • Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions (Rec) • Use of Motions and Orders To Show Cause in Connection with Awards of Attorney's Fees and Costs Pursuant to Civil Code Section 137.3 (Study)	11/56 13 pp	1:B-1 OOP
#6	Taking Instructions to the Jury Room — includes: • Taking Instructions to the Jury Room (Rec) • Whether the Jury Should Be Given a Copy of the Court's Instructions To Take into the Jury Room (Study)	11/56 17 pp	1:C-1 OOP
#7	Dead Man Statute — includes: • Dead Man Statute (Rec) • Whether the Dead Man Statute Should Be Modified or Repealed (Study)	2/57 54 pp	1:D-1 OOP

#8	Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere — includes: • Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere (Rec) • Whether Section 201.5 of the Probate Code Should Be Revised (Study)	12/56 39 pp	1:E-1 OOP
#9	Marital “For and Against” Testimonial Privilege — includes: • Marital “For and Against” Testimonial Privilege (Rec) • Whether the “For and Against” Testimonial Privilege of Married Persons Should Be Revised (Study)	11/56 20 pp	1:F-1 OOP
#10	Suspension of the Absolute Power of Alienation — includes: • Suspension of the Absolute Power of Alienation (Rec) • Whether the Sections of the Civil Code Prohibiting Suspension of the Absolute Power of Alienation Should Be Repealed (Study)	11/56 32 pp	1:G-1 OOP
#11	Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378	10/56 4 pp	1:H-1 \$5.50
#12	Judicial Notice of the Law of Foreign Countries — includes: • Judicial Notice of the Law of Foreign Countries (Rec) • Whether California Courts Should Take Judicial Notice of the Law of Foreign Countries (Study)	2/57 24 pp	1:I-1 OOP
#13	Choice of Law Governing Survival of Actions — includes: • Choice of Law Governing Survival of Actions (Rec) • Law Which Should Govern Survival of Actions Arising in Another State When Suit Is Brought in California (Study)	2/57 20 pp	1:J-1 OOP
#14	Effective Date of an Order Ruling on a Motion for New Trial — includes: • Effective Date of an Order Ruling on a Motion for New Trial (Rec) • Effective Date of New Trial Orders in Relation to Section 660 of the Code of Civil Procedure (Study)	2/57 27 pp	1:K-1 OOP
#15	Retention of Venue for Convenience of Witnesses — includes: • Retention of Venue for Convenience of Witnesses (Rec) • California Law Relating to Retention of Venue for Convenience of Witnesses (Study)	2/57 29 pp	1:L-1 OOP
#16	Bringing New Parties into Civil Actions — includes: • Bringing New Parties into Civil Actions (Rec) • California Law Relating to Bringing in New Parties in Civil Actions (Study)	2/57 24 pp	1:M-1 OOP

Volume 2 (1959)

[Hardcover Volume Out of Print]

#17	1958 [Annual] Report [for 1957]	3/58 25 pp	2:1-1 \$8.50
#18	1959 [Annual] Report [for 1958] — includes: • Procedure for Appointing Guardians	1/59 29 pp	2:2-1 \$8.50

#19	Presentation of Claims Against Public Entities — includes:	1/59	2:A-1
	• Presentation of Claims Against Public Entities (Rec)	128 pp	\$25.00
	• Presentation of Claims Against Public Entities (Study)		
#20	Right of Nonresident Aliens To Inherit — includes:	1/59	2:B-1
	• Right of Nonresident Aliens To Inherit (Rec)	32 pp	\$8.50
	• Right of Nonresident Aliens To Inherit (Study)		
#21	Mortgages To Secure Future Advances — includes:	11/58	2:C-1
	• Mortgages To Secure Future Advances (Rec)	26 pp	\$8.50
	• Mortgages To Secure Future Advances (Study)		
#22	Doctrine of Worthier Title — includes:	1/59	2:D-1
	• Doctrine of Worthier Title (Rec)	38 pp	\$8.50
	• Whether the Doctrine of Worthier Title Should Be Abolished in California (Study)		
#23	Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving — includes:	11/58	2:E-1
	• Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving (Rec)	22 pp	\$8.50
	• Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Driving While Intoxicated (Study)		
#24	Time Within Which Motion for New Trial May Be Made — includes:	11/58	2:F-1
	• Time Within Which Motions for New Trial and To Vacate Judgment May Be Made (Rec)	16 pp	\$8.50
	• Time Within Which a Motion for a New Trial May Be Made When Notice of Entry of Judgment Has Not Been Given (Study)		
#25	Notice to Shareholders of Sale of Corporate Assets — includes:	1/59	2:G-1
	• Notice to Shareholders of Sale of Corporate Assets (Rec)	18 pp	\$8.50
	• Notice to Shareholders of a Sale of All or Substantially All of the Assets of a Corporation (Study)		

Volume 3 (1961)

[Hardcover Volume Out of Print]

#26	1960 [Annual] Report [for 1959]	3/60	3:1-1
		15 pp	OOP
#27	1961 [Annual] Report [for 1960]	1/61	3:2-1
		15 pp	OOP
#28	Evidence in Eminent Domain Proceedings — includes:	10/60	3:A-1
	• Evidence in Eminent Domain Proceedings (Rec)	65 pp	\$18.00
	• Evidence in Eminent Domain Proceedings (Study)		
#29	Taking Possession and Passage of Title in Eminent Domain Proceedings — includes:	10/60	3:B-1
	• Taking Possession and Passage of Title in Eminent Domain Proceedings (Rec)	66 pp	OOP
	• Taking Possession and Passage of Title in Eminent Domain Proceedings (Study)		

#30	Reimbursement for Moving Expenses when Property Is Acquired for Public Use — includes: • Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Rec) • Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Study)	10/60 36 pp	3:C-1 OOP
#31	Rescission of Contracts — includes: • Rescission of Contracts (Rec) • Rescission of Contracts (Study)	10/60 35 pp	3:D-1 OOP
#32	Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings — includes: • Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings (Rec) • Juvenile’s Right to Counsel and the Designation of Nondelinquent Minor As “Ward of the Juvenile Court” (Study)	10/60 43 pp	3:E-1 OOP
#33	Survival of Actions — includes: • Survival of Actions (Rec) • Survival of Tort Actions (Study)	10/60 26 pp	3:F-1 OOP
#34	Arbitration — includes: • Arbitration (Rec) • Arbitration (Study)	12/60 64 pp	3:G-1 OOP
#35	Presentation of Claims Against Public Officers and Employees — includes: • Presentation of Claims Against Public Officers and Employees (Rec) • Presentation of Claims Against Public Officers and Employees (Study)	10/60 36 pp	3:H-1 OOP
#36	Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere — includes: • Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Rec) • Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Study)	10/60 35 pp	3:I-1 OOP
#37	Notice of Alibi in Criminal Actions — includes: • Notice of Alibi in Criminal Actions (Rec) • Notice of Alibi in Criminal Actions (Study)	10/60 22 pp	3:J-1 \$8.50

Volume 4 (1963)

[Hardcover Volume Out of Print]

#38	1962 Annual Report [for 1961]	3/62 23 pp	4:1 \$8.50
#39	1963 Annual Report [for 1962]	1/63 18 pp	4:101 \$8.50
#40	1964 Annual Report [for 1963]	12/63 46 pp	4:201 \$8.50

#41	Uniform Rules of Evidence: Article VIII. Hearsay Evidence — includes:	8/62 319 pp	4:301 OOP
	• Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec)		
	• Hearsay Evidence Article of the Uniform Rules of Evidence (Study)		
#42	Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.] — includes:	1/63 74 pp	4:701 \$18.00
	• Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings (Rec)		
	• Pretrial Conferences and Discovery in Eminent Domain Proceedings (Study)		
#43	Sovereign Immunity: Number 1 — Tort Liability of Public Entities and Public Employees	1/63 86 pp	4:801 \$18.00
#44	Sovereign Immunity: Number 2 — Claims, Actions and Judgments Against Public Entities and Public Employees	1/63 94 pp	4:1001 \$18.00
#45	Sovereign Immunity: Number 3 — Insurance Coverage for Public Entities and Public Employees	1/63 14 pp	4:1201 \$8.50
#46	Sovereign Immunity: Number 4 — Defense of Public Employees	1/63 22 pp	4:1301 \$8.50
#47	Sovereign Immunity: Number 5 — Liability of Public Entities for Ownership and Operation of Motor Vehicles	1/63 8 pp	4:1401 \$5.50
#48	Sovereign Immunity: Number 6 — Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers	1/63 8 pp	4:1501 \$5.50
#49	Sovereign Immunity: Number 7 — Amendments and Repeals of Inconsistent Special Statutes	3/63 11 pp	4:1601 OOP

Volume 5 (1963)

[Hardcover Volume Out of Print]

#50	Study Relating to Sovereign Immunity [Softcover publication has entire contents of hardcover volume except for the title page and some other front matter.]	1/63 568 pp	5:1 \$25.00
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Volume 6 (1964)

[Hardcover Volume Out of Print]

#51	Uniform Rules of Evidence: Article 1. General Provisions — includes:	4/64 74 pp	6:1 \$18.00
	• Uniform Rules of Evidence: Article 1. General Provisions (Rec)		
	• General Provisions Article of the Uniform Rules of Evidence (Study)		

#52	Uniform Rules of Evidence: Article IX. Authentication and Content of Writings — includes:	1/64 70 pp	6:101 \$18.00
	• Uniform Rules of Evidence: Article IX. Authentication and Content of Writings (Rec)		
	• Authentication Article of the Uniform Rules of Evidence (Study)		
#53	Uniform Rules of Evidence: Article V. Privileges — includes:	2/64 301 pp	6:201 OOP
	• Uniform Rules of Evidence: Article V. Privileges (Rec)		
	• Privileges Article of the Uniform Rules of Evidence (Study)		
#54	Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility — includes:	3/64 80 pp	6:601 OOP
	• Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility (Rec)		
	• Uniform Rules of Evidence — Extrinsic Policies Affecting Admissibility (Study)		
#55	Uniform Rules of Evidence: Article IV. Witnesses — includes:	3/64 72 pp	6:701 \$18.00
	• Uniform Rules of Evidence: Article IV. Witnesses (Rec)		
	• The Witnesses Article of the Uniform Rules of Evidence (Study)		
#56	Uniform Rules of Evidence: Article II. Judicial Notice — includes:	4/64 60 pp	6:801 \$18.00
	• Uniform Rules of Evidence: Article II. Judicial Notice (Rec)		
	• The Judicial Notice Article of the Uniform Rules of Evidence (Study)		
#57	Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony — includes:	3/64 49 pp	6:901 \$8.50
	• Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony (Rec)		
	• The Uniform Rules of Evidence — Expert and Other Opinion Testimony (Study)		
#58	Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) — includes:	6/64 148 pp	6:1001 \$25.00
	• Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) (Rec)		
	• Uniform Rules of Evidence — Burden of Producing Evidence, Burden of Proof, and Presumptions (Study)		
#59	Uniform Rules of Evidence: Article VIII. Hearsay Evidence [same as 4:301] — includes:	10/62 272 pp	6:ff-1150 OOP
	• Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec)		
	• Hearsay Evidence Article of the Uniform Rules of Evidence (Study)		

Volume 7 (1965)

[Hardcover Volume Out of Print]

#60	Evidence Code	1/65 394 pp	7:1 OOP
#61	Sovereign Immunity: Number 8 — Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees	1/65 30 pp	7:401 \$8.50
#62	1965 Annual Report [for 1964]	1/65 16 pp	7:801 OOP
#63	1966 Annual Report [for 1965]	12/65 28 pp	7:901 OOP
#64	Evidence Code with Official Comments	8/65 338 pp	7:1001 \$25.00

Volume 8 (1967)

[Hardcover Volume Out of Print]

#65	Annual Report [for 1966] — includes: • Discovery in Eminent Domain Proceedings	12/66 29 pp	8:1 \$8.50
#66	Evidence Code: Number 1 — Evidence Code Revisions	10/66 28 pp	8:101 \$8.50
#67	Evidence Code: Number 2 — Agricultural Code Revisions	10/66 34 pp	8:201 \$8.50
#68	Evidence Code: Number 3 — Commercial Code Revisions	10/66 13 pp	8:301 \$8.50
#69	Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property — includes: • Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property (Rec) • California Personal Injury Damage Awards to Married Persons [reprinted from 13 UCLA L. Rev. 587 (1966)] (Study)	10/66 43 pp	8:401 \$8.50
#70	Vehicle Code Section 17150 and Related Sections — includes: • Vehicle Code Section 17150 and Related Sections (Rec) • Imputed Contributory Negligence: The Anomaly in California Vehicle Code Section 17150 [reprinted from 17 Stan. L. Rev. 55 (1964)] (Study)	10/66 48 pp	8:501 \$8.50
#71	Additur — includes: • Additur (Rec) • Power of the Trial Court to Deny a New Trial on the Condition that Damages Be Increased [reprinted from 3 Cal. W. L. Rev. 1 (1966)] (Study)	10/66 58 pp	8:601 \$18.00
#72	Abandonment or Termination of a Lease — includes: • Abandonment or Termination of a Lease (Rec) • Whether the Rights and Duties Attendant upon the Termination of a Lease Should Be Revised [reprinted from 54 Cal. L. Rev. 1141 (1966)] (Study)	10/66 74 pp	8:701 \$18.00

#73	Good Faith Improver of Land Owned by Another — includes:	10/66	8:801
	• Good Faith Improver of Land Owned by Another (Rec)	62 pp	\$18.00
	• Improving the Lot of the Trespassing Improver [reprinted from 11 Stan. L. Rev. 456 (1959)] (Study)		
#74	Suit By or Against an Unincorporated Association — includes:	10/66	8:901
	• Suit By or Against an Unincorporated Association (Rec)	42 pp	\$8.50
	• Suit By Or Against An Unincorporated Association (Study)		
#75	Escheat	9/67	8:1001
		70 pp	\$18.00
#76	Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems — includes:	9/67	8:1101
	• Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems (Rec)	149 pp	\$25.00
	• Possession Prior To Final Judgment in California Condemnation Procedure [reprinted from 7 Santa Clara Law. 1 (1966)] (Study)		
#77	Annual Report [for 1967] — includes:	12/67	8:1301
	• Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding	110 pp	\$25.00
	• Improvements Made in Good Faith Upon Land Owned by Another		
	• Damages for Personal Injuries to a Married Person as Separate or Community Property		
	• Service of Process on Unincorporated Associations		

Volume 9 (1969)

[Hardcover Volume Out of Print]

#78	Annual Report [for 1968] — includes:	12/68	9:1
	• Sovereign Immunity: Number 9 — Statute of Limitations in Actions Against Public Entities and Public Employees	76 pp	\$18.00
	• Additur and Remittitur		
	• Fictitious Business Names		
#79	Annual Report [for 1969] — includes:	12/69	9:81
	• Quasi-Community Property	102 pp	OOP
	• Arbitration of Just Compensation		
	• Evidence Code: Number 5 — Revisions of the Evidence Code		
	• Real Property Leases		
	• Statute of Limitations in Actions Against Public Entities and Public Employees		
#80	Mutuality of Remedies in Suits for Specific Performance — includes:	9/68	9:201
	• Mutuality of Remedies in Suits for Specific Performance	32 pp	\$8.50
	• Mutuality of Remedies in California Under Civil Code Section 3386 (Cox) [reprinted from 19 Hastings L.J. 1430 (1968)]		
#81	Powers of Appointment — includes:	10/68	9:301
	• Powers of Appointment	52 pp	\$18.00
	• Powers of Appointment in California [reprinted from 19 Hastings L.J. 1281 (1968)]		

#82	Real Property Leases	10/68 24 pp	9:401 \$8.50
#83	Evidence Code: Number 4 — Revision of the Privileges Article	11/68 13 pp	9:501 \$8.50
#84	Fictitious Business Names — includes:	10/69	9:601
	• Fictitious Business Names	80 pp	\$18.00
	• Fictitious Business Names Legislation — Modernizing California's Pioneer Statute [reprinted from 19 Hastings L.J. 1349 (1968)]		
#85	Representations as to the Credit of Third Persons and the Statute of Frauds — includes:	10/69 33 pp	9:701 \$8.50
	• Representations as to the Credit of Third Persons and the Statute of Frauds		
	• Statute of Frauds and Misrepresentations as to the Credit of Third Persons: Should California Repeal Its Lord Tenterden's Act? [reprinted from 16 UCLA L. Rev 603 (1969)]		
#86	Sovereign Immunity: Number 10 — Revisions of the Governmental Liability Act: Nuisance; Entries for Survey and Examination; Immunity for Plan or Design of Public Improvement; Police and Correctional Activities; Medical, Hospital, and Public Health Activities; Ultrahazardous Activities; Liability for the Use of Pesticides	9/69 57 pp	9:801 \$18.00
#87	"Vesting" of Interests Under the Rule Against Perpetuities — includes:	10/69 20 pp	9:901 \$8.50
	• "Vesting" of Interests Under the Rule Against Perpetuities (Rec)		
	• "Vesting" of Interests Under the Rule Against Perpetuities (Study)		

Volume 10 (1971)

[Hardcover Volume Out of Print]

#88	California Inverse Condemnation Law — includes:	6/71	10:1
	• Ch. 1: The Scope of Legislative Power (Van Alstyne) [reprinted from 29 Stan. L. Rev. 727 (1967)]	433 pp	OOP
	• Ch. 2: Inverse Condemnation Goals and Policy Criteria (Van Alstyne) [reprinted from 8 Santa Clara Law. 1 (1967)]		
	• Ch. 3: Deliberately Inflicted Injury or Destruction (Van Alstyne) [reprinted from 20 Stan. L. Rev. 617 (1968)]		
	• Ch. 4: Unintended Physical Damage (Van Alstyne) [reprinted from 20 Hastings L.J. 421 (1969)]		
	• Ch. 5: Intangible Detriment (Van Alstyne) [reprinted from 16 UCLA L. Rev. 491 (1969)]		
	• Ch. 6: Taking or Damaging by Police Power (Van Alstyne) [reprinted from 44 S. Cal. L. Rev. 1 (1970)]		
	• Ch. 7: Recent Developments in California Inverse Condemnation Law (Sterling)		

#89	Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions — includes:	10/70	10:501
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| | • Rights Among Cotenants in Possession and Out of Possession of Real Property | | |

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| | • Durable Powers of Attorney | | |
| | • Litigation Expenses in Family Law Proceedings | | |
| | • Civil Code Sections 4800.1 and 4800.2 | | |
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 - Priority of Conservator or Guardian for Appointment as Administrator
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 - Disposition of Small Estate Without Probate
 - Right of Surviving Spouse to Dispose of Community Property
 - Litigation Involving Decedents
 - Compensation in Guardianship and Conservatorship Proceedings
 - Recognition of Trustees' Powers
 - Access to Decedent's Safe Deposit Box
 - Gifts in View of Impending Death
 - TOD Registration of Vehicles and Certain Other State Registered Property

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	• Preliminary Distribution Without Court Supervision		
	• Transfer of Conservatorship Property to Trust		
	• Compensation in Guardianship and Conservatorship Proceedings		
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Volume 22 (1992)

[Bound with Volume 21]

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	• Recognition of Agent's Authority Under Statutory Form Power of Attorney (Revised)		
	• Special Needs Trust for Disabled Minor or Incompetent Person		

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	• A Modern Judicial Review Statute to Replace Administrative Mandamus (Study)		
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	• Stay of Mechanic's Lien Enforcement Pending Arbitration (Revised)		
	• Mechanic's Lien Law Reform		

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	• Correction of Obsolete Cross-References		
	• Ownership of Amounts Withdrawn from Joint Account		
	• Emergency Rulemaking Under the Administrative Procedure Act		
	• Unincorporated Associations:		
	• Unincorporated Association Governance		
	• Nonprofit Association Tort Liability		
	• Waiver of Privilege by Disclosure		
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[Hardcover Volume Out of Print]

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Volume 36 (2006)

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	• Statutes Made Obsolete by Trial Court Restructuring: Part 4		
	• Transfer of Case Based on Lack of Jurisdiction		
	• Technical and Minor Substantive Statutory Corrections:		
	References to Recording Technology		
	• Revision of No Contest Clause Statute		
	• Miscellaneous Hearsay Exceptions:		
	• Present Sense Impression		
	• Forfeiture by Wrongdoing		
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Volume 38 (2008)

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		1100 pp	\$25.00

#234 Volume 39 (2009)

	2009-2010 Annual Report	12/09	39:1
	Marketable Record Title: Notice of Option	10/09	39:99
	Statutes Made Obsolete by Trial Court Restructuring: Part 5	12/09	39:109
	Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1)	12/10	39:157
	Obsolete Cross-References to Former Code of Civil Procedure Section 116.780(d)	12/10	39:223

#235 Volume 40 (2010)

	2010-2011 Annual Report	2/11	40:1
	Statutory Clarification and Simplification of CID Law	2/11	40:235
