

# 2014 New Law Workbook

*A SUMMARY OF LEGISLATION AFFECTING COUNTY CLERKS*



# **2014 New Law Workbook**

*Presented by*

**California Association of Clerks and  
Election Officials**

**Legislative Committee**

**Sacramento, California**

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## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1525</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	450
<b>Author:</b>	Lowenthal
<b>Topic:</b>	Marriage: solemnization
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	This bill allows city clerks to solemnize marriage ceremonies. Prior to their first ceremony they must undergo a course of instruction from the County Clerk.
<b>Effect:</b>	Amends Section 400.1 of the Family Code, relating to marriage.
<b>Actions Required:</b>	Educate staff; update list of persons authorized to solemnize a marriage; include City Clerks in the group of officials to receive the course of instruction.
<b>Presenter:</b>	Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1660</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	452
<b>Author:</b>	Alejo
<b>Topic:</b>	Driver's licenses: nondiscrimination
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Current law requires the Department of Motor Vehicles (DMV) to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency. This bill would additionally make it a violation of the California Fair Housing and Employment Act (FEHA) for an employer or other covered entity to discriminate against an individual because he/she holds or presents a driver's license issued under these provisions or to require a person to present a driver's license, except as specified. It would make conforming changes to FEHA to specify that discrimination on the basis of national origin includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under these provisions. It would also prohibit a governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, from discriminating against an individual because he/she holds or presents a license issued pursuant to those provisions. The bill would provide that an action taken by an employer to comply with any requirement or prohibition under the Federal Immigration and Nationality Act is not a violation of law.</p>
<b>Effect:</b>	Amends Section 12926 of the Government Code, and Sections 1653.5, 12800.7, and 12801.9 of the Vehicle Code, relating to driver's licenses.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Teresa Williamson, San Joaquin County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1698</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	455
<b>Author:</b>	Wagner
<b>Topic:</b>	Falsified public records
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Would provide that after a person is convicted of a violation of falsifying public records, or a plea is entered whereby a charge alleging a violation of that law is dismissed and a waiver is obtained as specified, upon written motion of the prosecuting agency, the court, after a hearing, as specified, is required to issue a written order that the false or forged instrument be adjudged void ab initio if the court determines that an order is appropriate under applicable law. The bill would require the order to state whether the instrument is false or forged, or both false and forged, and describe the nature of the falsity or forgery.
<b>Effect:</b>	Amends Section 115 of the Penal Code, relating to falsified public documents.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Gina Alcomendras, Santa Clara County
<b>Notes:</b>	Order may be filed to establish that a previously filed document which is falsified or forged is invalid or void from the outset. This bill was intended to cover a broad field of government offices and will affect documents that have been filed fraudulently.



## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1733</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	764
<b>Author:</b>	Quirk-Silva
<b>Topic:</b>	Public records: fee waiver
<b>Impact:</b>	<b>Major</b>
<b>Summary:</b>	<p>On or after July 1, 2015, requires each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth, as defined; requires a homeless services provider, as described, that has knowledge of a person's housing status to verify the person's status as a homeless person or homeless child or youth for purposes of this provision.</p> <p>Also requires the State Department of Public Health to develop an affidavit attesting to an applicant's status as a homeless person or homeless child or youth, and provides that the affidavit is sufficient verification for purposes of obtaining the certified record of live birth, as specified.</p> <p>By imposing additional duties on county employees, the bill would impose a state-mandated local program.</p>
<b>Effect:</b>	Adds Section 103577 to the Health and Safety Code, and amends Section 14902 of the Vehicle Code, relating to public records.
<b>Actions Required:</b>	Educate staff.
<b>Presenter:</b>	Portia Sanders, Los Angeles County
<b>Notes:</b>	CDPH will provide the affidavit attesting to the applicant's status and modify the VS-5.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1856</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	305
<b>Author:</b>	Wilk
<b>Topic:</b>	Deposit in lieu of bond
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	“Expands California's Bond and Undertakings Law to include a cashier's check, made payable to a designated officer, issued by a bank, savings association, or credit union authorized to do business in this state, among the assets that may be deposited in lieu of bond”.
<b>Effect:</b>	Amends Sections 995.710, 995.720, 995.740, and 995.760 of the Code of Civil Procedure, relating to civil actions.
<b>Actions Required:</b>	A procedure will need to be developed for those counties not currently set up to receive cash/cashier’s checks, bearer bonds/notes in lieu of a bond
<b>Presenter:</b>	Olga Lobato, Marin County
<b>Notes:</b>	“Clerks may now accept either cash or a cashier’s check payable to the designated officer, issued by a bank/savings association/credit union in lieu of a bond”

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1951</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	334
<b>Author:</b>	Gomez
<b>Topic:</b>	Vital records: birth certificates
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>This bill would, commencing January 1, 2016, instead require the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to contain 2 lines that both read “Name of Parent” and contain, next to each parent’s name, 3 checkboxes with the options of mother, father, and parent to describe the parent’s relationship to the child. The bill would also require that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification.</p> <p>The bill would, for a birth occurring prior to January 1, 2016, authorize a parent to amend specified parental titles on the certificate of live birth to the parent relationship designation described above. The bill would require, if the birth mother is listed on the certificate of live birth, the birth mother’s name, date of birth, and place of birth to be linked to her medical and social information, and would require that the linkage be confidential, as specified. The bill would make technical and conforming changes.</p>
<b>Effect:</b>	Amends, repeals, and adds Sections 102425 and 102430 of, adds Sections 102425.1 and 102425.2 to, and repeals Section 102150 of, the Health and Safety Code, relating to vital records.
<b>Actions Required:</b>	May want to change applications to include the title "Parent".
<b>Presenter:</b>	Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2018</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	892
<b>Author:</b>	Bocanegra
<b>Topic:</b>	Real estate licensees: fictitious business names
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>This bill would authorize a responsible broker, as defined, by contract, to permit a salesperson to apply for a fictitious business name with the appropriate county and the bureau, to be identified with that responsible broker's license number, and to maintain ownership of a fictitious business name, as defined. The bill would define a team name and provide, for purposes of the provisions described above, that a team name is not a fictitious business name if the name is used by two or more real estate licensees, the name includes a licensee's surname in conjunction with the term "associates," "group," or "team," and the name does not include any term or terms that imply or suggest the existence of a real estate entity independent of a responsible broker.</p>
<b>Effect:</b>	<p>Amends Section 10159.5 of, and adds Sections 10159.6 and 10159.7 to, the Business and Professions Code, relating to real estate licensees.</p>
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2528</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	N/A
<b>Author:</b>	Skinner
<b>Topic:</b>	State-issued identity documents: diacritical marks
<b>Impact:</b>	<b>Major (if chaptered)</b>
<b>Summary:</b>	<p>Would have required the State Registrar to ensure that diacritical marks on English letters are properly recorded on birth certificates, death certificates, certificates of fetal death, and marriage licenses, including, but not limited to, accents, tildes, graves, umlauts, and cedillas, and to develop procedures to include other reasonable requests relating to names on these documents.</p> <p>Also would have created similar requirements for the Secretary of State, relating to certificates of registered domestic partnerships, and the Department of Motor Vehicles, relating to drivers' licenses and identification cards.</p>
<b>Effect:</b>	Would have amended Section 298.5 of the Family Code, to add Section 102132 to the Health and Safety Code, and to add Sections 12800.1 and 13000.2 to the Vehicle Code, relating to state-issued identity documents.
<b>Actions Required:</b>	None at this time.
<b>Presenter:</b>	Dan Harp, San Bernardino County
<b>Notes:</b>	<p>Historically, all electronic indexes maintained by the County Clerk have only been programmed to use 26 alphabetical characters. The various software systems that are currently in use throughout the state would have needed to be modified to accept diacritical marks.</p> <p>Additional staff time processing amendments may have been required if the marks had been inadvertently left off or improperly included when issuing a marriage license.</p>

## 2014 Chaptered Bill Analysis

Would have raised issues on how to conduct a search. With/without diacritical marks? Would applicant be charged for each variation of name?

A marriage license is used as a legal name change document in the State of California and this may have caused issues with federal passports and Social Security Offices.

The analysis indicated that the measure would cost “millions” (upward of \$10 million) at the Secretary of State and likely more at the DMV. The analysis also referenced local costs of “easily in the tens of millions of dollars”.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2747</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	913
<b>Author:</b>	Committee on Judiciary
<b>Topic:</b>	Civil law: omnibus bill
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	This bill deletes the requirement that a confidential marriage license only be used in the county in which it was issued.
<b>Effect:</b>	Amends Sections 56.06, 1633.3, 1936, and 1942.2 of the Civil Code, amends Sections 415.46, 1174.25, 1174.3, 1501.5, 1571, and 2025.510 of the Code of Civil Procedure, amends Sections 912, 917, and 1038.2 of the Evidence Code, amends Section 504 of the Family Code, amends Sections 831.7, 6103, 8214.15, 60371, 68085.1, 68631, and 68632 of, adds Section 68631.5 to, and repeals Section 1456 of, the Government Code, amends Section 1569.698 of the Health and Safety Code, amends Section 11163.3 of the Penal Code, amends Sections 1513.1, 1811, 1812, 1813, 1851.5, 2356.5, 6401, and 6402 of the Probate Code, amends Section 21189.2 of the Public Resources Code, and repeals Chapter 4.2 (commencing with Section 10830) of Part 2 of Division 9 of the Welfare and Institutions Code, relating to civil law.
<b>Actions Required:</b>	Educate staff and public.
<b>Presenter:</b>	Portia Sanders, Los Angeles County
<b>Notes:</b>	CDPH will be changing the wording on the Confidential Marriage License.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1050</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	197
<b>Author:</b>	Monning
<b>Topic:</b>	Notaries public: verification of identity: notice
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	This bill requires a notice to be included in documents to be notarized in an enclosed box, stating that the acknowledgment, proof of execution, or a notarial certificate of a jurat verifies only the identity of the individual who signed the document to which the acknowledgment, proof of execution, or jurat is attached, and not the truthfulness, accuracy, or validity of the document.
<b>Effect:</b>	Amends Sections 1189 and 1195 of the Civil Code, and Section 8202 of the Government Code, relating to notaries public.
<b>Actions Required:</b>	Counties will need to update the acknowledgement on all internal forms to include the new required wording as of January 1, 2015. Also, if taking an acknowledgement, County Clerks will need to verify that the wording in any acknowledgement presented complies with the new requirement.
<b>Presenter:</b>	Kammi Foote, Inyo County
<b>Notes:</b>	Examples of forms that may include acknowledgements: Deputy Commissioner of Civil Marriage, Fictitious Business Name Affidavits of Identity, Bonds, Documents containing acknowledgements for other County departments and Notary Oaths.



## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1306</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	82
<b>Author:</b>	Leno
<b>Topic:</b>	Marriage
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>Provides that marriage is a personal relation arising out of a civil contract between two persons and makes conforming changes with regard to the consent to, and solemnization of, marriage;</p> <p>Deletes the limitation on the validity of marriages contracted outside this state between two persons of the same sex;</p> <p>Deletes references to “husband” or “wife” in the Family Code and instead refers to a “spouse,” and makes other related changes.</p>
<b>Effect:</b>	<p>Amends Sections 300, 301, 302, 420, 500, 720, 721, 750, 751, 752, 754, 761, 1102, 1500, 1620, 1839, 2200, 2201, 2210, 2211, 2322, 2400, 2401, 3120, 3450, 3551, 3580, 3585, 3600, 4323, and 4930 of, amends the heading of Chapter 2 (commencing with Section 720) of Part 1 of Division 4 of, amends the heading of Chapter 3 (commencing with Section 1620) of Part 5 of Division 4 of, repeals Section 308.5 of, and repeals and adds Section 308 of, the Family Code, relating to marriage.</p>
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1467</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	400
<b>Author:</b>	Committee on Business, Professions and Economic Development
<b>Topic:</b>	Professions and vocations
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>The definition of "general partner" is more clearly defined for unincorporated associations:</p> <p>17901.</p> <p>As used in this chapter, "general partner" means:</p> <p>(a) In the case of a partnership, a general partner, as defined in Section 15901.02 of the Corporations Code.</p> <p>(b) In the case of an unincorporated association other than a partnership, a person interested in the business of the association whose liability with respect to the association is substantially the same as that of a general partner, as defined in Section 15901.02 of the Corporations Code.</p> <p>For the FBN AOI form requirements, the word "notarized" was added for the agent submissions to make all agent and mail in requirements the same:</p> <p>17913(d)(2). The county clerk may also require the agent to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing on behalf of the registrant.</p> <p>For the Certificate of Status requirement, the code was changed to give counties more discretion in accepting evidence issued by SOS and "deemed acceptable by county clerk" indicating good standing:</p> <p>(e) If the registrant is a corporation, a limited liability company, a limited partnership, or a limited liability partnership, the county clerk may require documentary evidence issued by the Secretary of State and deemed</p>

## 2014 Chaptered Bill Analysis

acceptable by the county clerk, indicating the current existence and good standing of that business entity to be attached to a completed and notarized affidavit of identity, for purposes of subdivision (d)

Professional photocopier requirements were amended to force the registrant to notify the county clerk when their notary commission expires during the registration:

22454 (b) The professional photocopier shall maintain a valid notary commission during the entire period that the professional photocopier's certificate of registration is effective. The registrant shall notify the county clerk and provide an updated valid notary commission if the commission expires prior to the expiration of the certificate of registration.

**Effect:** Amends Sections 5000, 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, 7842, 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and adds Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

**Actions Required:** Updating of FBN AOI forms, customer outreach and public notice of new law changes.

**Presenter:** Victoria Rodriguez, Riverside County  
Jaime Pailma, Los Angeles County

**Notes:** For those counties who use the FBN AOI form, they will have to be updated to have agent submissions be notarized. This bill will make counties in compliance that are accepting web screen prints for proof of SOS good standing. This bill will also remove the county responsibility of tracking notary commissions for Professional Photocopiers because the responsibility now lies with the registrant.

Los Angeles and Riverside have an updated sample FBN AOI form that can be shared with interested counties.