



2011 NEW LAW WORKBOOK

A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS



2011 New Law Workbook

Presented by

County Recorders' Association of California

Legislative Committee

Document Reference Manual Committee

Uniform Practice Committee

**Sacramento, California
December 6 - 8, 2011**

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2011 Chaptered Bill Analysis

BILL NUMBER:	AB75
CHAPTER NUMBER:	236
AUTHOR:	Assembly Member Hill
TOPIC:	Documents: notaries public: solicitations.
IMPACT:	Information
SUMMARY:	<p>This bill makes it unlawful for a nongovernmental entity to solicit funds or information by any means that contains an emblem or content that reasonably could be interpreted or construed as implying any federal, state, or local government connection, approval or endorsement, unless the nongovernmental entity has an expressed connection with a federal, state, or local entity or unless the solicitation contains the specified disclosures and other requirements. Disclosure includes "This product or service has not been approved or endorsed by any governmental agency, and this offer is not being made by an agency of the government." and "This is not a government document." This bill also increases maximum fine amounts for violations. This bill would also add a power of attorney to the types of instruments for which a proof of execution is prohibited and would further prohibit a proof of the execution for any instrument requiring a notary public to obtain a thumbprint from the party signing the document in the notary public's journal. This bill also revises the form of certificate that may be used for proof of execution.</p>
EFFECT:	<p>An act to amend Sections 17533.6 and 17537.9 of the Business and Professions Code, to amend Section 1195 of the Civil Code, to amend Section 3505 of the Commercial Code, and to amend Sections 8205, 8208, and 27287of and to add Section 12181 to, the Government Code, relating to documents.</p>
ACTIONS REQUIRED:	Changed the certificate for proof of execution.
PRESENTER:	Paula Lewis, Shasta County
NOTES:	

Title	POWER OF ATTORNEY
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Purpose	To evidence the delegation from a principal authorizing another person, as agent of principal, to act for him/her in his/her name in a designated capacity
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Requirements	<ol style="list-style-type: none"> 1. Name of principal (person granting power) 2. Name of designated attorney-in-fact 3. Powers conferred 4. Signature of principal * 5. Signature acknowledged <p>* Proof by subscribing witness not acceptable (witness acknowledgment)</p>
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Fees	Regular *Free for active duty military personnel
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Legal References	CC 2933, 2400 (durable), 2452 (statutory short form), GC 27287 (no witness ack), Probate 4307 (certified), M&V 822 (military free)
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Comments	<p style="text-align: center;">May be certified by Attorney or Notary For definitions of specific powers of attorney, see glossary</p>
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Local Use

Index	Ordinances/Opinions
Grantor = Principal	
Grantee = Appointee	

2011 Chaptered Bill Analysis

BILL NUMBER: AB 208

CHAPTER NUMBER: 88

AUTHOR: Assembly Member Fuentes

TOPIC: Land use: subdivision maps: expiration dates

IMPACT: **Information**

SUMMARY: This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that has not expired as of the effective date of this act and will expire prior to January 1, 2014.

This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described in the act, and that the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

Urgency statute with no state reimbursement. "In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately".

EFFECT: Amends Section 65961 of, and adds Section 66452.23 to, the Government Code, relating to land use.

ACTIONS REQUIRED: None

PRESENTER: Candace J. Grubbs, Butte County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER: AB 433

CHAPTER NUMBER: 718

AUTHOR: Assembly Member Bonnie Lowenthal

TOPIC: Birth certificates: issuance

IMPACT: **Minor** - Counties might see additional Sealing Notices from the state.

SUMMARY: Provides that an individual who has undergone an appropriate treatment for purposes of gender transition may petition to have the change in gender recognized and receive a new birth certificate. Allows a single petition to be used to change a petitioner's name, recognize his or her change in gender and, if requested, order issuance of a new birth certificate.

EFFECT: Simplifies the process of obtaining a judgment of gender transition and a new birth certificate accurately reflecting the petitioner's gender. Amends Health and Safety Code Sections 103425, 103430, and 103435.

ACTIONS REQUIRED: None

PRESENTER: De Ana Thompson, San Bernardino County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER:	AB 654
CHAPTER NUMBER:	Ch. 278
AUTHOR:	Assembly Member Hueso
TOPIC:	Local government: Historical Property
IMPACT:	Information
SUMMARY:	<p>Existing law authorizes an owner of any qualified historical property to contract with a city and/or county to restrict the use of the property in exchange for lowered assessment values. Current law requires contracts provide for periodic examination by specified government departments. This bill would require inspection of the interior and exterior of the premises by the city, county or city and county prior to a new agreement and every 5 years thereafter and required the owner to record the contract with the county in which the property is located within 6 months; Section 50281(c). Also in 50282 (e), no later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto. This bill contains other related provisions and other current laws.</p>
EFFECT:	Amends Sections 50281, 50281.1, 50182, 50284, and 50287 of the Government Code, relating to local government.
ACTIONS REQUIRED:	Requires recording of historical contract.
PRESENTER:	Candace J. Grubbs, Butte County
NOTES:	Historical Property Contract-see pg.104 of DRIM Fee required if recorded by owner/No fee if recorded by legislative body.

2011 Chaptered Bill Analysis

BILL NUMBER: AB 791

CHAPTER NUMBER: 59

AUTHOR: Assembly Member Ammiano

TOPIC: Dependent children: birth certificates

IMPACT: **Information**

SUMMARY: Requires the court, when denying or terminating reunification services with a parent or guardian, to order that a dependent child's caregiver be provided with the child's birth certificate, or, when appropriate, if the child is 16 years of age or older, that the child receive his or her birth certificate.

EFFECT: Amends Welfare and Institutions Code Sections 361.5 and 366.21

ACTIONS REQUIRED: None

PRESENTER: De Ana Thompson, San Bernardino County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER:	AB887
CHAPTER NUMBER:	719
AUTHOR:	Assembly Member Atkins
TOPIC:	Gender.
IMPACT:	Important
SUMMARY:	This bill makes technical changes to those provisions by refining the definition of gender to also mean a person's gender identity and gender expression and defines gender expression as meaning a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
EFFECT:	An act to amend §51 of the Civil Code, to amend §200, 210.2, 210.7, 220, 32228, 47605.6, 51007, 66260.6, 66260.7, and 66270 of the Education Code, to amend §12920, 12921, 12926, 12930, 12931, 12935, 12940, 12944, 12949, 12955, 12955.8, 129561.1, and 12956.2 of the Government Code, to amend §3600 of the Labor Code and to amend §186.21, 422.56, 422.85, 3053.4, and 11410 of the Penal Code relating to gender.
ACTIONS REQUIRED:	This bill changes the cover page provided by the Recorder to the public when purchasing a declaration, governing document, or deed. The description "gender, gender identity, gender expression" should be added to this 14-point boldface cover page.
PRESENTER:	Paula Lewis, Shasta County
NOTES:	

2011 Chaptered Bill Analysis

BILL NUMBER:	AB 1053
CHAPTER NUMBER:	402
AUTHOR:	Assembly Member Gordon
TOPIC:	Local government: penalties and fees
IMPACT:	Major - Increase in revenue for birth, death and fetal death vital record copies.
SUMMARY:	<p>Increases the base fees for obtaining death, fetal death or birth certificates by \$9. Requires the fee increase to be applied incrementally, imposing a net fee increase of \$5 on January 1, 2012, (actual increase will be \$2.00 as the California Department of Public Health had already raised the base fee to \$6.00 in accordance with H&S 100430) and additional \$2 fee increases on January 1, 2013, and January 1, 2014.</p> <p>Specifies that the issuing agency retains 85% of the base-fee revenues solely to support activities related to the issuance of certified copies of vital records, and transmits 15% of the fee to the State Registrar.</p> <p>Requires, after January 1, 2014, that the new statutory base fee must be adjusted annually by the percentage change printed in the Budget Act for those items appropriating funds to the Dept. of Public Health and that the actual dollar fee or charge for birth and death certificates shall be rounded to the nearest whole dollar.</p> <p>Increases the registration fee for use of public defender services by juveniles from a maximum fee of \$25 to a maximum fee of \$50.</p>
EFFECT:	Adjusts vital record fees to levels that more accurately reflect the actual cost of providing the service. Amends Sections 100430 and 103625 of, and to amend, repeal, and add Section 100425 of, the Health and Safety Code, and to amend Section 903.15 of the Welfare and Institutions Code.

AB1053 Continued...

ACTIONS REQUIRED: Revise systems, fee schedules, fee handouts, web sites, signage in county offices.

PRESENTER: De Ana Thompson, San Bernardino County

NOTES: Fee goes down \$2.00 for birth certificates (for the general public) on January 1, 2018 due to the sunset of AB 52 "Umbilical Cord Blood Collection Program".

2011 Chaptered Bill Analysis

BILL NUMBER: AB 1082

CHAPTER NUMBER: Chapter 113, Statutes of 2011

AUTHOR: Assembly Member Gatto

TOPIC: Power of Attorney: statutory form power of attorney.

IMPACT: **Information**

SUMMARY: Apply attorney-in-fact provisions to a statutory form Power of Attorney, and revise certain powers that require express authority.

The statutory form may look slightly different however there are no changes to the recording requirements.

EFFECT: Minor

ACTIONS REQUIRED: None

PRESENTER: Theresa Rabe, San Mateo County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER: AB 1090

CHAPTER NUMBER: 369

AUTHOR: Assembly Member Blumenfield

TOPIC: Taxation: Property Tax Deferment

IMPACT: **Important**

SUMMARY: Establishes the County Deferred Property Tax Program for Senior Citizens and Disabled Citizens. The program must be authorized by the Board of Supervisors. Under the program, a participating county would be authorized to defer a claimant's property taxes retroactively, for property taxes due on or before February 20, 2011, and prospectively. The county treasurer is responsible for determining eligibility and managing the program.

The amount of property taxes deferred shall be secured by a judgment lien against the claimant's residential dwelling for which the property taxes are deferred. The lien shall be evidenced by a notice of lien for deferred property taxes executed by the county. The notice of lien for deferred property taxes is first routed to the assessor and then to the recorder for recording. When the obligation is discharged, the county treasurer or tax collector shall execute and record a release of the lien. The cost of recording the release shall be added to the obligation.

EFFECT: Amends Section 53684 of the Government Code and adds Part 10.6 (commencing with Section 20800) to Division 2 of the Revenue and Taxation Code.

ACTIONS REQUIRED: Creates two new documents for the DRIM

PRESENTER: Debbie Wilson, San Joaquin County

NOTES:

Title	DEFERRED PROPERTY TAX LIEN
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Purpose	To create a lien against the homeowner for deferred property taxes
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Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner(s) 2. Name of county 3. Description of real property for which property taxes have been deferred 4. Signature of county agency official
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Fees	Free
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Legal References	R & T 20810
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Comments	
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Local Use

Index	Ordinances/Opinions
Grantor = Owner	
Grantee = County	

Title	RELEASE OF DEFERRED PROPERTY TAX LIEN
-------	--

Purpose	To evidence the release of a deferred property tax lien
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Requirements	<ol style="list-style-type: none"> 1. Name of owner(s) 2. Name of county 3. Reference to lien being released 4. Signature of county agency official
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Fees	\$13.00
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Legal References	R & T 20815, Govt 27361.3(fee)
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Comments	
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Local Use

Index	Ordinances/Opinions
Grantor = County	
Grantee = Owner	

2011 Chaptered Bill Analysis

BILL NUMBER: SB 4

CHAPTER NUMBER: 229

AUTHOR: Senators Calderon and Vargas

TOPIC: Mortgages

IMPACT: Minor

SUMMARY: Beginning April 1, 2012, that the notice of sale, given pursuant to a deed of trust or mortgage secured by real property containing from one to 4 single-family residences, contain language notifying potential bidders of specified risks involved in bidding on property at a trustee's sale, and a notice to the property owner informing the owner about how to obtain information regarding any postponement of the sale.

The bill would require a good faith effort to be made to provide current information regarding sale dates and postponements and that the information be available free of charge. The bill would permit the information to be provided by any means that provides continuous access, as specified.

EFFECT: Additional information may appear on Notices of Trustee's Sale.

ACTIONS REQUIRED: None

PRESENTER: Gilbert Carter, Fresno County

NOTES:

Title	NOTICE of TRUSTEE'S SALE (Notice of Sale)
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Purpose	To evidence that a foreclosure sale will be conducted by a trustee in exercise of a power of sale
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Requirements	<ol style="list-style-type: none"> 1. Date, time and address of sale 2. Description / identification of real property with assessor's parcel number 3. Name, address and telephone number of trustee or person conducting the sale 4. Street address of the property if any or name and address of the beneficiary and statement that directions to subject real property may be obtained by written request 5. Amount of unpaid balance and other charges 6. Name(s) of defaulting trustor(s) 7. Reference to Deed of Trust / Mortgage 8. Date of Deed of Trust / Mortgage 9. Signature(s) of trustee(s) or beneficiary(ies)
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Fees	Regular
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Legal References	CC 2924(f)
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Comments	Acknowledgement not required
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Local Use	
Index	Ordinances/Opinions
Grantor = Trustor	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME

ADDRESS

CITY, STATE, /ZIP

SAMPLE

space above this line for Recorder's use only

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED _____, UNLESS YOU TAKE ACTION OT PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

On _____, the _____ day of _____, 20____, at the hour of _____o'clock __.M. of said day, _____

County of _____, State of California and commonly known as
and being more particularly described as follows:

Said sale will be made without covenant or warranty, expressed or implied, regarding title, possession or encumbrance to satisfy the obligations secured by and pursuant to the powers of sale conferred in a certain Deed of Trust executed by _____ as Trustor, to _____ as Trustee, for the benefit and security of _____ dated _____, and recorded _____, in the office of the County Recorder of the County of _____ State of California, in Book _____ of Official Records at page _____ or as Instrument number _____. The total amount of the unpaid balance of the obligation secured by the property to be sold, including estimated costs, expenses and advances is: \$_____. The name, street address and telephone number of the Trustee conducting the sale is: _____ . The name, address and telephone number of the Beneficiary at whose request this sale is to be

conducted is: _____

Directions may be obtained to locate the property being sold, pursuant to a written request submitted to the Beneficiary within 10 days from the first publication of this notice.

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, or trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call the trustee's information line at [trustee's phone number] or visit this Internet Web site [Internet Web site address for information], using the file number assigned to this case [case file number]. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale.

Dated: _____

Trustee(s) / Beneficiary(ies)

2011 Chaptered Bill Analysis

BILL NUMBER:	SB62
CHAPTER NUMBER:	141
AUTHOR:	Senator Liu
TOPIC:	Local government: Los Angeles County: Notice of Recordation
IMPACT:	Information (LA County Only)
SUMMARY:	This bill allows LA County to add Notice of Default and Notice of Sale to the documents currently part of the Fraud Notification Program. Also fees can be used for counseling or providing assistance to the recipient of the notice.
EFFECT:	Expands the Fraud Notification Program and alerts the public of fraudulent foreclosures and sales.
ACTIONS REQUIRED:	None
PRESENTER:	Portia Sanders, Los Angeles County
NOTES:	Bill has a sunset date of January 1, 2015

2011 Chaptered Bill Analysis

BILL NUMBER: SB 154

CHAPTER NUMBER: 120

AUTHOR: Senator Wolk

TOPIC: Marriage licenses: vital records: fees: domestic violence: Solano County.

IMPACT: **Information**

SUMMARY: Deletes a January 1, 2012 sunset date relative to Solano County increasing fees by \$2.00 for certified copies of vital records to fund domestic violence prevention, intervention, and prosecution thereby extending existing law indefinitely.

EFFECT: Extends funding for domestic violence prevention, intervention, and prosecution in Solano County. Amends Section 26840.11 of the Government Code, Section 103628 of the Health and Safety Code and Section 18309.5 of the Welfare and Institutions Code.

ACTIONS REQUIRED: None

PRESENTER: De Ana Thompson, San Bernardino County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER: SB 190

CHAPTER NUMBER: 229

AUTHOR: Senator Lowenthal

TOPIC: Mechanics Liens

IMPACT: **Minor**

SUMMARY: Make various technical, conforming changes related to the recodification of the law for enforcing mechanics liens that was done by SB 189 which was chaptered 9/30/2010, as Chapter No. 697. The bill would also require that a person forfeit his or her lien if the person willfully includes labor or materials in a lien claim that were not furnished to the property in the claim. The major changes that SB 189 made were the requirements that the owner must sign a Notice of Completion and a Notice of Cessation of Labor. Both SB 190 and 189 are to become effective July 1, 2012.

EFFECT: SB 189 enacted separate provisions governing private works of improvement and public works of improvement.

ACTIONS REQUIRED: None

PRESENTER: Gilbert Carter, Fresno County

NOTES:

Title	Notice of Completion
-------	----------------------

Purpose	To evidence that a work of improvement has been completed
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Requirements	<ol style="list-style-type: none"> 1. Name(s) and address of owner(s) 2. Nature of the interest of estate of owner (fee, vendee under contract, lessee) 3. Date of work completion 4. Description/identification of real property * 5. Signature(s) of owner(s)/agent(s)** 6. Verification <p>*Only one signature required **Effective July 1, 2012, an agent can no longer sign</p>
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Fees	Regular
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Legal References	CC - 3093 CCP - 2003 (oath), 2015.5 (unsworn statement)
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Comments	Shortens time period for filing mechanic's liens if recorded within 10 days of completion date
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Local Use

Index	Ordinances/Opinions
Grantor = Owner Contractor	

Title	Notice of Cessation
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Purpose	To evidence that the work on a project has ceased prior to completion
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Requirements	<ol style="list-style-type: none"> 1. Name(s) and address of owner(s) 2. Nature of interest or estate of owner (fee, vendee under contract, lessee) 3. Date of cessation of labor 4. Statement that cessation has continued until recording of notice 5. Description/identification of real property 6. Signature of * owner(s)/agent(s)** 7. Verification <p>*Only one signature required **Effective July 1, 2012, an agent can no longer sign</p>
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Fees	Regular
------	---------

Legal References	<p>CC - 3092 CCP - 2003 (oath), 2015.5 (unsworn statement)</p>
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Comments	<p>Shortens time period for filing of mechanic's liens May also mean completion of project</p>
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Local Use

Index	Ordinances/Opinions
<p>Grantor = Owner Contractor</p>	

2011 Chaptered Bill Analysis

BILL NUMBER: SB 194

CHAPTER NUMBER: 382

AUTHOR: Committee on Governance and Finance (Senators Wolk (Chair), DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, and Liu)

TOPIC: Non-substantive changes to various code sections
Bill includes CRAC DD-214 language

IMPACT: **Important**

SUMMARY: Relevant section authorizes recorders to issue an un-redacted copy of DD-214 when requested by an authorized person who certifies that full SSN is required to receive benefits

EFFECT: Jan. 1, 2012

ACTIONS REQUIRED: As noted

PRESENTER: Jean Pasco, Orange County

NOTES:

Title	NOTICE OF TERMINATION OF AVIGATION EASEMENT
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Purpose	To evidence the expiration or revocation of the Avigation Easement
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Requirements	<ol style="list-style-type: none"> 1. Political subdivision / property owner / airport operator 2. Recording reference to the Avigation Easement 3. Description / identification of real property 4. Signature of political subdivision / property owner / airport operator 5. Signature acknowledged
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Fees	Regular [no fee exemption - Public Utilities Code 21669.5(e)]
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Legal References	Public Utilities Code 21669.5(b); Govt - 27287 (ack), 27361.6 (recording ref.)
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Comments	
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Local Use

Index	Ordinances/Opinions
Grantor - Political subd/ owner/operator	
Grantee	

2011 Chaptered Bill Analysis

BILL NUMBER: SB 284

CHAPTER NUMBER: 46

AUTHOR: Senator Harman

TOPIC: Expiration of title

IMPACT: **Informational**

SUMMARY: Specifies that an option to purchase real property expires six months after the date the instrument is recorded or, if there is an expiration date on the offer, six months after that expiration date.

Clarifies when an option to purchase real property expires after recording

EFFECT: Jan. 1, 2013 (at request of CLTA)

ACTIONS REQUIRED: As noted

PRESENTER: Jean Pasco, Orange County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER: SB 328

CHAPTER NUMBER: 589

AUTHOR: Kehoe

TOPIC: Eminent domain law; conservation easements

IMPACT: **Informational**

SUMMARY: Establishes requirements for obtaining easements

Revises California eminent domain law to establish requirements for acquiring property subject to a conservation easement. Specifies that holders of easements are entitled to compensation under eminent domain law.

EFFECT: Jan. 1, 2012

ACTIONS REQUIRED: None

PRESENTER: Jean Pasco, Orange County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER: SB 424

CHAPTER NUMBER: 127

AUTHOR: Senator Rubio

TOPIC: Mechanics Liens; Design Professionals

IMPACT: Minor

SUMMARY: Authorize a design professional to convert a recorded design professional lien to a mechanics lien if certain requirements are met. The recorded mechanics lien should state that it is a converted design professional lien. The bill will be operative on July 1, 2012.

EFFECT: Adds an additional type of Mechanics Lien.

ACTIONS REQUIRED: None

PRESENTER: Gilbert Carter, Fresno County

NOTES:

Title	MECHANIC'S LIEN
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Purpose	To create a lien in favor of persons contributing labor, material, supplies, etc., to a work of improvement upon real property
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Requirements	<ol style="list-style-type: none"> 1. Name(s) of property owner(s) or reputed owner(s) 2. Statement of claimant's demand (dollar amount) 3. Statement of labor, services, equipment or materials, etc. furnished by the claimant 4. Claimant's employer or to whom labor, materials, etc. furnished (contractor or owner) 5. Description of site sufficient for identification 6. Notice of Mechanic's lien statement 7. Signature of claimant or agent 8. Verification 9. Proof of service affidavit
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Fees	Regular fee plus lien fee, if applicable
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Legal References	CC - 3084, 3084(a)(7) (statement) CCP - 2003 (oath), 2015.5 (unsworn statement) CC- 8319 -Design Professional Lien
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Comments	Can convert a recorded Design Professional Lien to a Mechanic's Lien
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Local Use

Index	Ordinances/Opinions
Grantor = Owner	
Grantee = Claimant	

Title	NOTICE OF LIEN - DESIGN PROFESSIONAL
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Purpose	To evidence a lien for design professionals where no actual work of construction is commenced
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Requirements	<ol style="list-style-type: none"> 1. Name(s) owner(s) 2. Name of design professional 3. Description/ identification of real property 4. Amount of lien 5. Building permit number, or other proof of governmental approval 6. Signature of design professional 7. Verification
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Fees	Regular fee plus lien fee, if applicable
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Legal References	<p style="text-align: center;">CC - 3081.3(c), 8319 CCP - 2003 (oath), 2015.5 (unsworn statement)</p>
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Comments	Can convert a recorded Design Professional Lien to a Mechanic's Lien
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Local Use

Index	Ordinances/Opinions
Grantor = Owner	
Grantee = Design professional	

2011 Chaptered Bill Analysis

BILL NUMBER:	SB 436
CHAPTER NUMBER:	590
AUTHOR:	Senator Kehoe
TOPIC:	Land use: mitigation lands: nonprofit organizations
IMPACT:	Information
SUMMARY:	Allows for the recording of a ‘Mitigation Agreement’ for the long-term stewardship of a property and accompanying funds.
EFFECT:	Minor
ACTIONS REQUIRED:	None
PRESENTER:	Craig A. Kramer, Sacramento County
NOTES:	No change to DRIM as mitigation agreement must meet requirements of any agreement. Additional language to be included in transferring document does not add a recording requirement.

2011 Chaptered Bill Analysis

BILL NUMBER: SB 458

CHAPTER NUMBER: 82

AUTHOR: Corbett

TOPIC: Mortgages: deficiency judgments

IMPACT: **Information**

SUMMARY: This bill would expand those provisions to prohibit a deficiency judgment upon a note secured solely by a deed of trust or mortgage for a dwelling of not more than 4 units in any case in which the trustor or mortgagor sells the dwelling for a sale price less than the remaining amount of the indebtedness outstanding at the time of sale, in accordance with the written consent of the holder of the deed of trust or mortgage if the title has been voluntarily transferred to a buyer by grant deed or by other document that has been recorded and the proceeds of the sale are tendered as agreed.

EFFECT: None

ACTIONS REQUIRED: None

PRESENTER: Portia Sanders, Los Angeles County

NOTES:

2011 Chaptered Bill Analysis

BILL NUMBER:	SB 559
CHAPTER NUMBER:	261
AUTHOR:	Introduced by: Senator Padilla (Coauthors: Assembly Members Atkins and Wieckowski)
TOPIC:	Discrimination: genetic information
IMPACT:	Information
SUMMARY:	This bill expands the prohibited bases of discrimination under the Unruh Civil Rights Act and the California Fair Employment and Housing Act to include genetic information.
EFFECT:	The bill would modify the information the county recorder is required to provide on the above-described cover page or stamp to reflect the changes this bill would make in prohibiting restrictions on the basis of genetic information.
ACTIONS REQUIRED:	No action required
PRESENTER:	Gina Alcomendras, Santa Clara County
NOTES:	

2011 Chaptered Bill Analysis

BILL NUMBER: SB 636

CHAPTER NUMBER: 200

AUTHOR: Senator Corbett

TOPIC: Personal information: Internet disclosure prohibition

IMPACT: **Information**

SUMMARY: Prohibits posting of personal information of a domestic violence or stalking victim program participant and others related to the program.

EFFECT: Minor

ACTIONS REQUIRED: None

PRESENTER: Craig A. Kramer, Sacramento County

NOTES: Should not directly affect Recordors as we do not currently post personal information on the Internet.



Miscellaneous *additions*, corrections and
Amendments to the Document Recording
and Indexing Manual (DRIM)

1. Tax Deed to Purchaser of Tax Defaulted Property – Pg. 75

Add Revenue and Taxation Code 3708.1(fees) in the Legal Reference

2. Revocation/Rescission of Deed – Pg. 139

Delete Document and update index page and “Do not record page”

3. Subordination Agreement – Pg. 98

Revise recording requirements –Add as a requirement

- *Name of party (ies) being subordinated to. It will make it consistent with the indexing requirements.*
- *Name of beneficiary(ies)/landlord(s) of existing deed of trust/lease*
- *Recording reference to deed of trust/lease*

4. Agreement for Sale – Pg. 6

Under Fees – Add “Possible Documentary Transfer Tax Transaction”

5. Release From/Subordination of Judgment Lien – Pg. 145

Revise the Recording Requirements as follows:

- *Name(s) of Party (ies) -Debtor(s) / Creditor(s)*
- *Reference to recorded judgment*
- *Signature of Creditor(s)*
- *Signature(s) Acknowledged*

6. HUD –Designation of Foreclosure Commissioner- Pg. 283

Remove the Recording Requirement –Legal Description

Remove legal references – CC 2933 and 1095

7. Notice of Non-Responsibility-Pg. 56

Add the Recording Requirement – The name of the purchaser under contract, if any, or lessee, if known

8. Grant of Lien – Pg. 235

See attached page

Title	Grant of Lien
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Purpose	To evidence the voluntary grant of lien secured by real property in exchange for services provided by a public agency or private party
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Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner(s)/party granting lien 2. Name(s) of public agency/attorney/party granted a lien 3. Description/identification of real property 4. Signature of owner(s)/party granting lien * 5. Signature(s) acknowledged <p>*Proof by subscribing witness not acceptable (witness acknowledgment)</p>
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Fees	Regular (Free if to a State, County or City agency)
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Legal References	Govt - 27280, 27287 (ack), 27288.1 (names of parties) FC - 2033 (family law attorney's real property lien)
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Comments	
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Local Use

Index	Ordinances/Opinions
Grantor = Owner/grantor Grantee= Public agency/ attorney /grantee	

**COUNTY RECORDERS' ASSOCIATION
OF CALIFORNIA (CRAC)**

**2011/2012 LEGISLATIVE SESSION
LEGISLATIVE PROPOSAL**

Submitted by: Florence Shimano

**Address:
P.O. Box c
San Rafael CA 94913**

County: Marin

Phone: 415-499-6336

eMail: fshimano@co.marin.ca.us

Amend Code section(s): CC 880.340

**What does this proposal do? Remove obsolete language for CA All-Purpose
Acknowledgment**

What problem(s) will this proposal resolve?

**Arguments with "constitutionalists" who often submit documents with titled "Notice of
Intent to Preserve Interest"**

How will this proposal affect the agency and the public?

Are there any other related Code sections that will be affected?

Yes. Provide them:

No. Unknown

Will this proposal save/increase costs? Explain and give estimates: No

What other agencies would be affected by this proposal? None

Who will support this proposal? Why? CRAC

Who will oppose this proposal? Why? N/A

Draft language: (Attach additional pages if necessary)

880.340. Subject to all statutory requirements for recorded documents, a notice of intent to preserve an interest in real property shall be in substantially the following form:

RECORDING INFORMATION

Recording requested by: FOR USE OF COUNTY
RECORDER

After recording return to:
Indexing instructions.

This notice must be
indexed as follows:
Grantor and grantee
index--each claimant
is a grantor.

NOTICE OF INTENT TO PRESERVE INTEREST

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section **880.020**) of Part 2 of Division 2 of the **Civil Code** (Marketable Record Title).

Claimant Name:

Mailing address:

(must be given for each claimant)

Interest Character (e.g., power of termination):

Record location of document creating or
evidencing interest in claimant:

Real Property Legal description (may be same as in
recorded document creating or evidencing
interest in claimant):

I assert under penalty of perjury that this notice is not
recorded for the purpose of slandering title to real property
and I am informed and believe that the information contained

in this notice is true. If this notice is made on behalf of a claimant, I assert under penalty of perjury that I am authorized to act on behalf of the claimant.

Signed: _____ Date: _____
(claimant)

(person acting on behalf
of claimant)

State of _____,
County of _____, ss.

~~On this _____ day of _____, in the year _____, before me
(here insert name and quality of officer), personally appeared
_____, personally known to me (or proved to me on the
basis of satisfactory evidence) to be the person whose name is
subscribed to this instrument, and acknowledged that he (she
or they) executed it.~~

~~Signed: _____ Official Seal:
Office: _____~~

Certificate of Acknowledgment Required

**COUNTY RECORDERS' ASSOCIATION
OF CALIFORNIA (CRAC)**

2011/2012 LEGISLATIVE SESSION
LEGISLATIVE PROPOSAL

Submitted by: Craig Kramer

Address: 600 8th St. Sacramento, CA 95814

County: Sacramento

Phone:(916) 8474-6382

eMail: kramerc@saccounty.net

Amend Code section(s): Add section 27203.7 to the Government Code

What does this proposal do? Allows a recorder to delay recording a document for up to 3 working days if fraud is suspected. The delay may also be extended if petition made to the Superior Court. Protects recorder from liability for delay in recording if fraud is suspected. Exempts documents insured by title companies from any delay under this proposal provided a certificate of insurance is attached.

What problem(s) will this proposal resolve? The recording of fraudulent documents.

How will this proposal affect the agency and the public? Will provide recorder authority to examine documents more thoroughly if fraud is suspected prior to recording. Will protect the public, including business from the recording of fraudulent documents.

Are there any other related Code sections that will be affected?

Yes. Provide them:

No.

Will this proposal save/increase costs? Explain and give estimates: Costs will be supported by existing dedicated base recording fees. Action is optional.

What other agencies would be affected by this proposal? County Counsel, District Attorney, Title Companies

Who will support this proposal? Why? Law Enforcement Agencies

Who will oppose this proposal? Why? TBD

Draft language: (Attach additional pages if necessary) See Attached

27203.7 (a) A recorder may delay the recordation of any instrument, paper, or notice that is authorized or required by statute or court order to be recorded by up to three(3)working days if he/she has reason to believe that the recording is an attempt to defraud.

(b) If a recorder applies the provisions of (a) above he/she shall petition the Superior Court for authority to continue the delay beyond three (3) working days.

(c) A recorder shall not delay the recording of any instrument, paper, or notice that is authorized or required by statute or court order to be recorded if accompanied by a certificate of title insurance covering the document to be recorded.

(d) A recorder shall not be held liable for a delay in recording unless he/she derives a personal financial benefit from the delay. If there is a personal financial benefit he/she is liable to the party aggrieved for three times the amount of damages occasioned thereby.

2011/2012
COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA
GENERAL LEGISLATIVE GUIDELINES

TOPIC	LEGISLATIVE INTENT	POSITION
Recording Fees	Recording fees for recorder operations	SUPPORT
	Recording fees that directly tie to recorder customer benefit	SUPPORT
	Recording fees for non-recorder related activities	OPPOSE
	Recording fees for non-recorder related activities with vote of public	NEUTRAL
Recorded Documents	Establishment of a new document provided appropriate fees and recording requirements are included	NEUTRAL
	Establishment of new recording requirements provided adequate funding is included and service is not disruptive to function of recorder	SUPPORT
Recording Process	Electronic recording including county option	SUPPORT
	Adequate fees are provided and service is not disruptive to function of recorder	NEUTRAL
Vital Statistic Fees	Copy fees for recorder operations	SUPPORT
	Copy fees that directly tie to recorder customer benefit	SUPPORT
	Copy fees for non-recorder related activities	OPPOSE
	Copy fees for non-recorder related activities with vote of public	NEUTRAL
Vital Statistic Process	Establishment of new forms provided no additional cost is charged and is not disruptive to recorder function	NEUTRAL
	Establishment of new requirements provided policy is not disruptive to recorder function and costs are recovered	NEUTRAL
Public Records	Establish limitations affecting the public's access to official records	OPPOSE
	Establish limitations affecting the public's access to vital statistic records	NEUTRAL
	Establish limitations affecting the public's access to filed documents	OPPOSE
These general legislative guidelines will be used by the legislative committee in reviewing pending legislation for establishing an association position. Each bill will be looked at individually when using these general guidelines.		

OVERVIEW OF LEGISLATIVE PROCESS

The process of government by which bills are considered and laws enacted by the California State Legislature is commonly referred to as the legislative process. The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature maintains a legislative calendar governing the introduction and processing of the legislative measures during its two-year regular session.

Idea

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process begins when a Senator or Assembly Member decides to author a bill.

The Author

A legislator sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. The draft of the bill is returned to the legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

First Reading/Introduction

A bill is introduced or read the first time when the bill number, the name of the author, and the descriptive title of the bill are read on the floor of the house. The bill is then sent to the Office of State Publishing. No bill except the Budget Bill may be acted upon until 30 days have passed from the date of its introduction.

Committee Hearings

After introduction, a bill goes to the rules committee of the house, where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with health care facilities would first be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of funds must also be heard in the fiscal committees, Senate Appropriations and Assembly Appropriations. Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee, and testimony may be heard in support or opposition to the bill. The committee then votes on whether to pass the bill out of committee, or that it be passed as amended. Bills may be amended several times. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains the intended effect of the bill on current law, together with background information. Typically the analysis also lists organizations that support or oppose the bill.

Second and Third Reading

Bills passed by committees are read a second time on the floor in the house of origin and then assigned to third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the Members, and voted on by a roll call vote. Bills that require an appropriation, or that take effect immediately, ordinarily require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsideration and another vote.

Repeat Process in Other House

Once the bill has been approved by the house of origin it proceeds to the other house where the procedure described above is repeated.

Resolution of Differences

If a bill is amended in the second house, it must go back to the house of origin for concurrence, meaning agreement on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee to resolve the differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

Governor

If both houses approve a bill, it goes to the Governor. The Governor has three choices: sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on the first day of January of the next year. Urgency bills, and certain other measures, take effect immediately after they are enacted into law.

California Law

Each bill that is passed by the Legislature and approved by the Governor is assigned a chapter number by the Secretary of State. These chaptered bills are statutes, and ordinarily become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

The California Constitution sets forth the fundamental laws by which the State of California is governed. All amendments to the California Constitution come about as a result of constitutional amendments approved by the voters at a statewide election.

AB 1053 Summary Review

- This bill increases the \$3.00 base fee for the issuance of death, fetal death or birth certificate by \$9.00. By January 1, 2014 the total base fee for a death, fetal death or birth certificate will be \$12.00 which will more accurately reflect the true costs of providing this service.
- Requires the \$9.00 increase to be applied incrementally over a three year period.
 - \$5.00 increase over the \$3.00 base fee which will make the base fee \$8.00 on January 1, 2012; *(Due to the \$3.00 increase already implemented by the state in 1994 which made the current base fee \$6.00 (see note below*) Recorders will only need to increase the current base fee of \$6.00 by \$2.00 which will reflect the \$8.00 base fee on January 1, 2012).*
 - An additional \$2.00 increase on the \$8.00 base fee which will make the base fee \$10.00 on January 1, 2013.
 - A final additional \$2.00 increase on the base fee of \$10.00 which will make the base fee \$12.00 on January 1, 2014.
 - *(Records are required to implement the fee increase incrementally based on the above listed timetable.)*

***NOTE: H&S Section 100430.2 the base amount to be adjusted shall be the statutory base amount of the fee or charge plus the sum of the prior adjustments to the statutory base amount. Whenever the statutory base amount is amended, the base amount shall be the new statutory base amount plus the sum of adjustment to the new statutory base amount calculated subsequent to the statutory base amendment.** *The State Department of Public Health in accordance with 100430 has already increased the base fee of \$ 3.00 by \$3.00 in 1994; which made the current base fee \$6.00. Recorders are only required to Increase the base fee by \$2.00 instead \$5.00 because the \$3.00 increase the state implemented is allowing for the adjustment of \$2.00 required by January 1, 2014. This leaves a balance of \$6.00 to be increases incrementally over the next three years.*

- The Issuing agency retains 85% of the base fee revenue solely to support activities related to the issuance of certified copies of vital records, and transmits 15% of the fee to the state Registrar.
- After January 1, 2014 the new statutory base fee must be adjusted annually by the percentage change printed in the Budget Act for those items appropriating funds to the Dept of Public Health and that the actual dollar fee or charge for death, death fetal and birth certificates shall be rounded to the nearest whole dollar. *(State will do this and we will increase based on their fee schedule as provided to Recorders)*
- Increases the registration fee for use of public defender services by juveniles from a maximum fee of \$25.00 to a maximum of \$50.00 *(No effect on Recorders)* Please see sample fee schedules. (Disclaimer) 4 samples attached.

DISCLAIMER

This Vital Record Fee Schedule was revised for training demonstration purposes only to show how the fee will increase over the next three years. The California Department of Public Health did not review, participate, issue, provide or distribute this document for official business use. All questions can be forwarded to De Ana M. Thompson at deana.thompson@arc.sbcounty.gov

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2011

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD
(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
BIRTH - General Public			
H&S Code, § 103625(b) and H&S Code, § 100430	\$6.00	\$5.10 <u>\$.90</u>	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Surcharge: Welfare & Institutions (W&I) Code, § 18966 and H&S Code, § 103625(b) ¹	\$4.00	\$ 0.40 <u>\$ 3.60</u>	Retained by Issuing agency (10%) To County Children's Trust Fund (90%)
H&S Code, § 103625(b) ¹⁶	\$2.00	\$ 2.00	To Umbilical Cord Blood Collection Program (100%)
Total Fee	\$16.00		
BIRTH - Government Agency			
H&S Code, § 103625(b) and H&S Code, § 100430	\$6.00	\$5.10 <u>\$.90</u>	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Total Fee	\$10.00		
DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$6.00	\$5.10 <u>\$.90</u>	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Surcharge: Penal Code, § 14251 ¹⁰	\$2.00	\$0.10 <u>\$1.90</u>	Retained by issuing agency (5%) To Department of Justice Missing Persons DNA Data Base Fund (95%)
Total Fee	\$12.00		

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2011

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD (Cont.)
(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
FETAL DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$6.00	\$5.10 <u>\$.90</u>	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
Total Fee	\$9.00		
STILL BIRTH			
H&S Code, § 103040.1(f) ¹⁴		Varies per county	Retained by issuing agency (100%)
Total Fee			
MARRIAGE - General Public			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10 <u>\$.90</u>	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
Surcharge: H&S Code, § 103625(c) and Family Code, § 1852 ⁹	\$4.00	\$0.40 <u>\$3.60</u>	Retained by issuing agency (10%) To Family Law Trust Fund (90%)
H&S Code, § 103525.5 and Family Code, § 506 ¹⁵	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency (35%) To State Registrar each month (65%)
Total Fee	\$14.00		
MARRIAGE - Government Agency			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10 <u>\$.90</u>	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹⁵	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency (35%) To State Registrar each month (65%)
Total Fee	\$10.00		

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2012

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD

(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
BIRTH - General Public			Effective January 1, 2012, increase of \$2.00 H&S 103625(b) and 100430
H&S Code, § 103625(b) and H&S Code, § 100430	\$8.00	\$6.80 \$1.20	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Surcharge: Welfare & Institutions (W&I) Code, § 18966 and H&S Code, § 103625(b) ¹	\$4.00	\$ 0.40 <u>\$ 3.60</u>	Retained by issuing agency (10%) To County Children's Trust Fund (90%)
H&S Code, § 103625(b) ¹⁶	\$2.00	\$ 2.00	To Umbilical Cord Blood Collection Program (100%)
Total Fee	\$18.00		
BIRTH - Government Agency			
H&S Code, § 103625(b) and H&S Code, § 100430	\$8.00	\$6.80 \$1.20	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Total Fee	\$12.00		
DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$8.00	\$6.80 \$1.20	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Surcharge: Penal Code, § 14251 ¹⁰	\$2.00	\$0.10 <u>\$1.90</u>	Retained by issuing agency (5%) To Department of Justice Missing Persons DNA Data Base Fund (95%)
Total Fee	\$14.00		

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2012

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD (Cont.)
(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
FETAL DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$8.00	\$6.80	Retained by issuing agency (85%) To State Registrar each month (15%)
		\$1.20	
H&S Code, § 103625(f) ⁹ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
Total Fee	\$11.00		
STILL BIRTH			
H&S Code, § 103040.1(f) ¹⁴			
Total Fee		Varies per county	Retained by issuing agency (100%)
MARRIAGE - General Public			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10	Retained by issuing agency (85%) To State Registrar each month (15%)
		<u>\$.90</u>	
H&S Code, § 103625(f) ⁹ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
Surcharge: H&S Code, § 103625(c) and Family Code, § 1852 ⁸	\$4.00	\$0.40	Retained by issuing agency (10%) To Family Law Trust Fund (90%)
		<u>\$3.60</u>	
H&S Code, § 103525.5 and Family Code, § 506 ¹⁵	\$1.00	\$0.35	Retained by issuing agency (35%) To State Registrar each month (65%)
		<u>\$0.65</u>	
Total Fee	\$14.00		
MARRIAGE - Government Agency			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10	Retained by issuing agency (85%) To State Registrar each month (15%)
		<u>\$.90</u>	
H&S Code, § 103625(f) ⁹ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
H&S Code, § 103525.5 ¹⁵	\$1.00	\$0.35	Retained by issuing agency (35%) To State Registrar each month (65%)
		<u>\$0.65</u>	
Total Fee	\$10.00		

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2013

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD
(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
Effective January 1, 2013, increase of \$2.00 H&S 103625(b) and 100430			
BIRTH - General Public			
H&S Code, § 103625(b) and H&S Code, § 100430	\$10.00	\$8.50	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Surcharge: Welfare & Institutions (W&I) Code, § 18966 and H&S Code, § 103625(b) ¹	\$4.00	\$ 0.40 <u>\$ 3.60</u>	Retained by issuing agency (10%) To County Children's Trust Fund (90%)
H&S Code, § 103625(b) ¹⁶	\$2.00	\$ 2.00	To Umbilical Cord Blood Collection Program (100%)
Total Fee	\$20.00		
<hr/>			
BIRTH - Government Agency			
H&S Code, § 103625(b) and H&S Code, § 100430	\$10.00	\$8.50	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Total Fee	\$14.00		
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DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$10.00	\$8.50	Retained by issuing agency (85%) To State Registrar each month (15%)
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65 <u>\$1.35</u>	Retained by issuing agency (55%) To State Registrar each month (45%)
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35 <u>\$0.65</u>	Retained by issuing agency To State Registrar each month
Surcharge: Penal Code, § 14251 ¹⁰	\$2.00	\$0.10 <u>\$1.90</u>	Retained by issuing agency (5%) To Department of Justice Missing Persons DNA Data Base Fund (95%)
Total Fee	\$16.00		

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2013

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD (Cont.)
(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
FETAL DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$10.00	\$8.50	Retained by issuing agency (85%) To State Registrar each month (15%)
		\$1.50	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
Total Fee	\$13.00		
STILL BIRTH			
H&S Code, § 103040.1(f) ¹⁴			
Total Fee		Varies per county	Retained by issuing agency (100%)
MARRIAGE - General Public			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10	Retained by issuing agency (85%) To State Registrar each month (15%)
		<u>\$.90</u>	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
Surcharge: H&S Code, § 103625(c) and Family Code, § 1852 ⁶	\$4.00	\$0.40	Retained by issuing agency (10%) To Family Law Trust Fund (90%)
		<u>\$3.60</u>	
H&S Code, § 103525.5 and Family Code, § 506 ¹⁵	\$1.00	\$0.35	Retained by issuing agency (35%) To State Registrar each month (65%)
		<u>\$0.65</u>	
Total Fee	\$14.00		
MARRIAGE - Government Agency			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10	Retained by issuing agency (85%) To State Registrar each month (15%)
		<u>\$.90</u>	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
H&S Code, § 103525.5 ¹⁵	\$1.00	\$0.35	Retained by issuing agency (35%) To State Registrar each month (65%)
		<u>\$0.65</u>	
Total Fee	\$10.00		

VITAL RECORDS FEE SCHEDULE

Effective January 1, 2014

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD

(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
BIRTH - General Public			Effective January 1, 2014, increase of \$2.00 H&S 103625(b) and 100430
H&S Code, § 103625(b) and H&S Code, § 100430	\$12.00	\$10.20	Retained by issuing agency (85%) To State Registrar each month (15%)
		\$1.80	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35	Retained by issuing agency To State Registrar each month
		<u>\$0.65</u>	
Surcharge: Welfare & Institutions (W&I) Code, § 18966 and H&S Code, § 103625(b) ¹	\$4.00	\$ 0.40	Retained by issuing agency (10%) To County Children's Trust Fund (90%)
		<u>\$ 3.60</u>	
H&S Code, § 103625(b) ¹⁶	\$2.00	\$ 2.00	To Umbilical Cord Blood Collection Program (100%)
Total Fee	\$22.00		
BIRTH - Government Agency			
H&S Code, § 103625(b) and H&S Code, § 100430	\$12.00	\$10.20	Retained by issuing agency (85%) To State Registrar each month (15%)
		\$1.80	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35	Retained by issuing agency To State Registrar each month
		<u>\$0.65</u>	
Total Fee	\$16.00		
DEATH - Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$12.00	\$10.20	Retained by issuing agency (85%) To State Registrar each month (15%)
		\$1.80	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
H&S Code, § 103525.5 ¹²	\$1.00	\$0.35	Retained by issuing agency To State Registrar each month
		<u>\$0.65</u>	
Surcharge: Penal Code, § 14251 ¹⁰	\$2.00	\$0.10	Retained by issuing agency (5%) To Department of Justice Missing Persons DNA Data Base Fund (95%)
		<u>\$1.90</u>	
Total Fee	\$18.00		

VITAL RECORDS FEE SCHEDULE
Effective January 1, 2014

I. CERTIFIED COPIES, SEARCHES, AND CERTIFICATION OF NO PUBLIC RECORD (Cont.)
(Search/No Record fees are the same as copy fees -- Health and Safety (H&S) Code, Section 103650)

	Fee	Allocation	
FETAL DEATH – Government Agency & General Public			
H&S Code, § 103625(a) and H&S Code, § 100430	\$12.00	\$10.20	Retained by issuing agency (85%) To State Registrar each month (15%)
		\$1.80	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
Total Fee	\$15.00		
STILL BIRTH			
H&S Code, § 103040.1(f) ¹⁴		Varies per county	Retained by issuing agency (100%)
Total Fee			
MARRIAGE - General Public			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10	Retained by issuing agency (85%) To State Registrar each month (15%)
		<u>\$.90</u>	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
Surcharge: H&S Code, § 103625(c) and Family Code, § 1852 ⁹	\$4.00	\$0.40	Retained by issuing agency (10%) To Family Law Trust Fund (90%)
		<u>\$3.60</u>	
H&S Code, § 103525.5 and Family Code, § 506 ¹⁵	\$1.00	\$0.35	Retained by issuing agency (35%) To State Registrar each month (65%)
		<u>\$0.65</u>	
Total Fee	\$14.00		
MARRIAGE - Government Agency			
H&S Code, § 103625(c) and H&S Code, § 100430	\$6.00	\$5.10	Retained by issuing agency (85%) To State Registrar each month (15%)
		<u>\$.90</u>	
H&S Code, § 103625(f) ⁸ and H&S Code, § 100430	\$3.00	\$1.65	Retained by issuing agency (55%) To State Registrar each month (45%)
		<u>\$1.35</u>	
H&S Code, § 103525.5 ¹⁵	\$1.00	\$0.35	Retained by issuing agency (35%) To State Registrar each month (65%)
		<u>\$0.65</u>	
Total Fee	\$10.00		

CALIFORNIA CODES
HEALTH AND SAFETY CODE

100430. (a) (1) The fees or charges for a record search or for the issuance of any license, permit, registration, or any other document pursuant to Section 26832 or 26840 of the Government Code, or Section 102525, 102625, 102670, 102725, 102750, 103040.1, 103050, 103065, 103225, 103325, 103400, 103425, 103450, 103525, 103590, 103625, 103650, 103675, 103690, 103695, 103700, 103705, 103710, 103715, 103720, 103725, or 103735 of this code, may be adjusted annually by the percentage change determined pursuant to Section 100425.

(2) The base amount to be adjusted shall be the statutory base amount of the fee or charge plus the sum of the prior adjustments to the statutory base amount. Whenever the statutory base amount is amended, the base amount shall be the new statutory base amount plus the sum of adjustments to the new statutory base amount calculated subsequent to the statutory base amendment. The actual dollar fee or charge shall be rounded to the next highest whole dollar.

(b) Beginning January 1, 1983, the department shall annually publish a list of the actual numerical fee charges as adjusted pursuant to this section. This adjustment of fees and the publication of the fee list shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

