

# 2018 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY CLERKS



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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# **2018 New Law Workbook**

*Presented by*

**California Association of Clerks and  
Election Officials**

**Legislative Committee**

**Sacramento, California**

**December 12-14, 2018**

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## 2018 Chaptered Bill Analysis For 2019 Implementation

**Bill Number:** AB 242

**Chapter:** 222

**Author:** Arambula

**Topic:** Certificates of Death: Veterans

**Impact:** **Informational**

**Summary:** This bill would require a person completing the certificate of death to record whether the decedent was ever in the Armed Forces of the United States. The bill would also require the State Department of Public Health to access data within the electronic death registration system to compile a report on veteran suicide in California and require the department to annually provide that report to the Legislature and the Department of Veterans Affairs, beginning January 1, 2019. By changing the definition of existing crimes, this bill would impose a state-mandated local program.

**Effect:** An act to amend Section 102875 of, and to add Section 102791 to, the Health and Safety Code, relating to certificates of death.

**Actions Required:** Inform staff

**Presenter:** David Valenzuela, Ventura

**Notes:** None

## 2018 Chaptered Bill Analysis For 2019 Implementation

**Bill Number:** AB 2561

**Chapter:** 147

**Author:** Flora

**Topic:** Vital Records: local registrar; copy of records

**Impact:** **Important**

**Summary:** This bill would revise and recast that provision and would instead require each local registrar of births and deaths to transmit a copy of each original birth certificate and death certificate to the county recorder for the special county record, and, at the same time, forward the original certificates to the State Registrar. The bill would delete the exemption for the local registrar that serves a health jurisdiction over 550,000. This bill would instead require the disposal of those records after 2 years from the date of registration. By adding to the duties of local entities, the bill would impose a state-mandated local program. The bill would authorize the county recorder to instead accept the State Registrar's copies as a special county record of events. This bill would eliminate the requirement that the State Registrar transmit copies of an amendment to the local registrar unless the amendment is made within 2 years of the registration of the original record.

**Effect:** An act to amend Sections 102365 and 103245 of, to repeal Section 102340 of, and to repeal and add Section 102335 of, the Health and Safety Code, relating to local records.

**Actions Required:** Inform staff

**Presenter:** Portia Sanders, Los Angeles

**Notes:**

## 2018 Chaptered Bill Analysis For 2019 Implementation

<b>Bill Number:</b>	AB 2750
<b>Chapter:</b>	131
<b>Author:</b>	Obernolte
<b>Topic:</b>	Certified Copies of Death Records
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Adds individuals authorized to receive certified copies of death records – those in paragraphs 1-8 of Section 7100 (a).</p> <p>This includes:</p> <ul style="list-style-type: none"><li>(6) The surviving competent adult person or persons respectively in the next degrees of kinship...</li><li>(7) Conservator of the person</li><li>(8) Conservator of the estate</li></ul>
<b>Effect:</b>	Expands the list of people authorized to receive certified copies of death records.
<b>Actions Required:</b>	Inform staff
<b>Presenter:</b>	Deva Proto, Sonoma County
<b>Notes:</b>	Impact to Recorder and Local Registrar functions



## 2018 Chaptered Bill Analysis For 2019 Implementation

<b>Bill Number:</b>	AB 3250
<b>Chapter:</b>	776
<b>Author:</b>	Committee on Judiciary
<b>Topic:</b>	Civil law: civil rights
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>Existing law defines and regulates the activities of legal document assistants and unlawful detainer assistants. Existing law requires a legal document assistant or unlawful detainer assistant to be registered in the county in which his or her principal place of business is located and in which he or she maintains a branch office, and provide proof that the registrant has satisfied a specified bonding requirement. Existing law requires an applicant for renewal of registration as a legal document assistant or unlawful detainer assistant to complete 15 hours of continuing legal education courses that meet specified requirements relating to attorneys during the 2-year period preceding renewal.</p> <p>This bill would specify that a registrant is not required to complete legal ethics education as part of the required 15 hours of continuing legal education courses.</p>
<b>Effect:</b>	Amends Section 6402.2 of the Business and Professions Code, relating to civil law
<b>Actions Required:</b>	Inform staff / Update forms
<b>Presenter:</b>	Andrew B. Graham, Sacramento County
<b>Notes:</b>	

## 2018 Chaptered Bill Analysis For 2019 Implementation

**Bill Number:** SB 244

**Chapter:** 885

**Author:** Lara

**Topic:** Privacy: personal information

**Impact:** **Information Only**

**Summary:** Requires that information or documents obtained by a city, county, or other local agency for the purpose of issuing a local identification card be used only for the purposes of administering the identification card program or policy. The bill would exempt the information from disclosure under the California Public Records Act and prohibit disclosure of that information, except as provided. The bill would declare that this provision addresses a matter of statewide concern and would apply to charter cities and charter counties.

**Effect:** An act to add Article 12 (commencing with Section 53170) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to amend Sections 12800.7 and 12801.9 of the Vehicle Code, and to add Section 17852 to the Welfare and Institutions Code, relating to privacy.

**Actions Required:** No action required

**Presenter:** Antionette Garrett, Riverside County

**Notes:**

## 2018 Chaptered Bill Analysis For 2019 Implementation

**Bill Number:** SB 273

**Chapter:** 660

**Author:** Hill

**Topic:** Marriage and domestic partnership: minors

**Impact:** **Minor**

**Summary:** If the court issues an order granting the parties permission to marry, and if one or both of the parties are 17 years of age or younger, the bill would make the parties eligible to request a marriage license no earlier than 30 days from the time the court order was issued. The bill would exempt from the above-described requirements a minor who is 17 years of age and who has achieved a high school diploma or a high school equivalency certificate. The bill would exempt from the above-described 30-day waiting requirement a minor who is 16 or 17 years of age and who is pregnant or whose prospective spouse is pregnant.

Existing law requires the person solemnizing the marriage to return the marriage license, as specified, to the county recorder of the county in which the license was issued within 10 days after the ceremony. This bill would also require the person solemnizing the marriage to include with the marriage license a copy of the court order granting permission to marry, if one or both of the parties to the marriage were minors at the time of solemnization of the marriage.

Existing law requires the local registrar of marriages, who is the county recorder, to transmit to the State Registrar of Vital Statistics all marriage certificates accepted for registration, as specified. This bill would also require the local registrar to submit to the State Registrar, at least annually, the total number of marriage certificates and the age and gender of each party, as specified, concerning marriage certificates in which one or both of the parties were minors at the time of solemnization of the marriage. The bill would authorize

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the local registrar to dispose of this information no earlier than 2 years after the local registrar submits the information to the State Registrar, and to immediately dispose of the copy of the court order after that submission.

**Effect:** Amends Sections 302, 303, 304, and 423 of the Family Code, and adds Sections 102233 and 102356 to the Health & Safety Code, relating to marriage

**Actions Required:** Staff Training

**Presenter:** Andrew B. Graham, Sacramento County

# 2018 Chaptered Bill Analysis For 2019 Implementation

**Bill Number:** SB 1121

**Chapter:** 735

**Author:** Dodd

**Topic:** California Consumer Privacy Act of 2018

**Impact:** **Informational**

**Summary:** Existing law, the California Consumer Privacy Act of 2018, grants, commencing on January 1, 2020, a consumer various rights with regard to personal information relating to that consumer that is held by a business, including the right to request a business to delete any personal information about the consumer collected by the business, and requires the business to comply with a verifiable consumer request to that effect, unless it is necessary for the business or service provider to maintain the customer's personal information in order to carry out specified acts. The act requires a business that collects personal information about a consumer to disclose the consumer's right to delete personal information described above on its Internet Web site or in its online privacy policy or policies.

This bill would modify that requirement by requiring a business that collects personal information about a consumer to disclose the consumer's right to delete personal information in a form that is reasonably accessible to consumers and in accordance with a specified process.

This bill would provide that the rights afforded to consumers and the obligations imposed on any business under the act does not apply if those rights or obligations would infringe on the noncommercial activities of people and entities described in a specified provision of the California Constitution addressing activities related to newspapers and periodicals. The bill would also prohibit application of the act to personal information collected, processed, sold, or disclosed pursuant to a specified

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federal law relating to banks, brokerages, insurance companies, and credit reporting agencies, among others, and would also except application of the act to that information pursuant to the California Financial Information Privacy Act. The bill would provide that these exceptions, and the exception provided to information collected, processed, sold, or disclosed pursuant to the Driver's Privacy Protection Act of 1994, do not apply to specific provisions of the act related to unauthorized theft and disclosure of information. The bill would revise and expand the exception provided for medical information, would except a provider of health care or a covered entity, and would also except information collected as part of clinical trials, as specified. The bill would also clarify that the act does not apply if it is in conflict with the United States Constitution.

<b>Effect:</b>	An act to amend Sections 1798.100, 1798.105, 1798.110, 1798.115, 1798.120, 1798.125, 1798.130, 1798.135, 1798.140, 1798.145, 1798.150, 1798.155, 1798.185, 1798.192, 1798.196, and 1798.198 of, and to add Section 1798.199 to, the Civil Code, relating to personal information, and declaring the urgency thereof, to take effect immediately.
<b>Actions Required:</b>	Inform staff
<b>Presenter:</b>	David Valenzuela, Ventura
<b>Notes:</b>	None

## 2018 Chaptered Bill Analysis For 2019 Implementation

**Bill Number:** SB1498

**Chapter:** 467

**Author:** Com on Gove and Finance

**Topic:** Local Government Omnibus Act of 2018

**Impact:** **Important**

**Summary:** This bill would revise various references to instruments submitted for recordation to include papers and notices and make other technical corrections.

**Effect:** An act to amend Sections 12463.1, 25502.5, 27230, 27263, 27293, 27294, 27320, 27321, 27322.3, 27323, 27327, 27329, 27397, 34090, 34093, 34852, 34855, 34857, 36522, 36802, 37107, 37547, 37607, 37683, 38400, 38406, 38741, 38780, 38782, 39501, 39560, 39564, 39573, 39574, 39901, 40537, 40538, 40539, 40603, 40604, 40804, 40806, 40812, 40813, 40814, 41204, 41205, 41602, 41603, 41605, 41608, 41609, 41610, 41611, 41803.7, 43625, 43626, 53343.2, 53398.60, 53398.61, 53398.75, and 54930 of the Government Code, to amend Section 469 of the Revenue and Taxation Code, and to repeal Section 36626 of the Streets and Highways Code, relating to local government.

**Actions Required:** Inform staff

**Presenter:** Monique Blakely, Los Angeles

**Notes:**