



NABA Fall 2022

Kevin Gould
EVP/Director
(916) 438-4410

kgould@calbankers.com

Jason Lane
VP/Deputy Director
(916) 438-4420

jlane@calbankers.com

Melanie Cuevas
Vice President
(916) 438-4411

mcuevas@calbankers.com

Bank Operations

[AB 1208](#)

(Ting D) Unclaimed property: secure payment of claims.

Location: 9/13/2022-A. CHAPTERED

Summary: The Unclaimed Property Law governs the disposition of unclaimed property, including the escheat of certain property to the state. Those provisions require a person holding funds or other property escheated to the state to report to the Controller certain information regarding the property and the owner, and set forth procedures whereby a person may file a claim to the property or to the net proceeds from its sale. This bill would authorize the Controller to implement additional measures designed to streamline the secure payment of claims, as specified.

[AB 1904](#)

(Grayson D) Consumers Legal Remedies Act: covered person.

Location: 9/15/2022-A. CHAPTERED

Summary: The California Consumer Financial Protection Law, among other things, prohibits a covered person, as defined, or a service provider, as defined, from engaging in, or proposing to engage in, an unlawful, unfair, deceptive, or abusive act or practice with respect to consumer financial products or services. The law authorizes the Department of Financial Protection and Innovation to bring a civil action for a violation of the law, as prescribed. The Consumers Legal Remedies Act makes unlawful certain unfair methods of competition and certain unfair or deceptive acts or practices undertaken by a person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer, including misrepresenting the source, sponsorship, approval, or certification of goods or services. Current law authorizes a consumer who suffers damage as a result of the use or employment by a person of a method, act, or practice declared to be unlawful by that provision to bring an action against that person to recover or obtain certain relief, including actual damages of at least \$1,000. This bill would additionally make unlawful failing to include certain information, including a prescribed disclosure, in a solicitation by a covered person, as defined, or an entity acting on behalf of a covered person, to a consumer for a consumer financial product or service.

[AB 2280](#)

(Reves D) Unclaimed property: interest assessments and disclosure of records.

Location: 9/13/2022-A. CHAPTERED

Summary: Under current law, property held by a person that belongs to another and that is unclaimed for more than specified periods escheats to the state. Current law requires persons holding unclaimed property to report and pay or deliver it to the Controller within a prescribed time period, except as specified, and imposes interest payments for a failure to do so. Current law requires the holder, if the property is not subject to escheat after the report is filed and before payment or delivery is made, to file another report instead of paying or delivering the property. Current law limits the interest payable to \$10,000 if a holder pays or delivers unclaimed property in a timely manner, but files a report that is not in substantial compliance with certain statutory requirements. Current law provides that a holder is not subject to interest payments if the holder's failure to report in substantial compliance with the requirements described above is due to reasonable cause. This bill would, in addition, impose the limit of \$10,000 on interest payable if a holder files a report, after the initial report and before payment or delivery is made for property that may not be subject to escheat, that is not in substantial compliance with statutory requirements. The bill would authorize the Controller to waive interest payable if the holder's failure to report in substantial compliance with specified requirements is due to reasonable cause.

[AB 2332](#)

(Committee on Banking and Finance) State funds: investments.

Location: 7/19/2022-A. CHAPTERED

Summary: Current law requires the Treasurer to invest, or deposit in banks and savings and loan associations, specified state moneys designated as surplus and determined to be available for that purpose by the Pooled Money Investment Board. Current law prescribes eligible securities for the investment of surplus moneys under these provisions. This bill would make technical and clarifying changes to those provisions. The bill would require that bonds, notes, or other obligations of specified local governments of this state be within the top three ratings of a nationally recognized statistical rating organization. The bill would also add or remove specified securities from the list of eligible securities.

[AB 2766](#)

(Maienschein D) Unfair Competition Law: enforcement powers: investigatory subpoena.

Location: 9/28/2022-A. CHAPTERED

Summary: The Unfair Competition Law (UCL) establishes a statutory cause of action for unfair competition, including any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. Under this law, actions for relief are required to be prosecuted exclusively by the Attorney General, a district attorney, a county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance, a city attorney of a city having a population in excess of 750,000 or by a county counsel of any county within which a city has a population in excess of 750,000, or a city attorney in a city and county, or, with the consent of the district attorney, by a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California, as specified, or by a person who has suffered injury in fact and has lost money or property as a result of the unfair competition. Current law authorizes a district attorney, upon reasonable belief that there has been a violation of the UCL or various other laws related to unfair business practices, to exercise all of the powers granted to the Attorney General as a head of a department to investigate the potential violation, including the authority to issue subpoenas. This bill would grant the investigatory power granted to the Attorney General as a head of a department to the city attorney of any city having a population in excess of 750,000, to the county counsel of any county within which a city has a population in excess of 750,000, or to a city attorney of a city and county, when the city attorney or county counsel reasonably believes that there may have been a violation of the UCL.

[SB 260](#)

(Wiener D) Climate Corporate Accountability Act.

Location: 8/31/2022-A. DEAD

Summary: Would require the State Air Resources Board, on or before January 1, 2024, to develop and adopt regulations requiring United States partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California, defined as “reporting entities,” to publicly disclose to the emissions registry, as defined, and verify, starting in 2025 on a date to be determined by the state board, and annually thereafter, their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year, as provided. The bill would require the state board, on or before January 1, 2029, to review, and update as necessary, these deadlines to evaluate trends in scope 3 emissions reporting and to consider changes to the deadlines, as provided. The bill would require reporting entities to disclose their greenhouse gas emissions in a manner that is easily understandable and accessible to residents of the state. The bill would require reporting entities to ensure that their public disclosures have been independently verified by the emissions registry or a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting. The bill would require the state board, in developing these regulations, to consult with the Attorney General, other government stakeholders, stakeholders representing consumer and environmental justice interests, and reporting entities that have demonstrated leadership in full-scope greenhouse gas emissions accounting and public disclosure and greenhouse gas emissions reductions.

[SB 1328](#)

(McGuire D) Prohibited investments and contracts: Russia and Belarus.

Location: 8/31/2022-A. DEAD

Summary: The California Constitution grants the retirement board of a public employee retirement system plenary authority and fiduciary responsibility for investment of moneys and administration of the retirement fund and system. These provisions qualify this grant of powers by reserving to the Legislature the authority to prohibit investments if it is in the public interest and the prohibition satisfies standards of fiduciary care and loyalty required of a retirement board. Current law prohibits the boards of administration of the Public Employees’ Retirement System and the State Teachers’ Retirement System from making investments in certain countries and in thermal coal companies, as specified, subject to the boards’ plenary authority and fiduciary responsibility for investment of moneys and administration of the systems. This bill, except as specified, would prohibit the boards of specified state and local public retirement systems from making additional or new investments in prohibited companies, as defined, domiciled in Russia or Belarus, as defined, companies that the United States government has designated as complicit in the aggressor countries’, as defined, war in Ukraine, or companies that supply military equipment to the aggressor countries, and to liquidate the investments of the board in those companies, as specified.

[SB 1498](#)

(Committee on Banking and Financial Institutions) Financial institutions: Department of Financial Protection and Innovation: money transmissions.

Location: 9/19/2022-S. CHAPTERED

Summary: Previously existing law established the Department of Business Oversight in the Business, Consumer Services, and Housing Agency, headed by the Commissioner of Business Oversight. Under previous existing law, the department had the charge of the execution of specified laws relating to various financial institutions and financial services, including banks, trust companies, credit unions, finance lenders, and residential mortgage lenders. On September 25, 2020, the Governor approved AB 1864, which, among other things, renamed the “Department of Business Oversight” as the “Department of Financial Protection and Innovation” and the “Commissioner of Business Oversight” as the “Commissioner of Financial Protection and Innovation.” This bill would update the references in various statutes from the “Department of Business Oversight” to the “Department of Financial Protection and Innovation,” and from the “Commissioner of Business Oversight” to the “Commissioner of Financial Protection and Innovation.”

Community Reinvestment Act

[SB 625](#)

(Caballero D) California Pollution Control Financing Authority: community development financial institutions: grant program.

Location: 8/12/2022-A. DEAD

Summary: Would authorize the California Pollution Control Financing Authority to establish the California Investment and Innovation Program for the purpose of providing grants to enhance the capacity of specified community development financial institutions to provide technical assistance and capital access to economically disadvantaged communities in the state. The bill would establish the California Investment and Innovation Fund and, upon appropriation and the authority’s establishment of the program, require the authority to award grants to eligible applicants, defined as community development financial institutions that meet specified criteria under the program, as provided. The bill would require eligible applicants, prior to receiving any grant funds, to enter into a grant agreement with the authority containing specified requirements. The bill would specify authorized uses of grant funds, including increasing working capital for the purpose of funding services and operations that contribute to the overall community development mission of the eligible applicant. The bill would require the authority to adopt, amend, or repeal guidelines for the operation of the program, as specified. The bill would make the authority’s duties under these provisions contingent on the authority establishing the program. The bill would also, beginning on January 1, 2024, change the name of the authority to the California Community Development Financing Authority, as specified.

[SB 1176](#)

(Limón D) Department of Financial Protection and Innovation: loan-related activities: data analysis and practices.

Location: 7/5/2022-A. DEAD

Summary: Current federal law, the Home Mortgage Disclosure Act (HMDA), requires specified financial institutions, including certain banks, savings associations, and credit unions, to compile and make available to the public for inspection specific data about mortgage loans. Current federal law, the Community Reinvestment Act (CRA), also requires regulated financial institutions, as defined, to be subject to certain assessments by federal agencies to ensure those financial institutions are acting consistently to meet the credit needs of the communities in which they are chartered. This bill would require the Department of Financial Protection and Innovation to conduct an analysis of whether nonbank lenders licensed by the department are meeting the credit needs of underserved communities, as compared to depository institutions currently subject to the CRA. The bill would require the analysis to be made available to the public and posted on the department’s internet website.

Consumer Lending

[AB 2311](#)

(Maienschein D) Motor vehicle conditional sale contracts: guaranteed asset protection waivers.

Location: 9/13/2022-A. CHAPTERED

Summary: Current law governs motor vehicle conditional sale contracts, as defined, and requires sellers of motor vehicles to make certain disclosures to buyers. A willful violation of these provisions is a crime. This bill would establish provisions to govern the offer, sale, provision, or administration, in connection with a conditional sale contract, of a guaranteed asset protection waiver (GAP waiver), defined to mean an optional contractual obligation under which a seller agrees, for additional consideration, to cancel or waive all or part of amounts due on the buyer’s conditional sale contract subject to existing law in the event of a total loss or unrecovered theft of the motor vehicle specified in the conditional sale contract. The bill, among other provisions, would prohibit conditioning the extension of credit, the term of credit, or the terms of a conditional sale contract upon the purchase of a GAP waiver and permit cancellation by the buyer at any time without penalty. The bill would prohibit the sale of a GAP waiver pursuant to these provisions where the loan-to-value ratio exceeds the maximum loan-to-value ratio of the GAP waiver, unless the terms of the GAP waiver disclose that limitation and the buyer is informed of that limitation.

[SB 633](#)

(Limón D) Consumer credit contracts: translations.

Location: 8/15/2022-S. CHAPTERED

Summary: Current law requires, unless the persons are married to each other, each creditor who obtains the signature of more than one person on a consumer credit contract to deliver to specified persons prior to those persons becoming obligated on the contract a notice in English and Spanish, as described. Current law requires, unless the persons are married to each other, a lessor under a lease to deliver to each person who does not in fact receive the vehicle which is the subject of the lease contract, prior to that person becoming liable on the lease contract, a specified notice in English and Spanish in lieu of the notice required of creditors. Current law authorizes these notices to be provided on a separate sheet, as described, or in the text of the consumer credit contract or other document establishing liability of the person. Current law also provides that if federal law or regulations require or permit the use of a notice substantially similar to the notice required as described above, the use of the federally sanctioned notice and an accurate Spanish translation constitutes compliance. This bill would require the notice described above to be provided to specified persons regardless of whether the persons are married to each other and would expand the languages into which the notices are required to be translated. The bill would require the Department of Financial Protection and Innovation to make translations of the notices available in the required languages on its internet website by January 1, 2023, and would require additional translations of any languages subsequently added to state law.

[SB 1311](#)

(Eggman D) Veterans: protections.

Location: 9/28/2022-S. CHAPTERED

Summary: Current law establishes a statutory cause of action for unfair competition, including any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. Current law requires a person who engages or proposes to engage in unfair competition to be liable for a civil penalty of not more than \$2,500, per violation, which is assessed and recovered in an action brought by certain public officials, including the Attorney General. This bill, the Military and Veteran Consumer Protection Act of 2022, would make a person who violates those provisions, if the violation is perpetrated against one or more service members or veterans, liable for an additional civil penalty not to exceed \$2,500 for each violation, as specified.

Debt Collection

[AB 2424](#)

(Rubio, Blanca D) Credit services organizations.

Location: 9/30/2022-A. CHAPTERED

Summary: Current law requires credit services organizations to obtain a surety bond, as specified, before conducting business and requires that they register with the Attorney General, subject to a fee of \$100. Among other things, existing law prohibits a credit services organization from receiving money before full and complete performance of the service the organization has agreed to perform and from failing to perform services agreed upon within 6 months. Current law requires that credit services be provided pursuant to a written contract, that is required to contain specified statements, and, before the execution of a contract, a credit services organization must provide a prescribed information statement. Current law requires the contract to contain a notice informing the buyer that the contract can be canceled within 5 days from the date the contract is signed. This bill would replace the term “buyer” with the term “consumer” for purposes of describing a person utilizing the services of a credit services organization and would prescribe other definitions in this regard. The bill would require a credit services organization to provide a consumer a monthly statement detailing the services performed, and would require the organization to perform services agreed upon within 180 days of contracting for those services.

[SB 975](#)

(Min D) Debt: coerced debts.

Location: 9/30/2022-S. CHAPTERED

Summary: Would require a claimant, upon receipt from the debtor of adequate documentation AND a sworn written statement that some or all of the debt being collected is coerced debt, to cease collection activities until the claimant completes a review, as defined and specified. The bill would also prohibit a person from causing another person to incur a coerced debt, and would make a person who causes another person to incur a coerced debt civilly liable to the claimant, as specified. The bill would also create a right of action that would allow a debtor to bring an action or file a cross-complaint against a claimant to establish that a particular debt, or portion thereof, is coerced debt, as specified. If a debtor establishes that a particular debt, or portion thereof, is coerced debt, the bill (1) would entitle that debtor to specified relief, including an injunction prohibiting the claimant from holding or attempting to hold the debtor personally liable on the particular debt, or portion thereof, that is coerced debt, or from enforcing a judgment related to the particular debt, or portion thereof, that is coerced debt against the debtor, and (2) would require the court to issue a judgment in favor of the claimant against any person who coerced the debtor into incurring the debt, as specified. The bill would apply only to debts incurred on or after July 1, 2023, except as specified. The bill would declare that its provisions are severable. The bill would define various terms for these purposes.

[SB 1200](#)

(Skinner D) Enforcement of judgments: renewal and interest.

Location: 9/30/2022-S. CHAPTERED

Summary: Current law provides that a judgment is enforceable upon entry, except as specified, and generally permits a judgment creditor to bring an action on a judgment, provided that it is brought within ten years. Existing law provides that the period of enforceability of a money judgment or a judgment for possession or sale of property may be extended by renewal of the judgment upon application by the judgment creditor filed with the court in which the judgment was entered. Current law allows a judgment debtor to make a motion to vacate or modify the renewal within 30 days of service of a notice of renewal of the judgment. This bill would increase the amount of days after service of the notice of renewal that a judgment debtor may make a motion to vacate or modify a renewal to 60 days. The bill would allow a judgment creditor to renew the period of enforceability in cases of a money judgment of under \$200,000 that remains unsatisfied for a claim relating to medical expenses and for a money judgment of under \$50,000 that remains unsatisfied for a claim related to personal debt, as specified, only once and for a period of 5 years from the date the application is filed.

[SB 1477](#)

(Wieckowski D) Enforcement of judgments: wage garnishment.

Location: 9/29/2022-S. CHAPTERED

Summary: Current law sets forth procedures for the levy of a judgment debtor's wages when required to enforce a money judgment. Current law specifies that the maximum amount of a judgment debtor's disposable earnings for any workweek that is subject to levy shall not exceed the lesser of certain specified percentages, including 50% of the amount by which the disposable earnings for the week exceed 40 times the state minimum hourly wage. Current law specifies certain multipliers to determine the maximum amount of disposable earning subject to levy for any pay period other than a weekly pay period. This bill would provide that the maximum amount of disposable earnings of a judgment debtor for any workweek that is subject to levy must not exceed the lesser of 20% of the individual's disposable earnings for that week or 40% of the amount by which the individual's disposable earnings for that week exceed 48 times the state minimum hourly wage.

Human Resources

[AB 1601](#)

(Weber, Akilah D) Employment protections: mass layoff, relocation, or termination of employees: call centers.

Location: 9/29/2022-A. CHAPTERED

Summary: Current law prohibits an employer from ordering a mass layoff, relocation, or termination, as defined, at a covered establishment, as defined, without giving a written notice of the order to certain parties and entities, including the employees, the Employment Development Department, and specified local officials. Current federal law, the Workforce Innovation and Opportunity Act of 2014, provides for workforce investment activities, including activities in which states may participate. Current law requires the local chief elected officials in a local workforce development area to form, pursuant to specified guidelines, a local workforce investment board to plan and oversee the workforce investment system, and further requires the Governor to periodically certify one local board for each local area in the state. Current law authorizes the Labor Commissioner, in any investigation or proceeding under provisions governing the relocation, termination, or mass layoff of employees, to examine the books and records of an employer. This bill would authorize the Labor Commissioner to enforce certain notice requirements concerning a mass layoff, relocation, or termination of employees, including call center employees. The bill would grant the Labor Commissioner the authority to investigate an alleged violation, order appropriate temporary relief to mitigate a violation pending completion of a full investigation or hearing, and issue a citation in accordance with certain procedures.

[AB 2095](#)

(Kalra D) Employment information: worker metrics.

Location: 5/20/2022-A. DEAD

Summary: Current law establishes within the Labor and Workforce Development Agency the Department of Industrial Relations, one of the purposes of which is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. This bill would establish a program in, and administered by, the agency and would require employers with more than 1,000 employees in California, as provided, to submit various statistics regarding those employees to the agency. The bill would require the agency to develop in a prescribed manner criteria and a scoring methodology to rank employers that would qualify as an employer eligible to be certified as a high-road employer. The bill would further require the agency to collect the worker-related statistics annually and, after collection, to assign each employer to an appropriate industry or subindustry.

[AB 2932](#)

(Low D) Workweek: hours and overtime.

Location: 4/29/2022-A. DEAD

Summary: Would require that work in excess of 32 hours in a workweek be compensated at the rate of no less than 1

1/2 times the employee's regular rate of pay. The bill would require the compensation rate of pay at 32 hours to reflect the previous compensation rate of pay at 40 hours and would prohibit an employer from reducing an employee's regular rate of pay as a result of this reduced hourly workweek requirement. The bill would exempt an employer with no more than 500 employees from the above provisions. By expanding the scope of a crime, this bill would impose a state-mandated local program

[SB 1044](#)

(Durazo D) Employers: emergency condition: retaliation.

Location: 9/29/2022-S. CHAPTERED

Summary: Would prohibit an employer, in the event of an emergency condition, as defined, from taking or threatening adverse action against any employee for refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or worksite is unsafe, except as specified. The bill would also prohibit an employer from preventing any employee, including employees of public entities, as specified, from accessing the employee's mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to confirm their safety. The bill would require an employee to notify the employer of the emergency condition requiring the employee to leave or refuse to report to the workplace or worksite, as specified. The bill would clarify that these provisions are not intended to apply when emergency conditions that pose an imminent and ongoing risk of harm to the workplace, the worksite, the worker, or the worker's home have ceased.

[SB 1162](#)

(Limón D) Employment: Salaries and Wages.

Location: 9/27/2022-S. CHAPTERED

Summary: Current law requires a private employer that has 100 or more employees and is required to file an annual Employer Information Report (EEO-1) pursuant to federal law to submit a pay data report to the Civil Rights Department that contains specified employee information on or before March 31, 2021, and on or before March 31 each year thereafter. Current law prescribes the information that must be included in the pay data report, including the number of employees by race, ethnicity, and sex in specified job categories. Current law requires employers with multiple establishments to submit a report for each establishment and a consolidated report that includes all employees. Current law permits the department to develop, publish on an annual basis, and publicize aggregate reports, provided that the aggregate reports are reasonably calculated to prevent the association of any data with any individual business or person. Current law provides that an employer is in compliance with the requirement that it submit a pay data report if it submits an EEO-1 to the department containing the same or substantially similar pay data information. Current law permits the department to seek an order requiring an employer to comply with these provisions and permits it to recover the costs associated with seeking the order for compliance. This bill would, instead, require a private employer that has 100 or more employees to submit a pay data report to the department. This bill would revise the timeframe in which a private employer is required to submit this information to require that it be provided on or before the second Wednesday of May 2023, and for each year thereafter on or before the second Wednesday of May.

Payment Systems

[AB 2269](#)

(Grayson D) Digital financial asset businesses: regulation.

Location: 9/23/2022-A. VETOED

Summary: This bill, the Digital Financial Assets Law, would, on and after January 1, 2025, prohibit a person from engaging in digital financial asset business activity, or holding itself out as being able to engage in digital financial asset business activity, with or on behalf of a resident unless any of certain criteria are met, including the person is licensed with the Department of Financial Protection and Innovation, as prescribed. The bill would define "digital financial asset" to mean a digital representation of value that is used as a medium of exchange, unit of account, or store of value, and that is not legal tender, whether or not denominated in legal tender, except as specified. This bill contains other related provisions and other existing laws.

Privacy

[AB 1651](#)

(Kalra D) Worker rights: Workplace Technology Accountability Act.

Location: 4/29/2022-A. DEAD

Summary: Current law requires state agencies to develop and implement a telecommuting plan, as specified, and to evaluate their telecommuting programs. This bill would require agencies to periodically update their plans to respond to changing technology and its impact on worker well-being.

[AB 2871](#)

(Low D) California Consumer Privacy Act of 2018: exemptions.

Location: 4/29/2022-A. DEAD

Summary: The California Consumer Privacy Act of 2018 (CCPA) grants a consumer various rights with respect to personal information, as defined, that is collected or sold by a business, as defined, including the right to require the business to delete personal information about the consumer, as specified. Current law, until January 1, 2023, exempts from certain provisions of the CCPA personal information reflecting a communication or a transaction between the business and a company, partnership, sole proprietorship, nonprofit, or government agency that occur solely within the context of the business conducting due diligence or providing or receiving a product or service. Current law also exempts personal information that is collected and used by a business solely within the context of having an emergency contact on file, administering specified benefits, or a person's role or former role as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or an independent contractor of that business. This bill would extend those above-described exemptions indefinitely.

[AB 2891](#)

(Low D) California Consumer Privacy Act: exemptions.

Location: 4/29/2022-A. DEAD

Summary: Current law, until January 1, 2023, exempts from certain provisions of the California Consumer Privacy Act of 2018 (CCPA) personal information reflecting a communication or a transaction between the business and a company, partnership, sole proprietorship, nonprofit, or government agency that occur solely within the context of the business conducting due diligence or providing or receiving a product or service. Current law also exempts personal information that is collected and used by a business solely within the context of having an emergency contact on file, administering specified benefits, or a person's role or former role as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or an independent contractor of that business. This bill would extend those above-described exemptions until January 1, 2026.

[SB 1189](#)

(Wieckowski D) Biometric information.

Location: 5/27/2022-S. DEAD

Summary: The California Privacy Rights Act of 2020 provides a consumer with the right to direct a business that collects sensitive personal information about the consumer to limit its use of the consumer's sensitive personal information to certain prescribed uses, including a use that is necessary to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services. The act defines "sensitive personal information" to mean, among other things, the processing of biometric information, as defined, for the purpose of uniquely identifying a consumer. On or before September 1, 2023, this bill would require a private entity in possession of biometric information, as defined, to develop and make available to the public a written policy establishing a retention schedule and guidelines for permanently destroying the biometric information, as prescribed. The bill would require a private entity to comply with that retention schedule and those guidelines. The bill would, among other things, prohibit a private entity from disclosing biometric information unless certain criteria are met, including the disclosure completes a financial transaction requested or authorized by the subject of the biometric information or the subject's legally authorized representative.

[SB 1454](#)

(Archuleta D) California Privacy Rights Act of 2020: exemptions.

Location: 4/29/2022-S. DEAD

Summary: The California Privacy Rights Act of 2020 (CPRA), until January 1, 2023, exempts from certain provisions of the act personal information reflecting a communication or a transaction between the business and a company, partnership, sole proprietorship, nonprofit, or government agency that occurs solely within the context of the business conducting due diligence or providing or receiving a product or service. The CPRA, until January 1, 2023, also exempts from certain provisions of the act personal information that is collected and used by a business solely within the context of having an emergency contact on file, administering specified benefits, or a person's role or former role as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or an independent contractor of that business. This bill would extend those above-described exemptions indefinitely.

Residential Lending

[AB 561](#)

(Ting D) Help Homeowners Add New Housing Program: accessory dwelling unit financing.

Location: 8/31/2022-S. DEAD

Summary: Current law establishes the Capital Access Loan Program to assist qualified small businesses in financing the costs of complying with environmental mandates and the remediation of contamination on their properties, which is administered by the California Pollution Control Financing Authority. Under the program, the authority may enter into contracts with participating financial institutions and is required to establish a loss reserve account with each participating financial institution. Under the program, a participating financial institution that experiences a default on a qualified loan enrolled in the Capital Access Loan Program may obtain reimbursement from the authority by submitting a claim for reimbursement for a specified amount of the loss covered by that loan, subject to certain procedures. This bill, upon appropriation by the Legislature, would require the office of the Treasurer to establish and administer the Help Homeowners Add New Housing Program for the purpose of protecting participating financial institutions, as defined, from default on loans provided to a qualified homeowner to construct an accessory dwelling

unit.

[AB 1771](#)

(Ward D) The California Housing Speculation Act: income taxes: capital gains: sale or exchange of qualified asset: housing.

Location: 8/31/2022-A. DEAD

Summary: The Personal Income Tax Law and Corporation Tax Law impose taxes upon income, including income generated from any gain from the sale or exchange of a capital asset. This bill would, for taxable years beginning on or after January 1, 2023, impose an additional 25% tax on that portion of a qualified taxpayer's net capital gain from the sale or exchange of a qualified asset, as defined. The bill would reduce those taxes depending on how many years has passed since the qualified taxpayer's initial purchase of the qualified asset.

[AB 1837](#)

(Bonta, Mia D) Residential real property: foreclosure.

Location: 9/28/2022-A. CHAPTERED

Summary: Current law, until January 1, 2026, requires a specified notice to tenants and prescribes a process in connection with a trustee's sale of property under a power of sale contained in a deed of trust or mortgage on real property containing 1 to 4 residential units, inclusive. Under current law, if a prospective owner-occupant, as defined, is the last highest bidder, the date upon which specified conditions required of the bidder at the trustee sale to become final are met. Current law requires the trustee to require the prospective owner-occupant to provide certain information confirming the owner-occupant's status. Current law, until January 1, 2026, grants eligible tenant buyers, as defined, and other eligible bidders, as defined, certain rights and priorities to make bids on the property after the initial trustee sale, and potentially to purchase it as the last and highest bidder, subject to certain requirements and timelines, if a prospective owner-occupant is not the last highest bidder. Current law requires prospective owner-occupants, eligible tenant buyers, and other eligible bidders to submit affidavits or declarations under penalty of perjury in connection with this process. Current law, until January 1, 2026, for purposes of the exercise of a power of sale as described above, prohibits a trustee from bundling properties for the purpose of sale, instead requiring each property to be bid on separately, unless the deed of trust or mortgage provides otherwise. This bill would revise the process described above and extend its operation and the operation of the related provisions described above until January 1, 2031, and make conforming changes. The bill would revise the definition of an eligible tenant buyer to, among other things, also describe natural people who are occupying property under a rental or lease agreement with a mortgagor's or trustor's predecessor in interest. The bill would also revise the requirements for an eligible nonprofit corporation and limited liability company to meet the definition of eligible bidder.

[AB 2170](#)

(Grayson D) Residential real property: foreclosure sales.

Location: 9/30/2022-A. CHAPTERED

Summary: Current law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust and prescribes a procedure for the exercise of that power. Current law, until January 1, 2026, prescribes a process in connection with a trustee's sale of property under a power of sale contained in a deed of trust or mortgage on real property containing one to 4 residential units, inclusive, that provides specified bidding priorities to certain parties, including prospective owner-occupants. This bill would prescribe requirements that would apply to sales of real property containing one to 4 residential dwelling units, inclusive, that is acquired through foreclosure under a mortgage or deed of trust by an institution or that is acquired at a foreclosure sale by an institution, as defined. The bill would require the institution, during the first 30 days after a property is listed, as specified, to only accept offers from eligible bidders, as defined, and to respond, in writing, to all offers received from eligible bidders before considering any other offers.

[AB 2258](#)

(Wood D) Local government: wildfire safety improvements.

Location: 5/6/2022-A. DEAD

Summary: The Improvement Act of 1911 authorizes a public agency, as defined, to determine that it would be convenient, advantageous, and in the public interest to designate an area within which public agency officials and individual property owners may enter into voluntary contractual assessments to finance the installation of specified improvements that are permanently fixed to those owners' real property, as specified. Current law also authorizes a legislative body of any public agency, defined to mean a city, county, or city and county, that has accepted the designation of very high fire hazard severity zone to designate an area for contractual assessments to finance the installation of wildfire safety improvements, as defined, that are permanently fixed to real property. This bill would expand this authority to public agencies in areas of the state that have been reasonably designated as very high or high fire hazard severity zones by the State Fire Marshal, as specified.

[AB 2710](#)

(Kalra D) Residential real property: sale of rental properties: right of first offer.

Location: 4/29/2022-A. DEAD

Summary: Would require an owner of residential real property, defined to include a single-family residential property that is occupied by a tenant or a multifamily residential property except as specified, to take various actions before offering the residential real property for sale to any purchaser, soliciting any offer to purchase the residential real property, or otherwise entering into a contract for sale of the residential real property. The bill would exempt certain transfers of a residential real property from its provisions, including, among others, a transfer between spouses, domestic partners, parent and child, siblings, grandparent and grandchild, a transfer pursuant to a court

order, and a transfer by eminent domain.

[SB 1264](#)

(Dahle R) Property Assessed Clean Energy program: wildfire safety improvements.

Location: 5/6/2022-S. DEAD

Summary: Current law authorizes a legislative body of any public agency, defined to mean a city, county, or city and county, that has accepted the designation of very high fire hazard severity zone to designate an area for voluntary contractual assessments to finance the installation of wildfire safety improvements, as defined, that are permanently fixed to existing real property. Current law requires a legislative body that wants to establish a voluntary contractual assessment program relating to wildfire safety improvements to make specified determinations by adopting a resolution as generally required by the PACE program. This bill would instead authorize specified public agencies to enter into voluntary contractual assessments with property owners to finance the installation of wildfire safety improvements, as defined, that are permanently fixed to real property, and would repeal the requirement that the improvement be fixed to existing real property.

[SB 1323](#)

(Archuleta D) Foreclosure: equity sale: multiple listing.

Location: 8/31/2022-A. DEAD

Summary: Current law imposes various requirements to be satisfied before exercising a power of sale under a mortgage or deed of trust, including recording a notice of default, providing a mortgagor or trustor a copy of the recorded notice of default, providing notice of the time and place scheduled for the public auction sale of the real property and other notices related to the sale, determining the fees and expenses that may be paid from the sale, determining who may conduct the sale and act in the sale as an auctioneer for the trustee, determining the time and place where the auction sale may occur, and specifying how bids may be made and accepted at the auction sale. This bill would recast these provisions to require that an equity sale, as defined, of property under a power of sale of a mortgage or deed of trust be made by a real estate licensee, as defined, and by publicly listing the property for sale on a multiple listing service with an initial listing price at the property's appraised value, as specified. If the trustee receives multiple qualifying offers, as defined, the bill would require the trustee to make counter offers to each offeror, as specified, and comply with prescribed procedures.

Taxation

[AB 1288](#)

(Quirk-Silva D) Income tax credits: low-income housing: California Debt Limit Allocation Committee rulemaking.

Location: 9/29/2022-A. VETOED

Summary: Current federal law prescribes a volume ceiling on the aggregate amount of private activity bonds that may be issued in a state. Current law creates the California Debt Limit Allocation Committee (CDLAC) for the purpose of administering the volume limit for the state on private activity bonds through an allocation system. Current law authorizes CDLAC to adopt, amend, or repeal rules and regulations as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act. This bill, instead, would authorize CDLAC to adopt, amend, or repeal rules and regulations without complying with the procedural requirements of the Administrative Procedures Act, except as specified.

[AB 2289](#)

(Lee D) Wealth Tax: False Claims Act.

Location: 8/31/2022-A. DEAD

Summary: Would, for taxable years beginning on or after January 1, 2023, and before January 1, 2025, impose an annual tax at a rate of 1.5% of a resident of this state's worldwide net worth in excess of \$1,000,000,000, or in excess of \$500,000,000 in the case of a married taxpayer filing separately. The bill would, for taxable years beginning on or after January 1, 2025, impose an annual tax at a rate of 1% of a resident's worldwide net worth in excess of \$50,000,000, or in excess of \$25,000,000 in the case of a married taxpayer filing separately. The bill would also impose, for taxable years beginning on or after January 1, 2025, an additional tax at a rate of 0.5% of a resident's worldwide net worth in excess of \$1,000,000,000, or in excess of \$500,000,000 in the case of a married taxpayer filing separately. The bill would describe worldwide net worth with reference to specific federal provisions and would provide that worldwide net worth does not include specific assets, including personal property situated out of state, directly held real property, or liabilities related to directly held real property.

[SB 1301](#)

(Becker D) Corporation Tax Law: Personal Income Tax Law: credits: green energy: manufacturing.

Location: 8/31/2022-A. DEAD

Summary: This measure, for taxable years beginning on or after January 1, 2023, and before January 1, 2049, imposes a surcharge, upon, or according to or measured by, the net income of a qualified taxpayer, which the bill would define as a taxpayer subject to taxation pursuant to the CTL that provided fossil fuel financing, that exceeds the fossil fuel financing threshold, in the previous taxable year. The tax will be imposed in the following manner: For taxable years beginning on or after January 1, 2023, and before January 1, 2049, a surcharge is hereby imposed upon, or according to or measured by, the net income of a qualified taxpayer: 1) For a qualified taxpayer with a fossil fuel

financing percentage that is greater than two percent, the surcharge imposed shall be 0.75 percent, 2) For a qualified taxpayer with a fossil fuel financing percentage that is greater than one percent but not greater than two percent, the surcharge imposed shall be 0.5 percent, 3) For a qualified taxpayer with a fossil fuel financing percentage that is not greater than one percent, the surcharge imposed shall be 0.25 percent. “Qualified taxpayer” means a taxpayer subject to taxation pursuant to this part that provided fossil fuel financing that exceeds the fossil fuel financing threshold in the previous taxable year. “Financing” means lending or underwriting of corporate bonds, government bonds, or equity issuances by a taxpayer or a parent entity that controls the taxpayer. “Fossil fuel financing” means financing to an entity that derives at least 10 percent of its gross annual revenue from any of the following: 1) Coal operation, 2) Oil and gas exploration and production, 3) Integrated oils, 4) Oil and gas services and equipment, 5) Oil and gas pipelines, 6) Oil and gas refining and marketing. “Fossil fuel financing percentage” means a qualified taxpayer’s global fossil fuel financing stated as a percentage of its global financing with respect to a particular taxable year. “Fossil fuel financing threshold” means global fossil fuel financing in an amount equal to one billion dollars (\$1,000,000,000).

Trust and Estates

[AB 1716](#)

(Maienschein D) Estate disposition.

Location: 6/15/2022-A. CHAPTERED

Summary: Under current law, upon the death of a person who is married or in a registered domestic partnership, half of the community property and quasi-community property belongs to the surviving spouse, unless the spouses have agreed in writing to divide the property in another manner. Current law requires, with specified exceptions, that upon the death of a married person, the surviving spouse is personally liable for the debts of the deceased spouse. Under existing law, those debts are chargeable against the fair market value, as specified, of property including community property, quasi-community property, and separate property that passes to the surviving spouse when the deceased spouse dies intestate and the property passes “without administration.” This bill would specify that, in calculating the available amount of the community property, quasi-community property, and separate property that passes to the surviving spouse, “without administration” refers to property that passes to the surviving spouse without administration under the provisions relating to intestate succession.

[AB 1745](#)

(Nguyen R) Trusts: notifications.

Location: 6/16/2022-A. CHAPTERED

Summary: Current law generally limits the time period within which a person may bring an action to contest a trust to no more than 120 days from the date the notification by the trustee is served upon the person, or 60 days from the day on which a copy of the terms of the trust is mailed or personally delivered to the person during that 120-day period, whichever is later. This bill would specify that the 120-day period described above only applies when a revocable trust becomes irrevocable upon the death of a settlor of the trust or because of a contingency related to the death of a settlor of the trust.

[AB 1866](#)

(Chen R) Irrevocable trusts: limitations.

Location: 6/21/2022-A. CHAPTERED

Summary: Current law provides for the creation and administration of trusts, including irrevocable trusts. Current law makes invalid provisions of a trust that restrict the transfer of the settlor’s interest if the settlor of the trust is a beneficiary. Current law also authorizes the creditors of a settlor who is also a beneficiary of the trust to reach the amount of income or principal of the trust that the trustee could, at their discretion, pay to or for the benefit of the settlor under the trust instrument, as specified. This bill would prohibit a settlor from being considered a beneficiary of an irrevocable trust created by the settlor solely by reason of a discretionary authority vested in the trustee to pay directly or reimburse the settlor for any federal or state income tax on trust income or principal that is payable by the settlor, and would prohibit a transferee or creditor of the settlor from being entitled to reach any amount solely by a reason of that discretionary authority.

[AB 2960](#)

(Committee on Judiciary) Judiciary omnibus.

Location: 9/19/2022-A. CHAPTERED

Summary: (1)Current law, the California Self-Service Storage Facility Act, specifies remedies and procedures for self-service storage facility owners when occupants are delinquent in paying rent or other charges. Under existing law, if rent or other charges due from an occupant remain unpaid for 14 consecutive days, an owner may terminate the right of the occupant to the use of the storage space at a self-service storage facility by sending a preliminary lien notice by certified mail to the occupant’s last known address, defined to mean the address provided by the occupant, as specified. Current law attaches the lien if the charges remain unpaid by a specified time and allows the owner to take specified actions. At that time, existing law requires the owner to send documentation related to the lien sale to the occupant’s last known address, as defined. This bill would remove the January 1, 2023, repeal date and would thereby extend indefinitely the authority to send the notice and documentation by electronic mail and the associated method of demonstrating actual delivery. The bill would make conforming changes.

[SB 1005](#)

(Wieckowski D) Conservatorship: sale of personal residence.

Location: 7/1/2022-S. CHAPTERED

Summary: Current law requires a conservator seeking authorization to sell a conservatee's present or former personal residence to notify the court of specified information, including that the personal residence is proposed to be sold and that the present or former personal residence is proposed to be sold and that the conservator has discussed the proposed sale with the conservatee. The court may authorize the sale of the personal residence only if it finds by clear and convincing evidence that the conservator demonstrated a compelling need to sell the residence for the benefit of the conservatee. Current law also authorizes a guardian or conservatee to sell other real or personal property of the estate. This bill would revise the provisions authorizing the sale of a conservatee's present or former personal residence, or the sale of other real or personal property of the estate, to specifically include the power to consent and agree to partition the personal residence or other real or personal property of the estate, and the power to bring an action for partition of the personal residence or other real or personal property of the estate. The bill would subject partition of the conservatee's present or former personal residence to the same conditions as would be applicable to the sale of the residence under existing law.

[SB 1159](#)

(Jones R) Uniform Fiduciary Income and Principal Act.

Location: 7/5/2022-A. DEAD

Summary: The Uniform Principal and Income Act generally sets forth the powers and duties of a fiduciary of a trust. These powers and duties are related to, among other matters, the allocation of receipts and disbursements between principal and income, making adjustments between principal and income, and converting a trust to a unitrust. This bill would repeal the Uniform Principal and Income Act, and would recast, revise, and expand those provisions as the Uniform Fiduciary Income and Principal Act, for similar purposes. The bill would define relevant terminology in this regard.