

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee  
Hon. Marvin R. Baxter, Chair  
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DATE: October 26, 2006

SUBJECT: Uniform Civil Fees and Standard Fee Schedule Act of 2005: Technical and Clarifying Amendments (Assem. Bill 145; Stats. 2005, ch. 75, as amended by Assem. Bill 1742; Stats. 2005, ch. 706) (Action Required)

Issue Statement

The Uniform Civil Fees (UCF) and Standard Fee Schedule Act of 2005 took effect on January 1, 2006. The new fee structure streamlined and simplified the civil fees collected by the courts by folding the previously varied surcharges and add-on fees into the uniform statewide filing fees. As the courts have implemented the UCF, several technical errors have been identified as well as other issues that need clarification in the act.

Recommendation

The Policy Coordination and Liaison Committee and the Administrative Office of the Courts staff recommends that the Judicial Council sponsor legislation to make clarifying and technical amendments to the Uniform Civil Fees and Standard Fee Schedule Act of 2005.

Rationale for Recommendation

The proposed amendments will, among other things:

- Clarify several court filing fee amounts and when they apply;
- Add 10 existing fees to the new reporting and distribution process;
- Clarify the calculation and distribution of penalties for late remittances of fees under the UCF;

- Provide that the county is subject to penalty if it is responsible for the late transmittal of UCF fees;
- Change the search fee provision, in response to input from court staff, to make it easier to understand and apply;
- Amend incorrect cross-references and previously misstated law library distributions;
- Clarify that litigants paying a partial fee can submit the remaining fee by personal check;
- Clarify that the Unclaimed Property Law that provides for escheat to the state and does not apply to money held by a municipal utility district or a “local agency” also does not apply to a court; and
- Clarify the procedure for escheat of money held by a superior court.

The proposed changes will ensure the consistent application of the UCF and allow courts to appropriately manage unclaimed filing fees.

Additional changes may be recommended by the Task Force on Civil Fees, which is required to report to the Judicial Council and the Legislature by February 1, 2007.

#### Alternative Actions Considered

N/A

#### Comments From Interested Parties

The proposed amendments have been reviewed by representatives of courts, counties, county law libraries, the California Dispute Resolution Council, the Consumer Attorneys of California, California Defense Counsel, and representatives of court reporter associations. The court reporter representatives have requested additional unspecified clarifying amendments to the sections affecting the fees for court reporter services. Staff will return to the Policy Coordination and Liaison Committee with a recommendation on any proposal submitted by the court reporter representatives.

#### Implementation Requirements and Costs

N/A

Attachment

Business and Professional Code section 6321 would be amended to read:

1 **§ 6321.**

2 (a) On and after January 1, 2006, as described in Section 68085.1 of the Government  
3 Code, the Administrative Office of the Courts shall make monthly distributions from  
4 superior court filing fees to the law library fund in each county in the amounts  
5 described in this section and Section 6322.1. From each first paper filing fee as  
6 provided under Section 70611, 70612, 70613, 70614, or 70670 of the Government  
7 Code, each first paper or petition filing fee in a probate matter as provided under  
8 Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658 of the  
9 Government Code, Section 103470 of the Health and Safety Code, or Section 7660  
10 of the Probate Code, each filing fee for a small claim or limited civil case appeal as  
11 provided under Section 116.760 of the Code of Civil Procedure or Section 70621 of  
12 the Government Code, and each vehicle forfeiture petition fee as provided under  
13 subdivision (e) of Section 14607.6 of the Vehicle Code, that is collected in each of  
14 the following counties, the amount indicated in this subdivision shall be paid to the  
15 law library fund in that county:

16	Jurisdiction	Amount
17		
18		
19	Alameda .....	\$31.00
20		
21	Alpine.....	4.00
22		
23	Amador .....	20.00
24		
25	Butte .....	29.00
26		
27	Calaveras.....	26.00
28		
29	Colusa .....	17.00
30		
31	Contra Costa.....	29.00
32		
33	Del Norte.....	20.00
34		
35	El Dorado .....	26.00
36		
37	Fresno.....	31.00
38		
39	Glenn.....	20.00
40		
41	Humboldt .....	40.00

1		
2	Imperial .....	20.00
3		
4	Inyo .....	<del>20.00</del> <u>23.00</u>
5		
6	Kern.....	21.00
7		
8	Kings .....	23.00
9		
10	Lake.....	23.00
11		
12	Lassen .....	25.00
13		
14	Los Angeles .....	18.00
15		
16	Madera .....	26.00
17		
18	Marin.....	32.00
19		
20	Mariposa .....	27.00
21		
22	Mendocino .....	<del>26.00</del> <u>29.00</u>
23		
24	Merced .....	23.00
25		
26	Modoc .....	20.00
27		
28	Mono .....	20.00
29		
30	Monterey .....	25.00
31		
32	Napa .....	20.00
33		
34	Nevada .....	23.00
35		
36	Orange.....	29.00
37		
38	Placer.....	29.00
39		
40	Plumas.....	<del>20.00</del> <u>23.00</u>
41		
42	Riverside .....	26.00
43		

1	Sacramento.....	44.00
2		
3	San Benito.....	<del>20.00</del> <u>23.00</u>
4		
5	San Bernardino.....	23.00
6		
7	San Diego.....	35.00
8		
9	San Francisco.....	36.00
10		
11	San Joaquin.....	23.00
12		
13	San Luis Obispo.....	31.00
14		
15	San Mateo.....	32.50
16		
17	Santa Barbara.....	35.00
18		
19	Santa Clara.....	26.00
20		
21	Santa Cruz.....	29.00
22		
23	Shasta.....	20.00
24		
25	Sierra.....	20.00
26		
27	Siskiyou.....	26.00
28		
29	Solano.....	26.00
30		
31	Sonoma.....	29.00
32		
33	Stanislaus.....	18.00
34		
35	Sutter.....	7.00
36		
37	Tehama.....	20.00
38		
39	Trinity.....	20.00
40		
41	Tulare.....	29.00
42		
43	Tuolumne.....	20.00

1  
2 Ventura..... 26.00  
3  
4 Yolo..... 29.00  
5  
6 Yuba..... 7.00  
7

- 8 (b) If a board of supervisors in any county acted before January 1, 2006, to increase the  
9 law library fee in that county effective January 1, 2006, the amount distributed to the  
10 law library fund in that county under subdivision (a) shall be increased by the amount  
11 that the board of supervisors acted to increase the fee, up to three dollars (\$3).  
12 Notwithstanding subdivision (b) of Section 6322.1, as it read on January 1, 2005, the  
13 maximum increase permitted under this subdivision in Los Angeles County is three  
14 dollars (\$3), rather than two dollars (\$2).  
15 (c) The amounts of \$23.00 for Inyo County, \$29.00 for Mendocino County, \$23.00 for  
16 Plumas County, and \$23.00 for San Benito County listed in subdivision (a) apply to  
17 distributions made under subdivision (a) beginning January 1, 2006.  
18

19 Code of Civil Procedure sections 116.230, 441.21, and 1502 would be amended to read:  
20

21 **§ 116.230.**

- 22 (a) In a small claims case, the clerk of the court shall charge and collect only those fees  
23 authorized under this chapter.  
24 (b) If the party filing a claim has filed 12 or fewer small claims in the state within the  
25 previous 12 months, the filing fee is the following:  
26 (1) Thirty dollars (\$30) if the amount of the demand is one thousand five hundred  
27 dollars (\$1,500) or less.  
28 (2) Fifty dollars (\$50) if the amount of the demand is more than one thousand five  
29 hundred dollars (\$1,500) but less than or equal to five thousand dollars (\$5,000).  
30 (3) Seventy-five dollars (\$75) if the amount of the demand is more than five  
31 thousand dollars (\$5,000).  
32 (c) If the party has filed more than 12 other small claims in the state within the previous  
33 12 months, the filing fee is one hundred dollars (\$100).  
34 (d) Each party filing a claim shall file a declaration with the claim stating whether that  
35 party has filed more than 12 other small claims in the state within the last 12 months.  
36 (e) The clerk of the court shall deposit fees collected under this section into a bank  
37 account established for this purpose by the Administrative Office of the Courts and  
38 maintained under rules adopted by or trial court financial policies and procedures  
39 authorized by the Judicial Council under subdivision (a) of Section 77206 of the  
40 Government Code. The deposits shall be made as required under Section 68085.1 of  
41 the Government Code and trial court financial policies and procedures authorized by  
42 the Judicial Council.

- 1 (f) The Administrative Office of the Courts shall distribute six dollars (\$6) of each thirty-  
2 dollar (\$30) fee, eight dollars (\$8) of each fifty-dollar (\$50) fee, ten dollars (\$10) of  
3 each seventy-five-dollar (\$75) fee, and fourteen dollars (\$14) of each one hundred-  
4 dollar (\$100) fee collected under subdivision (b) or (c) to a special account in the  
5 county in which the court is located to be used for the small claims advisory services  
6 described in Section 116.940, or, if the small claims advisory services are  
7 administered by the court, to the court. Nothing in this section precludes the court or  
8 county from contracting with a third party to provide small claims advisory services  
9 as described in Section 116.940. The Administrative Office of the Courts shall also  
10 distribute two dollars (\$2) of each seventy-five-dollar (\$75) fee collected under  
11 subdivision (b) to the law library fund in the county in which the court is located.  
12 Records of these moneys shall be available for inspection by the public on request.
- 13 (g) The remainder of the fees collected under subdivisions (b) and (c) shall be  
14 transmitted monthly to the Controller for deposit in the Trial Court Trust Fund.
- 15 (h) ~~This section and Section 116.940 shall not be applied in any manner that results in a~~  
16 ~~reduction of the level of services, or the amount of funds allocated for providing the~~  
17 ~~services described in Section 116.940, that are in existence in each county during the~~  
18 ~~2004-05 fiscal year. All money distributed under this section to be used for small~~  
19 ~~claims advisory services shall be used only for providing such services as described~~  
20 ~~in Section 116.940.~~ Nothing in this section shall preclude the county or the court  
21 from procuring other funding to comply with the requirements of Section 116.940.  
22

23 **§ 411.21.**

- 24 (a) If a complaint or other first paper is accompanied by payment by check in an amount  
25 less than the required fee, the clerk shall accept the paper for filing, but shall not  
26 issue a summons until the court receives full payment of the required fee. The clerk  
27 shall, by mail, notify the party tendering the check that (1) the check was made out  
28 for an amount less than the required filing fee, (2) the administrative charge specified  
29 in subdivision (g) has been imposed to reimburse the court for the costs of processing  
30 the partial payment and providing the notice specified in this subdivision, and (3) the  
31 party has 20 days from the date of mailing of the notice within which to pay the  
32 remainder of the required fee and the administrative charge, except as provided in  
33 subdivision (f). ~~The notice also shall state that payment of the administrative charge~~  
34 ~~and the remainder of the required filing fee shall be in cash, by cashier's check, or by~~  
35 ~~other means specified by the court but not by traveler's check or personal check.~~ If  
36 the person who tendered the check is not a party to the action or proposed action, but  
37 only is acting on behalf of a party, the clerk shall notify not only the person who  
38 tendered the check, and also the party or that party's attorney, if the party is  
39 represented. The clerk's certificate as to the mailing of notice pursuant to this section  
40 establishes a rebuttable presumption that the fees were not paid. This presumption is  
41 a presumption affecting the burden of producing evidence. This subdivision does not  
42 apply to an unlawful detainer action.

- 1 (b) The clerk shall void the filing if the party who tendered a check in an amount less  
2 than the required filing fee or on whose behalf a check in an amount less than the  
3 required filing fee was tendered has not paid the full amount of the fee and the  
4 administrative charge by a means specified in subdivision (a) within 20 days of the  
5 date on which the notice required by subdivision (a) was mailed. Any filing voided  
6 by this section may be disposed of immediately after the 20 days have elapsed  
7 without preserving a copy in the court records notwithstanding Section 68152 of the  
8 Government Code.
- 9 (c) If a check for less than the required fee was tendered, the remainder of the required  
10 fee and the administrative charge were not paid within the period specified in  
11 subdivision (a), and a refund of the partial payment has not been requested in a  
12 writing mailed or presented by the party or person who tendered the check within 20  
13 days from the date on which the remainder of the required fee was due, the partial  
14 payment shall be remitted to the State Treasurer to be deposited in the Trial Court  
15 Trust Fund, except for the amount of the administrative charge described in  
16 subdivision (g), that shall be deducted from the partial payment and shall be  
17 distributed as described in subdivision (g) to the court which incurred the charge. If  
18 the party or person who tendered the check for partial payment requests a refund of  
19 the partial payment, in writing, within the time specified in this subdivision, the clerk  
20 shall refund the amount of the partial payment less the amount of the administrative  
21 charge imposed by that court. All partial payments that the court received before  
22 January 1, 2006, and that remain on deposit for filings that the clerk voided pursuant  
23 to this section, once three years have passed from the date that the filing was voided,  
24 shall be remitted to the State Treasurer for deposit into the Trial Court Trust Fund.
- 25 (d) If an adverse party files a response to a complaint or other first paper referred to in  
26 subdivision (a), together with a filing fee, and the original filing is voided pursuant to  
27 subdivision (b), the responsive filing is not required and shall be voided. The court  
28 shall, by mail, provide notice to the parties that the initial paper and the response  
29 have been voided. The responding party's filing fee shall be refunded upon request,  
30 provided that the request for a refund is made in writing within 20 days from the date  
31 on which the notice was mailed. Upon receipt of the request, the court shall  
32 reimburse the responding party's filing fee without imposing any administrative  
33 charge. A refund under this subdivision is available if the adverse party has filed only  
34 a responsive pleading, but not if the party has also filed a cross-complaint or other  
35 first paper seeking affirmative relief for which there is a filing fee.
- 36 (e) If an adverse party, or a person acting on behalf of the adverse party, tenders a check  
37 for a required filing fee in an amount less than the required fee, the procedures in  
38 subdivisions (a), (b), and (c) shall apply.
- 39 (f) If any trial or other hearing is scheduled to be heard prior to the expiration of the 20-  
40 day period provided for in subdivision (a), the fee shall be paid prior to the trial or  
41 hearing. Failure of the party to pay the fee prior to the trial or hearing date shall cause  
42 the court to void the filing and proceed as if it had not been filed.

1 (g) The clerk shall impose an administrative charge for providing notice that a check  
2 submitted for a filing fee is in an amount less than the required fee and for all related  
3 administrative, clerical, and other costs incurred under this section. The  
4 administrative charge shall, in each instance, be either twenty-five dollars (\$25) or a  
5 reasonable amount that does not exceed the actual cost incurred by the court, as  
6 determined by the court. The notices provided by the court under subdivision (a)  
7 shall state the specific amount of the administrative charge that shall be paid to the  
8 court. Each administrative charge collected shall be distributed to the court that  
9 incurred the charge as described in Section 68085.1 of the Government Code. When  
10 a partial payment is to be remitted to the State Treasurer under subdivision (c), the  
11 court shall notify the Administrative Office of the Courts of the amount of (1) the  
12 partial payment collected, and (2) the administrative charge to be deducted from the  
13 payment and to be distributed to the court.  
14

15 **§ 1502.**

16 (a) This chapter does not apply to ~~either~~ any of the following:

17 (1) Any property in the official custody of a municipal utility district.

18 (2) Any property in the official custody of a local agency if such property may be  
19 transferred to the general fund of such agency under the provisions of Sections  
20 50050–50053 of the Government Code.

21 (3) Any property in the official custody of a court if the property may be transferred  
22 to the Trial Court Operations Fund under Section 68084.1 of the Government  
23 Code.

24 (b) None of the provisions of this chapter applies to any type of property received by the  
25 state under the provisions of Chapter 1 (commencing with Section 1300) to Chapter 6  
26 (commencing with Section 1440), inclusive, of this title.  
27

28 Family Code section 304 would be amended to read:  
29

30 **§ 304.**

31 As part of the court order granting permission to marry under Section 302 or 303, the  
32 court shall require the parties to the prospective marriage of a minor to participate in  
33 premarital counseling concerning social, economic, and personal responsibilities incident  
34 to marriage, if the court considers the counseling to be necessary. The parties shall not be  
35 required, without their consent, to confer with counselors provided by religious  
36 organizations of any denomination. In determining whether to order the parties to  
37 participate in the premarital counseling, the court shall consider, among other factors, the  
38 ability of the parties to pay for the counseling. The court may impose a reasonable fee to  
39 cover the cost of any premarital counseling provided by the county or the court. The fees  
40 shall be used exclusively to cover the cost of the counseling services authorized by this  
41 section.  
42

1 Government Code section 53069.4, 68076, 68084.1, 68085.1, 70603, 70612, 70615,  
2 70617, 70624, 70627, 70631, 70633, 70650, 70651, 70653, 70654, 70655, 70657,  
3 70657.5, 70658, 70658.5, and 70677 would be amended to read:

4  
5 **§ 53069.4.**

6 (a) (1) The legislative body of a local agency, as the term “local agency” is defined in  
7 Section 54951, may by ordinance make any violation of any ordinance enacted  
8 by the local agency subject to an administrative fine or penalty. The local agency  
9 shall set forth by ordinance the administrative procedures that shall govern the  
10 imposition, enforcement, collection, and administrative review by the local  
11 agency of those administrative fines or penalties. Where the violation would  
12 otherwise be an infraction, the administrative fine or penalty shall not exceed the  
13 maximum fine or penalty amounts for infractions set forth in subdivision (b) of  
14 Section 25132 and subdivision (b) of Section 36900.

15 (2) The administrative procedures set forth by ordinance adopted by the local agency  
16 pursuant to paragraph (1) shall provide for a reasonable period of time, as  
17 specified in the ordinance, for a person responsible for a continuing violation to  
18 correct or otherwise remedy the violation prior to the imposition of  
19 administrative fines or penalties, when the violation pertains to building,  
20 plumbing, electrical, or other similar structural or zoning issues, that do not  
21 create an immediate danger to health or safety.

22 (b) (1) Notwithstanding the provisions of Section 1094.5 or 1094.6 of the Code of Civil  
23 Procedure, within 20 days after service of the final administrative order or  
24 decision of the local agency is made pursuant to an ordinance enacted in  
25 accordance with this section regarding the imposition, enforcement or collection  
26 of the administrative fines or penalties, a person contesting that final  
27 administrative order or decision may seek review by filing an appeal to be heard  
28 by the superior court, where the same shall be heard de novo, except that the  
29 contents of the local agency’s file in the case shall be received in evidence. A  
30 proceeding under this subdivision is a limited civil case. A copy of the document  
31 or instrument of the local agency providing notice of the violation and imposition  
32 of the administrative fine or penalty shall be admitted into evidence as prima  
33 facie evidence of the facts stated therein. A copy of the notice of appeal shall be  
34 served in person or by first-class mail upon the local agency by the contestant.

35 (2) The fee for filing the notice of appeal shall be ~~twenty five dollars (\$25)~~ as  
36 provided in Section 70615. The court shall request that the local agency’s file on  
37 the case be forwarded to the court, to be received within 15 days of the request.  
38 The court shall retain the ~~twenty five dollar (\$25)~~ fee provided in Section 70615  
39 regardless of the outcome of the appeal. If the court finds in favor of the  
40 contestant, the amount of the fee shall be reimbursed to the contestant by the  
41 local agency. Any deposit of the fine or penalty shall be refunded by the local  
42 agency in accordance with the judgment of the court.

- 1 (3) The conduct of the appeal under this section is a subordinate judicial duty that  
2 may be performed by traffic trial commissioners and other subordinate judicial  
3 officials at the direction of the presiding judge of the court.
- 4 (c) If no notice of appeal of the local agency's final administrative order or decision is  
5 filed within the period set forth in this section, the order or decision shall be deemed  
6 confirmed.
- 7 (d) If the fine or penalty has not been deposited and the decision of the court is against  
8 the contestant, the local agency may proceed to collect the penalty pursuant to the  
9 procedures set forth in its ordinance.

10  
11 **§ 68076.**

12 The seals of the superior courts shall:

- 13 (a) Be circular.
- 14 (b) Be not less than one and one-fourth inches in diameter.
- 15 (c) Have in the center any word, words, or design adopted by the judges of the superior  
16 court.
- 17 (d) Have inscribed around the central words or design "Superior Court ~~....., California~~  
18 of California, County of . . . . .," inserting the name of the county.

19 The seal of any such court, which has been adopted before April 1, 1880 shall be the seal  
20 of such court until another is adopted.

21  
22 **§ 68084.1.**

- 23 (a) Except as otherwise provided by law, any money, excluding restitution to victims,  
24 that has been deposited with a superior court, or that a superior court is holding in  
25 trust for the lawful owner, in a court bank account or in a court trust account in a  
26 county treasury, that remains unclaimed for three years shall become the property of  
27 the superior court if, after published notice pursuant to this section, the money is not  
28 claimed or no verified complaint is filed and served.
- 29 (b) At any time after the expiration of the three-year period specified in subdivision (a),  
30 the executive officer of the superior court may cause a notice to be published once a  
31 week for two successive weeks in a newspaper of general circulation published in the  
32 county in which the court is located. The notice shall state the amount of money, the  
33 fund in which it is held, and that it is proposed that the money will become the  
34 property of the court on a designated date not less than 45 days nor more than 60  
35 days after the first publication of the notice.
- 36 (c) Before or after publication, a party of interest may file a claim with the court  
37 executive officer that shall include the claimant's name, address, amount of claim,  
38 the grounds on which the claim is founded, and any other information that may be  
39 required by the court executive officer. The claim shall be filed before the designated  
40 date on which unclaimed money becomes the property of the court as provided under  
41 subdivision (b), and the executive officer shall accept or reject that claim.
- 42 (d) If the superior court executive officer rejects the claim, or takes no action on the  
43 claim within 30 days after it is filed, the party that submitted the claim may file a

1 verified complaint seeking to recover all, or a specified part, of the money in the  
2 court in the county in which the notice is published. The copy of the complaint and  
3 summons shall be served on the court executive officer. The court executive officer  
4 shall withhold the release of the portion of unclaimed money for which a court action  
5 has been filed as provided in this section until the court renders a decision or the  
6 claim is settled. Any portion of the unclaimed money not covered by the verified  
7 complaint shall become the property of the court if no other claim or verified  
8 complaint regarding it has been filed within the time specified in this section. If the  
9 party that submitted the claim does not file a verified complaint within 30 days after  
10 the date that the court mailed notice that the claim was rejected or within 60 days  
11 after the claim was filed, the money shall become the property of the court.

- 12 (e) Notwithstanding subdivisions (c) and (d), the court executive officer may release the  
13 unclaimed money to the depositor of the unclaimed money, or the depositor's heir,  
14 beneficiary, or duly appointed representative, if the depositor or the depositor's heir,  
15 beneficiary, or duly appointed representative claims the money before the date that  
16 the money becomes the property of the superior court, upon submitting proof  
17 satisfactory to the court executive officer.
- 18 (f) If no claim is filed under subdivision (c) and the time for filing claims has expired,  
19 the money shall become the property of the court. If a claim or claims are filed with  
20 respect to a portion of the money, but not the remainder of the money, and the time  
21 for filing claims under subdivision (c) has expired, the remainder of the money shall  
22 become the property of the court.
- 23 (g) Notwithstanding any other provision of this section, the presiding judge may direct  
24 the transfer of any individual deposit of twenty dollars (\$20) or less, or any amount if  
25 the name of the original depositor is unknown, that remains unclaimed for one year  
26 to the Trial Court Operations Fund without the need for publication of notice.
- 27 (h) The court executive officer may delegate the responsibilities provided in this section  
28 to appropriate superior court staff.
- 29 (i) When any money deposited and held under this section becomes the property of a  
30 superior court, the presiding judge shall transfer it to the Trial Court Operations  
31 Fund.

32  
33 **§ 68085.1.**

- 34 (a) This section applies to all fees and fines that are collected on or after January 1, 2006,  
35 under all of the following:
- 36 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150, 704.750, 708.160,  
37 724.100, 1134, 1161.2, ~~and~~ 1218, and 1993.2 of, subdivision (g) of Section  
38 411.20 and subdivisions (c) and (g) of Section 411.21 of, and Chapter 5.5  
39 (commencing with Section 116.110) of Title 1 of Part 1 of, the Code of Civil  
40 Procedure.
- 41 (2) Section 3112 of the Family Code.
- 42 ~~(2)~~ (3) Section 31622 of the Food and Agricultural Code.

- 1       ~~(3)~~ (4)     Subdivision (d) of Section 6103.5, Sections 68086 and 68086.1,  
2                    subdivision (d) of Section 68511.3, Sections 68926.1 and 69953.5, and  
3                    Chapter 5.8 (commencing with Section 70600).
- 4       ~~(4)~~ (5)     Section 103470 of the Health and Safety Code.
- 5       ~~(5)~~ (6)     Subdivisions (b) and (c) of Section 166 and Section 1214.1 of the Penal  
6                    Code.
- 7       ~~(6)~~ (7)     Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate Code.
- 8       ~~(7)~~ (8)     Sections 14607.6, and 16373, and 40230 of the Vehicle Code.
- 9       ~~(8)~~ (9)     Section 71386 of this code, Sections 304, 7851.5, and 9002 of the Family  
10                   Code, and Section 1513.1 of the Probate Code, if the reimbursement is for  
11                    expenses incurred by the court.
- 12       (10)     Section 3153 of the Family Code, where the amount is paid to the court for  
13                    the cost of counsel appointed by the court to represent a child.

14 (b) On and after January 1, 2006, each superior court shall deposit all fees and fines  
15 listed in subdivision (a), as soon as practicable after collection and on a regular basis,  
16 into a bank account established for this purpose by the Administrative Office of the  
17 Courts. Upon direction of the Administrative Office of the Courts, the county shall  
18 deposit civil assessments under Section 1214.1 of the Penal Code and any other  
19 money it collects under the sections listed in subdivision (a) as soon as practicable  
20 after collection and on a regular basis into the bank account established for this  
21 purpose and specified by the Administrative Office of the Courts. The deposits shall  
22 be made as required by rules adopted by, and financial policies and procedures  
23 authorized by, the Judicial Council under subdivision (a) of Section 77206. Within 15  
24 days after the end of the month in which the fees and fines are collected, each court,  
25 and each county that collects any fines or fees under subdivision (a), shall provide the  
26 Administrative Office of the Courts with a report of the fees by categories as  
27 specified by the Administrative Office of the Courts. The Administrative Office of  
28 the Courts and any court may agree upon a time period greater than fifteen (15) days,  
29 but in no case more than thirty (30) days, after the end of the month in which the fees  
30 and fines are collected. The fees and fines listed in subdivision (a) shall be distributed  
31 as provided in this section.

- 32 (c) (1) Within 45 calendar days after the end of the month in which the fees and fines  
33 listed in subdivision (a) are collected, the Administrative Office of the Courts  
34 shall make the following distributions:
- 35       (A) To the small claims advisory services, as described in subdivision (f) of  
36            Section 116.230 of the Code of Civil Procedure.
- 37       (B) To dispute resolution programs, as described in subdivision (b) of Section  
38            68085.3 and subdivision (b) of Section 68085.4.
- 39       (C) To the county law library funds, as described in Sections 116.230 and  
40            116.760 of the Code of Civil Procedure, subdivision (b) of Section 68085.3,  
41            subdivision (b) of Section 68085.4, and Section 70621 of this code, and  
42            Section 14607.6 of the Vehicle Code.

1 (D) To the courthouse construction funds in the Counties of Riverside, San  
2 Bernardino, and San Francisco, as described in Sections 70622, 70624, and  
3 70625.

4 (2) If any distribution under this subdivision is delinquent, the Administrative Office  
5 of the Courts shall add a penalty to the distribution as specified in subdivision (i).

6 (d) Within 45 calendar days after the end of the month in which the fees and fines listed  
7 in subdivision (a) are collected, the amounts remaining after the distributions in  
8 subdivision (c) shall be transmitted to the State Treasury for deposit in the Trial  
9 Court Trust Fund and other funds as required by law. This remittance shall be  
10 accompanied by a remittance advice identifying the collection month and the  
11 appropriate account in the Trial Court Trust Fund or other fund to which it is to be  
12 deposited. Upon the receipt of any delinquent payment required under this  
13 subdivision, the Controller shall calculate a penalty as provided under subdivision (i).

14 (e) From the money transmitted to the State Treasury under subdivision (d), the  
15 Controller shall make deposits as follows:

16 (1) Into the State Court Facilities Construction Fund, the Judges' Retirement Fund,  
17 and the Equal Access Fund, as described in subdivision (c) of Section 68085.3  
18 and subdivision (c) of Section 68085.4.

19 (2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section  
20 70670 of this code and Section 103730 of the Health and Safety Code.

21 (3) Into the Family Law Trust Fund, as described in Section 70674.

22 (4) The remainder of the money shall be deposited into the Trial Court Trust Fund.

23 (f) The amounts collected by each superior court under Section 116.232, subdivision (g)  
24 of Section 411.20, and subdivision (g) of Section 411.21 of the Code of Civil  
25 Procedure, Sections 304, 3112, 3153, 7851.5, and 9002 of the Family Code,  
26 subdivision (d) of Section 6103.5, subdivision (d) of Section 68511.3 and Sections  
27 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this code, and  
28 Sections 1513.1, 1835, 1851.5, and 2343 of the Probate Code, shall be added to the  
29 monthly apportionment for that court under subdivision (a) of Section 68085.

30 (g) If any of the fees provided in subdivision (a) are partially waived by court order or  
31 otherwise reduced, and the fee is to be divided between the Trial Court Trust Fund  
32 and any other fund or account, the amount of the reduction shall be deducted from  
33 the amount to be distributed to each fund in the same proportion as the amount of  
34 each distribution bears to the total amount of the fee. If the fee is paid by installment  
35 payments, the amount distributed to each fund or account from each installment shall  
36 bear the same proportion to the installment payment as the full distribution to that  
37 fund or account does to the full fee. If a court collects a fee that was incurred before  
38 January 1, 2006 under a section that was the predecessor to one of the sections listed  
39 in subdivision (a), the fee may be deposited as if it were collected under the section  
40 in subdivision (a) that corresponds to the old section and distributed in prorated  
41 amounts to each fund or account to which the fee in subdivision (a) must be  
42 distributed.

- 1 (h) Except as provided in Sections 470.5 and 6322.1 of the Business and Professions  
2 Code, and Sections 70622, 70624, and 70625 of this code, no agency may take action  
3 to change the amounts allocated to any of the funds described in subdivision (c), (d),  
4 or (e).
- 5 (i) The amount of the penalty on any delinquent payment under subdivision (c) or (d)  
6 shall be calculated by multiplying the amount of the delinquent payment at a daily  
7 rate equivalent to one and one-half (1 1/2) percent per month for the number of days  
8 the payment is delinquent. The penalty shall be paid from the Trial Court Trust Fund.  
9 Penalties on delinquent payments under subdivision (d) shall be calculated only on  
10 the amounts to be distributed to the Trial Court Trust Fund and the State Court  
11 Facilities Construction Fund, and each penalty shall be distributed proportionately to  
12 the funds to which the delinquent payment was to be distributed.
- 13 (j) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a  
14 superior court under subdivision (b), the court shall reimburse the Trial Court Trust  
15 Fund for the amount of the penalty. Notwithstanding Section 77009, any penalty on a  
16 delinquent payment that a court is required to reimburse pursuant to this section shall  
17 be paid from the court operations fund for that court. The penalty shall be paid by the  
18 court to the Trial Court Trust Fund no later than 45 days after the end of the month in  
19 which the penalty was calculated. If the penalty is not paid within the specified time,  
20 the Administrative Office of the Courts may reduce the amount of a subsequent  
21 monthly allocation to the court by the amount of the penalty on the delinquent  
22 payment.
- 23 (k) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a  
24 county in transmitting fees and fines listed in subdivision (a) to the bank account  
25 established for this purpose, as described in subdivision (b), the county shall  
26 reimburse the Trial Court Trust Fund for the amount of the penalty. The penalty shall  
27 be paid by the county to the Trial Court Trust Fund no later than 45 days after the end  
28 of the month in which the penalty was calculated.

29  
30 **§ 70603.**

- 31 (a) Except as provided in this section, the fees charged for filings and services under this  
32 chapter are intended to be uniform statewide and to be the only allowable fees for  
33 those services and filings. The only charges that may be added to the fees in this  
34 chapter are the following:
- 35 (1) In a complex case, the fee provided for in Section 70616 may be added to the  
36 first paper and first responsive paper filing fees in Sections 70611, 70612, 70613,  
37 and 70614.
- 38 (2) In an unlawful detainer action subject to Section 1161.2 of the Code of Civil  
39 Procedure, a charge of fifteen dollars (\$15) as provided under that section may be  
40 added to the fee in Section 70613 for filing a first appearance by a plaintiff.
- 41 (3) In Riverside County, a surcharge as provided in Section 70622 may be added to  
42 the first paper and first responsive paper filing fees in Sections 70611, 70612,  
43 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

1 (4) In San Bernardino County, a surcharge as provided in Section 70624 may be  
2 added to the first paper and first responsive paper filing fees in Sections 70611,  
3 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670. This  
4 paragraph applies to fees collected under Sections 70611, 70612, 70613, 70614,  
5 70650, 70651, 70652, 70653, 70655, and 70670 beginning January 1, 2006.

6 (5) In the City and County of San Francisco, a surcharge as provided in Section  
7 70625 may be added to the first paper and first responsive paper filing fees in  
8 Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and  
9 70670.

10 (b) Notwithstanding paragraph (1) of subdivision (c) of Section 68085.3 and paragraph  
11 (1) of subdivision (c) of Section 68085.4, when a charge for courthouse construction  
12 in the county or city and county of San Francisco, Riverside, or San Bernardino is  
13 added to the uniform filing fee as provided under paragraph (3), (4), or (5) of  
14 subdivision (a), the amount distributed to the State Court Facilities Construction  
15 Fund under Section 68085.3 or 68085.4 shall be reduced by an amount equal to the  
16 charge added under paragraph (3), (4), or (5) of subdivision (a), up to the amount that  
17 would otherwise be distributed to the State Court Facilities Construction Fund. If the  
18 amount added under paragraph (3), (4), or (5) of subdivision (a) is greater than the  
19 amount that would be distributed to the State Court Facilities Construction Fund  
20 under Section 68085.3 or 68085.4, no distribution shall be made to the State Court  
21 Facilities Construction Fund, but the amount charged to the party may be greater than  
22 the amount of the uniform fee otherwise allowed, in order to collect the surcharge  
23 under paragraph (3), (4), or (5) of subdivision (a).

24 (c) If a filing fee is reduced by fifteen dollars (\$15) under subdivision ~~(d)~~ (c) of Section  
25 6322.1 of the Business and Professions Code, and a courthouse construction  
26 surcharge is added to the filing fee as provided under paragraph (3), (4), or (5) of  
27 subdivision (a), the amount distributed to the State Court Facilities Construction  
28 Fund under Section 68085.4 shall be reduced as provided in subdivision (b). If the  
29 amount added under paragraph (3), (4), or (5) of subdivision (a) is greater than the  
30 amount that would be distributed to the State Court Facilities Construction Fund  
31 under Section 68085.4, no distribution shall be made to the State Court Facilities  
32 Construction Fund, but the amount charged to the party may be greater than one  
33 hundred sixty-five dollars (\$165), in order to collect the surcharge under paragraph  
34 (3), (4), or (5) of subdivision (a).

35  
36 **§ 70612.**

37 (a) The uniform fee for filing the first paper in the action or proceeding described in  
38 Section 70611 on behalf of any defendant, intervenor, respondent, or adverse party,  
39 whether separately or jointly, except for the purpose of making disclaimer, is three  
40 hundred twenty dollars (\$320). The fee shall be distributed as provided in Section  
41 68085.3.

1 (b) As used in this section, the term “paper” does not include a stipulation for the  
2 appointment of a temporary judge or of a court investigator, or the report made by the  
3 court investigator.  
4

5 **§ 70615.**

6 The fee for filing any of the following appeals to the superior court is twenty-five dollars  
7 (\$25).

8 (a) An appeal of a local agency’s decision regarding an administrative fine or penalty  
9 under Section 53069.4.

10 (b) An appeal under Section 40230 of the Vehicle Code of an administrative agency’s  
11 decision regarding a parking violation.

12 (c) An appeal under Section 99582 of the Public Utilities Code of a hearing officer’s  
13 determination regarding an administrative penalty for fare evasion or passenger  
14 conduct violation.  
15

16 **§ 70617.**

- 17 (a) Except as provided in subdivision (d), the uniform fee for filing a motion,  
18 application, or any other paper requiring a hearing subsequent to the first paper, is  
19 forty dollars (\$40). Papers for which this fee shall be charged include the following:  
20 (1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section  
21 1005 of the Code of Civil Procedure.  
22 (2) A motion or application to continue a trial date.  
23 (3) An application for examination of a third person controlling defendant’s property  
24 under Section 491.110 or 491.150 of the Code of Civil Procedure.  
25 (4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4  
26 of the Code of Civil Procedure.  
27 (5) A motion for a new trial of any civil action or special proceeding.  
28 (6) An application for an order for a judgment debtor examination under Section  
29 708.110 or 708.160 of the Code of Civil Procedure.  
30 (7) An application for an order of sale of a dwelling under Section 704.750 of the  
31 Code of Civil Procedure.  
32 (8) An ex parte application that requires a party to give notice of the ex parte  
33 appearance to other parties.
- 34 (b) There shall be no fee under subdivision (a) or (c) for filing any of the following:  
35 (1) A motion, application, ~~or demurrer~~, request, notice, or stipulation and order that  
36 is the first paper filed in an action and on which a first paper filing fee is paid.  
37 (2) An amended notice of motion.  
38 (3) A civil case management statement.  
39 (4) A request for trial de novo after judicial arbitration.  
40 (5) A stipulation that does not require an order.  
41 (6) A request for an order to prevent civil harassment.  
42 (7) A request for an order to prevent domestic violence.  
43 (8) A request for entry of default or default judgment.

- 1 (9) A paper requiring a hearing on a petition for emancipation of a minor.  
2 (10) A paper requiring a hearing on a petition for an order to prevent abuse of an  
3 elder or dependent adult.  
4 (11) A paper requiring a hearing on a petition for a writ of review, mandate, or  
5 prohibition.  
6 (12) A paper requiring a hearing on a petition for a decree of change of name or  
7 gender.  
8 (13) A paper requiring a hearing on a petition to approve the compromise of a claim  
9 of a minor.  
10 (c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):  
11 (1) A request, application, or motion for, or a notice of, the continuance of a hearing  
12 or case management conference. The fee shall be charged no more than once for  
13 each continuance. The fee shall not be charged if the continuance is required by  
14 the court.  
15 (2) A stipulation and order.  
16 (3) A request for an order authorizing service of summons by posting or by  
17 publication under Section 415.45 or 415.50 of the Code of Civil Procedure.  
18 (d) The fee for filing a motion for summary judgment or summary adjudication of issues  
19 is two hundred dollars (\$200).  
20 (e) Regardless of whether each motion or matter is heard at a single hearing or at  
21 separate hearings, the filing fees required by subdivisions (a), (c), and (d) apply  
22 separately to each motion or other paper filed. The Judicial Council may publish  
23 rules to give uniform guidance to courts in applying fees under this section.  
24

25 **§ 70624.**

- 26 (a) In addition to the uniform filing fee authorized pursuant to Section 70611, 70612,  
27 70613, 70614, 70650, 70651, 70652, 70653, 70655, or 70670, after giving notice and  
28 holding a public hearing on the proposal, the Board of Supervisors of San Bernardino  
29 County may impose a surcharge not to exceed thirty-five dollars (\$35) for the filing  
30 in superior court of (1) a complaint, petition, or other first paper in a civil, family, or  
31 probate action or special proceeding, and (2) a first paper on behalf of any defendant,  
32 respondent, intervenor, or adverse party. The county shall notify in writing the  
33 superior court and the Administrative Office of the Courts of any change in a  
34 surcharge under this section. If a surcharge under this section is imposed on a filing  
35 fee, the distribution that would otherwise be made to the State Court Facilities  
36 Construction Fund under subdivision (c) of Section 68085.3 or subdivision (c) of  
37 Section 68085.4 shall be reduced as provided in Section 70603. This section applies  
38 to fees collected under Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652,  
39 70653, 70655, and 70670 beginning January 1, 2006.  
40 (b) The surcharge shall be in an amount determined to be necessary by the board of  
41 supervisors to supplement the Courthouse Construction Fund, to be deposited in that  
42 fund and used solely for the purposes authorized for expenditures from that fund,  
43 including, but not limited to, earthquake retrofitting, renovation, and remodeling of

1 all portions of the Central San Bernardino Courthouse in need of retrofitting,  
2 renovation, or remodeling, whether or not necessitated by the retrofitting work,  
3 including the original courthouse built in 1926 and all subsequent additions thereto.  
4 Expenditures made from the Courthouse Construction Fund that are funded from the  
5 surcharge shall be made in order of priority to ensure that all necessary earthquake  
6 retrofitting of the Central San Bernardino Courthouse will be completed. Collection  
7 of the surcharge authorized by this section shall terminate upon repayment of the  
8 amortized costs incurred, or 30 years from the sale of the bond, whichever occurs  
9 first. However, the surcharge shall not apply in instances in which no filing fee is  
10 charged or the filing fee is waived. If the amortized costs have been repaid, or 30  
11 years have passed since the sale of the bond, the county shall notify in writing the  
12 superior court and the Administrative Office of the Courts.  
13

14 **§ 70627.**

15 The fees collected under this section shall be distributed to the court in which they were  
16 collected.

17 (a) The clerk of the court shall charge fifty cents (\$0.50) per page to cover the cost of  
18 preparing copies of any record, proceeding, or paper on file in the clerk's office,  
19 except as provided in subdivision (d).

20 (b) For comparing with the original on file in the office of the clerk of any court, the  
21 copy of any paper, record, or proceeding prepared by another and presented for the  
22 clerk's certificate, the fee is one dollar (\$1) per page, in addition to the fee for the  
23 certificate.

24 (c) The fee for a search of records or files conducted by a court employee ~~that requires~~  
25 ~~more than 10 minutes~~ is fifteen dollars (\$15) five dollars (\$5) for each search name,  
26 file, or other information for which a search is requested. This fee shall not be  
27 charged when a person requests one search for records of a case in which that person  
28 is a party, but if the party requests more than one search at a time, \$5 shall be charged  
29 for each search after the first search.

30 (d) For preparing color copies of any document, the clerk may charge a reasonable fee  
31 not to exceed costs.  
32

33 **§ 70631.**

34 In the absence of a statute ~~or rule~~ authorizing or prohibiting a fee by the superior court for  
35 a particular service or product, the court may charge a reasonable fee not to exceed the  
36 costs of providing the service or product, if the Judicial Council approves the fee. The fee  
37 shall be distributed to the court in which it was collected.  
38

39 **§ 70633.**

40 (a) No fee shall be charged by the clerk for service rendered to the petitioner in any  
41 adoption proceeding except as provided in Section 103730 of the Health and Safety  
42 Code, nor shall any fees be charged for any service to the state or for any proceeding

1 brought pursuant to Section 7841 of the Family Code to declare a minor free from  
2 parental custody or control.

3 (b) No fee shall be charged by the clerk for services rendered in any criminal action  
4 unless otherwise specifically authorized by law, except that the clerk may charge ~~the~~  
5 ~~a fee specified in Section 70627~~ for making or certifying to a copy of any filed paper,  
6 record, or proceeding in a criminal action. If a criminal defendant has been granted a  
7 fee waiver or the court finds that the defendant does not have the ability to pay the  
8 fee, the court may reduce or waive the fee.

9 (c) Except as permitted in subdivision (b), no fee shall be charged by the clerk for  
10 service to any municipality or county in the state, to the state government, nor to the  
11 United States of America or any of its officers acting in his or her official capacity.  
12

13 **§ 70650.**

14 (a) The uniform filing fee for the first petition for letters of administration or letters  
15 testamentary, or the first petition for special letters of administration with the powers  
16 of a general personal representative pursuant to Section 8545 of the Probate Code, or  
17 a first account of a trustee of a testamentary trust that is subject to the continuing  
18 jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of  
19 Part 5 of Division 9 of the Probate Code is, as follows:

20 (1) Three hundred twenty dollars (\$320) for estates or trusts under two hundred fifty  
21 thousand dollars (\$250,000).

22 (2) Three hundred eighty-five dollars (\$385) for estates or trusts of at least two  
23 hundred fifty thousand dollars (\$250,000) and less than five hundred thousand  
24 dollars (\$500,000).

25 (3) Four hundred eighty-five dollars (\$485) for estates or trusts of at least five  
26 hundred thousand dollars (\$500,000) and less than seven hundred fifty thousand  
27 dollars (\$750,000).

28 (4) Six hundred thirty-five dollars (\$635) for estates or trusts of at least seven  
29 hundred fifty thousand dollars (\$750,000) and less than one million dollars  
30 (\$1,000,000).

31 (5) One thousand one hundred thirty-five dollars (\$1,135) for estates or trusts of at  
32 least one million dollars (\$1,000,000) and less than one million five hundred  
33 thousand dollars (\$1,500,000).

34 (6) Two thousand one hundred thirty-five dollars (\$2,135) for estates or trusts of at  
35 least one million five hundred thousand dollars (\$1,500,000) and less than two  
36 million dollars (\$2,000,000).

37 (7) Two thousand six hundred thirty-five dollars (\$2,635) for estates or trusts of at  
38 least two million dollars (\$2,000,000) and less than two million five hundred  
39 thousand dollars (\$2,500,000).

40 (8) Three thousand six hundred thirty-five dollars (\$3,635) for estates or trusts of at  
41 least two million five hundred thousand dollars (\$2,500,000) and less than three  
42 million five hundred thousand dollars (\$3,500,000).

1 (9) Three thousand six hundred thirty-five dollars (\$3,635) plus 0.2 percent of the  
2 amount over three million five hundred thousand dollars (\$3,500,000) for estates  
3 or trusts of three million five hundred thousand dollars (\$3,500,000) or more.

4 (b) The petitioner under subdivision (a) shall estimate the fair market value of the  
5 decedent's estate at the date of the decedent's death in the petition, without reference  
6 to encumbrances or other obligations on estate property. The filing fee shall be  
7 determined based on the estimate by the petitioner at the time the petition is filed. If  
8 the final appraised value of the decedent's estate would result in a filing fee different  
9 from the filing fee actually paid, an adjustment shall be made at the time of the final  
10 account, under rules adopted by the Judicial Council. The filing fee for a trustee  
11 under subdivision (a) shall be based on the value of the trust shown in the first  
12 account.

13 (c) ~~The uniform filing fee for the first petition for special letters of administration~~  
14 ~~without the powers of a general personal representative of the Probate Code, the first~~  
15 ~~objections to the probate of any will or codicil under Section 8250 of the Probate~~  
16 ~~Code, or the first petition for revocation of probate of any will or codicil under~~  
17 ~~Section 8270 of the Probate Code is three hundred twenty dollars (\$320). The~~  
18 ~~uniform filing fee for the first petition for special letters of administration without the~~  
19 ~~powers of a general personal representative is the fee provided in Section 70657.5.~~  
20 Where objections to the probate of a will or codicil or a petition for revocation of  
21 probate of a will or codicil are filed together with a petition for appointment of a  
22 personal representative described in subdivision (d) filed by the same person, only  
23 the fee provided in subdivision (d) shall be charged to that person.

24 (d) A fee of three hundred twenty dollars (\$320) shall also be charged for filing each  
25 subsequent petition or objections of a type described in subdivision (a) ~~or (e)~~ in the  
26 same proceeding by a person other than the original petitioner or contestant. The  
27 same fee as provided in subdivision (c) shall be charged for filing each subsequent  
28 petition or objections of a type described in that subdivision in the same proceeding  
29 by a person other than the original petitioner or contestant. If a person is appointed on  
30 a subsequent petition and qualifies as administrator, executor, or special  
31 administrator with the powers of a general personal representative under subdivision  
32 (a), the successful personal representative shall reimburse the original petitioner in  
33 the amount of the filing fee paid by the original petitioner in excess of three hundred  
34 twenty dollars (\$320), less any unpaid costs awarded to the successful petitioner  
35 against the original petitioner, under rules adopted by the Judicial Council. The  
36 reimbursement shall be an expense of administration in the estate.

37 (e) Notwithstanding Section 70658.5, if a petition for special letters of administration  
38 without the powers of a general personal representative is filed together with a  
39 petition for appointment of an administrator with general powers under subdivision  
40 (a) or subdivision (d) by the same person, the person filing the petitions shall be  
41 charged the applicable filing fees for both petitions.

1 (e) ~~(f)~~ The first three hundred twenty dollars (\$320) of the filing fee charged under this  
2 section shall be distributed as provided in Section 68085.3. The remainder shall be  
3 distributed to the Trial Court Trust Fund.  
4

5 **§ 70651.**

- 6 (a) The uniform filing fee for objections or any other paper in opposition to a petition or  
7 account described in subdivision (a) of Section 70650, other than a petition described  
8 in subdivision (d) of Section 70650, ~~except for the purpose of making a disclaimer,~~ is  
9 three hundred twenty dollars (\$320). If objections or any other paper in opposition  
10 are filed together with a petition described in subdivision (d) of Section 70650 by the  
11 same person, only the fee provided in subdivision (d) of Section 70650 shall be  
12 charged to that person.  
13 (b) The uniform filing fee charged under this section shall be distributed as provided in  
14 Section 68085.3.  
15

16 **§ 70653.**

- 17 (a) The uniform filing fee for a petition for appointment of a conservator, a guardian of  
18 the estate, or a guardian of the person and estate, pursuant to Division 4  
19 (commencing with Section 1400) of the Probate Code, is three hundred twenty  
20 dollars (\$320).  
21 (b) Except as provided in subdivision (f), the uniform filing fee for objections or any  
22 other paper in opposition to a petition under subdivision (a) or (d) is three hundred  
23 twenty dollars (\$320).  
24 (c) If a competing petition for appointment of a guardian or conservator subject to the  
25 fee under subdivision (a) is filed together with opposition to the petition of another  
26 by the same person, the person filing the competing petition and opposition shall be  
27 charged a filing fee only for the competing petition.  
28 (d) Notwithstanding Section 70658.5, if a petition for appointment of a temporary  
29 guardian or conservator is filed together with a petition for appointment of a guardian  
30 or conservator under subdivision (a), or a competing petition under subdivision (c) by  
31 the same person, the person filing the petition for appointment of a temporary  
32 guardian or conservator shall be charged a filing fee only for the petition under  
33 subdivision (a) or (e) petitions shall be charged the applicable filing fees for both  
34 petitions.  
35 (e) The uniform filing fee charged under this section shall be distributed as provided in  
36 Section 68085.3.  
37 (f) No fee under this section shall be charged for objections or any other paper in  
38 opposition filed by or on behalf of the proposed conservatee, or the minor or a parent  
39 of the minor who is the subject of a guardianship proceeding.  
40

41 **§ 70654.**

- 42 (a) The uniform filing fee for a petition for appointment of a guardian of the person only,  
43 is one hundred eighty dollars (\$180).

- 1 (b) Except as provided in subdivision (e), the uniform filing fee for objections or any  
2 other paper in opposition to a petition under subdivision (a) is one hundred eighty  
3 dollars (\$180).
- 4 (c) If a competing petition for appointment of a guardian subject to the fee under  
5 subdivision (a) is filed together with opposition to the petition of another by the same  
6 person, the person filing the competing petition and opposition shall be charged a  
7 filing fee only for the competing petition.
- 8 (d) Notwithstanding Section 70658.5, if a petition for appointment of a temporary  
9 guardian is filed together with a petition for appointment of a guardian under  
10 subdivision (a), or a competing petition under subdivision (c) by the same person, the  
11 person filing the petition for appointment of a temporary guardian shall be charged a  
12 filing fee only for the petition under subdivision (a) or (e) petitions shall be charged  
13 the applicable filing fees for both petitions.
- 14 (e) No fee under this section shall be charged for objections or any other paper in  
15 opposition filed by or on behalf of the minor or a parent of the minor who is the  
16 subject of the proceeding.
- 17 (f) The uniform filing fee charged under this section shall be distributed as provided in  
18 Section 68085.4.
- 19 (g) No other fees shall be charged for filing a paper under this section in addition to the  
20 uniform filing fee provided for in this section.

21  
22 **§ 70655.**

- 23 (a) The uniform filing fee for a petition that commences any of the proceedings under  
24 the Probate Code listed in subdivision (c) is three hundred twenty dollars (\$320).
- 25 (b) The uniform filing fee for objections or any other paper filed in opposition to a  
26 petition under subdivision (a) is three hundred twenty dollars (\$320).
- 27 (c) This section applies to petitions or opposition concerning the following proceedings:  
28 (1) A petition for compromise of a minor's claim pursuant to Section 3600 of the  
29 Probate Code.  
30 (2) A petition to determine succession to real property pursuant to Section 13151 of  
31 the Probate Code.  
32 (3) A spousal or domestic partnership property petition pursuant to Section 13650 of  
33 the Probate Code, except as provided in Section 13652 of the Probate Code.  
34 (4) A petition to establish the fact of death to determine title to real property under  
35 Section 200 of the Probate Code.  
36 (5) A petition for an order concerning a particular transaction pursuant to Section  
37 3100 of the Probate Code.  
38 (6) A petition concerning capacity determination and health care decision for adult  
39 without conservator pursuant to Section 3200 of the Probate Code.  
40 (7) A petition concerning an advance health care directive pursuant to Section 4766  
41 of the Probate Code.  
42 (8) A petition concerning a power of attorney pursuant to Section 4541 of the  
43 Probate Code.

1 (9) A petition for approval, compromise, or settlement of claims against a deceased  
2 settlor, or for allocation of amounts due between trusts, pursuant to Section  
3 19020 of the Probate Code.

4 ~~(9)~~ (10) Any other petition that commences a proceeding under the Probate Code not  
5 otherwise provided for in this article.

6 (d) The uniform filing fee charged under this section shall be distributed as provided in  
7 Section 68085.3.

8  
9 **§ 70657.**

10 (a) Except as provided in subdivision ~~(d)~~ (c), the uniform fee for filing a motion,  
11 ~~application~~, or any other paper requiring a hearing subsequent to the first paper in a  
12 proceeding under the Probate Code, other than a petition or application or opposition  
13 described in Sections 70657.5 and 70658, is forty dollars (\$40). Papers for which this  
14 fee shall be charged include papers listed in subdivision (a) of Section 70617 and are  
15 the following:

16 ~~(1) Pretrial and posttrial motions or applications in contested litigation. Papers listed~~  
17 ~~in subdivision (a) of Section 70617.~~

18 ~~(2) Applications for ex parte relief, whether or not notice of the application to any~~  
19 ~~person is required, excepting an ex parte petition for discharge of a personal~~  
20 ~~representative, conservator, or guardian upon completion of a court-ordered~~  
21 ~~distribution or transfer, for which no fee shall be charged.~~

22 ~~(3) Petitions and objections or other papers in opposition to petitions concerning the~~  
23 ~~internal affairs of a trust that are not subject to the filing fees provided in Section~~  
24 ~~70650, 70651, or 70652.~~

25 ~~(4) Petitions and objections or other papers in opposition to petitions filed~~  
26 ~~subsequent to issuance of temporary letters of guardianship or letters of~~  
27 ~~guardianship in proceedings described in Section 70654.~~

28 ~~(5) Petitions or objections or other papers in opposition to petitions filed subsequent~~  
29 ~~to issuance of special letters of administration or letters testamentary or of~~  
30 ~~administration in decedent's estate proceedings that are not subject to the fee~~  
31 ~~provided in Section 70658.~~

32 (b) There shall be no fee under subdivision (a) for filing any of the papers listed under  
33 subdivision (b) of Section 70617.

34 (c) The summary judgment fee provided in subdivision (d) of Section 70617 shall apply  
35 to summary judgment motions in proceedings under the Probate Code.

36 (d) Regardless of whether each motion or matter is heard at a single hearing or at  
37 separate hearings, the filing fees required by subdivisions (a) and (c) apply separately  
38 to each motion or other paper filed. The Judicial Council may publish rules to give  
39 uniform guidance to courts in applying fees under this section.

40  
41 **§ 70657.5.**

42 The uniform fee for filing the following petitions or applications, and objections or other  
43 opposition, is forty dollars (\$40.00):

- 1 (a) Petitions or applications, or opposition, concerning the internal affairs of a trust that  
2 are not subject to the filing fees provided in Section 70650, 70651, or 70652.  
3 (b) Petitions or applications, or objections, filed subsequent to issuance of temporary  
4 letters of conservatorship or guardianship or letters of conservatorship or  
5 guardianship that are not subject to the filing fee provided in subdivision (a) of  
6 Section 70658.  
7 (c) Petitions or applications, or objections, filed subsequent to issuance of special letters  
8 of administration or letters testamentary or of administration in decedent's estate  
9 proceedings that are not subject to the filing fee provided in subdivision (a) of  
10 Section 70658.  
11 (d) The first or subsequent petition for special letters of administration without the  
12 powers of a general personal representative.  
13 (e) The first or subsequent petition for temporary letters of conservatorship or  
14 guardianship.  
15 (f) No fee is payable under this section for:  
16 (1) A petition or opposition filed subsequent to issuance of letters of temporary  
17 guardianship or letters of guardianship in a guardianship described in Section  
18 70654.  
19 (2) A petition filed by a personal representative of a decedent's estate commenced  
20 on or after August 18, 2003 that is described or referred to in subdivision (d) of  
21 Section 70658.  
22 (3) A disclaimer of an interest in a decedent's estate.  
23

24 **§ 70658.**

- 25 (a) Except as provided in subdivisions (c) and (d), the uniform fee for filing a petition or  
26 application, or objections; or any other paper in opposition to a petition or application  
27 listed in this subdivision, ~~for an appealable order under Section 1300 or 1301 of the~~  
28 ~~Probate Code that is filed after issuance of letters testamentary, letters of~~  
29 administration, letters of special administration to a personal representative of a  
30 decedent's estate, or letters of guardianship or conservatorship, or letters of  
31 temporary guardianship or conservatorship to a guardian or conservator, is one  
32 hundred eighty dollars (\$180). This section applies to the following petitions or  
33 applications, or opposition:  
34 (1) Petition or application for or opposition to an order directing, authorizing,  
35 approving, or confirming the sale, lease, encumbrance, grant of an option,  
36 purchase, conveyance, or exchange of property.  
37 (2) Petition or application for or opposition to an order settling an account of a  
38 fiduciary.  
39 (3) Petition or application for or opposition to an order authorizing, instructing, or  
40 directing a fiduciary, or approving or confirming the acts of a fiduciary.  
41 (4) Petition or application for or opposition to an order fixing, authorizing,  
42 allowing, or directing payment of compensation or expenses of an attorney.

- 1       (5) Petition or application for or opposition to an order fixing, authorizing,  
2       allowing, or directing payment of compensation or expenses of a fiduciary.
- 3       (6) Petition or application for or opposition to an order surcharging or removing a  
4       fiduciary.
- 5       (7) Petition or application for or opposition to an order transferring or authorizing  
6       the transfer of the property of an estate to a fiduciary in another jurisdiction.
- 7       (8) Petition or application for or opposition to an order allowing a fiduciary's  
8       request to resign.
- 9       (9) Petition or application for or opposition to an order adjudicating the merits of a  
10       claim made under Part 19 (commencing with Section 850) of Division 2 of the  
11       Probate Code.
- 12       (10) Petition or application for or opposition to an order granting permission to fix  
13       the residence of a ward or conservatee at a place not within this state.
- 14       (11) Petition or application for or opposition to an order directing, authorizing,  
15       approving, or modifying payments for support, maintenance, or education of a  
16       ward or conservatee or for a person entitled to support, maintenance, or  
17       education from a ward or conservatee.
- 18       (12) Petition or application for or opposition to an order granting or denying a  
19       request under Section 2423, concerning payment of surplus income to the  
20       relatives of a conservatee, or Section 2580, concerning substituted judgment, of  
21       Chapter 6 of Part 4 of Division 4 of the Probate Code.
- 22       (13) Petition or application for or opposition to an order affecting the legal capacity  
23       of a conservatee pursuant to Chapter 4 (commencing with Section 1870) of Part  
24       3 of Division 4 of the Probate Code.
- 25       (14) Petition or application for or opposition to an order adjudicating the merits of a  
26       claim under Article 5 (commencing with Section 2500) of Chapter 6 of Part 4  
27       of Division 4 of the Probate Code.
- 28 (b) The uniform fee in subdivision (a) shall be distributed as provided in Section  
29 68085.4. No other fee shall be charged for filing a paper under this section in  
30 addition to the uniform filing fee provided for in this section.
- 31 (c) The fee provided in this section shall not be charged for filing the following papers:  
32       (1) A petition or application, or opposition, in a guardianship ~~to a petition in a~~  
33       proceeding under Section 70654.  
34       (2) A disclaimer of an interest in a decedent's estate.
- 35 (d) The fee provided in this section shall not be charged to a personal representative of a  
36 decedent's estate in a proceeding commenced on or after August 18, 2003, for any  
37 petition or application filed in the proceeding by the personal representative  
38 concerning any action described in subdivision (a) or (b) of Section 10501 of the  
39 Probate Code. the following actions:  
40       (1) Allowance of the personal representative's compensation.  
41       (2) Allowance of the compensation for the attorney for the personal representative.  
42       (3) Settlement of accounts.  
43       (4) Preliminary and final distributions and discharge.

- 1       (5) Sale of property of the estate to the personal representative or to the attorney for  
2       the personal representative.
- 3       (6) Exchange of property of the estate for property of the personal representative or  
4       property of the attorney for the personal representative.
- 5       (7) Grant of an option to purchase property of the estate to the personal  
6       representative or to the attorney for the personal representative.
- 7       (8) Allowance, payment, or compromise of a claim of the personal representative,  
8       or the attorney for the personal representative, against the estate.
- 9       (9) Compromise or settlement of a claim, action, or proceeding by the estate  
10       against the personal representative or the attorney for the personal  
11       representative.
- 12       (10) Extension, renewal, or modification of the terms of a debt or other obligation of  
13       the personal representative or the attorney for the personal representative,  
14       owing to or in favor of the decedent or the estate.
- 15       (11) Sale, exchange, or grant of an option to purchase real property.
- 16       (12) Borrowing money with the loan secured by an encumbrance on real property.

17  
18 **§ 70658.5.**

19 If a petition or application, or opposition to a petition or application, mentioned in  
20 Sections 70650 through 70656 and Sections 70657.5 through 70658, is filed combining  
21 requests for relief or opposition to relief that could have been stated in separate petitions  
22 or applications, or objections or other opposition, only one filing fee shall be charged  
23 under this article. If a filing combines petitions, applications, and/or objections or other  
24 opposition to a petition or application, that would be subject to different filing fees under  
25 this article, the higher of the applicable filing fees shall be charged.

26  
27 **§ 70677.**

- 28 (a) The uniform fee for filing any motion, application, order to show cause, or any other  
29 paper requiring a hearing subsequent to the first paper is forty dollars (\$40). Papers  
30 for which this fee shall be charged include the following:
- 31 (1) Papers listed in subdivision (a) of Section 70617.
  - 32 (2) An order to show cause or notice of motion seeking temporary prejudgment or  
33 postjudgment orders, including, but not limited to, orders to establish, modify, or  
34 enforce child, spousal, or partner support, custody and visitation of children,  
35 division and control of property, attorney's fees, and bifurcation of issues.
- 36 (b) There shall be no fee under subdivision (a) of this section for filing any of the  
37 following:
- 38 (1) A motion, motion to quash proceeding, application, or demurrer that is the first  
39 paper filed in an action and on which a first paper filing fee is paid.
  - 40 (2) An amended notice of motion or amended order to show cause.
  - 41 (3) A statement to register foreign support under Section 4951 of the Family Code.
  - 42 (4) An application to determine the judgment after entry of default.
  - 43 (5) A request for an order to prevent domestic violence.

- 1 (6) A paper requiring a hearing on a petition for writ of review, mandate, or  
2 prohibition that is the first paper filed in an action and on which a first paper  
3 filing fee has been paid.
- 4 (7) A stipulation that does not require an order.
- 5 (c) The uniform fee for filing the following papers not requiring a hearing is twenty  
6 dollars (\$20):
- 7 (1) A request, application, or motion for the continuance of a hearing or case  
8 management conference.
- 9 (2) A stipulation and order.
- 10 (d) Regardless of whether each motion or matter is heard at a single hearing or at  
11 separate hearings, the filing fees required ~~by subdivisions~~ under paragraph (1) of  
12 subdivision (a) and under subdivision (c) apply separately to each motion or other  
13 paper filed. If an order to show cause or notice of motion is filed as specified in  
14 paragraph (2) of subdivision (a), combining requests for relief or opposition to relief  
15 on more than one issue, only one filing fee shall be charged under this section. The  
16 Judicial Council may publish rules to give uniform guidance to courts in applying  
17 fees under this section.

18  
19 Labor Code section 98.2 would be amended to read:

20  
21 **§ 98.2.**

- 22 (a) Within 10 days after service of notice of an order, decision, or award the parties may  
23 seek review by filing an appeal to the superior court, where the appeal shall be heard  
24 de novo. The court shall charge the first paper filing fee under Section 70611 of the  
25 Government Code to the party seeking review. The fee shall be distributed as  
26 provided in Section 68085.3 of the Government Code. A copy of the appeal request  
27 shall be served upon the Labor Commissioner by the appellant. For purposes of  
28 computing the 10-day period after service, Section 1013 of the Code of Civil  
29 Procedure is applicable.
- 30 (b)–(j) \* \* \*

31  
32 Vehicle Code section 40230 would be amended to read:

33  
34 **§ 40230.**

- 35 (a) Within 30 calendar days after the mailing or personal delivery of the final decision  
36 described in subdivision (b) of Section 40215, the contestant may seek review by  
37 filing an appeal to be heard by the superior court where the same shall be heard de  
38 novo, except that the contents of the processing agency's file in the case shall be  
39 received in evidence. A copy of the notice of parking violation or, if the citation was  
40 issued electronically, a true and correct abstract containing the information set forth  
41 in the notice of parking violation shall be admitted into evidence as prima facie  
42 evidence of the facts stated therein. A copy of the notice of appeal shall be served in  
43 person or by first-class mail upon the processing agency by the contestant. For

1 purposes of computing the 30-calendar-day period, Section 1013 of the Code of Civil  
2 Procedure shall be applicable. A proceeding under this subdivision is a limited civil  
3 case.

- 4 (b) The fee for filing the notice of appeal is ~~twenty-five dollars (\$25)~~ as provided in  
5 Section 70615 of the Government Code. The court shall request that the processing  
6 agency's file on the case be forwarded to the court, to be received within 15 calendar  
7 days of the request. The court shall notify the contestant of the appearance date by  
8 mail or personal delivery. The court shall retain the ~~twenty-five dollar (\$25)~~ fee  
9 under Section 70615 of the Government Code regardless of the outcome of the  
10 appeal. If the court finds in favor of the contestant, the amount of the fee shall be  
11 reimbursed to the contestant by the processing agency. Any deposit of parking  
12 penalty shall be refunded by the processing agency in accordance with the judgment  
13 of the court.
- 14 (c) The conduct of the appeal under this section is a subordinate judicial duty that may  
15 be performed by traffic trial commissioners and other subordinate judicial officials at  
16 the direction of the presiding judge of the court.
- 17 (d) If no notice of appeal of the processing agency's decision is filed within the period  
18 set forth in subdivision (a), the decision shall be deemed final.
- 19 (e) If the parking penalty has not been deposited and the decision is against the  
20 contestant, the processing agency shall, after the decision becomes final, proceed to  
21 collect the penalty pursuant to Section 40220.

22  
23 Public Utilities Code section 99582 would be amended to read:

24  
25 **§ 99582.**

- 26 (a) Within 30 calendar days after the mailing or personal delivery of the decision  
27 described in subdivision (c) of Section 99581, the person may seek review by filing  
28 an appeal to be heard by the superior court where the same shall be heard de novo,  
29 except that the contents of the processing agency's file in the case shall be received  
30 in evidence. A copy of the notice of fare evasion or passenger conduct violation shall  
31 be admitted into evidence as prima facie evidence of the facts stated therein  
32 establishing a rebuttable presumption affecting the burden of producing evidence. A  
33 copy of the notice of appeal shall be served in person or by first-class mail upon the  
34 processing agency by the person filing the appeal. For purposes of computing the 30-  
35 calendar-day period, Section 1013 of the Code of Civil Procedure shall be applicable.  
36 A proceeding under this subdivision is a limited civil case.
- 37 (b) Notwithstanding any other provision of law, the fee for filing the notice of appeal  
38 shall be ~~pursuant to paragraph (2) of subdivision (b) of Section 53069.4~~ as provided  
39 in Section 70615 of the Government Code. The court shall request that the processing  
40 agency's file on the case be forwarded to the court, to be received within 15 calendar  
41 days of the request. The court shall notify the appellant of the appearance date by  
42 mail or personal delivery. The court shall retain the fee regardless of the outcome of  
43 the appeal. If the court finds in favor of the appellant, the amount of the filing fee

1 shall be reimbursed to the appellant by the processing agency. Any deposit of fare  
2 evasion or passenger conduct penalty shall be refunded by the processing agency in  
3 accordance with the judgment of the court.

4 (c) The conduct of the appeal under this section is a subordinate judicial duty that may  
5 be performed by a commissioner and other subordinate judicial ~~officials~~ officers at  
6 the direction of the presiding judge of the court.

7 (d) If a notice of appeal of the processing agency's decision described in subdivision (c)  
8 of Section 99581 is not filed within the period set forth in subdivision (a), that  
9 decision shall be deemed final.

10