## SENATE JUDICIARY COMMITTEE Senator Hannah-Beth Jackson, Chair 2019-2020 Regular Session

AB 2165 (Robert Rivas) Version: July 7, 2020

Hearing Date: July 30, 2020

Fiscal: Yes Urgency: No AWM

#### **SUBJECT**

Electronic filing and service of documents

#### **DIGEST**

This bill amends the statute governing electronic filing of court documents to clarify and update requirements relating to signing electronically filed documents, notices of rejection of electronically filed documents, electronic filing fees, and court-ordered electronic filing.

#### **EXECUTIVE SUMMARY**

This straightforward bill, sponsored by the Judicial Council, amends the statute governing electronic filing of court documents to improve the existing electronic filing regime and clarify potential ambiguities in the law. Specifically, this bill:

- Adds a definition of "electronic filing," to prevent jurisdictions from evading electronic filing requirements by renaming the procedure;
- Clarifies the procedure for how a document, signed not under penalty of perjury, may be deemed signed when electronically filed;
- Adds procedures for providing a notice of rejection to parties when an electronic filing is rejected, and adds a limited tolling period for a complaint or cross-complaint rejected due to filing errors;
- Clarifies when a court, electronic filing service provider, or electronic filing manager may charge certain electronic filing fees, and the amount of certain fees;
- Expands the requirements a court must follow when it generally provides for permissive electronic filing but allows court-ordered mandatory electronic filing in certain types of cases, to more closely match the requirements for jurisdictions that generally require electronic filing.

This bill is sponsored by the Judicial Council and is supported by the California Judges Association, City of King, Coalition for Improving Court Access, Community Action

Board of Santa Cruz County, and the Legal Aid Association of California. The bill has no known opposition.

#### PROPOSED CHANGES TO THE LAW

### Existing law:

- 1) Permits trial courts to adopt local rules permitting or mandating the electronic filing of documents in civil actions under certain conditions. (Code Civ. Proc., § 1010.6(b), (d).)
- 2) Provides that a court may adopt local rules permitting, but not requiring, electronic filing of documents in civil actions, subject to the following:
  - a) A document filed electronically has the same legal effect as an original paper document. (Code Civ. Proc., § 1010.6(b)(1).
  - b) A document that must be signed not under penalty of perjury is deemed to have been signed by the person who filed the document electronically. (Code Civ. Proc., § 1010.6(b)(2)(A).)
  - c) A document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day is deemed filed on that court day, and any document received electronically on a noncourt day shall be filed on the next court day. (Code Civ. Proc., § 1010.6(b)(3).)
  - d) The court receiving an electronically filed document must issue a confirmation that the document was received and filed; the confirmation serves as proof that the document was filed. (Code Civ. Proc., § 1010.6(b)(4).)
  - e) Upon electronic filing of a complaint, petition, or other document that must be served with a summons, the trial court upon request of the filing party shall issue a summons with the court seal and the case number, and personal service of the printed form of summons shall have the same legal effect as personal service of the original summons. (Code Civ. Proc., § 1010.6(b)(5).)
  - f) The court must permit a party or attorney to file an application for a waiver of court fees and costs in lieu of paying the filing fee, and the court shall consider the waiver request in the same manner it considers a waiver request filed by paper. (Code Civ. Proc., § 1010.6(b)(6).
  - g) If the court, electronic filing manager, or electronic filing service provider charges a fee to process a payment for the filing fees, the processing fee cannot exceed the costs incurred in processing the payment. (Code Civ. Proc., § 1010.6(b)(7).)
  - h) The court's filing procedures must comply with uniform rules for electronic filing adopted by the Judicial Council. (Code Civ. Proc., § 1010.6(e).)
- 3) Provides that, if the trial court adopts rules for permissive electronic filing conforming to the above conditions, a trial court may also order parties to file and serve documents electronically in particular types of cases, provided that the trial

court's order does not cause undue hardship or significant prejudice to any party in the action. The types of cases in which parties may be ordered to file and serve documents electronically are class actions, consolidated actions, groups of actions, coordinated actions, or actions deemed complex under Judicial Council rules. (Code Civ. Proc., § 10106.(c).)

- 4) Provides that a trial court may adopt local rules mandating electronic filing in all civil actions, provided that the trial court's local rules comply with all the permissive filing conditions set forth above in Item 2, and also all the following conditions:
  - a) The court must have the ability to maintain the official court record in electronic format for all cases where electronic filing is required. (Code Civ. Proc., § 1010.6(d)(1).)
  - b) The court and parties must have access to electronic filing either directly through the court, or through more than one electronic filing service provider capable of electronically filing documents with the court (i.e., if the court chooses not to provide electronic filing access itself, the court may not contract with only one vendor to provide electronic filing services). (Code Civ. Proc., § 1010.6(d)(2).)
  - c) If the court provides electronic filing access directly, it may not charge fees of more than the actual cost of the electronic filing and service of documents; fees charged by an electronic filing service provider must be reasonable. (Code Civ. Proc., § 1010.6(d)(2).)
  - d) The court, an electronic filing manager, or an electronic filing service provider shall waive any fees charged if the court deems a waiver appropriate, including in instances where a party has received a fee waiver. (Code Civ. Proc., § 1010.6(d)(2).)
  - e) The court must have a procedure for nonelectronic filing of documents in order to prevent undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties. (Code Civ. Proc., § 1010.6(d)(3).)
  - f) Unrepresented persons are exempt from mandatory electronic filing and service. (Code Civ. Proc., § 1010.6(d)(4.)
  - g) Until January 1, 2021, a local child support agency, as defined in subdivision (h) of Section 17000 of the Family Code, is exempt from mandatory electronic filing and service, unless the agency and the Department of Child Support Services determine the agency has the capacity and functionally to comply with the court's requirements. (Code Civ. Proc., § 1010.6(d)(5).)
  - h) The filing procedures and contracts with vendors to serve as electronic filing managers and/or electronic filing service managers must comply with uniform rules for electronic filing and electronic filing vendors adopted by the Judicial Council. (Code Civ. Proc., § 1010.6(d), (f).)
- 5) Establishes disability access requirements for any electronic filing system. ((Code Civ. Proc., § 1010.6(g).)

- 6) Sets forth rules adopted by the Judicial Council regarding electronic filing and electronic service of court documents (Cal. Rules of Court, rs. 2.250-2.261), including:
  - a) Defining "electronic filing" as the electronic transmission to a court of a document in electronic form. For the purposes of this chapter, this definition concerns the activity of filing and does not include the processing and review of the document, and its entry into the court records, which are necessary for a document to be officially filed." (Cal. Rules of Court, r. 2.250(b)(7).)
  - b) Defining "electronic filing service provider" as "a person or entity that receives an electronic filing from a party or other person for retransmission to the court or for electronic service on other parties or other persons, or both. In submission of filings, the electronic filing service provider does so on behalf of the electronic filer and not as an agent of the court." (Cal. Rules of Court, r. 2.250(b)(8).) The Rules do not define the term "electronic filing manager."
  - c) Permitting a court to contract with one or more electronic filing managers to act as an intermediary between the court and electronic filing service providers. (Cal. Rules of Court, r. 2.255.)
  - d) Requiring, when the clerk does not file a document because it does not comply with applicable filing requirements or because the required filing fee has not been made, the court to promptly send notice of the rejection of the document for filing to the electronic filer, including the reasons the document was rejected for filing. (Cal. Rules of Court, r. 2.259.)

#### This bill:

- 1) Adopts the definition of "electronic filing" currently in use in Rule 2.250(b)(7) of the California Rules of Court.
- 2) Modifies the provisions for who may be deemed to have signed a document not under penalty of perjury, so that the document may be deemed signed by either
  - a) The party who electronically filed the document; or
  - b) The person who signed the document pursuant to the procedures for signing set forth in the California Rules of Court.
- 3) Expands the requirements relating to the notices of receipt, filing, and rejection of documents submitted for electronic filing in the following ways:
  - a) Whichever of the court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing, that entity must promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.
  - b) If a document received by the court complies with the relevant filing requirements and the necessary fees have been paid, the court shall promptly send a confirmation that the document has been filed to the party or person who submitted the document.

- c) If the clerk of the court does not file a document because it does not comply with the relevant filing requirements or the necessary fee has not been paid, the court shall promptly send notice of the rejection to the party or person who filed the document, including the reasons the document was rejected and the date the clerk sent the notice.
- d) Where the court uses an electronic filing service provider or electronic filing manager to send a notice of rejection, the electronic filing service provider or electronic filing manager must promptly send the notice of rejection to the party or person who submitted the document, including the date the electronic filing service provider or electronic filing manager sent the notice.
- e) If the clerk of the court does not file a complaint or cross-complaint because it does not comply with the relevant filing requirements or the necessary fee has not been paid, any statutes of limitations applicable to the causes of action alleged will be tolled for the period beginning on the date the court received the document through the later of either (1) the date on which the clerk of the court sends a notice of rejection to the person or party who submitted the document, or (2) the date the electronic service provider or electronic filing manager sends a notice of rejection to the person or party who submitted the document, plus one additional day, if the complaint or cross-complaint is subsequently submitted in a form that corrects the errors that caused the document to be rejected. The party refiling the complaint or cross-complaint may not make changes in the refiled document other than those required to correct the errors that prevented its filing.
- 4) Requires the court, an electronic service provider, or an electronic filing manager filing a document to waive filing fees for any party granted a fee waiver pursuant to Code of Civil Procedure section 68631, and prohibits an electronic service provider or electronic filing manager from seeking payment of waived fees from the court.
- 5) Provides that parties submitting filings for which no charge is required under Welfare and Institutions Code, section 212, subdivision (b), or Government Code, section 70617, shall not be required to pay court fees associated with the electronic filing of the document, and that an electronic filing service provider and/or an electronic filing manager shall not seek payment of these fees from the court.
- 6) Moves the requirement that a court may not charge fees for electronic filing and service of documents than are more than the court's actual cost of electronic service from the "mandatory" electronic filing subsection (subsection (d)) to the "permitted" electronic filing subsection (subsection (b)), the requirements of which are incorporated into the "mandatory" section.
- 7) For trial courts with permissive electronic filing, adds conditions under which the court may order electronic filing in particular types of cases, including:
  - a) Requiring that the court and parties have access to more than one electronic filing service provider capable of electronically filing documents with the court or to electronic filing access directly through the court, and that the fees charged

- by an electronic filing service provider or electronic filing manager shall be reasonable.
- b) Requiring that an electronic filing service provider or electronic filing manager shall waive any fees charged in circumstances where the court deems a waiver is appropriate, including where a party has received a fee waiver.
- c) Requiring that the court have a procedure for the filing of nonelectronic documents in order to prevent undue harm to any party in the action, including, but not limited to, unrepresented parties.
- d) Exempting unrepresented parties from mandatory electronic filing and service.

### **COMMENTS**

## 1. Author's comment

## According to the author:

AB 2165 improves access to justice and overall efficiency by allowing trial courts to recover costs of electronic filing. California must encourage courts to use electronic filing and services to improve efficiency and accessibility of the judicial system. In order to accomplish this, the courts need to recover actual costs of the electronic services provided. AB 2165 promotes the digitalization of the courts, thus increasing access to the courts, administering justice in an efficient manner, and enhancing overall case processing for the State.

As more courts that do have electronic filing make electronic filing mandatory, courts can reduce the burden on litigants to retain paper records by allowing electronic signatures on electronically filed documents, reduce the travel to courthouses, and ultimately increase access to the judicial system. For Californians in the remote and rural parts of the State, this is especially important. Often times courthouses are hours away, resulting in litigants having to take work off, thus creating a disincentive to access the judicial system.

As we move towards a technologically based judicial system, we must continue to modernize the statutes in the judicial code to facilitate the use of technology in court operations and delivery of court services. Allowing recovery of actual costs for permissive electronic filing will encourage the courts expansion into the digital area to improve access to judicial services while limiting financial strains of making this transition.

## 2. <u>Background: an overview of electronic filing in the State.</u>

California has permitted some forms of electronic filing since January 1, 2000.¹ The availability of electronic filing has expanded over time, and the Legislature and Judicial Council have continually updated the statute governing electronic filing, Code of Civil Procedure section 1010.6, to reflect the needs of the courts and litigants.

Current law does not impose an electronic filing requirement, but instead gives trial courts the discretion to adopt local rules providing for electronic filing. Three types of electronic filing are contemplated by the statute:

- <u>Permissive electronic filing</u>. A trial court may adopt local rules permitting, but not requiring, parties to file documents electronically.<sup>2</sup> The statute provides for various requirements under the permissive filing approach, including requiring means by which electronic filers may apply for fee waivers in lieu of filing fees.<sup>3</sup>
- <u>Case-specific court-ordered electronic filing</u>. In trial courts with permissive electronic filing, a trial court may also order electronic filing in specified types of cases, which may include some or all of the following: a class action, a consolidated action, a group of actions, a coordinated action, or an action that is deemed complex under Judicial Council rules.<sup>4</sup> A court may not order electronic filing if it will result in undue hardship or significant prejudice to any party in the action.<sup>5</sup>
- Mandatory electronic filing. Alternatively, a trial court may adopt local rules requiring electronic filing in all cases.<sup>6</sup> The mandatory electronic filing rules must include all of the rules governing permissive filing, and the trial courts must adhere to additional requirements such as maintaining the court record in electronic format, and either (1) allowing parties to file directly through the court, or (2) providing access to more than one electronic filing service provider through which filings can be made.<sup>7</sup> Mandatory electronic filing jurisdictions must retain a paper filing system for unrepresented parties and other parties for whom electronic filing would be an undue hardship.<sup>8</sup>

As contemplated by the statute and California Rules of Court, courts may contract with two types of entities in order to implement electronic filing: electronic filing service providers, and electronic filing managers. An electronic filing service provider is "a person or entity that receives an electronic filing from a party or other person for

<sup>4</sup> *Id.*, § 1010.6(c).

<sup>&</sup>lt;sup>1</sup> See Code Civ. Proc., § 1010.6 (Stats. 1999, ch. 514, § 1.)

<sup>&</sup>lt;sup>2</sup> Code Civ. Proc., § 1010.6(b).

<sup>&</sup>lt;sup>3</sup> Ibid.

<sup>&</sup>lt;sup>5</sup> Ibid.

<sup>&</sup>lt;sup>6</sup> *Id.*, § 1010.6(d).

<sup>&</sup>lt;sup>7</sup> Ibid.

<sup>&</sup>lt;sup>8</sup> Ibid.

retransmission to the court." An electronic filing manager acts "as intermediary between the court and electronic service providers." As noted above, under current law, if a trial court imposes mandatory electronic filing, it must contract with more than one electronic filing service provider to prevent a single provider gaining a monopoly on electronic filing fees in a jurisdiction.

# 3. This bill adds a definition of "electronic filing" to the statute.

The electronic filing statute does not define the term "electronic filing," <sup>11</sup> perhaps because the term seems so self-evidently clear. It appears, however, that at least one jurisdiction has taken advantage of this definitional lacuna and used it to evade restrictions on mandatory electronic filing, namely, the requirement that a mandatory electronic filing jurisdiction contract with more than one electronic filing service provider. <sup>12</sup> To avoid the circumvention of the electronic filing rules — unintentional or otherwise — this bill codifies the Rules of Court's definition of "electronic filing": "the electronic transmission to a court of a document presented for filing in electronic form. For purposes of this section, this definition of electronic filing concerns the activity of filing and does not include the processing and review of the document and its entry into the court's records, which are necessary for a document to be officially filed."

# 4. The bill clarifies how a person signing a document, not under penalty of perjury, can be deemed to have signed an electronically filed document.

Under current law, an electronically filed document required to be signed by a person, not under penalty of perjury, is deemed to have been signed by that person if that person electronically filed the document.<sup>13</sup> The California Rules of Court set forth procedures for how a party *other than* the filer may sign a document, not under penalty of perjury, that is then electronically filed.<sup>14</sup> The statute, however, is potentially ambiguous and could conflict with the Rules of Court, leaving litigants with no way to electronically file a document not under penalty of perjury that is not signed by the filer.

This bill amends the law so that a document required to be signed, not under penalty of perjury, is deemed signed by the required signatory under two circumstances: where the signatory electronically files the document, or where the signatory actually signs the

<sup>&</sup>lt;sup>9</sup> Cal. Rules of Court, r. 2.250(b)(8).

<sup>&</sup>lt;sup>10</sup> *Id.*, r. 2.255(a)(3).

<sup>&</sup>lt;sup>11</sup> See generally Code Civ. Proc., § 1010.6.

<sup>&</sup>lt;sup>12</sup> See Local Rule 2.18 of Superior Court of California, County of Imperial, as amended January 1, 2020 (mandating "electronic delivery" of documents instead of "electronic filing"). For a more thorough discussion of Imperial County's "electronic delivery" rule, see the Assembly Judiciary Committee's analysis of this bill.

<sup>&</sup>lt;sup>13</sup> Code Civ. Proc., § 1010.6(b)(2)(A).

<sup>&</sup>lt;sup>14</sup> See Cal. Rules of Court, r. 2.257(c)(2).

document in accordance with the procedure set forth in the California Rules of Court. This provision will eliminate the potential ambiguity in the statute noted above, thereby avoiding any potential conflict about whether a document signed by someone other than the filer was properly electronically filed.

5. The bill adds a statutory requirement that courts notify parties of rejected filings and, in circumstances where a complaint or cross-complaint is rejected, grants limited tolling time to allow the filing party to correct the deficiencies that led to the rejection.

The electronic filing statute already requires a court to send a notice of *confirmation* to the filing party when it (1) receives or (2) files an electronically filed document.<sup>15</sup> There is no statutory requirement, however, that the court notify a party when an attempted electronic filing has been *rejected*. Rule 2.259(b) of the Rules of Court requires the court to promptly send a notice of rejection to the electronic filer, including the reason for the rejection, but is unclear as to how the notice must pass from the clerk to the electronic filing service provider and/or electronic filing manager to the filer.<sup>16</sup>

This bill codifies the Rules of Court's requirement that a court promptly provide a notice of rejection, including clarifying that, where the notice is provided through an electronic filing service provider or an electronic filing manager, those entities also must promptly pass the notice of rejection onto the person or party filing the document.

Additionally, this bill adds a layer of protection for litigants whose complaints or cross-complaints are rejected due to electronic filing issues. Under current law, if a complaint or cross-complaint is electronically filed and rejected due to technical filing problems, the statute of limitations continues to run. If a litigant files a complaint or cross-complaint near the end of the statute of limitations period, and the court does not immediately provide a notice of rejection, it is possible that the statute of limitations could expire before the litigant realizes the filing was rejected. Relatedly, if the litigant receives a notice of rejection late on the final day of the statute of limitations, the litigant would not have adequate time to resolve the problems with the filing that led to its rejection. While litigants could seek equitable tolling in such circumstances, there would be no guarantee that the court would grant it.

To prevent parties being shut out of the courthouse due to purely technical filing problems, this bill implements two (brief) tolling periods. First, a litigant's statute of limitations is tolled from the time of filing until the litigant receives the notice from the court that the filing was rejected. Second, the statute of limitations is tolled for one additional day, *if* the complaint or cross-complaint is subsequently submitted in a form that corrects the errors that led to the document's rejection, giving the litigant time to fix technical errors that do not bear on the merits of the claim(s). The statute specifies that

<sup>&</sup>lt;sup>15</sup> Code Civ. Proc., § 1010.6(b)(4).

<sup>&</sup>lt;sup>16</sup> Cal. Rules of Court, r. 2.259(b).

the litigant may not make any changes to the complaint or cross-complaint other than to correct the identified errors, which will prevent litigants from using the tolling period to correct substantive defects in the pleading.

# 6. This bill clarifies when an electronic filing fee may be charged.

The existing statute provides that a party may file an application for waiver of court fees and costs as part of the electronic filing fee, consistent with the rules permitting fee waivers in general.<sup>17</sup> Additionally, the provisions for *mandatory* electronic filing provide that electronic filing service managers and electronic filing managers must waive fees as ordered by the court.<sup>18</sup> The statute is potentially unclear, however, as to what fees (if any) an electronic filing service provider or electronic filing manager may charge in permissive-electronic-filing cases where a fee waiver is granted. This bill will clarify that the court, electronic filing service providers, and electronic filing managers may not charge filing fees where the court has granted a fees waiver, protecting the goals of the fee waiver statutes. The bill further protects the courts by prohibiting electronic filing service providers and electronic filing managers from seeking those waived fees from the courts.

Relatedly, this bill will add a new provision clarifying that, if a party electronically files any of the documents which are statutorily required not to have a filing fee,<sup>19</sup> the court may not charge any court fee for those filings. This provision will ensure that the Legislature's mandate that certain documents not require a court filing fee is respected. The additional provision does not prevent electronic filing service providers and electronic service managers from charging fees for the act of filing such documents, but, as with the fee waiver provision, the bill specifies that electronic filing service providers and electronic filing managers may not seek payment of fees for filing these documents with the court.

The final fee-related measure in this bill addresses the amount of electronic filing fees that a court may charge. Current law specifies that, for courts that have adopted mandatory electronic filing by local rule, the court may not charge fees that are greater than the cost of the electronic filing and service of the documents.<sup>20</sup> But there is no similar requirement in the provisions for courts adopting permissive electronic filing. To clarify that *all* courts adopting electronic filing are so limited, this bill deletes the limit on the cost of fees from the mandatory filing subdivision and moves it to the subdivision addressing permissive electronic filing, which is already incorporated by reference into the subdivision addressing mandatory electronic filing, thereby imposing the fee limitation on all types of electronic filing the courts may adopt.<sup>21</sup>

<sup>&</sup>lt;sup>17</sup> Code Civ. Proc., § 1010.6(b)(6); Gov. Code, §§ 68630-68641.

<sup>&</sup>lt;sup>18</sup> Code Civ. Proc., § 1010.6(d)(2).

<sup>&</sup>lt;sup>19</sup> See, e.g., Gov. Code, § 70617(b); Welf. & Inst. Code, § 212.

<sup>&</sup>lt;sup>20</sup> Civ. Code, § 1010.6(d)(2).

<sup>&</sup>lt;sup>21</sup> See Code Civ. Proc., § 1010.6(d).

7. This bill expands the requirements for courts that permit trial courts to order electronic filing in certain types of cases.

Under current law, jurisdictions with permissive electronic filing may also allow courts to order mandatory filing in certain types of cases, which can include class actions, consolidated actions, groups of actions, coordinated actions, or actions deemed complex under Judicial Council rules.<sup>22</sup> The statute requires that courts adopting this approach must comply with all the permissive filing requirements, and prohibits a court from ordering mandatory filing where it would cause significant harm or undue prejudice to any party in the case.<sup>23</sup>

This bill modifies the requirements for adopting case-specific mandatory electronic filing, incorporating some of the requirements for jurisdictions that require mandatory electronic filing in all cases. Under this bill, courts permitting case-specific mandatory electronic filing must:

- Comply with the Judicial Council's rules for mandatory electronic filing;
- Provide access to more than one electronic filing service provider, or provide electronic filing directly through the court;
- Have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties; and
- Exempt unrepresented parties from court-ordered mandatory electronic filing.

These added requirements further hone the balance between allowing electronic filing in cases with generally sophisticated parties and ensuring that other parties, including unrepresented parties, are not denied access to justice.

#### **SUPPORT**

Judicial Council (sponsor)
California Judges Association
City of King
Coalition for Improving Court Access
Community Action Board of Santa Cruz County
Legal Aid Association of California

#### **OPPOSITION**

None known.

<sup>&</sup>lt;sup>22</sup> Id., § 1010.6(c).

<sup>&</sup>lt;sup>23</sup> *Ibid*.

#### **RELATED LEGISLATION**

<u>Pending Legislation</u>: None known.

#### **Prior Legislation:**

SB 1511 (Senate Judiciary Committee, 2018) would have extended the exemption for mandatory electronic service requirements by local child support agencies from January 1, 2019, to January 1, 2021. SB 1511 was held in the Senate Judiciary Committee, but the extension was enacted as part of AB 3248, below.

SB 87 (Senate Committee on Budget and Fiscal Review, 2018) would have amended Code of Civil Procedure section 1010.6 to require electronic filing systems to be accessible to persons with disabilities. The bill was held in the Assembly Budget Committee, but the amendment to this section was enacted as part of AB 103, below.

AB 3248 (Assembly Judiciary Committee, Ch. 504, Stats. 2018) amended Code of Civil Procedure section 1010.6 to extend the exemption for mandatory electronic service requirements by local child support agencies from January 1, 2019, to January 1, 2021.

AB 976 (Berman, Ch. 319, Stats. 2017) amended Code of Civil Procedure section 1010.6 to permit documents required to be signed under penalty of perjury using an electronic signature; to extend the time in which a document could be electronically filed on a court day from the close of business to 11:59:59 p.m. on that day; to expand the pilot program of allowing mandatory electronic filing in certain types of cases, being tested in Orange County, to all trial courts; to exempt unrepresented parties from mandatory electronic filing; and to exempt local child support agencies from mandatory electronic filing until January 1, 2019.

AB 103 (Assembly Committee on Budget, Ch. 17, Stats. 2017) amended Code of Civil Procedure section 1010.6 to require electronic filing systems to be accessible to persons with disabilities.

AB 2244 (Gatto, Ch. 461, Stats. 2016) amended Code of Civil Procedure section 1010.6 to prohibit courts, electronic filing service providers, and electronic service managers from charging a payment processing fee in excess of the actual cost of processing the payment, and added electronic filing costs and fees to the list of costs that may be reimbursed by a prevailing party under Code of Civil Procedure section 1033.5.

# PRIOR VOTES: