

## Memorandum 2013-28

**Commercial and Industrial Subdivisions (Correction to Recommendation)**

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At its April 2013 meeting, the Commission<sup>1</sup> approved a recommendation on *Commercial and Industrial Subdivisions* (April 2013).<sup>2</sup>

The main thrust of the recommendation is to make adjustments to the scope of application of Business and Professions Code Section 11010.3 and Civil Code Section 1373 (which exempt commercial and industrial subdivisions from the Subdivided Lands Act<sup>3</sup> and from some provisions of the Davis-Stirling Common Interest Development Act<sup>4</sup>).

However, the recommendation also includes a technical revision to correct a perceived error in Business and Professions Code Section 11010. It appeared to the staff that Section 11010 had a significant drafting defect, with a string of words omitted from the text of a statutory notice. The proposed amendment would have restored the missing words.

As the staff was preparing the recommendation for submission to a potential author of implementing legislation, we discovered that Section 11010 is not defective and does not need to be amended. In preparing the recommendation, we had relied on the version of the statute available on [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov). We considered that source to be authoritative, as it is drawn directly from the Legislative Counsel's database. Unfortunately, in this instance, there was an error in the database. When we checked the provision against the printed version of the chaptered bill that most recently affected Section 11010,<sup>5</sup> we learned that the chaptered version of Section 11010 does not

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Minutes (April 2013), p. 3.

3. Bus. & Prof. Code §§ 11000-11200.

4. Civ. Code §§ 1350-1379.

5. 2008 Cal. Stat. ch. 686, § 1.

contain the error that was shown in the online version. **The staff regrets not having discovered this earlier.**

The staff informed the Office of Legislative Counsel of the error, so that it could be corrected in their database. That correction has since been made.

The staff also notified the Commission's Chair, explaining the problem and indicating that we would raise the matter with the full Commission at the first opportunity. In the interim, we would use a redacted version of the Commission's recommendation in discussing it with legislative staff.

**For the reasons explained above, the staff recommends that the recommendation on *Commercial and Industrial Subdivisions* be revised to delete the proposed amendment of Section 11010 and all references to that amendment.** As the recommendation has not yet been printed, that change can be made editorially, without the need to approve and print a revised version of the recommendation.

Respectfully submitted,

Brian Hebert  
Executive Director