The purpose of this tentative recommendation is to solicit public comment on the Commission’s tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when it determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

Comments on this tentative recommendation should be received by the Commission not later than November 9, 2007.

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.
SUMMARY OF TENTATIVE RECOMMENDATION

In the past decade, the trial court system has been dramatically restructured, necessitating revision of hundreds of code provisions.

By statute, the Law Revision Commission is responsible for revising the codes to reflect trial court restructuring. The Commission has done extensive work in response to this directive, and several major reforms have been enacted.

Of the work that remains, this tentative recommendation addresses the following:

- Municipal court action specifying the number, qualifications, or compensation of municipal court officers or employees.
- Transfer of a case based on a lack of subject matter jurisdiction.
- Statutes made obsolete by implementation of the fiscal provisions of the Trial Court Funding Act of 1985.
- Jurisdiction over a minor charged with certain motor vehicle offenses.

The Commission solicits public comment on the proposal.

The Commission is continuing its work on trial court restructuring and plans to address other subjects in future recommendations.

This recommendation was prepared pursuant to Government Code Sections 8298 and 71674.
STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING: PART 4

Over the past decade, California’s trial court system has been dramatically restructured. Major reforms include:

- State, as opposed to local, funding of trial court operations.¹
- Trial court unification on a county-by-county basis, eventually occurring in all counties. Trial court operations have been consolidated in the superior court of each county and municipal courts no longer exist.²
- Enactment of the Trial Court Employment Protection and Governance Act, which established a new personnel system for trial court employees.³

As a result of these reforms, hundreds of sections of the California codes became obsolete, in whole or in part. The Legislature directed the Law Revision Commission to revise the codes to eliminate material that became obsolete as a result of trial court restructuring.⁴

The Commission has completed a vast amount of work on trial court restructuring, and the Legislature has enacted several measures to implement the Commission’s recommendations.⁵ In this work, the approach has been to avoid making any substantive change, other than that necessary to implement the restructuring reform.⁶

Of the topics that still require attention, this tentative recommendation addresses the following:

1. The Lockyer-Isenberg Trial Court Funding Act, enacted in 1997, made the state responsible for funding trial court operations. See 1997 Cal. Stat. ch. 850; see generally Gov’t Code §§ 77000-77655.

2. In 1998, California voters approved a measure that amended the California Constitution to permit the municipal and superior courts in each county to unify on a vote of a majority of the municipal court judges and a majority of the superior court judges in the county. Former Cal. Const. art. VI, § 5(e), approved by the voters June 2, 1998 (Proposition 220). Upon unification of the courts in Kings County, on February 8, 2001, the courts in all 58 counties had unified.


6. See, e.g. Revision of Codes, supra note 5; Trial Court Unification: Constitutional Revision (SCA 3), 24 Cal. L. Revision Comm’n Reports 1, 18-19, 28 (1994).
• Municipal court action specifying the number, qualifications, or compensation of municipal court officers or employees.

• Transfer of a case based on a lack of subject matter jurisdiction.

• Statutes made obsolete by implementation of the fiscal provisions of the Trial Court Funding Act of 1985.\(^7\)

• Jurisdiction over a minor charged with certain motor vehicle offenses.

The Commission has studied each of these topics and reached tentative conclusions on how to revise the pertinent statutes to reflect trial court restructuring.

The Commission solicits comments on the recommendations. The Commission also encourages comments on other statutory provisions that still need to be revised to reflect trial court restructuring.

**MUNICIPAL COURT ACTION SPECIFYING NUMBER, QUALIFICATIONS, OR COMPENSATION OF MUNICIPAL COURT OFFICERS OR EMPLOYEES**

Government Code Section 71617 provides that “any action by the municipal court specifying the number, qualification, or compensation of [its] officers or employees … which differs from that prescribed by the Legislature” shall remain in effect for no more than two years, unless extended by the Legislature.

By February 2001, the trial courts in each county had unified, and the municipal courts were subsumed into a unified superior court.\(^8\) Because no municipal court has existed since February 2001, no municipal court action pursuant to Government Code Section 71617 could be in effect after February 2003. Therefore, Government Code Section 71617 is obsolete, and the Commission recommends that the provision be repealed.

**TRANSFER OF CASE BASED ON LACK OF SUBJECT MATTER JURISDICTION**

Code of Civil Procedure Section 396 mandates that a trial court transfer a case, and prohibits dismissal of the case, when the trial court lacks subject matter jurisdiction and another state court would have such jurisdiction. Before the municipal courts unified with the superior courts, the subject matter jurisdiction of the municipal court differed from the subject matter jurisdiction of the superior courts.

---

\(^7\) Government Code Section 71674 directs the Commission to determine statutory obsolescence from the Lockyer-Isenberg Trial Court Funding Act of 1997, not earlier measures. However, the issue of statutory obsolescence resulting from the Trial Court Funding Act of 1985 is reasonably related to the Commission’s work on trial court restructuring and is within its authority to correct technical and minor substantive statutory defects. See Gov’t Code § 8298.

\(^8\) See *supra* note 2.
When a municipal court lacked subject matter jurisdiction over a case, but the case was within the jurisdiction of the superior court, the municipal court transferred the case pursuant to Section 396 to the superior court, and vice versa.10

Now that the trial courts in each county have unified into a single court with broad subject matter jurisdiction, Section 396 is no longer relevant to a transfer between trial courts.11 If a case is filed in the wrong division, department, or location of the superior court, other authority exists for a superior court to transfer the case to the proper division, department, or location.12 Section 396 does not authorize such a transfer because the provision only applies, by its terms, when a court lacks subject matter jurisdiction.13

Although Section 396 is no longer relevant to a transfer between trial courts, it might serve another purpose. In a case decided before trial court unification, the


10. See e.g., Walker v. Super. Ct., 53 Cal. 3d 257, 270, 807 P.2d 418, 279 Cal. Rptr. 576 (1991) (superior court to transfer to municipal court if verdict necessarily will be less than jurisdictional requirement that claim exceed $25,000); Cal. Employment Stabilization Comm’n v. Mun. Ct., 62 Cal. App. 2d 781, 783, 145 P.2d 361 (1944) (municipal court to transfer to superior court when superior court, not municipal court, has jurisdiction).

11. See Cal. Const. art VI, §§ 1, 4, 10; Code Civ. Proc. § 116.210 (“small claims court” is division of superior court); Snukal v. Flightways Mfg. Co., 23 Cal. 4th 754, 763 n. 2, 3 P.3d 286, 98 Cal. Rptr. 2d 1 (2000) (“On unification of the trial courts in a county, all causes will be within the original jurisdiction of the superior court.”) (quoting Revision of Codes, supra note 5, at 64); Glade v. Glade, 38 Cal. App. 4th 1441, 1449, 45 Cal. Rptr. 2d 695 (1995) (“Even though a superior court is divided into branches or departments, pursuant to California Constitution, article VI, section 4, there is only one superior court in a county and jurisdiction is therefore vested in that court, not in any particular judge or department. Whether sitting separately or together, the judges hold but one and the same court.”); 2 B. Witkin, California Procedure Courts § 225, at 292 (4th ed. 1997) (case in wrong department, often discussed as “wrong court,” is distinct from lack of subject matter jurisdiction); 2 B. Witkin, California Procedure Jurisdiction § 289, at 860 (4th ed. 1997) (“if the action or proceeding is in the right superior court but the wrong department, jurisdiction of the subject matter exists?”); see also Eldridge v. Richfield Oil Corp., 247 F. Supp. 407, 421 n. 8 (1965) (Section 396 does not apply to require transfer by federal trial court to state trial court).

12. For example, Code of Civil Procedure Section 402 authorizes the superior court to transfer a case to another location of the same court. See also, e.g., Code Civ. Proc. §§ 397(a) (court may, on motion, change place of trial when complaint designates wrong court), 403 (transfer for consolidation purposes), 403.040 (procedure to reclassify civil case as limited or unlimited), 404 (transfer for consolidation purposes); People v. Super. Ct., 104 Cal. App. 276, 281, 285 P. 871 (1930) (“The Juvenile Court is itself a Superior Court, although acting in a particular class of cases, and has an inherent power to transfer a case to another department of the same court”); Cal. R. Ct. 10.603(b)(1)(B) (superior court presiding judge may assign and reassign cases to departments in apportioning court business), 10.603(c)(1)(D) (superior court presiding judge to reassign cases between departments as convenience or necessity requires).

Fifth District Court of Appeal held that if a superior court lacks jurisdiction of a case and a court of appeal or the Supreme Court (hereafter, “an appellate court”) would have jurisdiction, Section 396 requires the superior court to transfer the case to the appropriate appellate court. After unification, however, the Second District Court of Appeal disagreed with the Fifth District’s opinion, and stated that Section 396 does not authorize a transfer by a superior court to an appellate court.

The disagreement in the courts of appeal, and the ambiguity of the text of Section 396 as to its scope, make it unclear whether the provision requires a transfer by a superior court lacking subject matter jurisdiction to an appellate court that would have jurisdiction. Because the meaning of the provision is unclear, in determining how to revise it, the Legislature cannot simply follow the normal approach of avoiding any substantive change other than that necessary to account for trial court restructuring. Various options for how Section 396 could be handled, and the corresponding implications, are discussed below.

**Leave Section 396 Alone**

One approach would be to leave Section 396 as it is. This approach would continue the present ambiguity in the scope of the provision. By implication, however, it would endorse the position of the Fifth District and would imply that Section 396 requires a superior court without subject matter jurisdiction to transfer a case to an appellate court that would have jurisdiction. If the provision was not construed to authorize such a transfer, there would be no justification for leaving it in place.

**Revise Section 396**

Another approach would be to revise Section 396 to delete the language that is only applicable to a transfer between trial courts. This approach would also

---

14. Padilla v. Dep’t of Alcoholic Beverage Control, 43 Cal. App. 4th 1151, 1154, 51 Cal. Rptr. 2d 133 (1996) (Section 396 applies to “proceedings filed in the superior court, which, by statute, may only be filed in the Supreme Court or the Court of Appeal”).

15. Trafficschoolonline, Inc. v. Super. Ct., 89 Cal. App. 4th 222, 225, 234-235, 107 Cal. Rptr. 2d 412 (2001) (stating disagreement with Padilla court and concluding that “the superior court is not vested with the authority by Code of Civil Procedure section 396 to transfer a case to the Court of Appeal or the Supreme Court”).

16. See Pajaro Valley Mgmt. Agency v. McGrath, 128 Cal. App. 4th 1093, 1104 n. 4, 27 Cal. Rptr. 3d 741 (2005) (commenting on split in courts of appeal and speculating that Section 396 might retain “vitality as empowering the superior court to transfer cases” within exclusive jurisdiction of court of appeal or Supreme Court); 2 B. Witkin, California Procedure Jurisdiction § 393A, at 335-336 (4th ed. 2006 Supp.) (stating Section 396 “is not inapplicable” to transfer from superior court to court of appeal or Supreme Court and discussing cases comprising split).

17. See supra note 14.
endorse the Fifth District’s opinion.\textsuperscript{18} It would imply, more strongly than leaving Section 396 alone, that the provision requires a superior court to transfer a case over which it lacks subject matter jurisdiction to an appellate court that would have jurisdiction.

**Repeal Section 396**

Conversely, a repeal of Section 396 would reject the Fifth District’s view.\textsuperscript{19} Repealing Section 396 would reflect a determination that the provision is no longer useful. Taking that step would thus endorse the Second District’s view that the provision does not apply to a transfer by a superior court to an appellate court.\textsuperscript{20}

**Repeal Section 396 and Enact a New Section 396**

Another approach would be to repeal Section 396 and enact a new provision in its place, which would clearly require a superior court to transfer a matter over which it lacks jurisdiction to an appellate court that would have jurisdiction. This approach would eliminate the uncertainty regarding the scope of Section 396. The Commission recommends this approach. It would carry forward a widespread, long-standing policy behind Section 396 that allows a matter to be considered on its merits in the proper tribunal, despite a previous misfiling in the wrong court.\textsuperscript{21}

\begin{itemize}
\item \textsuperscript{18} Id.
\item \textsuperscript{19} Id.
\item \textsuperscript{20} See supra note 15.
\item \textsuperscript{21} See Friends of Mammoth v. Bd. of Supervisors, 8 Cal. 3d 247, 268-269, 502 P.2d 1049, 104 Cal. Rptr. 761 (1972) (naming Section 396 and applying its policy to petition for writ of mandamus that was promptly re-filed in superior court after dismissal from court of appeal); Nichols v. Canoga Indus., 83 Cal. App. 3d 956, 959, 962, 148 Cal. Rptr. 459 (1978) (identifying established policy of relieving litigant that timely filed in wrong forum from statute of limitations, and concluding that federal court filing tolled state statute of limitations to allow re-filing in state court); Morgan v. Somervell, 40 Cal. App. 2d 398, 400, 104 P.2d 866 (1940) (Section 396 furthers “policy frequently exemplified in legislative acts” to consider timely filed matter on merits “notwithstanding defects in the form … or mistake in the tribunal invoked.” (emphasis in original)).

Furthermore, a transfer of a matter to another court is broadly authorized in several other situations. See, e.g., Cal. Const. art. VI, § 12(a) (authorizing Supreme Court to transfer cases between itself and court of appeal); Code Civ. Proc. § 911 (granting court of appeal discretion to order transfer from superior court to promote uniformity or settle important legal question); Gov’t Code § 68915 (prohibiting dismissal and requiring transfer by Supreme Court and courts of appeal when appeal taken to wrong court); Penal Code § 1471 (granting court of appeal discretion to order transfer from superior court to promote uniformity or settle important legal question); People v. Nickerson, 128 Cal. App. 4th 33, 40, 26 Cal. Rptr. 3d 563 (2005) (court of appeal empowered by inherent authority and Government Code Section 68915 to transfer appeal, misdirected by court clerk, to appellate division of superior court); Cal. R. Ct. 10.1000(a) (Supreme Court may transfer case between courts and divisions of courts of appeal).
Absent authority to transfer, a court must dismiss a matter over which it lacks jurisdiction. If a superior court dismisses a petition or appeal because it is within the exclusive jurisdiction of the courts of appeal or the Supreme Court, the time to re-file in the proper court might have expired. That would bar consideration of the petition or appeal on the merits and would undermine the long-standing policy underlying Section 396. That undesirable result could be avoided, however, if a new provision directed a superior court to transfer a case over which it lacks jurisdiction to an appellate court that would have jurisdiction.

The proposed new provision is modeled on Government Code Section 68915, which requires the courts of appeal and the Supreme Court to transfer, not dismiss, an appeal that is filed in the wrong court. The new provision would be much shorter and simpler than existing Section 396. The Commission is particularly interested in comments on whether the new proposed provision provides sufficient detail regarding a transfer from a superior court to an appellate court.

The Bergeson-Costa-Nielsen County Revenue Stabilization Act (hereafter, “the Act” or “the County Revenue Stabilization Act”) comprises a short chapter in the

---


23. See, e.g., Bus. & Prof. Code § 23090 (authorizing review of final order by Alcoholic Beverage Control Board in court of appeal or Supreme Court within 30 days); Code Civ. Proc. § 170.3(d) (review of judge disqualification order only by writ of mandate in court of appeal within 10 days); Welf. & Inst. Code § 366.26(l) (order to hold hearing pursuant to Section 366.26 — regarding placement of juvenile court dependents and parental rights termination — only appealable if extraordinary writ petition is timely filed); Cal. R. Ct. 8.452 (10 days to file writ to challenge order for Section 366.26 hearing); see also Cal. R. Ct. 8.751(a) (time to appeal).

24. Like Government Code Section 68915, the new provision would apply to an appeal. Determining whether jurisdiction over a particular appeal is in the appellate division of the superior court or in the court of appeal can be difficult. Filing of an appeal in the wrong court could occur by no fault of the appellant. See Nickerson, 128 Cal. App. 4th at 35-36 (discussing difficulty in determining appellate jurisdiction of felony now that all notices of appeal are filed in unified superior court, and transferring appeal, misdirected by court clerk, to appellate division of superior court).

In contrast to Government Code Section 68915, the proposed new provision would expressly apply to a petition for a writ, for two reasons. First, it was in the context of a writ petition that the Fifth District held that Section 396 mandates a transfer from a superior court lacking jurisdiction to an appellate court that would have jurisdiction. See Padilla v. Dep’t of Alcoholic Beverage Control, 43 Cal. App. 4th 1151, 1155, 51 Cal. Rptr. 2d 133 (1996). Second, the California Supreme Court has expressly applied the policy behind Section 396 to a writ. See Friends of Mammoth, 8 Cal. 3d at 268-269 (writ petition filed after deadline should be considered on merits, where petition had been dismissed but promptly re-filed in proper court).

The Act enables counties to receive state funding for certain services, including "justice programs." Funding of justice programs under the Act is to cease upon full implementation of the fiscal provisions of the Trial Court Funding Act of 1985.

The Trial Court Funding Act of 1985 has been repealed. Significantly, however, the substance of its fiscal provisions has been fully implemented by later-enacted provisions providing for full trial court funding by the state.

Because the substance of the fiscal provisions of the Trial Court Funding Act of 1985 has been fully implemented, justice programs are no longer to be funded under the County Revenue Stabilization Act. As a result, provisions in that Act relating to justice programs are no longer necessary.

While the Commission was studying those provisions, other obsolete material became apparent. To remove the obsolete material from the County Revenue Stabilization Act, the Commission recommends the following reforms:

- Revise the provisions relating to justice programs to reflect that they are no longer funded under the Act.
- Delete the provision specifying when funding of justice programs under the Act is to cease.
- Delete a reference to Revenue and Taxation Code Section 11003.3, which has been repealed.
- Delete obsolete dates.
- Repeal a provision that only operated in a past year.
- Make various adjustments to the remaining provisions to fully implement the removal of obsolete material.

27. “Justice programs” include trial courts, district attorney and public defender services, probation, and correctional facilities. See Gov't Code § 16265.2(c).
30. 1998 Cal. Stat. ch. 146, § 6 (amending Government Code Sections 77200 et seq., giving state ongoing responsibility of trial court funding); 1997 Cal. Stat. ch. 850, § 46 (enacting Government Code Sections 77200 et seq., providing for full funding by state for one year); see also Gov't Code § 77201.1(a) (amounts counties pay to state).
31. See supra note 28.
32. See proposed amendments to Gov't Code §§ 16265.1 (deleting references to justice programs), 16265.4 (deleting provisions for funding justice programs), 16265.5 (deleting reference to justice programs) & Comments infra.
33. See proposed repeal of Gov't Code § 16265.6 & Comment infra.
34. See proposed amendment to Gov't Code § 16265.2 & Comment infra.
35. See proposed amendment to Gov't Code § 16265.4 & Comment infra.
36. See proposed repeal of Gov't Code § 16265.3 (prescribing calculation of funding in 1988 only) & Comment infra.
The Commission also recommends the repeal of a provision that is not part of the County Revenue Stabilization Act, but refers to the Trial Court Funding Act of 1985. By its own terms, this provision ceased to operate in 1992.\(^\text{38}\)

**JURISDICTION OVER MINOR CHARGED WITH CERTAIN MOTOR VEHICLE OFFENSES**

Welfare and Institutions Code Section 603.5 provides a mechanism for a county to give jurisdiction over a minor charged with certain motor vehicle offenses to the “municipal court or the superior court in a county in which there is no municipal court,” instead of to the juvenile court.\(^\text{39}\)

Because the municipal court no longer exists, the references to the municipal court are obsolete.\(^\text{40}\) Accordingly, the Commission recommends deleting those references from Section 603.5.\(^\text{41}\)

In studying the municipal court references, it became apparent that further revisions of Section 603.5 and revisions of another provision, Vehicle Code Section 40205, are appropriate. Although such revisions are not directly related to trial court restructuring, they would improve the law by clarifying the application of civil administrative procedures to contest a citation for a violation relating to the parking or standing of a motor vehicle.

**Civil Administrative Procedures Applicable to Parking and Standing Violations**

Section 603.5 governs whether the juvenile court or other trial court tribunal has jurisdiction over a minor charged with “a violation of the Vehicle Code classified as an infraction or a violation of a local ordinance involving the driving, parking, or operation of a motor vehicle.” Since the enactment of Vehicle Code Sections 40200-40230, however, a parking or standing infraction by a minor is handled by an agency pursuant to civil administrative procedures, and only review of a contested final administrative agency decision on a parking or standing infraction is by the superior court.\(^\text{42}\) To reflect the enactment of these Vehicle Code

\(^{37}\) For example, because Government Code Section 16265.4 refers to a calculation scheme in Section 16265.3, which is recommended for repeal, Section 16265.4 would be amended to include the calculation scheme. See proposed amendment to Gov’t Code § 16265.4 & Comment infra.

\(^{38}\) See proposed repeal of Gov’t Code § 68618 infra.

\(^{39}\) The superior court is referred to as the juvenile court when the superior court applies “juvenile court law.” Welf. & Inst. Code § 245; see also Welf. & Inst. Code § 200 (“juvenile court law” is Welfare and Institutions Code Sections 200-987).

\(^{40}\) See supra note 2.

\(^{41}\) See proposed amendment to Welf. & Inst. Code § 603.5 infra.

provisions providing for civil administrative procedures, the Commission
recommends revising Section 603.5 to exclude parking and standing infractions.\textsuperscript{43}

The proposed amendment to that section would refer to jurisdiction “of a
standing or parking violation of the Vehicle Code classified as an infraction.”\textsuperscript{44}

The Commission is particularly interested in comments on whether the use of
the term “infraction” in the revised provision is appropriate.\textsuperscript{45}

Vehicle Code Section 40502 also needs to be revised to reflect the enactment of
Sections 40200-40230. Subdivision (d) of Section 40502 concerns the place
specified in a “notice to appear” issued to a minor for a Vehicle Code violation,
including a parking or standing infraction. Since the enactment of Sections 40200-
40230, a notice to appear is not issued for a parking or standing infraction. Instead,
a citation for a parking or standing infraction provides notice of the civil
administrative procedures in Sections 40200-40230 that apply if the recipient
elects to contest the citation.\textsuperscript{46} To reflect that a parking or standing infraction does
not result in a notice to appear, but notice of civil administrative procedures in
Sections 40200-40230, the Commission recommends revising Section 40502 to
exclude parking and standing infractions.\textsuperscript{47}

**FURTHER WORK**

This tentative recommendation does not deal with all remaining statutes that
need revision due to trial court restructuring.\textsuperscript{48} The Commission will continue to
make recommendations addressing obsolete statutes as issues are resolved and
time warrants. Failure to address a particular statute in this recommendation
should not be construed to mean that the Commission has decided the statute
governing parking violations other than misdemeanors. Under these statutes, parking violations are subject
to civil penalties, which ‘shall be governed by the civil administrative procedures set forth in this article.’”) (internal citations omitted).

\textsuperscript{43} See proposed amendment to Welf. & Inst. Code § 603.5 \textit{infra}.

\textsuperscript{44} \textit{Id}.

\textsuperscript{45} See Veh. Code §§ 40000.1 (“Except as otherwise provided in this article, it is unlawful and
constitutes an infraction for any person to violate, or fail to comply with any provision of this code, or any
local ordinance adopted pursuant to this code.”); 40000.2-40007 (remainder of article sets forth
misdemeanors and felonies and is silent on classification of parking or standing violation subject to
enforcement by civil administrative procedures in Sections 40200-40230).

\textsuperscript{46} See Veh. Code § 40202(a).

\textsuperscript{47} See proposed amendment to Veh. Code § 40502 \textit{infra}. Moreover, subdivision (d) of Vehicle Code
Section 40502 largely tracks the language of Welfare and Institutions Code Section 603.5. Subdivision (d)
should thus be revised to reflect the proposed change to Section 603.5. The proposed amendment to Section
40502 would accomplish as much, as well as reflecting the enactment of Vehicle Code Sections 40200-
40230.

\textsuperscript{48} For a detailed summary of the work that remained to be done as of February 2006, see Commission
should be preserved. The statute may be the subject of a future recommendation by the Commission.
# Contents

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code Civ. Proc. § 396 (repealed). Court without jurisdiction</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Code Civ. Proc. § 396 (added). Court without jurisdiction</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 16265.1 (amended). Legislative intent</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 16265.2 (amended). Definitions</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 16265.3 (repealed). 1988 funding</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 16265.4 (amended). State funding of county programs</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 16265.5 (amended). Allocations over $15,000,000</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 16265.6 (repealed). Implementation of Trial Court Funding Act of 1985</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 68618 (repealed). Delay reduction program</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Gov’t Code § 71617 (repealed). Municipal court employees</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Welf. &amp; Inst. Code § 603.5 (amended). Jurisdiction over minor charged with certain motor vehicle offenses</td>
<td>21</td>
<td></td>
</tr>
</tbody>
</table>
PROPOSED LEGISLATION

Code Civ. Proc. § 396 (repealed). Court without jurisdiction

SEC. ____. Section 396 of the Code of Civil Procedure is repealed.

396. (a) If an action or proceeding is commenced in a court that lacks jurisdiction of the subject matter thereof, as determined by the complaint or petition, if there is a court of this state that has subject matter jurisdiction, the action or proceeding shall not be dismissed (except as provided in Section 399, and paragraph (1) of subdivision (b) of Section 581) but shall, on the application of either party, or on the court’s own motion, be transferred to a court having jurisdiction of the subject matter that may be agreed upon by the parties, or, if they do not agree, to a court having subject matter jurisdiction that is designated by law as a proper court for the trial or determination thereof, and it shall thereupon be entered and prosecuted in the court to which it is transferred as if it had been commenced therein, all prior proceedings being saved. In that case, if summons is served prior to the filing of the action or proceeding in the court to which it is transferred, as to any defendant, so served, who has not appeared in the action or proceeding, the time to answer or otherwise plead shall date from service upon that defendant of written notice of filing of the action or proceeding in the court to which it is transferred.

(b) If an action or proceeding is commenced in or transferred to a court that has jurisdiction of the subject matter thereof as determined by the complaint or petition, and it thereafter appears from the verified pleadings, or at the trial, or hearing, that the determination of the action or proceeding, or of a cross-complaint, will necessarily involve the determination of questions not within the jurisdiction of the court, in which the action or proceeding is pending, the court, whenever that lack of jurisdiction appears, must suspend all further proceedings therein and transfer the action or proceeding and certify the pleadings (or if the pleadings be oral, a transcript of the same), and all papers and proceedings therein to a court having jurisdiction thereof that may be agreed upon by the parties, or, if they do not agree, to a court having subject matter jurisdiction that is designated by law as a proper court for the trial or determination thereof.

(c) An action or proceeding that is transferred under the provisions of this section shall be deemed to have been commenced at the time the complaint or petition was filed in the court from which it was originally transferred.

(d) This section may not be construed to preclude or affect the right to amend the pleadings as provided in this code.

(e) Upon the making of an order for transfer, proceedings shall be had as provided in Section 399, the costs and fees thereof, and of filing the case in the court to which transferred, to be paid by the party filing the pleading in which the
question outside the jurisdiction of the court appears unless the court ordering the transfer shall otherwise direct.

Comment. Section 396 is repealed due to trial court unification. The provision directed a court not to dismiss but to transfer a case if the court lacked subject matter jurisdiction and another state court would have such jurisdiction. The provision was often invoked when a municipal court transferred a case outside its jurisdiction to the superior court, or vice versa. See, e.g., Walker v. Super. Ct., 53 Cal. 3d 257, 807 P.2d 418, 279 Cal. Rptr. 576 (1991); Cal. Employment Stabilization Comm’n v. Mun. Ct., 62 Cal. App. 2d 781, 145 P.2d 361 (1944). After unification of the municipal and superior courts, it no longer served that purpose.

There was a split of authority regarding whether the provision authorized a superior court lacking jurisdiction to transfer a case to a court of appeal or the state Supreme Court. Compare Trafficschoolonline, Inc. v. Super. Ct., 89 Cal. App. 4th 222, 225, 107 Cal. Rptr. 2d 412 (2001) (“[T]he superior court is not vested with the authority by Code of Civil Procedure Section 396 to transfer a case to the Court of Appeal or the Supreme Court.”), with Padilla v. Dep’t of Alcoholic Beverage Control, 43 Cal. App. 4th 1151, 1154, 51 Cal. Rptr. 2d 133 (1996) (Transfer requirement of Section 396 applies “in the case of proceedings filed in the superior court which, by statute, may be filed only in the Supreme Court or the Court of Appeal.”); see also Pajaro Valley Water Mgmt. Agency v. McGrath, 128 Cal. App. 4th 1093, 1104 n. 4, 27 Cal. Rptr. 3d 741 (2005) (“It is possible, though a point of disagreement, that [Section 396] retains vitality as empowering the superior court to transfer cases within the exclusive original jurisdiction of the appellate courts.” (emphasis in original)).

Consistent with the key policy of deciding a case on its merits even if it is filed in the wrong tribunal, new Section 396 makes clear that if a superior court lacks jurisdiction of a matter and a state appellate court would have jurisdiction, the superior court must transfer the matter instead of dismissing it.

Code Civ. Proc. § 396 (added). Court without jurisdiction

SEC. ____. Section 396 is added to the Code of Civil Procedure, to read:

396. No appeal or petition filed in the superior court shall be dismissed solely because the appeal or petition was not filed in the proper state court. If the superior court lacks jurisdiction of an appeal or petition, and a court of appeal or the Supreme Court would have jurisdiction, the appeal or petition shall be transferred to the court having jurisdiction upon terms as to costs or otherwise as may be just, and proceeded with as if regularly filed therein.

Comment. Section 396 requires a superior court to transfer an appeal or petition over which the superior court lacks jurisdiction to an appellate court that has jurisdiction. The provision continues a policy that requires transfer and prohibits dismissal of a cause simply because it was filed in the wrong court. See, e.g., former Section 396 (2002 Cal. Stat. ch. 806, § 9); Gov’t Code § 68915; see Friends of Mammoth v. Bd. of Supervisors, 8 Cal. 3d 247, 268-269, 104 Cal. Rptr. 761, 502 P.2d 1049 (1972); Morgan v. Somervell, 40 Cal. App. 2d 398, 400, 104 P.2d 866 (1940).

☞ Note. The Commission is particularly interested in receiving comment on whether the new provision, which is much shorter than its predecessor, would be sufficient to accomplish the prescribed transfer, or whether additional language providing further specificity as to how the transfer is to occur would be required or preferable.

Gov’t Code § 16265.1 (amended). Legislative intent

SEC. ____. Section 16265.1 of the Government Code is amended to read:

16265.1. The Legislature finds and declares all of the following:
(a) The provision of basic social welfare, public health, and justice programs by counties is a matter of statewide interest.
(b) In some cases, the costs of these programs have grown more quickly than the counties’ own general purpose revenues.
(c) A county should not be required to drastically divert its own general purpose revenues from other public programs in order to pay for basic social welfare, public health, and justice programs.
(d) California residents should not be denied the benefits of these programs because counties are hampered by a severe lack of funds for these purposes.
(e) Accordingly, it is the intent of the Legislature in enacting this chapter to protect the public peace, health, and safety by stabilizing counties’ revenues.

Comment. Section 16265.1 is amended to delete obsolete references to justice programs. The funding under this chapter relating to justice programs was to discontinue upon full implementation of the fiscal provisions of the Trial Court Funding Act of 1985. See former Section 16265.6. That has been achieved; the trial courts are now fully funded by the state. See Sections 77200-77213.

Gov’t Code § 16265.2 (amended). Definitions
SEC. ____. Section 16265.2 of the Government Code is amended to read:
16265.2. As used in this chapter:
(a) “County” means a county and a city and county.
(b) “County costs of eligible programs” means the amount of money other than federal and state funds, as reported by the State Department of Social Services to the Department of Finance or as derived from the Controller’s “Annual Report of Financial Transactions Concerning Counties of California,” that each county spends for each of the following:
(1) The Aid to Families with Dependent Children for Family Group and Unemployed Parents programs plus county administrative costs for each program minus the county’s share of child support collections for each program, as described in Sections 10100, 10101, and 11250 of, and subdivisions (a) and (b) of Section 15200 of, the Welfare and Institutions Code.
(2) The county share of the cost of service provided for the In-Home Supportive Services Program, as described in Sections 10100, 10101, and 12306 of the Welfare and Institutions Code.
(3) The community mental health program, as described in Section 5705 of the Welfare and Institutions Code.
(4) The county share of the Food Stamp Program, as described in Section 18906.5 of the Welfare and Institutions Code.
(c) “County costs of justice programs” means the amount of money other than federal and state funds, as reported in the Controller’s “Annual Report of Financial Transactions Concerning Counties of California,” that each county spends for each of the following:
(1) Superior courts.
(2) District attorney.
(3) Public defender.
(4) Probation.
(5) Correctional facilities.

“County costs of justice programs” does not include any costs eligible for reimbursement to the county pursuant to Chapter 3 (commencing with Section 15200) of Part 6 of Division 3.

(4) “General purpose revenues” means revenues received by a county whose purpose is not restricted by state law to a particular purpose or program, as reported in the Controller’s “Annual Report of Financial Transactions Concerning Counties of California.” “General purpose revenues” are limited to all of the following:

1. Property tax revenues, exclusive of those revenues dedicated to repay voter approved indebtedness, received pursuant to Part 0.5 (commencing with Section 50) of Division 1 of the Revenue and Taxation Code, or received pursuant to Section 33401 of the Health and Safety Code.
2. Sales tax revenues received pursuant to Part 1 (commencing the with Section 6001) of Division 2 of the Revenue and Taxation Code.
3. Any other taxes levied by a county.
4. Fines and forfeitures.
5. Licenses, permits, and franchises.
6. Revenue derived from the use of money and property.
7. Vehicle license fees received pursuant to Section 11005 of the Revenue and Taxation Code.
8. Trailer coach fees received pursuant to Section 11003.3 of the Revenue and Taxation Code.
9. Revenues from cigarette taxes received pursuant to Part 13 (commencing with Section 30001) of Division 2 of the Revenue and Taxation Code.
10. Revenue received as open-space subventions pursuant to Chapter 3 (commencing with Section 16140) of Part 1.
11. Revenue received as homeowners’ property tax exemption subventions pursuant to Chapter 2 (commencing with Section 16120) of Part 1.
12. General revenue sharing funds received from the federal government.

“General purpose revenues” does not include revenues received by a county pursuant to Chapter 3 (commencing with Section 15200) of Part 6 of Division 3.

Comment. Subdivision (c) of Section 16265.2, which defined “county costs of justice programs,” is deleted as obsolete. This definition was relevant only to a funding scheme that is no longer in effect. See Section 16265.4 & Comment; former Section 16265.6 (1987 Cal. Stat. ch. 1286, § 3) & Comment.

Paragraph (2) of subdivision (d) (reabeled as subdivision (c)) is amended to correct a grammatical mistake.

Gov't Code § 16265.3 (repealed). 1988 funding

SEC. ____. Section 16265.3 of the Government Code is repealed.

16265.3. (a) On or before October 31, 1988, the Director of Finance shall:

1. Determine for each county the county costs of eligible programs and each county’s general purpose revenues for the 1981-82 fiscal year.

2. Determine a percentage for each county by dividing the county costs of eligible programs by the general purposes revenues for the 1981-82 fiscal year.

3. Make the determination as prescribed in paragraphs (1) and (2) for each county for the 1986-87 fiscal year.

4. Compare the percentage determined pursuant to paragraph (3) with the percentage determined pursuant to paragraph (2).

5. If the percentage determined pursuant to paragraph (3) is greater than the percentage determined pursuant to paragraph (2), determine an amount necessary to offset the difference.

6. Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5).

(b) On or before October 31, 1988, the Director of Finance shall:

1. Determine for each county the county costs of justice programs and each county’s general purpose revenues for the 1981-82 fiscal year.

2. Determine a percentage for each county by dividing the county costs of justice programs by the general purpose revenues for the 1981-82 fiscal year.

3. Make the determination as prescribed in paragraphs (1) and (2) for each county for the 1986-87 fiscal year.

4. Compare the percentage determined pursuant to paragraph (3) with the percentage determined pursuant to paragraph (2).

5. If the percentage determined pursuant to paragraph (3) is greater than the percentage determined pursuant to paragraph (2), determine an amount necessary to offset the difference, provided that the amount shall not be greater than one million dollars ($1,000,000).

6. Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5).

7. Determine a percentage for each county by dividing the amount determined for that county pursuant to paragraph (5) by the amount for all counties determined pursuant to paragraph (6).

8. Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5) of subdivision (a).

9. Determine an amount by subtracting the amount determined pursuant to paragraph (8) from fifteen million dollars ($15,000,000).

10. Determine an amount for each county by multiplying the amount determined pursuant to paragraph (9) by the percentage determined pursuant to paragraph (7).
(c) On or before October 31, 1988, the Director of Finance shall certify the amounts determined for each county pursuant to paragraph (5) of subdivision (a) and paragraph (10) of subdivision (b).

(d) On or before November 30, 1988, the Controller shall issue a warrant to each county, as applicable, in the amount certified by the Director of Finance under subdivision (c).

Comment. Section 16265.3 is repealed as obsolete because it prescribes funding for a past fiscal year.

Gov't Code § 16265.4 (amended). State funding of county programs

SEC. ____. Section 16265.4 of the Government Code is amended to read:

16265.4. (a) On or before October 31, 1989, and of each year thereafter, the Director of Finance shall:

1. Determine the percentage for each county which was determined for the 1981-82 fiscal year pursuant to paragraph (2) of subdivision (a) of Section 16265.3 the county costs of eligible programs and each county’s general purpose revenues for the 1981-82 fiscal year.

2. Determine a percentage for each county by dividing the county costs of eligible programs by the general purpose revenues for the 1981-82 fiscal year.

3. Make the determination as prescribed by paragraphs (1) and (2) of subdivision (a) of Section 16265.3 for each county for the 1987-88 fiscal year, and for each fiscal year thereafter.

4. Compare the percentage determined pursuant to paragraph (2) with the percentage determined pursuant to paragraph (1).

5. For any fiscal year in which the percentage determined pursuant to paragraph (2) is greater than the percentage determined pursuant to paragraph (1), make the determinations prescribed by paragraphs (5) and (6) of subdivision (a) of Section 16265.3 determine an amount necessary to offset the difference.

6. Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5).

(b) On or before October 31, 1989, and on or before October 31 of each year thereafter, the Director of Finance shall:

1. Determine the percentage for each county which was determined for the 1981-82 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 16265.3.

2. Make the determination prescribed by paragraphs (1) and (2) of subdivision (b) of Section 16265.3 for each county for the 1987-88 fiscal year, and for each fiscal year thereafter.

3. Compare the percentage determined pursuant to paragraph (2) with the percentage determined pursuant to paragraph (1).

4. For any fiscal year in which the percentage determined pursuant to paragraph (2) is greater than the percentage determined pursuant to paragraph (1), make the
determinations prescribed by paragraphs (5) to (10), inclusive, of subdivision (b) of Section 16265.3.

(c) On or before October 31, 1989, and on or before October 31 of each year thereafter, the Director of Finance shall determine an amount for each county as prescribed by paragraph (5) of subdivision (a) of Section 16265.3 for the applicable fiscal year and paragraph (4) of subdivision (b).

(d) On or before October 31, 1989, and on or before October 31 of each year thereafter, the Director of Finance shall certify the amount determined for each county pursuant to subdivision (c) to the Controller.

(e) On or before November 30, 1989, and on or before November 30 of each year thereafter, the Controller shall issue a warrant to each county, as applicable, in the amount certified by the Director of Finance under subdivision (d).

Comment. Subdivision (a) of Section 16265.4 is amended to reflect the repeal of former Section 16265.3 (1987 Cal. Stat. ch. 1286, § 3). Formerly, subdivision (a) incorporated the calculation scheme of Section 16265.3 by reference. Due to the repeal of Section 16265.3, the calculation scheme is now stated in subdivision (a) itself.

Subdivision (a) is also amended to delete an obsolete reference to October 31, 1989.

Subdivision (b) is deleted as obsolete. The Director of Finance was to use the funding scheme prescribed in it only until the fiscal provisions of the Trial Court Funding Act of 1985 were fully implemented. See former Section 16265.6 (1987 Cal. Stat. ch. 1286, § 3). That has been achieved; the trial courts are now fully funded by the State. See Sections 77200-77213.

Former subdivisions (c)-(e) are relabeled as subdivisions (b)-(d). Those provisions are also amended to correct cross-references and delete obsolete references to dates in 1989.

Gov’t Code § 16265.5 (amended). Allocations over $15,000,000

SEC. ____. Section 16265.5 of the Government Code is amended to read:

16265.5. If a statute appropriates more than fifteen million dollars ($15,000,000) for the purposes of this chapter in a fiscal year, then Sections 16265.3 and Section 16265.4 shall not apply to the allocation of that amount of money which is greater than fifteen million dollars ($15,000,000). It is the intent of the Legislature to allocate any amount of money greater than fifteen million dollars ($15,000,000) based on criteria which shall consider the costs to counties of welfare, justice programs, and indigent health care.

Comment. Section 16265.5 is amended to reflect the repeal of former Section 16265.3 (1987 Cal. Stat. ch. 1286, § 3).

Section 16265.5 is also amended to delete an obsolete reference to justice programs. The funding under this chapter relating to justice programs was to discontinue upon full implementation of the fiscal provisions of the Trial Court Funding Act of 1985. See former Section 16265.6 (1987 Cal. Stat. ch. 1286, § 3). That has been achieved; the trial courts are now fully funded by the state. See Sections 77200-77213.

Gov’t Code § 16265.6 (repealed). Implementation of Trial Court Funding Act of 1985

SEC. ____. Section 16265.6 of the Government Code is repealed.

16265.6. Notwithstanding any other provision of this chapter, once the Legislature has fully implemented the fiscal provisions of the Trial Court Funding Act of 1985, as contained in Chapter 13 (commencing with Section 77000) of...
Title 8, the Director of Finance shall not make the determinations pursuant to subdivision (b) of Section 16265.3 and subdivisions (b) of Section 16265.4.

Comment. Section 16265.6 is repealed. It is no longer necessary due to the full implementation of the fiscal provisions of the Trial Court Funding Act of 1985, which provided a scheme of state funding for trial courts of participating counties. See 1985 Cal. Stat. ch. 1607, § 21. Although that Act was repealed in 1988, the trial courts have been fully funded by the state since the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997. See 1998 Cal. Stat. ch. 146, § 6; Sections 77200-77213; 1997 Cal. Stat. ch. 850, § 46 (enacting Lockyer-Isenberg Trial Court Funding Act); 1988 Cal. Stat. ch. 945, § 9 (repealing Trial Court Funding Act of 1985).

Gov't Code § 68618 (repealed). Delay reduction program

SEC. ____. Section 68618 of the Government Code is repealed.

68618. In each county which has opted under the Trial Court Funding Act of 1985 (Chapter 13 (commencing with Section 77000)), the superior court, at the option of the presiding judge, may elect to establish an exemplary delay reduction program pursuant to this article. The presiding judge of a superior court electing to establish an exemplary delay reduction program shall notify the Judicial Council of that election, along with the identity of the judges who will participate in the program, and the date the program is scheduled to begin. This section shall cease to be operative on July 1, 1992.

Comment. Section 68618 is repealed as obsolete. By its own terms, the provision ceased to operate on July 1, 1992.

Gov't Code § 71617 (repealed). Municipal court employees

SEC. ____. Section 71617 of the Government Code is repealed.

71617. To the extent this chapter applies to a municipal court, any action by the municipal court specifying the number, qualification, or compensation of officers or employees of the municipal court which differs from that prescribed by the Legislature pursuant to Section 5 of Article VI of the California Constitution shall remain in effect for a period of no more than two years unless prescribed by the Legislature within that period.

Comment. Section 71617 is repealed to reflect unification of the municipal and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution.


SEC. ____. Section 40502 of the Vehicle Code is amended to read:

40502. The place specified in the notice to appear shall be any of the following:
(a) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.
(b) Upon demand of the person arrested, before a judge or other magistrate having jurisdiction of the offense at the county seat of the county in which the offense is alleged to have been committed. This subdivision applies only if the person arrested resides, or the person’s principal place of employment is located,
closer to the county seat than to the magistrate nearest or most accessible to the
place where the arrest is made.
(c) Before a person authorized to receive a deposit of bail. The clerk and deputy
clerks of the superior court are persons authorized to receive bail in accordance
with a schedule of bail approved by the judges of that court.
(d) Before the juvenile court, a juvenile court referee, or a juvenile hearing
officer within the county in which the offense charged is alleged to have been
committed, if the person arrested appears to be under the age of 18 years. The
juvenile court shall by order designate the proper person before whom the
appearance is to be made.
In a county that has implemented the provisions of Section 603.5 of the Welfare
and Institutions Code, if the offense alleged to have been committed by a minor is
classified as an infraction under this code, other than a standing or parking
infraction, or is a violation of a local ordinance involving the driving, parking, or
operation of a motor vehicle, the citation shall be issued as provided in subdivision
(a), (b), or (c); provided, however, that if the citation combines an infraction and a
misdemeanor, the place specified shall be as provided in subdivision (d). If the
place specified in the notice to appear is within a county where a department of the
superior court is to hold a night session within a period of not more than 10 days
after the arrest, the notice to appear shall contain, in addition to the above, a
statement notifying the person arrested that the person may appear before a night
session of the court.
Comment. Subdivision (d) of Section 40502 is amended to reflect an amendment to Welfare
and Institutions Code Section 603.5. That provision no longer applies to a standing or parking
violation that is not a misdemeanor. Instead, such a violation is now governed by Sections 40200-
40230. See Section 40200(a); Welf. & Inst. Code § 603.5 & Comment.

Welf. & Inst. Code § 603.5 (amended). Jurisdiction over minor charged with certain motor
vehicle offenses
SEC. ____. Section 603.5 of the Welfare and Institutions Code is amended to
read:
603.5. (a) Notwithstanding any other provision of law, in counties which adopt a
county that adopts the provisions of this section, jurisdiction over the case of if a
minor is alleged to have committed only a violation of the Vehicle Code classified
as an infraction or a violation of a local ordinance involving the driving, parking,
or operation of a motor vehicle, jurisdiction over the case is with the municipal
court or the superior court, in a county in which there is no municipal court, except
that the subject to the following:
(1) The court may refer to the juvenile court for adjudication, cases a case
involving a minor who has been adjudicated a ward of the juvenile court, or who
has other matters pending in the juvenile court.
(2) Jurisdiction of a standing or parking violation of the Vehicle Code classified as an infraction is governed by Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(b) The cases specified in subdivision (a) shall not be governed by the procedures set forth in the juvenile court law.

(c) Any provisions of juvenile court law requiring that confidentiality be observed as to cases and proceedings, prohibiting or restricting the disclosure of juvenile court records, or restricting attendance by the public at juvenile court proceedings shall not apply. The procedures for bail specified in Chapter 1 (commencing with Section 1268) of Title 10 of Part 2 of the Penal Code shall apply.

(d) The provisions of this section shall apply in a county in which the trial courts make the section applicable as to any matters to be heard and the court has determined that there is available funding for any increased costs.

Comment. Subdivision (a) of Section 603.5 is amended to reflect unification of the municipal and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution. Subdivision (a) is also amended to reflect the enactment of Vehicle Code Sections 40200-40230. Those provisions prescribe civil administrative procedures and civil penalties for any standing or parking violation that is not a misdemeanor. See Veh. Code §§ 40200(a), 40215.

Note. The Commission is particularly interested in receiving comment on whether the use of the term “infraction” in new paragraph (2) of subdivision (a) would properly identify the types of offenses that are now civilly enforced pursuant to Vehicle Code Sections 40200-40230.