

TEXT OF COMMENTS TO SECTIONS AFFECTED BY
2009 COMMISSION RECOMMENDATIONS

CLRC Staff Note. This document sets out the text of official Comments to Commission-recommended statutory changes, enacted in three bills in the 2009 legislative session:

2009 Cal. Stat. ch. 88 (AB 176 (Silva)). This bill implements the Commission’s recommendation on *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007). [Note that the Comment to one of the affected sections (Gov’t Code § 27491.47) was revised by the Commission to correct an error. The revised Comment text will be published in an appendix to the Commission’s upcoming *2009-10 Annual Report*, 39 Cal. L. Revision Comm’n Reports [___] (2009).]

2009 Cal. Stat. ch. 8 (AB 1163 (Tran)). This bill implements the Commission’s recommendation on *Attorney-Client Privilege After Client’s Death*, 38 Cal. L. Revision Comm’n Reports 163 (2008).

2009 Cal. Stat. ch. 348 (SB 308 (Harman)). This bill implements the Commission’s recommendation on *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm’n Reports 203 (2008). It also implements one part of the Commission’s recommendation on *Donative Transfer Restrictions*, 38 Cal. L. Revision Comm’n Reports 107 (2008) (see Prob. Code § 13).

The official Comment text for each section is set out below. For reference, each comment is followed by a bracketed citation to the Commission report that is the source of the Comment language. **Those bracketed notes are not part of the official Comment.**

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BUSINESS AND PROFESSIONS CODE

Bus. & Prof. Code § 2293 (amended). Professional competency examination

Comment. Section 2293 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 4846.5 (amended). Continuing education

Comment. Subdivision (b)(2) of Section 4846.5 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

Subdivision (b)(4) is amended to correct an erroneous cross-reference.

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 8027 (amended). Court reporting school requirements

Comment. Subdivision (bb)(4) of Section 8027 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 17539.55 (amended). Sweepstakes using 900 numbers

Comment. Section 17539.55 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 19513 (amended). Examinations

Comment. Section 19513 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 19576 (amended). Recording of race for commercial purpose

Comment. Section 19576 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing

numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 19861 (amended). Licensing of gambling establishment

Comment. Section 19861 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 19870 (amended). Grant or denial of license

Comment. Section 19870 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 21701.1 (amended). Transport of storage containers

Comment. Subdivision (a)(6)(B) of Section 21701.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Bus. & Prof. Code § 25658.4 (amended). Professional competency examination

Comment. Subdivision (a)(1)(C) of Section 25658.4 is amended to correct a cross-reference. Former Section 25630, the first section of Article 2 of Chapter 16, was repealed by 1969 Cal. Stat. ch. 614, § 1.

Subdivision (d) is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

CIVIL CODE

Civ. Code § 916 (amended). Inspection and testing

Comment. Subdivision (a) of Section 916 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Civ. Code § 922 (amended). Recording of repair

Comment. Section 922 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Civ. Code § 1799.3 (amended). Disclosure of personal information

Comment. Subdivision (a) of Section 1799.3 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Civ. Code § 3344.1 (amended). Use of deceased personality’s likeness

Comment. Subdivision (i) of Section 3344.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

CODE OF CIVIL PROCEDURE

Code Civ. Proc. § 129 (amended). Reproduction of image of deceased person

Comment. Section 129 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Code Civ. Proc. § 366.2 (amended). Limitations period for surviving action

Comment. Section 366.2 is amended to reflect the repeal of former Part 3 (commencing with Section 21300) of Division 11 of the Probate Code. See 2008 Cal. Stat. ch. 174. The reference to the former law is retained because the former law continues to apply to the enforcement of a no contest clause in an instrument that became irrevocable prior to January 1, 2001, notwithstanding the repeal of the former law. See Prob. Code §§ 3(g) (“If the new law does not apply to a matter that occurred before the operative date, the old law continues to govern the matter notwithstanding its amendment or repeal by the new law.”), 21315(b) (new law does not apply to instrument that became irrevocable prior to January 1, 2001). See also former Prob. Code § 21308 (limitations period tolled during declaratory relief proceedings).

[**Source:** *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm'n Reports 203 (2008).]

Code Civ. Proc. § 366.3 (amended). Limitations period for action to enforce claim to distribution

Comment. Section 366.3 is amended to reflect the repeal of former Part 3 (commencing with Section 21300) of Division 11 of the Probate Code. See 2008 Cal. Stat. ch. 174. The reference to the former law is retained because the former law continues to apply to the enforcement of a no contest clause in an instrument that became irrevocable prior to January 1, 2001, notwithstanding the repeal of the former law. See Prob. Code §§ 3(g) (“If the new law does not apply to a matter that occurred before the operative date, the old law continues to govern the matter notwithstanding its amendment or repeal by the new law.”), 21315(b) (new law does not apply to instrument that became irrevocable prior to January 1, 2001). See also former Prob. Code § 21308 (limitations period tolled during declaratory relief proceedings).

[**Source:** *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm'n Reports 203 (2008).]

Code Civ. Proc. § 1033.5 (amended). Allowable costs

Comment. Subdivision (a)(3) of Section 1033.5 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

Code Civ. Proc. § 2025.560 (amended). Recording of deposition testimony

Comment. Section 2025.560 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

EDUCATION CODE

Educ. Code § 8971 (amended). Definitions

Comment. Subdivision (e) of Section 8971 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

Educ. Code § 17002 (amended). Definitions

Comment. Subdivision (c) of Section 17002 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 18032 (amended). Library policy regarding video recordings

Comment. Section 18032 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 19323 (amended). Loan of audio recordings

Comment. Section 19323 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

The section is also amended to make a stylistic revision.

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 32255 (amended). Definitions

Comment. Section 32255 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 49091.10 (amended). Parental right of inspection

Comment. Section 49091.10 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 52740 (amended). Instructional material relating to certain important historical events

Comment. Section 52740 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 52742 (amended). Review of films and video recordings

Comment. Section 52742 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 52743 (amended). Availability of films and video recordings

Comment. Section 52743 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 56341.1 (amended). Individualized education programs

Comment. Subdivision (g) of Section 56341.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

Subdivision (g) is also amended to correct an erroneous cross reference.

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Educ. Code § 60204 (amended). Duties of commission

Comment. Section 60204 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

ELECTION CODE

Elec. Code § 2052 (amended). Visually impaired individuals

Comment. Section 2052 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Elec. Code § 2053 (amended). Visually Impaired Voter Assistance Advisory Board

Comment. Section 2053 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing

numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Elec. Code § 9082.5 (amended). Audio recording of state ballot pamphlet

Comment. Section 9082.5 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Elec. Code § 18541 (amended). Dissuading voters

Comment. Section 18541 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

EVIDENCE CODE

Evid. Code § 795 (amended). Professional competency examination

Comment. Section 795 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Evid. Code § 953 (amended). Holder of privilege

Comment. Subdivision (a) of Section 953 is amended to revise a gender reference.

Subdivision (c) is amended to make clear that a personal representative holds the decedent’s lawyer-client privilege at any time while the personal representative has duties as a personal representative, including, without limitation, during any subsequent estate administration. See, e.g., Prob. Code § 12252 (appointment of personal representative for subsequent administration of estate); see also Prob. Code § 58 (personal representative). The personal representative holds the privilege during any action asserted, commenced, continued, or defended by a personal representative. See Code Civ. Proc. §§ 377.30 (commencement of surviving action by personal representative), 377.31 (continuation of surviving action by personal representative), 377.40 (defense by personal representative of surviving action), 377.60 (assertion by personal representative of wrongful death action); Prob. Code §§ 9000-9399 (creditor claims against estate).

[**Source:** *Attorney-Client Privilege After Client’s Death*, 38 Cal. L. Revision Comm’n Reports 163 (2008).]

Evid. Code § 957 (amended). Parties claiming through deceased client

Comment. Section 957 is amended to clarify that the exception is applicable to parties who all claim through a deceased client, including a person who claims through a nonprobate transfer.

[**Source:** *Attorney-Client Privilege After Client's Death*, 38 Cal. L. Revision Comm'n Reports 163 (2008).]

Evid. Code § 1118 (amended). Oral agreement

Comment. Section 1118 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

Evid. Code § 1294 (amended). Prior inconsistent statement

Comment. Section 1294 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

FAMILY CODE

Fam. Code § 3170 (amended). Custody or visitation issues

Comment. Section 3170 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

Fam. Code § 7572 (amended). Written informational material

Comment. Subdivision (c) of Section 7572 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]

Fam. Code § 10005 (amended). Additional duties of family law facilitator

Comment. Subdivision (a)(7) of Section 10005 is deleted as obsolete. Former Division 15 was repealed by 1999 Cal. Stat. 1004, § 6.

Subdivision (b)(2) is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Fam. Code § 20034 (amended). Duties of Attorney-Mediator

Comment. Subdivision (c)(9) of Section 20034 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

GOVERNMENT CODE

Gov’t Code § 8880.30 (amended). Regulations for determining lottery winners

Comment. Section 8880.30 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 11124.1 (amended). Recording of public meeting

Comment. Section 11124.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 11130 (amended). Action to stop or prevent violation of meeting provision

Comment. Section 11130 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 12811.3 (amended). Employee transfer

Comment. Section 12811.3 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 14999.31 (amended). Permit to engage in film production

Comment. Section 14999.31 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 26202.6 (amended). Recordings of video monitoring and telephone and radio communications

Comment. Section 26202.6 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 26206.7 (amended). Destruction of duplicates of county records

Comment. Section 26206.7 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 26206.8 (amended). Transit agency security systems

Comment. Section 26206.8 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 27491.47 (amended). Removal of corneal eye tissue

Comment. Section 27491.47 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Upcoming 2009-10 Annual Report*, 39 Cal. L. Revision Comm’n Reports [____] (2009).]

Gov't Code § 34090.6 (amended). Destruction by department of recordings of routine video monitoring and telephone and radio communications

Comment. Section 34090.6 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 34090.7 (amended). Destruction by legislative body of recordings of routine video monitoring and telephone and radio communications

Comment. Section 34090.7 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 34090.8 (amended). Transit agency security systems

Comment. Section 34090.8 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 50028 (amended). Coin-operated viewing machines

Comment. Section 50028 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 53160 (amended). Destruction of recordings of routine video monitoring and telephone and radio communications

Comment. Section 53160 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov’t Code § 53161 (amended). Destruction by legislative body of recordings of routine video monitoring and telephone and radio communications

Comment. Section 53161 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 53162 (amended). Transit agency security systems

Comment. Section 53162 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 54953.5 (amended). Recording of public meeting

Comment. Section 54953.5 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 54960 (amended). Action to stop or prevent violation of meeting provision

Comment. Section 54960 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Gov't Code § 68151 (amended). Definitions

Comment. Section 68151 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

HEALTH AND SAFETY CODE

Health & Safety Code § 1569.69 (amended). Training of employees

Comment. Subdivision (e)(2) of Section 1569.69 is amended to correct a typographical error. Subdivision (f)(2) is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 1736.5 (amended). Grounds for denial of application or certificate

Comment. Subdivision (g)(2) of Section 1736.5 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068

(replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 7158.3 (amended). Duties of donee of anatomical gift

Comment. Subdivision (b)(5) of Section 7158.3 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 13220 (amended). Furnishing emergency procedures to persons entering buildings

Comment. Section 13220 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 13221 (amended). Regulations for furnishing emergency procedures

Comment. Section 13221 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 25201.11 (amended). Departmental copyright protection and other rights

Comment. Section 25201.11 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 40828 (amended). Testimony by members of public

Comment. Section 40828 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 100171 (amended). Adjudicative hearing

Comment. Subdivision (f) of Section 100171 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Health & Safety Code § 127240 (amended). Informal public hearing

Comment. Section 127240 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

INSURANCE CODE

Ins. Code § 1758.97 (amended). Prerequisites to sale or offer to sell insurance

Comment. Subdivision (b) of Section 1758.97 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Ins. Code § 2071.1 (amended). Examination of insured

Comment. Subdivision (a)(5) of Section 2071.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

PENAL CODE

Penal Code § 298.1 (amended). Refusal to give specimen, sample or impression

Comment. Section 298.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

Subdivision (b)(1) is amended to make a stylistic revision.

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Penal Code § 599aa (amended). Seizure of birds, animals and related items

Comment. Subdivision (d)(2) of Section 599aa is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Penal Code § 868.7 (amended). Closure of examination

Comment. Subdivision (a)(1) of Section 868.7 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

The second paragraph of subdivision (b) is deleted as obsolete.

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

Penal Code § 1203.098 (amended). Batterers’ intervention program facilitators

Comment. Subdivision (a)(2)(C) of Section 1203.098 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

PROBATE CODE

Prob. Code § 13 (added). Degree of kinship or consanguinity

Comment. Subdivision (a) of Section 13 restates the substance of former Section 251, as enacted by 1931 Cal. Stat. ch. 281.

Subdivision (b) restates the substance of former Section 252, as enacted by 1931 Cal. Stat. ch. 281.

Subdivision (c) restates the substance of former Section 253, as enacted by 1931 Cal. Stat. ch. 281. There is no first degree of collateral kinship or consanguinity.

[**Source:** *Donative Transfer Restrictions*, 38 Cal. L. Revision Comm’n Reports 107 (2008).]

Prob. Code § 1303 (amended). Appealable orders

Comment. Section 1303 is amended to reflect the repeal of former Chapter 2 (commencing with Section 21320) of Part 3 of Division 11. See 2008 Cal. Stat. ch. 174. The reference to the former law is retained because the former law continues to apply to the enforcement of a no contest clause in an instrument that became irrevocable prior to January 1, 2001, notwithstanding the repeal of the former law. See Sections 3(g) (“If the new law does not apply to a matter that occurred before the operative date, the old law continues to govern the matter notwithstanding its amendment or repeal by the new law.”), 21315(b) (new law does not apply to instrument that became irrevocable prior to January 1, 2001).

[**Source:** *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm’n Reports 203 (2008).]

Prob. Code § 1304 (amended). Appealable orders

Comment. Section 1304 is amended to reflect the repeal of former Chapter 2 (commencing with Section 21320) of Part 3 of Division 11. See 2008 Cal. Stat. ch. 174. The reference to the former law is retained because the former law continues to apply to the enforcement of a no contest clause in an instrument that became irrevocable prior to January 1, 2001, notwithstanding the repeal of the former law. See Sections 3(g) (“If the new law does not apply to a matter that occurred before the operative date, the old law continues to govern the matter notwithstanding its amendment or repeal by the new law.”), 21315(b) (new law does not apply to instrument that became irrevocable prior to January 1, 2001).

[**Source:** *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm’n Reports 203 (2008).]

Prob. Code § 12252 (amended). Reappointment of a personal representative

Comment. Section 12252 is amended to remove language relating to a personal representative holding the attorney-client privilege. That issue is addressed in Evidence Code Section 953.

[**Source:** *Attorney-Client Privilege After Client’s Death*, 38 Cal. L. Revision Comm’n Reports 163 (2008).]

PUBLIC RESOURCES CODE

Pub. Res. Code § 4423.1 (amended). Suspension, restriction, or prohibition of permit burning

Comment. Subdivision (c) of Section 4423.1 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

REVENUE AND TAXATION CODE

Rev. & Tax Code § 1611 (amended). Record of hearing

Comment. Section 1611 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm’n Reports 211 (2007).]

WELFARE AND INSTITUTIONS CODE

Welf. & Inst. Code § 19639 (amended). Rules and regulations

Comment. Section 19639 is amended to reflect advances in recording technology and for consistency of terminology. For a similar reform, see 2002 Cal. Stat. ch. 1068 (replacing numerous references to “audiotape” in Civil Discovery Act with either “audio technology,” “audio recording,” or “audio record,” as context required).

[**Source:** *Technical and Minor Substantive Statutory Corrections: References to Recording Technology*, 37 Cal. L. Revision Comm'n Reports 211 (2007).]
