

RESOLUTION 09-06-2017

DIGEST

Small Claims: Delete Cross-Reference to Repealed Statute

Amends Code of Civil Procedure section 116.221 to delete a cross-reference to an obsolete code section.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Code of Civil Procedure section 116.221 to delete a cross-reference to an obsolete code section. This resolution should be approved in principle because it conforms the statutory language to current law by deleting an obsolete code reference.

Code of Civil Procedure section 116.221 currently contains a cross-reference to section 116.224, which was repealed in 2015 by operation of its own terms. Since Code of Civil Procedure section 116.224 was repealed, its cross-reference in section 116.221 should be stricken. Resolution 09-06-2017 accomplishes that fix and should be approved in principle.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Code of Civil Procedure section 116.221 to read as follows:

- 1 § 116.221
2 In addition to the jurisdiction conferred by Section 116.220, the small claims court has
3 jurisdiction in an action brought by a natural person, if the amount of the demand does not
4 exceed ten thousand dollars (\$10,000), except ~~for actions specified in Section 116.224, or as~~
5 otherwise prohibited by subdivision (c) of Section 116.220 or subdivision (a) of Section 116.231.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Bar Association of Northern San Diego County

STATEMENT OF REASONS

The Problem: This statute cross-references Code of Civil Procedure section 116.224, which has been repealed.

The Solution: This resolution deletes the cross-reference to the repealed statute.

IMPACT STATEMENT

The resolution does not affect any other law, statute or rule other than those expressly identified.

CURRENT OR PRIOR RELATED LEGISLATION

None known.

AUTHOR AND PERMANENT CONTACT: Melissa L. Bustarde, Esq., Mayfield Bustarde, LLP, 462 Stevens Ave., Suite 303, Solana Beach, CA 92075, (858) 793-8090

RESPONSIBLE FLOOR DELEGATE: Melissa L. Bustarde, Esq.