



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

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SPONSORED/PRIORITY BILLS 2016 August, 2016

Civil damages for undocumented individuals – *AB 2159 (Gonzalez)* states that immigration status is irrelevant in personal injury and wrongful death actions, and will ensure fair and just compensation for every Californian, regardless of immigration status. *Passed the Assembly and Senate, pending before the Governor.*

Forum and Choice of Law – *SB 1241 (Wieckowski)* stops corporations from forcing Californians to go out of state to settle disputes or forcing Californians to settle disputes under the laws of another state. *Passed the Senate, pending in the Assembly.*

Elders – *SB 1065 (Monning)* helps seniors get to trial more quickly in an Elder Abuse Act claim by providing an expedited appeal process with a fixed outer limit of 100 days to resolve the appeal of an order denying a petition to compel arbitration.. *Passed the Senate, pending in the Assembly.*

Arbitration provider firms' unfairness & bias – *SB 1078 (Jackson)* prohibits the solicitation of a party or lawyer for a party during the pendency of the arbitration. The bill also prohibits an arbitrator from entertaining or accepting any offers of employment in another case from a party or lawyer for a party in the pending arbitration. *Passed the Senate, pending in the Assembly.*

Curbing the prescription drug epidemic – *SB 482 (Lara)* requires prescribers to check the state's CURES prescription drug database before prescribing narcotics to first-time patients in order to prevent patients from receiving narcotics from multiple providers. *Passed the Senate, pending in the Assembly.*

Extension of Statute of Limitations in Exide and Porter Ranch disaster - *AB 2748* ensures that any temporary or final settlement made in connection with the Aliso Canyon disaster and the Exide Technologies facility in the City of Vernon shall not release any claim that is unknown to the claimant at the time of the settlement, occurs subsequent to the settlement, or that is unrelated to the environmental disaster. The bill also extends the current statute of limitations for civil actions for injury or illness or wrongful death based upon exposure to a hazardous material or toxic substance for one additional year and provides prevailing plaintiff attorney's fees. *Passed the Assembly. Pending in the Senate.*

Protecting Underinsured Motorist coverage – We have retained a prominent lobbying firm to explore changes to eliminate the set-off and change the definition so motorists get the coverage they pay for.

Legislative Department

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Charter Bus Safety – SB 247 (Lara) improves the safety of charter buses by requiring a charter-party carrier of passengers to ensure each vehicle operated for that purpose is equipped with specified safety features. *Passed the Senate, pending in the Assembly.*

Civil Procedure – AB 2427 (Chau) CAOC's co-sponsored bill with the California Defense Counsel pursues procedural efficiency proposals, including allowing coroner's photographs to be released prior to litigation and requiring earlier disclosure of expert information. *Passed the Assembly, pending in the Senate.*

Veterans – AB 2879 (Stone) prohibits civilian employers from forcing their employees who are military veterans or members of the National Guard or Reserves into mandatory arbitration over job disputes when they are called to serve our nation. *Passed the Asm. Judiciary Committee, failed to meet Asm. passage deadline.*

Civil Rights – AB 2667 (Thurmond) ensures that waivers of civil rights under the Unruh Act, including the right to go to court, are entered into with the knowing consent of the consumer in writing. *Passed the Asm. Judiciary Committee, failed to meet Asm. passage deadline.*

MAJOR OPPOSE BILLS

Private Attorney General Act (PAGA) – AB 2461 (Grove), AB 2462 (Grove), AB 2463 (Grove), AB 2464 (Grove), AB 2465 (Grove), SB 1468 (Stone) seek to weaken worker protections under PAGA, along with a budget proposal by Gov. Brown that would severely restrict PAGA actions.

Public Contracts/Attorneys Fees – AB 2804 (Brown) would limit the ability of public entities to contract with contingency fee attorneys, which is often necessary for public entities to recover taxpayer dollars and enforce laws that protect their residents

Asbestos – AB 2315 (Olsen), based on the federal FACT Act, would delay resolution of asbestos claims, thereby delaying justice.

Prelitigation Procedures – SB 1256 (Anderson) would require injured people to write a letter to the wrongdoers setting forth injuries and damages prior to filing any legal action or pursuing legally-mandated alternative dispute resolution.

Construction Defects – AB 2784 (Frazier) is a placeholder bill sponsored by developers to limit construction defect litigation.

Loser Pays-California Legal Remedies Act – SB 1306 (Stone) would require a court to award court costs and attorney fees to the prevailing party in claims based on the Consumers Legal Remedy Act.

Employment–Meal Periods – *AB 1948 (Wagner)* would eliminate civil and criminal penalties for failure to provide meal or rest or recovery period breaks.

DEFEATED

Lemon Law–RVs – *AB 2526 (Achadjian)* would weaken the lemon law and give RV manufacturers an additional final repair attempt.

DEFEATED

Punitive Damages – *AB 1728 (Wagner)* is a placeholder bill sponsored by CUAC to negatively change the law on punitive damages.

DEFEATED