



Judicial Council of California

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November 17, 2023

Subject Text

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Title

Judicial Council-Sponsored Legislation: Modernization of Civil Statutes (Action Required)

Summary

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend that the Judicial Council sponsor legislation to amend section 1719 of the Civil Code and sections 594, 659, 660, and 663a of the Code of Civil Procedure. This legislative proposal is needed to modernize the statutes and would (1) authorize the courts to electronically serve a written demand for payment on the drawer of a bad check, (2) authorize electronic service of notices of intention to move for a new trial or vacate judgment, and (3) amend certain deadlines tied to dates of “mailing” to be tied instead to dates of “service.”

Recommendation

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend that the Judicial Council sponsor legislation to:

1. Amend Civil Code section 1719 to redesignate subdivision (g) as (g)(1) and add new subdivision (g)(2), which would allow a court to electronically serve a written demand for payment on the drawer of a bad check when the court is the payee of the check and the drawer of the check is already accepting electronic service in the matter to which the check pertains.
2. Amend Code of Civil Procedure section 594 to include electronic service as an option for service of a notice of a trial or hearing.
3. Amend subdivisions (a)(2) and (b) of Code of Civil Procedure section 659. The amendment to subdivision (a)(2) would strike “mailing” and replace it with “service” to ensure consistency with Code of Civil Procedure section 664.5, which section 659 references. The amendment to subdivision (b) would add language that the time to file a notice of intention to move for a new trial is not extended by electronic service, which is consistent with Code of Civil Procedure section 1010.6(a)(4)(A)(i).
4. Amend Code of Civil Procedure section 660 to strike “mailing” and replace it with “service” to ensure consistency with Code of Civil Procedure section 664.5, which section 660 references.
5. Amend subdivisions (a)(2), (b) and (c) of Code of Civil Procedure section 663a. The amendments to subdivisions (a)(2) and (b) would strike references to “mailing” and replace them with “service” to ensure consistency with Code of Civil Procedure section 664.5, which section 663a references. The amendment to subdivision (c) would add language that electronic service does not extend time for exercising a right or doing an act, consistent with Code of Civil Procedure section 1010.6(a)(4)(A)(ii).