

Hi, this is Chris Micheli, a principal in the Sacramento Governmental Relations Firm of Aprea & Micheli. Today's podcast is on AB 1531, which provides for new rules for the payment of court fees.

Governor Jerry Brown signed, on September 5th, 2018, Assembly Bill 1531 by Assemblyman Marc Berman. It was Chapter 248. This bill establishes specified rules regarding the payment of court fees when using an electronic filing service provider.

Essentially, the bill requires, if a duplicate payment is made to a court by a party or an electronic service provided by either credit card or other electronic means for things like court filing fees, then the court must issue any appropriate refund to the entity that made the most recent payment.

In addition, the new law allows an electronic filing service provider to notify the court clerk that fees remain unpaid, despite notice to the attorney of record, which would thereby allow the clerk to notify the attorney of record that he or she may be sanctioned by the court for nonpayment of those fees.

Now, in explaining the bill to the Legislature, the Assembly Floor Analysis said, "Electronic filing has created some complications that still need to be resolved, including what to do if duplicate fees are received by a court. This bill seeks to create a uniform statewide solution to this minor but not insignificant problem."

AB 1531 essentially adopts a last-in, first-out refund approach, which many courts around the state already utilize to address duplicate payment issues. In addition, AB 1531 is intended to make it easier for service providers to collect money owed to them that was not paid by attorneys of record who filed court documents through them by allowing the courts to sanction those attorneys of record.

Now, the bill adds Section 411.20.5 to the Code of Civil Procedure. In addition, it amends Government Code Section 6159(h)(2), and both of these provisions are effective January 1, 2019.

Thanks for joining.