



Update from Sacramento Nancy Peaverini

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Wrapping up the legislative session

THE 2023-2024 LEGISLATIVE SESSION ENDED ON AUGUST 31. HERE ARE THE MAJOR BILLS CAOC WORKED ON IN 2024

Sponsored bills sent to the governor

AB 1755 (Kalra): Improving California's Lemon Law and avoiding a fee initiative

AB 1755 was introduced to address urgent problems in the handling of lemon law cases, while ensuring California remains a national leader in consumer auto rights. This legislation is the result of negotiations between Consumer Attorneys of California and General Motors, and is supported by other vehicle manufacturers and the California Judges Association. It includes an agreement for a mutual moratorium between CAOC and the Civil Justice Association of California (CJAC) on filing an affirmative state or local ballot initiative against the interests of each organization's respective members through the 2026 election cycle. Specifically, AB 1755 addresses litigation procedures by (1) creating an email/mail structure with strict deadlines on the manufacturer to repurchase or replace a defective vehicle before a lawsuit for double civil penalties; (2) enacting streamlined litigation procedures to front-load discovery and avoid discovery disputes; (3) establishing a standardized statutory release with offsets detailed in statute; (4) allowing for an action for repurchase or replacement for a vehicle up to six years old, the longest statute in the nation with civil penalties.

AB 2773 (Kalra): Protecting seniors abused by nursing homes and assisted living facilities

AB 2773 will protect seniors abused in nursing homes and discourage facilities from intentionally destroying legal evidence in violation of the law. Normally, to show elder abuse, the victim must show "reckless neglect" by clear and convincing evidence. However, to deprive victims of exactly that evidence, some defendant nursing homes intentionally destroy that very evidence. AB 2773 will address this narrow issue by stating that when a judge has found that a nursing home has intentionally destroyed legal evidence, the victim's burden of proving the case is by a preponderance-of-evidence standard, and not the higher clear-and-convincing standard. AB 2773 gives seniors and their families a chance at justice after a nursing home or RCFE unscrupulously destroys evidence when elder abuse has occurred.

SB 278 (Dodd): Holding banks accountable for financial elder abuse

Financial scams against elders are on the rise in California, and too often banks

turn a blind eye while scammers rob older Californians of their life savings. Often called the "crime of the 21st century," financial scams against elders are an epidemic, with estimates of annual economic losses of \$3 billion. As mandated reporters, banks, credit unions, and other financial institutions are uniquely positioned to detect when a customer might be the victim of a scam or other financial abuse – and take action to protect elders from the devastating loss of their life savings. SB 278 will institute first-in-the-nation scam prevention policies within every California bank and credit union to stop scams before they occur and includes a private right of action to ensure accountability.

SB 1386 (Caballero): Protecting rape survivors and clarifying the civil rape shield law

SB 1386 would clarify that evidence of a victim's unrelated sexual assault or sexual history may not be brought in to impeach their testimony as to consent or damages. This clarifying change will protect survivors from being further victimized when seeking justice, consistent with the intent of California's long-standing civil rape shield laws. Co-sponsored by CAOC and Equal Rights Advocates.

AB 3061 (Haney): Data for testing and deployment of autonomous vehicles

CAOC co-sponsors AB 3061 with the Consumer Federation of California and the California Teamsters Public Affairs Council to enact a statutory minimum for data collection regarding the testing and deployment of autonomous vehicles in California. Driverless vehicles have made headlines for injuring pedestrians, shutting down and blocking intersections, causing gridlock and obstructing emergency vehicles. There is a public interest in the highest level of transparency as the state determines the level and extent of the deployment of autonomous vehicles. Thus, a statutory minimum is essential to ensure that the need is met with public transparency and safety.

Priority support

AB 1846 (Bauer-Kahn): Protects victims of sexual assault

AB 1846 protects victims of sexual assault by requiring that California court judges have victim-informed training. Currently, there is no mandated training for

judges about the best practices when interfacing with alleged victims of sexual assault. AB 1846 directs the Judicial Council to create training for judges on sexual assault, with an emphasis on appropriate treatment and trauma.

SB 949 (Blakespear): Lactation accommodation

SB 949 would require state superior courts to create a confidential process for allowing breaks in a court proceeding for a person to use a lactation room, starting July 1, 2026.

AB 2288 (Kalra): Allowing injunctive relief for workers with labor violations

AB 2288, co-sponsored by Consumer Attorneys of California and the California Labor Federation, was part of a two-part bill package with SB 92 (Umberg) to preserve the Private Attorneys General Act (PAGA) from the California Chamber of Commerce's ballot initiative. Among other negotiated changes, AB 2288 strengthened worker protection by allowing injunctive relief under PAGA.

Legislation defeated

AB X (Valencia): Reducing uninsured/underinsured motorist limits from \$1 million to \$50,000 for Uber/Lyft

Not introduced after CAOC opposition and action.

AB 2496 (Pellerin): Complete immunity for foster care agencies

AB 2049 (Pacheco): Motion for summary judgment timeline

AB 2743 (Pacheco): Insurance personal vehicle sharing (reduced insurance limits)

AB 2317 (Nguyen, Stephanie): Child day care facilities: Anaphylactic policy (immunity)

AB 2677 (Chen): Sureties: Liability

SB 1149 (Niello): Government Claims Act: Liability

AB 2635 (Irwin): Agrotourism immunity

AB 2811 (Lowenthal): Attorneys: Court filings: Artificial intelligence

AB 3205 (Essayli): Civil actions attorneys fees and costs

SB 1141 (Niello): Mediation: Amount in controversy

SB 1296 (Niello): Insurance secondary sources

