

LAW REVIEW

Published in the Sierra Sun
January 8, 2010

By: Jim Porter

NEW LAWS FOR 2010

Here are some new California laws for 2010 (is it twenty ten or two thousand ten?). These laws run the gambit from silly (“docking” of cattle is prohibited) to controversial (new handgun and ammunition restrictions). Here is a sampling.

Good Samaritans

No person who in good faith helps another in an emergency, whether the care provided is medical (e.g. CPR) or non-medical (e.g. pulling someone out of a crashed car (remember the Law Review column?)), shall be liable for any civil damages unless the person providing assistance is reckless or grossly negligent. The Legislature took my advice and enacted this bill.

Mechanic’s Liens

In a significant change in the construction area, mechanic’s lien claimants must now notify homeowners that a lien is being recorded against their property. The 20-day preliminary lien notice form has been changed. This law, like all of the laws in today’s column, is effective January 1, so be mindful. More on this later.

Paparazzi Law

I like this change to the Civil Code that attempts to extend the “invasion of privacy” laws to people and publishers who purchase, publish, and print images or recordings of individuals if they know that the images or recordings were obtained illegally. It sounds vague and therefore perhaps unenforceable, but a good effort.

Harvey Milk Day

Good news everyone, mark May 22 on your calendar, so you can celebrate Harvey Milk Day. That may prove controversial.

Homestead Exemptions

Assembly Bill 1046 increases homestead exemptions for homeowners across the board by \$25,000 each, so the exemption for a single person is now \$75,000, for a married couple it is \$100,000 and for the disabled and the elderly, it is \$175,000. That is the amount of equity in your home you can protect from creditors.

Veterans

Payments and benefits due to a disabled veteran may not be assigned (transferred), attached or seized illegally. Nothing wrong with that.

Dog Fighting

Municipalities may now confiscate property, profits, proceeds and instruments used in the illegal act of dog fighting, and the property will be sold to support efforts to care for abused animals. Under a separate bill, the penalty for

being a spectator at a dog fight has increased to imprisonment in a county jail not to exceed one year or a fine not to exceed \$5,000, or both.

Sports Betting Pools

This one is interesting. Felony and misdemeanor penalties that currently exist for friendly sports betting pools, such as March Madness brackets and Super Bowl pools—violations of the law—will be considered simple infractions with a fine not to exceed \$250. I guess it's still illegal even though everyone does it.

Lead Free Faucets

It is now illegal to sell faucets including fittings and replacement parts that contain more than one quarter of one percent of lead. The limit was eight percent. This sounds good and well, but when you go to buy a minor replacement part for your expensive faucet, think total replacement.

Box Cutters

A change to the Penal Code closes a loophole in current law, adding razor blades and box cutters to a list of prohibited weapons. I think this came about as a result of a recent controversial case where a student claimed his (closed-position) box cutter was for a school project. Didn't we use to call box cutters sheet rock knives?

Unlawful Detainer

Code changes now establish statewide criteria for determining when a tenant is guilty of unlawful detainer and may be evicted for selling controlled

substances on the premises or unlawfully possessing illegal weapons or ammunition. More about this one in another column.

Brass Plastic Knuckles

It is now a misdemeanor to manufacture, sell or even possess plastic knuckles. What ever happened to brass knuckles? It just isn't the same: "Hey dude, hand over the money or you get it with my plastic knuckles."

Tail Docking

As noted, the Penal Code now makes it a misdemeanor to cut the solid part of the tail of any horse or cattle unless you are a vet. The operation known as "docking" is supposedly sometimes done to keep animals clean.

Same-Sex Marriages

Family Code 308 specifies that same-sex marriages are recognized in California if: (a) they were entered into during the time when California offered gay marriage, or (b) the marriage must have taken place before November 5, 2008, when California passed Proposition 8, in a state that legally performs same-sex marriages. Gay marriages taking place after that date in a state the legally performs gay marriage will also be recognized in California—affording the parties the rights and responsibilities that come with a marriage—but the union will not legally be designated as a "marriage".

More next week.

Jim Porter is an attorney with Porter Simon, with offices in Truckee, South Lake Tahoe, Incline Village and Reno and a licensed California Real Estate Broker. He was the Governor's appointee to the Bipartisan McPherson Commission on political ethics and the California Fair Political Practices Commission. He may be reached at porter@portersimon.com or at the firm's web site www.portersimon.com .

© 2010