

*West's*  
ANNOTATED  
CALIFORNIA CODES



GOVERNMENT CODE  
Sections 40600 to 52999

West's  
ANNOTATED  
CALIFORNIA CODES



GOVERNMENT CODE  
Sections 40600 to 52999

*Official  
California Government Code  
Classification*

ST. PAUL, MINN.  
WEST PUBLISHING CO.

COPYRIGHT © 1983  
By  
WEST PUBLISHING CO.

## FOREWORD

---

Volume 36 contains a portion of the Government Code as amended and supplemented through the 1981-1982 Regular Session of the Legislature. This volume reflects the changes made by the Legislature during recent years relating to cities and local agencies.

These enactments, pertinent judicial construction and other annotative materials which have accumulated in recent years have been integrated with existing provisions to simplify and facilitate the use of the Code.

All standard practice features of West's Annotated California Codes are continued and expanded in this volume for maximum utility. These valuable research features include:

Case Notes—State and federal court constructions setting forth the facts and the law.

Cross References—State laws of related subject matter, qualification or limitation are noted and listed.

References to the Official Administrative Code.

Historical Notes—Showing the source and tracing the development of the law.

California Code Forms—Time saving references to these valuable code forms volumes.

Law Reviews—References to pertinent articles and commentaries.

Library References to:

Key Number Digests.

Corpus Juris Secundum.

Miscellaneous Digests, Books and Reports.

United States Code Annotated—References to federal laws of related or qualifying subject matter.

Code Commission Notes.

Law Revision Commission Comments.

Opinions of the Attorney General.

An index, comprehensive and detailed, covering the complete text of the Government Code appears in the last volume of the Code.

The Publisher expresses its sincere appreciation to the State Officials, to the members of the Judiciary, to the Law Schools, and to the

## FOREWORD

practicing Attorneys whose timely suggestions, supplementing the varied experience of the Publisher, have contributed materially to the successful planning and development of WEST'S ANNOTATED CALIFORNIA CODES.

THE PUBLISHER

April 1983

## CALIFORNIA CODES

---

The present system of Codes in California was anticipated by the enactment in 1872 of the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code. The first three of these Codes are still in existence, but the subject matter of the Political Code is now largely covered by the Government Code.

The intensive codification program which produced the current set of Codes was launched in 1929 with the enactment of Stats.1929, c. 750, and was completed in 1953 with the enactment of the Unemployment Insurance Code. The set then consisted of twenty-five Codes including the three enacted in 1872. The total was increased to twenty-seven with the adoption of the Commercial Code in 1963, and of the Evidence Code in 1965. In 1981, the twenty-eighth code was added when the Public Contract Code was enacted.

Stats.1929, c. 750, which launched the codification program, created the California Code Commission, and charged it with the duty of revising all laws of the state. The work of revision was to comprehend the preparation of a statutory record showing the status and disposition of acts theretofore adopted, the codification, consolidation, compilation or revision of all statutes in force; and the express repeal of all statutes theretofore repealed by implication, held unconstitutional, or rendered obsolete by the revision. The final report of the Code Commission was submitted September 1, 1953.

An essential preliminary part of the Code Commission's work was the preparation of a statutory record showing origin, amendments, and repeals of state laws enacted since 1850. The first volume of Statutory Record was published in 1933. Thereafter a supplementary volume was published for the period 1933-1948, another for the period 1949-1958, and another for the period 1959-1968. The Record is supplemented and brought to date in each volume of the session laws.

The California Law Revision Commission was created in 1953 (Government Code § 10300) and charged with the duty of recommending changes deemed necessary to eliminate defects and anachronisms, to modify or eliminate antiquated and inequitable rules of law, and to bring the law into harmony with modern conditions (Government Code § 10330). The recommendations of the Commission have resulted in the enactment of numerous revisions of, as well as additions to, the law.

Publication of West's California Codes was announced in 1954. This is a completely annotated edition which is supplemented by means of pocket parts and pamphlets.

## CALIFORNIA CODES

The official Codes incorporate all the general and permanent legislative law of California. West's Annotated Codes contain additionally the text of—

### Initiative Measures—

Chiropractic Act (Business and Professions Code § 1000-1 et seq.)

Daylight Savings Time Law (Government Code § 6807-1 et seq.)

Gift and Inheritance Taxes (Revenue and Taxation Code)

Income Tax Indexing (Revenue and Taxation Code)

Osteopathic Law (Business and Professions Code § 3600-1 et seq.)

Political Reform Act of 1974 (Government Code § 81000 et seq.)

Tax limitation—Proposition 13, Jarvis-Gann (Constitution Article 13A)

Usury Law (Civil Code § 1916-1 et seq.)

Victims' Bill of Rights, 1982 (Constitution, Penal and Welfare and Institutions Codes)

### Uncodified laws of general interest—

See, for example, the Appendixes to the Public Utilities Code and the Harbors and Navigation Code

### Water district laws—

See the Appendix to the Water Code

General and permanent laws are enacted currently in California as additions to or amendments of the Codes. The code section numbers, as well as Title, Division, Part, Chapter, and Article headings, where appropriate, are included in the laws as enacted. However, section headings for West's Codes are prepared by the West editorial staff, except for certain headings which are supplied by the Office of Legislative Counsel.

Subsequent to their original enactment several of the Codes have been repealed in their entirety and reenacted. These are—

Code	Originally enacted	Reenacted
Agricultural <sup>1</sup>	1933	1967
Education	1943	1976
Elections	1939	1961
Fish and Game	1933	1957
Vehicle	1935	1959

Research has been complicated in California by the enactment and reenactment of new Codes, Divisions, Parts, and Chapters in which subject matter is revised, transferred or repealed, and the same section numbers are used over again to identify different text. The problem thus created is solved in West's California Codes by the inclusion of Conversion Tables, italicized notes, and historical notes containing explanatory matter and derivation credits, all of which combine to trace the law from its origin to the present, and from the present law to its

<sup>1</sup> Renamed the "Food and Agricultural Code" in 1972.

## CALIFORNIA CODES

source. Depending on their size and scope, the Tables are inserted at the beginning of volumes or at the head of chapters.

The means for finding a particular Code section are provided by—

General Index

Code Index

Analyses

Code

Title

Division

Part

Chapter

Cross References

The user of the General Index should examine both main volume and pocket part, and, having found his reference, should look for his section in both pocket part and main volume of the Code cited.

The pocket parts for West's California Codes supplement both the text and the annotative materials in the main volumes. Annotated pamphlets, normally issued twice a year, supplement only annotative features. Legislative service pamphlets, issued during legislative sessions as often as is necessary to provide prompt service, supplement the text of the Codes. Cumulative Tables and an Index in each legislative service pamphlet enable the user to find amendments of existing sections and to identify and locate newly enacted laws.

The development of the California Codes reflects the progressive posture of the California Legislators and of other energetic and enlightened individuals with an interest in the future of the state. The rapid increase in population caused in large part by migratory movement has created ecological, economic, and social problems which have been difficult to solve. The legislative solutions, to the extent that control and regulation can be effective, are found in the pages of the California Codes.

\*



*West's*  
**ANNOTATED**  
**CALIFORNIA CODES**

---

AGRICULTURAL  
(now FOOD AND AGRICULTURAL)  
BUSINESS AND PROFESSIONS  
CIVIL  
CIVIL PROCEDURE  
COMMERCIAL  
CORPORATIONS  
EDUCATION  
ELECTIONS  
EVIDENCE  
FINANCIAL  
FISH AND GAME  
FOOD AND AGRICULTURAL  
GOVERNMENT  
HARBORS AND NAVIGATION  
HEALTH AND SAFETY  
INSURANCE  
LABOR  
MILITARY AND VETERANS  
PENAL  
PROBATE  
PUBLIC CONTRACT  
PUBLIC RESOURCES  
PUBLIC UTILITIES  
REVENUE AND TAXATION  
STREETS AND HIGHWAYS  
UNEMPLOYMENT INSURANCE  
VEHICLE  
WATER  
WELFARE AND INSTITUTIONS

\*

# ABBREVIATIONS OF REPORTS, CODES, ETC.

---

A.B.A.J.	American Bar Association Journal
Agric.C.	Agricultural Code <sup>1</sup>
A.J.	Assembly Journal
A.L.R.	American Law Reports Annotated
A.L.R.2d	American Law Reports Annotated, Second Series
A.L.R.3d	American Law Reports Annotated, Third Series
A.L.R.4th	American Law Reports Annotated, Fourth Series
Am.Dec.	American Decisions
Am.L.Rev.	American Law Review
Am.L.T.	American Law Times United States Courts
Am.R.	American Reports
Am.St.R.	American State Reports
Ann.Cas.	American and English Annotated Cases
App.	California District Courts of Appeal
Bank.C.	Banking Code
B.R.	Bankruptcy Reporter
Bus. & Prof.C.	Business and Professions Code
C.	California Reports
C.2d	California Reports, Second Series
C.3d	California Reports, Third Series
C.A.	United States Court of Appeals
C.A.	California Appellate Reports
C.A.2d	California Appellate Reports, Second Series
C.A.3d	California Appellate Reports, Third Series
Cal.	California Supreme Court
Cal.Adm.Code	California Administrative Code
Cal.Comp.Cases	California Compensation Cases
Cal.P.U.C.	Decisions of the California Public Utilities Commission
Cal.Rptr.	California Reporter
C.A.Supp.	California Appellate Reports Supplement
C.A.2d Supp.	California Appellate Reports, Second Series Supplement
C.A.3d Supp.	California Appellate Reports, Third Series Supplement
C.C.	United States Circuit Court
C.C.A.	United States Circuit Court of Appeals
C.C.P.	Code of Civil Procedure

---

<sup>1</sup> Renamed the "Food and Agricultural Code" in 1972.

## ABBREVIATIONS

Civ.C.	Civil Code
C.J.S.	Corpus Juris Secundum
C.Leg.Rec.	California Legal Record
C.L.J.	California Law Journal
C.L.J. & Lit.Rev.	California Law Journal and Literary Review
C.L.R.	California Law Review
Code Am.	Code Amendments
Cof.	Coffey's Probate Decisions
Com.C.	Commercial Code
Const.	Constitution
Corp.C.	Corporations Code
C.R.C.	Decisions of California Railroad Commission
C.U.	California Unreported Cases
C.W.L.R.	California Western Law Review
D.C.	United States District Court
Deady	Deady's United States Circuit Court Reports
Dist.	California District Court
Educ.C.	Education Code
Elec.C.	Elections Code
Evid.C.	Evidence Code
F.	Federal Reporter
F.2d	Federal Reporter, Second Series
Fed.Cas.No.	Federal Cases
F.R.D.	Federal Rules Decisions
F.Supp.	Federal Supplement
Fin.C.	Financial Code
Fish & G.C.	Fish and Game Code
Food & Agric.C.	Food and Agricultural Code
Golden Gate L.Rev.	Golden Gate University Law Review
Gov.C.	Government Code
Harb. & Nav.C.	Harbors and Navigation Code
Hast.L.J.	Hastings Law Journal
Health & S.C.	Health and Safety Code
Hoff.Dec.	Hoffman's Decisions
Hoff.L.Cas.	Hoffman's Land Cases
Hoff.Op.	Hoffman's Opinions
How.	Howard's Reports, U.S.
I.A.C.	Industrial Accident Commission Decisions
Ins.C.	Insurance Code
Int.Rev.Rec.	Internal Revenue Record
Lab.	Labatt's District Court Reports
Labor C.	Labor Code
L.Ed.	United States Supreme Court Reports, Lawyers' Edition
L.Ed.2d	United States Supreme Court Reports, Lawyers' Edition, Second Series
Los Angeles Bar J.	Los Angeles Bar Journal

## ABBREVIATIONS

Los Angeles Lawyer .....	Los Angeles Lawyer
Loyola L.Rev. ....	Loyola University of Los Angeles
L.R.A. ....	Lawyers' Reports Annotated
McAll. ....	McAllister's United States Circuit Court Reports
Mil. & Vet.C. ....	Military and Veterans Code
Morr.Min.Rep. ....	Morrison's Mining Reports
Municipal Court Rule .....	Rules for the Municipal Courts
Myr. ....	Myrick's Probate Reports
Ops.Atty.Gen. ....	Opinions Attorney General California
Op.Leg.Counsel .....	Opinions of Legislative Counsel
P. ....	Pacific Reporter
P.2d .....	Pacific Reporter, Second Series
Pacific L.J. ....	Pacific Law Journal
P.C.L.J. ....	Pacific Coast Law Journal
Pen.C. ....	Penal Code
Pepperdine L.Rev. ....	Pepperdine Law Review
P.L.M. ....	Pacific Law Magazine
P.L.R. ....	Pacific Law Reporter
Pol.C. ....	Political Code
Prob.C. ....	Probate Code
Pub.Con.C. ....	Public Contract Code
Pub.Res.C. ....	Public Resources Code
Pub.Util.C. ....	Public Utilities Code
Rag. ....	Ragland California Superior Court Decisions
Rev. & T.C. ....	Revenue and Taxation Code
San Diego L.Rev. ....	San Diego Law Review
Santa Clara L. ....	Santa Clara Lawyer
S.Bar J. ....	Journal of the State Bar of California (California State Bar Journal)
SC-DCA Rule .....	Rules on Appeal to California Supreme Court and District Courts of Appeal
School C. ....	School Code
S.Ct. ....	Supreme Court Reporter
So.Cal.L.R. ....	Southern California Law Review
Southwestern U.L.Rev. ....	Southwestern University Law Review
Stan.L.R. ....	Stanford Law Review
Stats. ....	Statutes
Str. & H.C. ....	Streets and Highways Code
Super. ....	California Superior Court
Superior—App.Dept. Rule .....	Superior Court—Appellate Department Rules
Superior Court Rule .....	Rules for California Superior Courts
Superior—Mun. and Inf. Crim.App.Rule .....	Superior Court—Rules on Appeal from Municipal Courts and Inferior Courts in Criminal Cases

## ABBREVIATIONS

Superior—Mun.Civ.App.

Rule ..... Superior Court—Rules on Appeal from Municipal  
Courts in Civil Cases

U.C.C. .... Uniform Commercial Code

U.C.D.Law Rev. .... University of California, Davis Law Review

U.C.L.A.Law Rev. .... University of California at Los Angeles Law Re-  
view

U.L.A. .... Uniform Laws Annotated

Un.Ins.C. .... Unemployment Insurance Code

U.S. .... United States Reports

U.S.C.A. .... United States Code Annotated

U.S.C.A.Const. .... United States Constitution

U.S.C.A.Const.Amend. .... United States Constitution Amendment

U.S.Dept.Int. .... United States Department of Interior

U.S.F.L.Rev. .... University of San Francisco Law Review

U.West L.A.L.Rev. .... University of West Los Angeles Law Review

Veh.C. .... Vehicle Code

Water C. .... Water Code

Water C.App. .... Water Code Appendix

Welf. & Inst.C. .... Welfare and Institutions Code

West St.L.R. .... Western State Law Review

## EFFECTIVE DATES OF LAWS

---

Constitution Article 4, Section 8, adopted November 8, 1966, and amended November 7, 1972, provides, in subdivision (c), that:

“(1) Except as provided in paragraph (2) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

“(2) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.”

It is further provided in Article 4, Section 24, adopted November 8, 1966, and amended Nov. 3, 1970, that an initiative or referendum measure “approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise”.

Prior to the 1972 amendment, Article 4, Section 8 of the Constitution provided that “No statute may go into effect until the 61st day after adjournment of the regular session at which the bill was passed, or until the 91st day after adjournment of the special session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes.”

Under former Section 1 of Article 4 of the Constitution no act became effective until “90 days after final adjournment of the session of the Legislature which passed such act” except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures. The former section also provided that initiative and referendum measures approved by a majority of the votes cast thereon, at any election, took effect five days after the date of the official declaration of the vote by the Secretary of State. The former section was repealed November 8, 1966.

Under Constitution Article 4, Section 1A, adopted June 27, 1933, and repealed Nov. 8, 1949, all acts passed at the 50th Regular Session on or before July 16, 1933, became effective 90 days after May 22, 1933, except emergency and referendum measures.

## EFFECTIVE DATES OF LAWS

The following Table shows the date of adjournment or recess dates and the effective date of non-emergency acts covering legislative sessions since 1933.

<u>Year</u>	<u>Session</u>	<u>Adjournment or Recess Date</u>	<u>Effective Date</u>
1933	Regular	July 26, 1933	August 21, 1933
1934	Extra	Sept. 15, 1934	Dec. 15, 1934
1935	Regular	June 16, 1935	Sept. 15, 1935
1936	Extra	May 26, 1936	Aug. 25, 1936
1937	Regular	May 28, 1937	Aug. 27, 1937
1938	Extra	March 12, 1938	June 11, 1938
1939	Regular	June 20, 1939	Sept. 19, 1939
1940	1st Extra	Dec. 5, 1940	March 6, 1941
1940	2nd Extra	May 24, 1940	Emergency only
1940	3rd Extra	Sept. 13, 1940	Emergency only
1940	4th Extra	Dec. 5, 1940	March 6, 1941
1940	5th Extra	Dec. 5, 1940	Emergency only
1941	Regular	June 14, 1941	Sept. 13, 1941
1941	1st Extra	Jan. 22, 1942	Emergency only
1942	2nd Extra	Jan. 18, 1942	Emergency only
1943	Regular	May 5, 1943	Aug. 4, 1943
1943	1st Extra	Jan. 30, 1943	May 1, 1943
1943	2nd Extra	March 25, 1943	June 24, 1943
1944	3rd Extra	Jan. 31, 1944	May 1, 1944
1944	4th Extra	June 13, 1944	Sept. 12, 1944
1945	Regular	June 16, 1945	Sept. 15, 1945
1946	1st Extra	Feb. 19, 1946	May 21, 1946
1946	2nd Extra	July 25, 1946	Oct. 24, 1946
1947	Regular	June 20, 1947	Sept. 19, 1947
1947	1st Extra	June 24, 1947	Sept. 23, 1947
1948	Regular	March 27, 1948	June 26, 1948
1949	Regular	July 2, 1949	Oct. 1, 1949
1949	1st Extra	Dec. 21, 1949	March 22, 1950
1950	Regular	April 4, 1950	July 4, 1950
1950	1st Extra	April 15, 1950	July 15, 1950
1950	2nd Extra	March 6, 1950	June 5, 1950
1950	3rd Extra	Sept. 26, 1950	Dec. 26, 1950
1951	Regular	June 23, 1951	Sept. 22, 1951
1952	Regular	April 1, 1952	July 1, 1952
1952	1st Extra	April 2, 1952	July 2, 1952
1952	2nd Extra	Aug. 13, 1952	Nov. 12, 1952
1953	Regular	June 10, 1953	Sept. 9, 1953
1954	Regular	March 30, 1954	June 29, 1954
1954	1st Extra	April 1, 1954	July 1, 1954
1955	Regular	June 8, 1955	Sept. 7, 1955
1956	Regular	April 3, 1956	July 3, 1956
1956	1st Extra	April 5, 1956	July 5, 1956
1957	Regular	June 12, 1957	Sept. 11, 1957
1958	Regular	March 30, 1958	June 29, 1958
1958	1st Extra	April 23, 1958	July 23, 1958

## EFFECTIVE DATES OF LAWS

<u>Year</u>	<u>Session</u>	<u>Adjournment or Recess Date</u>	<u>Effective Date</u>
1958	2nd Extra	April 24, 1958	July 24, 1958
1959	Regular	June 19, 1959	Sept. 18, 1959
1960	Regular	March 26, 1960	June 25, 1960
1960	1st Extra	April 7, 1960	July 7, 1960
1960	2nd Extra	March 10, 1960	None
1961	Regular	June 16, 1961	Sept. 15, 1961
1962	Regular	April 3, 1962	July 3, 1962
1962	1st Extra	April 13, 1962	July 13, 1962
1962	2nd Extra	April 13, 1962	July 13, 1962
1962	3rd Extra	June 28, 1962	Sept. 27, 1962
1963	Regular	June 21, 1963	Sept. 20, 1963
1963	1st Extra	Aug. 1, 1963	Oct. 31, 1963
1964	Regular	March 26, 1964	June 25, 1964
1964	1st Extra	May 23, 1964	Aug. 22, 1964
1964	2nd Extra	May 23, 1964	Aug. 22, 1964
1965	Regular	June 18, 1965	Sept. 17, 1965
1965	1st Extra	July 6, 1965	Oct. 5, 1965
1965	2nd Extra	Nov. 4, 1965	Feb. 3, 1966
1966	Regular	April 4, 1966	July 4, 1966
1966	1st Extra	July 7, 1966	Oct. 6, 1966
1966	2nd Extra	July 8, 1966	Oct. 7, 1966
1967	Regular	Sept. 8, 1967	Nov. 8, 1967
1967	1st Extra	Sept. 7, 1967	Dec. 7, 1967
1967	2nd Extra	Dec. 8, 1967	March 8, 1968
1968	Regular	Sept. 13, 1968	Nov. 13, 1968
1968	1st Extra	Sept. 20, 1968	Dec. 20, 1968
1969	Regular	Sept. 10, 1969	Nov. 10, 1969
1970	Regular	Sept. 23, 1970	Nov. 23, 1970
1971	Regular	Jan. 3, 1972	March 4, 1972
1972	Regular	Jan. 5, 1973	March 7, 1973
1973	Regular	Dec. 7, 1973	Jan. 1, 1974
1973	1st Extra	Dec. 4, 1973	*
1974	Regular	Nov. 30, 1974	Jan. 1, 1975
1974	2nd Extra	Oct. 2, 1974	Jan. 1, 1975
1975	Regular	Sept. 12, 1975	Jan. 1, 1976
1975	1st Extra	June 27, 1975	Sept. 26, 1975
1975	2nd Extra	Sept. 12, 1975	Dec. 12, 1975
1975	3rd Extra	May 29, 1975	Aug. 28, 1975
1976	Regular	Nov. 30, 1976	Jan. 1, 1977
1977	Regular	Sept. 15, 1977	Jan. 1, 1978
1978	Regular	Sept. 1, 1978	Jan. 1, 1979
1978	1st Extra	April 24, 1978	April 20, 1978†
1979	Regular	Sept. 14, 1979	Jan. 1, 1980
1980	Regular	Aug. 31, 1980	Jan. 1, 1981
1981	Regular	Sept. 15, 1981	Jan. 1, 1982
1981	1st Extra	Feb. 25, 1982	May 27, 1982
1982	Regular	Sept. 1, 1982	Jan. 1, 1983

\* No legislation was enacted which affected any code or law.

† Urgency only.



# CITE THIS BOOK

Thus:

West's Ann.Cal.Gov.Code § \_\_\_\_\_