

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2796

Introduced by Assembly Member ~~Furutani~~ Nava

February 22, 2008

~~An act to amend Section 3206 of the Elections Code, relating to voting.~~ *An act to amend Section 1714.5 of the Civil Code, and to add Section 8659.5 to the Government Code, relating to civil obligations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2796, as amended, ~~Furutani Nava. Elections: vote by mail.~~ *Civil obligations.*

Existing law generally provides that every person is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except as specified.

Existing law exempts certain persons and agencies from liability during a state of emergency under specified circumstances. Existing law exempts from liability the state and any city, county, city and county, or other political subdivision of the state, or a person that owns or maintains a building or premises that have been designated as a defense shelter in certain emergency situations.

This bill would additionally exempt from liability a nonprofit, religious, or private business entity that owns or maintains a building or premises that have been designated as a defense shelter in certain emergency situations.

This bill would also exempt a private business entity or nonprofit or religious organization that is duly enrolled or registered with the Office of Emergency Services or a responsible county or city emergency

management entity that voluntarily and without the expectation of, or receipt of, compensation provides services or other specified resources during any state of emergency or formal exercise or training at the express request of the Office of Emergency Services or that responsible county or city emergency management entity from liability for any injury sustained by any person by reason of those services or resources, except for damage or injury proximately caused by a grossly negligent act or omission or willful or wanton misconduct by that entity or organization.

~~Under existing law, a voter whose name appears on the vote by mail voter list is mailed a vote by mail ballot for each election conducted within his or her precinct in which he or she is eligible to vote.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714.5 of the Civil Code is amended to
2 read:
3 1714.5. There shall be no liability on the part of ~~one, including~~
4 the State of California, any county, city and county, city, or any
5 other political subdivision of the State of California, ~~who or a~~
6 ~~person, or a nonprofit, religious, or private business entity that~~
7 owns or maintains any building or premises ~~which~~ *that* have been
8 designated as a shelter from destructive operations or attacks by
9 enemies of the United States by any disaster council or any public
10 office, body, or officer of this state or of the United States, or ~~which~~
11 ~~that~~ *that* have been designated or are used as mass care centers, first
12 aid stations, temporary hospital annexes, *mass dispensing sites*, or
13 as other necessary facilities for mitigating the effects of a natural,
14 manmade, or war-caused emergency, for any injuries arising out
15 of the use thereof for ~~such~~ *those* purposes sustained by any person
16 while in or upon ~~said~~ *the* building or premises as a result of the
17 condition of ~~said~~ *the* building or premises, or as a result of any act
18 or omission, or in any way arising from the designation of ~~such~~
19 ~~the~~ *the* premises as a shelter, or the designation or use thereof as a
20 mass care center, first aid station, temporary hospital annex, or
21 other necessary facility for *those* emergency purposes, except a
22 willful act, of ~~such~~ *the* owner or occupant or his *or her* servants,
23 agents, or employees when ~~such~~ *the* person has entered or gone

1 upon or into—~~said~~ *the* building or premises for the purpose of
 2 seeking refuge, treatment, care, or assistance therein during
 3 destructive operations or attacks by enemies of the United States
 4 ~~or~~, during tests *or formal exercises or training* ordered by lawful
 5 authority, or during a natural or manmade emergency.

6 No disaster service worker who is performing disaster services
 7 ordered by lawful authority during a state of war emergency, a
 8 state of emergency, or a local emergency, as—~~such~~ *those*
 9 emergencies are defined in Section 8558 of the Government Code,
 10 shall be liable for civil damages on account of personal injury to
 11 or death of any person or damage to property resulting from any
 12 act or omission in the line of duty, except one that is willful.

13 *SEC. 2. Section 8659.5 is added to the Government Code, to*
 14 *read:*

15 *8659.5. (a) Any private business entity or nonprofit or religious*
 16 *organization that is duly enrolled or registered with the Office of*
 17 *Emergency Services, or any responsible county or city emergency*
 18 *management entity or federally recognized Indian tribe of this*
 19 *state that voluntarily and without the expectation of, or receipt of,*
 20 *compensation provides services, goods, facilities, equipment,*
 21 *materials, labor, or any other resources or assistance during any*
 22 *state of war emergency, state of emergency, a local emergency,*
 23 *or during a formal exercise or training of the Office of Emergency*
 24 *Services, or a responsible county or city emergency management*
 25 *entity at the request and direction of the Office of Emergency*
 26 *Services, or a responsible county or city emergency management*
 27 *entity shall have no liability for any injury sustained by any person*
 28 *by reason of those services, goods, facilities, or resources provided,*
 29 *except for damages or injury proximately caused by a grossly*
 30 *negligent act or omission or willful or wanton misconduct of that*
 31 *entity or organization.*

32 *(b) The provisions of this section shall not apply to any*
 33 *charitable corporation or unincorporated association organized*
 34 *and operated primarily as a hospital, or a health care service plan*
 35 *licensed pursuant to Section 1349 of the Health and Safety Code.*

36 ~~SECTION 1. Section 3206 of the Elections Code is amended~~
 37 ~~to read:~~

38 ~~3206. A voter whose name appears on the permanent vote by~~
 39 ~~mail voter list shall remain on the list and be mailed a vote by mail~~
 40 ~~ballot for each election conducted within his or her precinct in~~

1 ~~which that voter is eligible to vote. If the voter fails to return an~~
2 ~~executed vote by mail ballot in two consecutive statewide general~~
3 ~~elections in accordance with Section 3017, the voter's name shall~~
4 ~~be deleted from the list.~~

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