

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1828 (Chen) – As Introduced February 11, 2026

PROPOSED CONSENT (As Proposed to be Amended)

SUBJECT: COUNTY RECORDER: COUNTY CLERKS: BONDS

KEY ISSUE: SHOULD SPECIFIED PROFESSIONAL LIABILITY BONDS BE FILED WITH COUNTY CLERKS, INSTEAD OF BEING RECORDED BY COUNTY RECORDERS, IN ORDER TO STREAMLINE THE EXISTING LAW'S PROFESSIONAL BONDING REQUIREMENTS FOR SEVERAL SPECIFIED PROFESSIONS?

SYNOPSIS

In order to protect California consumers from incompetent or unscrupulous licensed professionals, several provisions of California law require various professionals to file a liability bond with the county clerk alongside their professional registration. Because existing law requires these bonds to then be officially recorded, the bonds must be transmitted from a county clerk to the county recorder who then officially records the document and sends proof of recordation to the professional registrant. The proponents of this bill note that the recording of the bond has no legal effect on its validity and thus poses an unnecessary step in the process of registering a licensed professional.

Seeking to streamline the process described above, this bill would authorize a bond to be filed with the county clerk who must then retain the filing for a minimum of six years. By simply permitting the bond to be filed and not recorded, this bill would eliminate unnecessary government bureaucracy while still ensuring that a government entity had proof of the bond existence and its location should an aggrieved consumer need to file a claim against the bond. Recognizing that proof of the bond's filing is a prerequisite to professional licensure, proposed amendments adopt a process whereby the county clerk can transmit proof of the filed bond back to the original registrant.

This bill is sponsored by the California Association of Clerks and Election Officials who highlight the inefficient nature of the current bonding processes. They argue this bill will make complying with the law easier for both licensed professionals and government agencies. The bill has no registered opposition.

SUMMARY: Revises and recasts the provisions of law related to the recording of a professional liability bond to remove formal recordation requirements with a county recorder and replace that requirement with provisions mandating a county clerk to retain evidence of the filing of the bond. Specifically, **this bill:**

- 1) Requires a legal document assistant or unlawful detainer assistant to file a bond with the county clerk who must then retain the bond for a minimum of six years.
- 2) Requires a professional surety to file a bond with the county clerk who must then retain the bond for a minimum of six years.

- 3) Requires a notary public to file a bond with the county clerk who must then retain the bond for a minimum of six years.
- 4) Requires a county clerk, upon receipt of a bond filed in accordance with 1) through 3) to transmit to the registrant one certified copy of the bond on file, which is to serve as official proof of compliance with the bonding requirements of existing law.

EXISTING LAW:

- 1) Requires an application for a certificate of registration for an individual legal document assistant to be accompanied by a bond for \$25,000 and for corporations of multiple legal document assistants to file a bond ranging between \$25,000 and \$100,000, depending on the size of the firm, which is to be submitted to a county clerk. (Business and Professions Code Section 6405 (a).)
- 2) Requires the county clerk, upon receipt of the bond filed pursuant to 1), to then deliver the bond to the county recorder for recording. (Business and Professions Code Section 6405 (b).)
- 3) Requires a county recorder, upon obtaining a bond in accordance with 2), to record the bond and any notice of cancellation, revocation, or withdrawal of the bond, and thereafter mail the instrument, unless specified to the contrary, to the person named in the instrument and, if no person is named, to the party leaving it for recording. (Business and Professions Code Section 6405 (d).)
- 4) Requires a certificate of registration for an individual admitted surety to be filed with a county clerk and accompanied by a bond of \$2,000. (Business and Professions Code Section 22535 (a).)
- 5) Requires the county clerk, upon receipt of the bond filed pursuant to 4), to then deliver the bond to the county recorder for recording. (Business and Professions Code Section 22353(b).)
- 6) Requires a county recorder, upon obtaining a bond in accordance with 5), to record the bond and any notice of cancellation, revocation, or withdrawal of the bond, and thereafter mail the instrument, unless specified to the contrary, to the person named in the instrument and, if no person is named, to the party leaving it for recording. (Business and Professions Code Section 22353 (d).)
- 7) Requires a certificate of registration for a corporate surety to be filed with a county clerk and accompanied by a bond of \$5,000. (Business and Professions Code Section 22455 (a).)
- 8) Requires the county clerk, upon receipt of the bond filed pursuant to 7), to then deliver the bond to the county recorder for recording. (Business and Professions Code Section 22455 (a)(1).)
- 9) Requires a county recorder, upon obtaining a bond in accordance with 8), to record the bond and any notice of cancellation, revocation, or withdrawal of the bond, and thereafter mail the instrument, unless specified to the contrary, to the person named in the instrument and, if no person is named, to the party leaving it for recording. (Business and Professions Code Section 22353 (a)(3).)

- 10) Requires, no later than 30 days after the beginning of the term prescribed in the commission to become a notary, every person appointed a notary public to file an official bond and an oath of office in the office of the county clerk of the county within which the person maintains a principal place of business as shown in the application submitted to the Secretary of State. (Government Code Section 8213 (a).)
- 11) Requires a county clerk to transmit any bond received in accordance with 10) to the county recorder for recordation. (*Ibid.*)
- 12) Authorizes a county board of supervisors to increase or decrease a fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. (Government Code Section 54985.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: In order to protect the public from unscrupulous actors, several professions are required to file a bond with local authorities before commencing any work. Under existing law, these bonds are filed with a county clerk alongside the professional's oath of office. Because state law requires that the bonds be recorded, county clerks must then forward the bond to a county recorder for recordation. The author and proponents of this bill note that recording the bond is not legally required for the bond to be a valid instrument upon which an aggrieved party may seek compensation. Accordingly, they contend the existing process is unnecessarily cumbersome. Accordingly, this bill deletes the recordation requirement for some bonds and simply permits a county clerk to file the bond alongside the professional's oath. In support of this bill the author states:

AB 1828 will make the process of filing personal bonds, notary oaths, and/or professional registration more seamless by combining the requirements of recording an individual's bond and the oath/registration under the County Clerk. This bill shifts responsibility for filing personal bonds, notary oaths, and/or professional registration from county recorders to county clerks and eliminates the fixed recording fee in favor of locally cost-based fees.

The bill would also require the county clerk to retain the bond for a minimum of 6 years from the filing date.

While liability bonds are an important tool for public protection, the existing bond recording process is needlessly cumbersome. In order to protect the public from the negligence or purposeful malfeasance of licensed professional service providers, numerous statutes impose liability insurance or bonding requirements on professionals working in California. For three types of professionals – legal document assistants, registered surety providers, and notaries public – the bond must be filed with the county clerk alongside the professional's oath of office. Because the existing law requires the bonds to be officially recorded, a county clerk's office must file the oath while transmitting the bond to the county recorder who must then record the bond. The county recorder then transmits the evidence of the recorded bond to the licensed professional as proof of compliance with the law's bonding requirements.

The author and sponsor of this bill, the California Association of Clerks and Election Officials, argue that the existing law is cumbersome, inefficient, and redundant. The proponents of the bill note that beyond the existing statutory requirement that a professional's liability bond be

recorded, there is no practical reason for recording the bond. Because the bond is issued by a third-party insurer, the recordation of the bond has no bearing on a party's ability to draw against the bond should a professional commit malpractice. While recording the bond is a means of highlighting its existence to potentially impacted consumers, there is no legal reason the bond cannot be logged elsewhere in public records.

This bill would eliminate the need to record bonds. Recognizing that professional liability bonds do not need to be legally recorded to be valid, this bill seeks to reduce needless governmental recordkeeping by keeping all proof of a professional's legal status within a county clerk's office. To that end, this bill would delete the existing law's requirement that specified professional liability bonds be recorded and instead simply have a county clerk file the bond alongside the professional's oath of office and other documentation indicating that a person may work in California. The measure also aims to clarify and standardize filing fees. Finally, as proposed to be amended, the bill revises and recasts provisions of law ensuring that proof of a lawfully filed bond is transmitted from a county clerk to the professional filing the bond. It should be noted that nothing in this bill lowers the bonding requirements for various professionals, and thus this bill should not have an impact on an aggrieved client's ability to make a claim on a bond.

Proposed amendments provide a process for a bonded professional to obtain proof of compliance with the law. Under existing law, once a county recorder recorded a professional liability bond, the recorder is generally required to transmit evidence of the recorded bond back to the professional to help document their compliance with the law. The bill in print, consistent with deleting references to the county recorder formally recording bonds, also deleted these requirements. However, the proponents now note that deleting these provisions eliminated the ability for a licensed and bonded professional to obtain evidence of their compliance with the law's bonding requirements. To ensure that professionals obtain valid proof of compliance with the law, the author proposes adopting amendments requiring the county clerk to provide evidence of a legally filed bond to the legal document assistants, sureties, and notaries filing the bond with the clerk. Accordingly, a new subdivision will be added to each code section implicated by this bill to read:

The county clerk shall provide to the registrant one certified copy of the bond on file, which shall serve as official proof of compliance with the bonding requirements of this section. The certified copy shall be provided to the registrant within a reasonable period following filing, either by mail or by another accessible method established by the county clerk.

This amendment will ensure the newly streamlined bond filing requirements do not undermine a professional's ability to demonstrate compliance with the law.

ARGUMENTS IN SUPPORT: As noted this bill is sponsored by the California Association of Clerks and Election Officials. In support of the bill they write:

This measure reflects a commonsense update to existing law by authorizing county clerks—who already administer these registration programs—to file and retain the associated bonds, rather than requiring duplicative recording by the county recorder. Consolidating these responsibilities within the clerk's office improves administrative efficiency, reduces unnecessary steps for applicants, and ensures more consistent record management at the local level.

Additionally, allowing counties to set fees at a level necessary to recover actual program costs provides flexibility to maintain effective and sustainable services. The existing statutory fee no longer reflects the true cost of processing, maintaining, and retaining these records. This bill appropriately aligns fee authority with long-standing county cost-recovery principles.

Finally, the requirement that county clerks retain bonds for a minimum of six years promotes accountability and ensures that records remain accessible for enforcement, verification, and public protection purposes.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials (sponsor)
California Association of Legal Document Assistants
California League of Independent Notaries

Opposition

None on file

Analysis Prepared by: Nicholas Liedtke / JUD. / (916) 319-2334