

CONCURRENCE IN SENATE AMENDMENTS

AB 1828 (Chen)

As Amended June 29, 2026

Majority vote

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.

Major Provisions

- 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 ten 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.

Senate Amendments

- 1) Delay implementation of the bill until 2028.
- 2) Conform provisions relating to the execution of a bond to provisions of existing law.
- 3) Extend the length of a notary bond to ten years.

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 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.

Recognizing that professional liability bonds do not need to be legally recorded to be valid, commencing in 2028, 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, 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.

According to the Author

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.

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.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Lee, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Calderon, Muratsuchi

ASSEMBLY FLOOR: 73-0-7

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Ward, Wicks, Zbur, Rivas

ABS, ABST OR NV: Arambula, Bennett, Caloza, Chen, Flora, Wallis, Wilson

SENATE FLOOR: 36-0-4

YES: Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood- Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Allen, Alvarado-Gil, Hurtado, Jones

UPDATED

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CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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