

DEFINITION OF A PROFESSIONAL PHOTOCOPIER
(Section 22450 Business & Professions Code)

A professional photocopier is any person who for compensation obtains or reproduces documents authorized to be produced and who, while engaged in performing that activity, has access to the information contained therein. A professional photocopier shall be registered pursuant to the chapter by the County Clerk of the county in which he or she resides or has his/her principal place of business, and in which he/she maintains a branch office.

Section 22451.

This chapter does not apply to any of the following:

- a) Any government employee who is acting in the course of his/her employment
- b) A member of the State Bar or his/her employees, agents, or independent contractors.
- c) Any person who is specially appointed by the court to obtain or reproduce in order to transmit or distribute these records.
- d) An employee or agent of a person who is registered under this chapter.
- e) Any custodian of records who makes his/her own copies.
- f) Any certified shorthand reporter, official court reporter, or stenotype operator who makes his/her own copies.
- g) Any person licensed under Chapter II.5 (commencing with Section 7512) of Division 3 of the Business and Professions Code or his/her employees.
- h) The Office of the Secretary of State.

APPLICATION FOR REGISTRATION - Section 22452

- a) The application for registration of a natural person shall contain all of the following statements about the applicant:
 - 1) Name, age, address, and telephone number.
 - 2) He or she has not been convicted of a felony.
 - 3) He or she will perform his or her duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.
- b) The application for registration of a partnership or corporation shall contain all of the following statements about the applicant:
 - 1) The names, ages, addresses, and telephone numbers of the general partners or officers.
 - 2) The general partners or officers have not been convicted of a felony.
 - 3) The partnership or corporation will perform its duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.

FILING FEE - Section 22453

An applicant shall pay a fee of one hundred seventy-five dollars (\$175) to the County Clerk at the time he/she files a Certificate of Registration.

Section 22453.1. - Notwithstanding Section 22453, any person registered pursuant to Business and Professions Code 22350 (process server) shall pay one hundred dollars (\$100) instead of the fee of one hundred seventy-five dollars (\$175).

NOTARY PUBLIC - Section 22454

At least one person involved in the management of a professional photocopier shall be required to hold a current commission from the Secretary of State as a notary public in this state.

NEED FOR FILING BOND - Section 22455

- a) A Certificate of Registration shall be accompanied by a bond of five thousand dollars (\$5,000) which is executed by a corporate surety qualified to do business in this state and conditioned upon compliance with the provisions of this Chapter and all laws governing the transmittal of confidential documentary information under the code sections specified in Section 22450. The total aggregate liability on the bond shall be limited to five thousand dollars (\$5,000). The bond may be terminated pursuant to the provisions of Section 995.440 and Article 13 (commencing with Section 996.310) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure.

- 1) The County Clerk shall, upon filing the bond, deliver the bond forthwith to the County Recorder for recording. The recording fee specified in Section 27361 of the Government Code shall be paid by the registered professional photocopier.
- 2) The fee for filing, cancelling, revoking, or withdrawing the bond is seven dollars (\$7).
- 3) The County Recorder shall record the bond and any notice of cancellation, revocation, or withdrawal of the bond, and shall 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. The recording fee specified in Section 27361 of the Government Code for the notice of cancellation, revocation, or withdrawal of the bond shall be paid to the County Clerk, who shall transmit it to the County Recorder.
- b) In lieu of the bond required by Subdivision (a), a registrant may deposit five thousand dollars (\$5,000) in cash with the County Clerk.
- c) If the Certificate is revoked, the bond or cash deposit shall be returned to the bonding party or depositor subject to the provisions of Subdivision (d) and the right of a person to recover against the bond or cash deposit under Section 22459.
- d) The County Clerk may retain a cash deposit until the expiration of three years from the date the registrant has ceased to do business, or three years from the expiration or revocation date of the registration, in order to ensure there are no outstanding claims against the deposit. A judge of a Municipal or Superior Court may order return of the deposit prior to the expiration of three years upon evidence satisfactory to the judge that there are no outstanding claims against the deposit.

TERM OF REGISTRATION - Section 22456

A Certificate of Registration shall be effective for a period of two years. Thereafter, a registrant shall file a new Certificate of Registration and pay the fee required by Section 22453.

IDENTIFICATION CARD - Section 22457

- a) The County Clerk shall maintain a register of professional photocopiers, assign a number to each professional photocopier, and issue an identification card to each one. Additional cards for employees of professional photocopiers shall be issued upon the payment of ten dollars (\$10.) for each card. Upon renewal of registration, the same number shall be assigned, PROVIDED THERE IS NO LAPSE IN THE PERIOD OF REGISTRATION.

RESPONSIBILITIES - Section 22458

A professional photocopier shall be responsible at all times for maintaining the integrity and confidentiality of information obtained under the applicable codes in the transmittal or distribution of records to the authorized persons or entities.