

AB 1951: Court Filings - Void & Refund Process

SUMMARY

AB 1951 modernizes California's court filing fee statutes to reflect current electronic payment and electronic filing practices, ensuring consistent treatment of returned, insufficient, or disputed payments regardless of payment method or filer status.

ISSUE

California courts now routinely accept filing fees through checks, credit cards, and electronic funds transfers (ACH), often through e-Filing Service Providers (EFSPs) acting as agents of the court. However, the existing statutes governing insufficient funds, voided filings, sanctions, and refunds were largely drafted for a paper-check environment. As a result, the existing statutory language does not consistently address credit card chargebacks or ACH reversals. Self-represented litigants and attorneys are treated differently when electronic filing fees remain unpaid than if the payment was made directly at the courthouse.

Additionally, EFSPs face difficulties identifying and processing electronic refunds, as many of the court's transaction descriptions lack sufficient case or envelope information. This leaves the EFSP with a refund check that lacks any information about which client or case the payment was associated with. Existing inconsistent practices across counties create confusion, delays, and unnecessary administrative burdens for EFSPs. Courts, litigants and EFSPs would benefit from clearer statutory authority and standardized processes to ensure accurate refunds, timely notice, and equitable enforcement of payment obligations.

SOLUTION

AB 1951 updates and clarifies court filing fee statutes to reflect modern payment systems and electronic filing practices. Generally, this bill updates statutes to address credit card and ACH payments, clarify when filings are voided, and establish clearer refund and notice procedures for courts, litigants, and electronic filing service providers (EFSPs).

Specifically, AB 1951 does all the following:

- Applies existing insufficient funds and voided-filing procedures to credit cards, electronic funds transfers (ACH), and other court-approved payment methods, not just checks.
- Confirms that filings are voided when required fees and administrative charges are not paid within statutory timelines; thus, applying the same procedures consistently to attorneys and self-represented parties. All notice requirements, reasonable cure periods, and administrative charge limits remain unchanged.
- Updates refund-related provisions to better accommodate electronic payments and ensures refunds are properly issued and traceable.
- Adds clear statutory definitions for ACH debits, ACH credits, and electronic funds transfers to eliminate ambiguity.

Overall, AB 1951 promotes transparency, fairness, and administrative efficiency while protecting due process and aligning statutes with how courts and filers operate today.

SUPPORT

Coalition for Improving Court Access (Sponsor)
Civil Justice Association of California (CJAC)

OPPOSITION

None on File

FOR MORE INFORMATION

Contact: Bennett Simpson

Phone: 916-319-2072

Email: Bennett.Simpson@asm.ca.gov