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**CIVIL CODE - CIV**

**DIVISION 3. OBLIGATIONS [1427 - 3273.69]** ( *Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*  )

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69]** ( *Part 4 enacted 1872.*  )

**TITLE 1.81.6. Identity Theft in Business Entity Filings [1798.200 - 1798.203]** ( *Title 1.81.6 added by Stats. 2018, Ch. 696, Sec. 1.*  )

**1798.200.** For purposes of this title, the following terms are defined as follows:

- (a) "Business entity filing" means a document required by law to be filed with the Secretary of State pursuant to the Corporations Code, the Financial Code, or the Insurance Code.
- (b) "Personal identifying information" has the same meaning as defined in subdivision (b) of Section 530.55 of the Penal Code.
- (c) "Person" means a natural person, firm, association, organization, partnership, business trust, company, corporation, limited liability company, or public entity.

(*Added by Stats. 2018, Ch. 696, Sec. 1. (SB 1196) Effective January 1, 2019.*)

**1798.201.** A person who has learned or reasonably suspects that his or her personal identifying information has been used unlawfully, as described in subdivision (a) of Section 530.5 of the Penal Code, in a business entity filing, and has initiated a law enforcement investigation in accordance with subdivision (a) of Section 530.6 of the Penal Code, may petition the superior court in the county in which the person resides for an order, which may be granted ex parte, directing the alleged perpetrator of the act described in paragraph (1) of subdivision (c) of Section 530.5 of the Penal Code, if known, and the person using the personal identifying information in the business entity filing to appear at a hearing before the court and show cause for both of the following:

- (a) Why the personal identifying information should not be labeled to show the information is impersonated and does not reflect the person's identity.
- (b) Why the personal identifying information should be associated with the business entity.

(*Added by Stats. 2018, Ch. 696, Sec. 1. (SB 1196) Effective January 1, 2019.*)

**1798.202.** (a) A petition filed pursuant to Section 1798.201 shall be heard and determined based on declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be made part of the record by the court.

(b) If the court determines the petition is meritorious and there is no reasonable cause to believe that the victim's personal identifying information has been used lawfully in the business entity filing, the court shall make a finding that the victim's personal identifying information has been used unlawfully in the business entity filing and shall issue an order certifying this determination.

(c) Upon making a determination pursuant to subdivision (b), the court shall do the following:

- (1) Order the name and associated personal identifying information in the business entity filing to be redacted or labeled to show that the data is impersonated and does not reflect the victim's identity.
- (2) Order the data to be removed from publicly accessible electronic indexes and databases.

(d) A determination made pursuant to subdivision (b) may be vacated at any time if the petition or any information submitted in support of the petition is found to contain any material misrepresentation or was obtained by fraud.

(e) The Judicial Council shall develop a form for issuing an order of determination pursuant to this section.

(f) An order issued pursuant to subdivision (c) shall be filed with the Secretary of State.

(g) If an order has been filed pursuant to subdivision (f) within the record of a limited liability company or a corporation, the Secretary of State may cancel the business entity that is the subject of the order if, after 60 days, an updated statement of information has not been filed on behalf of the entity with the Secretary of State. The statement of information shall not contain any information ordered to be redacted pursuant to subdivision (c).

*(Amended by Stats. 2024, Ch. 783, Sec. 1. (SB 1168) Effective January 1, 2025.)*

**1798.203.** (a) In addition to any of the other remedies provided under this title, a person who has learned that their personal identifying information has been used unlawfully, as described in subdivision (a) of Section 530.5 of the Penal Code, in a business entity filing may file with the Secretary of State a disclaimer of proper authority, as described in subdivision (b) and on a form prescribed by the Secretary of State, so long as the business entity has not been dissolved or terminated at the time of filing the disclaimer.

(b) A disclaimer of proper authority shall be signed and verified under penalty of perjury by the person claiming their personal identifying information was unlawfully used in the business entity filing as described in subdivision (a) and shall contain all of the following information:

(1) The name of the corporation, limited liability company, or limited partnership as it appears on the records of the Secretary of State.

(2) The Secretary of State file number for the corporation, limited liability company, or limited partnership.

(3) The entity type.

(4) The date the business entity document containing their personal identifying information was filed.

(5) The title of the business entity document that contained their personal identifying information.

(6) A description of the type of personal identifying information that the person claims was used unlawfully in the business entity filing.

(7) A statement that the person signing the disclaimer of proper authority did not authorize the use of their personal identifying information within the business entity document and that they reasonably suspect that their personal identifying information was included in furtherance of an unlawful purpose, as described in subdivision (a) of Section 530.5 of the Penal Code.

(8) A statement that the disclaimer of proper authority does not constitute a determination of any court or law enforcement investigation surrounding the facts and circumstances of the use of the information within the business entity document.

(c) The fee for filing a disclaimer of proper authority pursuant to this section shall be thirty dollars (\$30) to cover the reasonable costs to the Secretary of State of processing that form.

*(Added by Stats. 2024, Ch. 783, Sec. 2. (SB 1168) Effective January 1, 2025.)*