

AMENDED IN ASSEMBLY MAY 28, 2025
AMENDED IN ASSEMBLY MARCH 10, 2025
AMENDED IN ASSEMBLY FEBRUARY 25, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 487

Introduced by Committee on Insurance

February 10, 2025

An act to amend Sections 822, 824, 825, 845, 845.5, 846, 847, 852, 859, 1652, 1670, 1729.2, 1757.1, 1757.2, 1800, 1802.3, 1871.7, 10123.13, 10270.2, 10295.11, and 12800 ~~of of~~, and to repeal and add Section 11103 of, the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 487, as amended, Committee on Insurance. Insurance.

(1) *Existing law generally regulates the business of insurance in the state, including the issuance of securities. Existing law defines an agent to mean every person employed or appointed by an insurer or broker who sells a security in this state for compensation.*

This bill would update the term “agent” to “stock agent” and would make conforming changes.

(2) *Existing law requires the Insurance Commissioner to submit to the Department of Justice fingerprint images and related information as specified by statute for specified applicants applying for a license, including a surplus line broker, a life and disability analyst, and a variable life and variable annuity agent.*

This bill would delete the provisions requiring the commissioner to submit fingerprint images and related information for the above-listed individuals.

(1)

(3) Existing law establishes the powers and duties of the Department of Insurance and the Insurance Commissioner. Existing law requires an application for specified licenses, including a production agency license, to be automatically denied without prejudice to the filing of a new application for the license, except in specified circumstances, if the applicant does not fully qualify for and receives the license on a permanent basis or is denied the issuance of the license, as specified.

This bill would additionally include applications for bail, insurance adjuster, or public insurance adjuster licenses.

(2)

(4) Existing law requires an insurance licensee or applicant for a license to notify the commissioner when any of their background information changes after the application has been submitted or the license has been issued. For this purpose, existing law defines “background information” to include an administrative action regarding a professional or occupational license, among other things.

This bill would expand the definition for “background information” to also include an administrative action regarding conduct or activity for which a professional or occupational license was required, but not possessed, and an administrative or civil action filed by, or on behalf of, a government or regulatory agency alleging any unlawful conduct, activity, or omission.

(5) *Existing law authorizes a limited license to be issued to a natural person or to an organization that acts as an agent on behalf of cargo owners or shippers, or both.*

This bill would update these provisions to clarify a limited license may be issued to an agent acting on behalf of the cargo owner, cargo shipper, or both. The bill would make conforming changes.

(3)

(6) Existing law permits blanket insurance to be issued to a college, school, or other institution of learning, or a sports team, camp, sponsor, or proprietor of a sports team, providing benefits to students, teachers, or employees, or sports team participants, campers, employees, officials, supervisors, or persons responsible for their support, for death or dismemberment resulting from accident, or for hospital, medical, surgical, or nursing expenses resulting from accident or sickness, as specified. Existing law defines “blanket insurance” for purposes of these provisions.

This bill would expand the groups for which blanket insurance may be issued to include coverage of volunteers for the entities described above.

(4)

(7) Existing law prohibits knowingly employing runners, cappers, steerers, or other persons to procure clients or patients to perform or obtain services or benefits under workers' compensation coverage or a contract of insurance or that will be the basis for a claim against an insured individual or their insurer. Existing law authorizes a district attorney, the Insurance Commissioner, or an interested person to bring a civil action for a violation of that provision. Existing law requires the district attorney or commissioner, for actions brought by an interested person, to either proceed with the action, in which case the action would be conducted by the district attorney or commissioner or to notify the court that it declines to take over the action, in which case the person bringing the action has the right to conduct the action. Existing law prohibits a court from having jurisdiction over an action under these provisions based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing in a legislative or administrative report, hearing, audit, or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

This bill would instead prohibit a court from having jurisdiction, unless the action is brought by the district attorney or commissioner, the district attorney or commissioner proceeds with an action brought by an interested person, or the person bringing the action is an original source of the information.

(8) *Existing law exempts agents of a fraternal benefit society from specified examination requirements if they meet specified conditions, including that the agent was in the service of the society on March 1, 1945, and was licensed to represent the society on January 1, 1952, and continuously thereafter, or the agent does not devote substantially full time to the sale of life or disability insurance. Existing law requires the society to notify the commissioner if a licensed part-time agent later devotes substantially full time to the sale of that insurance. Existing law establishes examination and fee parameters and requires that licensees pass the examination before a specified deadline. If the person fails to pass the exam within the specified timeline, existing law authorizes the person to be licensed as a fraternal benefit agent only if*

they file a new application and meet specified conditions, including that they take and pass the qualifying exam.

This bill would replace the term “agent” with the term “individual insurance licensee” and clarify that this section applies to individual part-time fraternal insurance licensees. The bill would additionally allow the part-time fraternal insurance licensee to remain part time until they file for a new application and either take and pass the examination, or demonstrate to the commissioner that they will only remain part time.

(5)

(9) This bill would make additional technical changes to eliminate outdated references and correct other errors.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 822 of the Insurance Code is amended to
2 read:

3 822. Except as otherwise provided by this article, “sale” or
4 “sell” means every disposition, or attempt or arrangement to
5 dispose, of a security or interest in a security for value, whether
6 done by direct or indirect means. A security is conclusively
7 presumed to be sold for value if given with any purchase of any
8 nature or if given as a bonus on account of a purchase. “Sale” or
9 “sell” shall also mean a contract of sale, an exchange, any change
10 in the rights, preferences, privileges or restrictions on outstanding
11 securities, an attempt to sell, an option of sale, a solicitation of a
12 sale, a subscription or an offer to sell directly or by ~~an~~ a stock
13 agent, or a circular letter, advertisement or otherwise.

14 SEC. 2. Section 824 of the Insurance Code is amended to read:

15 824. “Broker” means every person, other than ~~an~~ a stock agent,
16 who in this state engages either wholly or in part in the business
17 of (a) dealing in any security issued by others, (b) underwriting
18 any issue of such securities, (c) purchasing such securities with
19 the purpose of reselling them, or (d) offering such securities for
20 sale to the public. No authority to act as a broker may be implied
21 from an appointment executed by an insurer appointing ~~an~~ a stock
22 agent of that insurer.

23 SEC. 3. Section 825 of the Insurance Code is amended to read:

1 825. ~~“Agent”~~ “*Stock agent*” means every person employed or
2 appointed by an insurer or broker who, within this State and for a
3 compensation, sells any security.

4 *SEC. 4. Section 845 of the Insurance Code is amended to read:*

5 845. (a) A person shall not sell or resell any security of a
6 domestic, foreign, or alien insurer:

7 (1) As an insurer with respect to securities of its own issue
8 without securing the permit of the commissioner as provided in
9 this article.

10 (2) As ~~an~~ a *stock agent* of that insurer except under authority
11 of a certificate issued by the commissioner under this code.

12 (3) As a broker or as ~~an~~ a *stock agent* for a broker except under
13 authority of a certificate or license issued by the Commissioner of
14 Financial Protection and Innovation under the provisions of the
15 Corporations Code and in full conformity with all provisions of
16 the Corporations Code.

17 (b) Subdivision (a) shall not prohibit a bona fide owner of
18 securities of an insurer from selling or reselling those securities
19 if:

20 (1) The securities were originally issued under the authority of
21 a permit of the commissioner and the sale or resale is made in
22 conformity with the conditions, if any, in the permit effective at
23 the time of sale or resale; or

24 (2) The securities were originally issued in a jurisdiction other
25 than California in full conformity with the applicable laws, if any,
26 governing the issuance in that jurisdiction.

27 A sale or resale of securities of an insurer by the owner of the
28 securities which is made for the purpose of evading the provisions
29 of this article requiring an insurer to secure a permit from the
30 commissioner or for any other fraudulent purpose shall, however,
31 be null and void and a violation of the criminal provisions of this
32 article.

33 (c) ~~Any~~ A sale or resale permitted by this section is subject to
34 the stop power of the commissioner under Section 854 and the
35 similar powers of the Commissioner of Financial Protection and
36 Innovation pursuant to the provisions of the Corporations Code.

37 (d) ~~Any~~ A violation of this section is subject to the penalties
38 provided in Section 833.

39 *SEC. 5. Section 845.5 of the Insurance Code is amended to*
40 *read:*

1 845.5. The certificate required by Section 845 to act as ~~an~~ a
2 stock agent of an insurer shall be secured as provided in Section
3 846 and shall expire on the first day of July after its issue, unless
4 sooner suspended or revoked.

5 The permission granted by Section 845 to persons holding
6 certificates or licenses issued by the Commissioner of Financial
7 Protection and Innovation does not affect the provisions of this
8 article requiring that an insurer and that ~~an~~ a stock agent appointed
9 by an insurer secure a permit or certificate from the commissioner
10 to issue, sell, or resell securities and the issue, sale, or resale and
11 the advertising thereof is subject to the provisions of this article,
12 nor does that section permit an owner of securities to sell or resell
13 the same except in conformity with that section and this article.

14 *SEC. 6. Section 846 of the Insurance Code is amended to read:*

15 846. To secure such certificate, the applicant shall make and
16 file in the office of the commissioner an application therefor in
17 writing, verified by or in behalf of the applicant. Such application
18 shall set forth:

19 (a) The name and address of the applicant.

20 (b) 1. In the case of an applying corporation, association or
21 joint stock company, the name and address of each of its managing
22 officers and managing stock agents.

23 2. In the case of an applying partnership, the name and address
24 of each of the partners.

25 (c) A succinct statement of facts showing possession of a good
26 business reputation:

27 1. By the applicant.

28 2. In the case of an applicant corporation, association, or joint
29 stock company, by its managing officers and managing stock
30 agents.

31 3. In the case of an applicant partnership, by its members.

32 (d) If the applicant is a broker, the general plan and character
33 of the business of the applicant.

34 (e) Such other information as the commissioner requires.

35 *SEC. 7. Section 847 of the Insurance Code is amended to read:*

36 847. At the time of filing an application for a broker's
37 certificate, the applicant shall file with the commissioner a bond
38 for five thousand dollars, payable to the people of the State of
39 California, for the use and benefit of any interested person, to be
40 approved by the commissioner. The bond shall be conditioned

1 upon the following conduct by the broker, the broker's *stock* agents,
2 and employees:

- 3 (a) Strict compliance with the provisions of this article.
- 4 (b) Honest and faithful application of all funds received.
- 5 (c) Honest and faithful performance of all obligations and
- 6 undertakings in the purchase or sale of securities.
- 7 (d) Payment of all damages suffered by any person damaged or
- 8 defrauded by reason of the violation of any of the provisions of
- 9 this article, or by reason of any fraud connected with or growing
- 10 out of any transaction contemplated by the provisions of this article.

11 *SEC. 8. Section 852 of the Insurance Code is amended to read:*

12 852. The commissioner may at any time in accordance with
13 the procedure provided in Section 1738 suspend or revoke any
14 broker's or *stock* agent's certificate issued by ~~him~~ if ~~he~~ *the*
15 *commissioner* if the commissioner finds that the holder thereof is
16 of bad business repute, or has violated any provision of this article,
17 or has engaged, or is about to engage in any fraudulent transaction.

18 *SEC. 9. Section 859 of the Insurance Code is amended to read:*

19 859. The commissioner shall also collect the following fees:
20 (a) For filing any application for a broker's certificate, two
21 hundred eighty-three dollars (\$283) for the first office or location
22 plus one hundred thirty-six dollars (\$136) for each additional office
23 or location.

24 (b) For filing any application for ~~an~~ a *stock* agent's certificate,
25 one hundred thirty-six dollars (\$136).

26 (c) For an examination, audit, or investigation, the actual amount
27 of expenses reasonably incurred in the performance of the work,
28 plus the following:

29 (1) If made by an employee of the commissioner, the actual
30 amount of the compensation paid to that employee for that time.

31 (2) The amount of the usual cost to the state of typing,
32 transcribing, or otherwise preparing any written report of that
33 examination, audit, or investigation that may reasonably be needed
34 in the discharge of the commissioner's duties.

35 *SEC. 10. Section 1652 of the Insurance Code is amended to*
36 *read:*

37 1652. (a) The commissioner shall submit to the Department
38 of Justice fingerprint images and related information required by
39 the Department of Justice pursuant to subdivision (u) of Section
40 11105 of the Penal Code, and the Department of Justice shall

1 provide to the commissioner a state or federal response pursuant
2 to paragraph (1) of subdivision (p) of Section 11105 of the Penal
3 Code, for all applicants of each of the following:

4 (1) A property licensee or a casualty licensee, as defined in
5 Section 1625.

6 (2) A personal lines licensee, as defined in Sections 1625.5.

7 (3) A limited lines automobile insurance agent, as defined in
8 Section 1625.55.

9 (4) A life and accident and health or sickness licensee, as defined
10 in Section 1626.

11 (5) A life licensee limited to the payment of funeral and burial
12 expenses, as defined in Section 1676.

13 ~~(6) A special lines' surplus line broker, as defined in Section~~
14 ~~1760.5.~~

15 ~~(7) A surplus line broker, as defined in Section 47.~~

16 ~~(8) A cargo owner's or shipper's agent, as defined in Section~~
17 ~~1757.1.~~

18 *(6) A limited license to act as an agent on behalf of a cargo*
19 *owner, a cargo shipper, or both, as described in Section 1757.1.*

20 ~~(9)~~

21 *(7) A portable electronics insurance agent license, as defined*
22 *in Section Sections 1758.61 and 1758.69.*

23 ~~(10)~~

24 *(8) A car rental agent, as defined in Section 1758.89.*

25 ~~(11)~~

26 *(9) A credit insurance agent license, as defined in Section*
27 *Sections 1758.96 and 1758.992.*

28 ~~(12)~~

29 *(10) An administrator, as defined in Section 1759.*

30 ~~(13)~~

31 *(11) A reinsurance intermediary-broker, as defined in Section*
32 *1781.2.*

33 ~~(14)~~

34 *(12) A bail agent license, as defined in Section 1802.*

35 ~~(15)~~

36 *(13) A bail permittee license, as defined in Section 1802.5.*

37 ~~(16)~~

38 *(14) A bail solicitor license, as defined in Section 1803.*

39 ~~(17)~~

1 (15) A bail fugitive recovery agent license, as defined in Section
2 ~~1802.3~~ 1802.3 and Section 1299.01 of the Penal Code.

3 ~~(18) A life and disability analyst, as defined in Section 32.5.~~

4 ~~(19)~~

5 (16) A stock agent who sells securities, as defined in Section
6 825.

7 ~~(20)~~

8 (17) An insurance adjuster, as defined in Section 14021.

9 ~~(21)~~

10 (18) A crop insurance adjuster as defined in Section 14085.

11 ~~(22)~~

12 (19) A public insurance adjuster, as defined in Section 15007.

13 ~~(23)~~

14 (20) A part-time fraternal licensee, as described in ~~Sections~~
15 ~~11102 and~~ Section 11103.

16 ~~(24)~~

17 (21) A life settlement broker, as defined in Section 10113.1.

18 ~~(25)~~

19 (22) A motor club agent, as defined in Section 12143.

20 ~~(26)~~

21 (23) A title marketing representative, as defined in Section
22 12418.

23 ~~(27)~~

24 (24) A self-service storage agent, as defined in Section 1758.791.

25 ~~(28) A variable life and variable annuity agent, as defined in~~
26 ~~Section 1758.1.~~

27 ~~(29)~~

28 (25) A vehicle service contract ~~provider, license~~, as defined
29 ~~described in Section 12800.~~ 12815.

30 (b) A license shall be applied for, and renewed by the filing
31 with the commissioner of a written application therefor. The
32 application shall be on a form prescribed by the commissioner,
33 which form shall prescribe the disclosure of information that will
34 aid the commissioner in determining whether the prerequisites for
35 the license sought have been met. The applicant shall declare,
36 under penalty of perjury, that the contents of the application are
37 true and correct.

38 (c) The forms prescribed by the commissioner other than for
39 renewal applications may require authenticated fingerprints of any
40 of the following:

1 (1) Individual applicants.

2 (2) Specified partners or officers of organization applicants.

3 (3) The individuals who are to transact insurance for an
4 organization applicant.

5 (d) The forms may require the fingerprints to be affixed to the
6 application or to an attachment to be affixed to the application.

7 The commissioner, in the commissioner's discretion, may require
8 the fingerprints on applications for any, some, or all of the licenses
9 issued pursuant to this chapter or Chapter 6 (commencing with
10 Section 1760), Chapter 7 (commencing with Section 1800), or
11 Chapter 8 (commencing with Section 1831), provided that as to
12 any one such type of license the requirement is applied without
13 discrimination to all applicants within specified classifications.
14 The classifications may be made upon any or all of the following
15 bases:

16 (1) Length of continuous residence in this state.

17 (2) Whether or not previously or currently licensed by the
18 commissioner.

19 (3) Whether or not currently licensed by specified regulatory
20 agencies of the State of California which require fingerprints on
21 applications for licenses and routinely process the fingerprints for
22 positive identification.

23 (4) Other reasonable criteria.

24 (e) The commissioner may decline to act on an incomplete or
25 defective application until an amended application which completes
26 the prescribed form is filed with the commissioner.

27 **SECTION 1.**

28 *SEC. 11.* Section 1670 of the Insurance Code is amended to
29 read:

30 1670. If an applicant for any license under this chapter, Chapter
31 7 (commencing with Section 1800) of this part, or Chapter 1
32 (commencing with Section 14000) or Chapter 2 (commencing with
33 Section 15000) of Division 5, within one year from the date of the
34 receipt by the commissioner of the application, whether or not the
35 filing is complete, or within one year from the date of the issuance
36 to the applicant of a certificate of convenience, if any, whichever
37 is the later date, neither fully qualifies for and receives that license
38 on a permanent basis, nor is denied its issue, the application is
39 automatically denied without prejudice to the filing of a new
40 application for the license unless in a proceeding under a statement

1 of issues the commissioner for good cause determines the denial
2 should be set aside or stayed.

3 ~~SEC. 2.~~

4 *SEC. 12.* Section 1729.2 of the Insurance Code is amended to
5 read:

6 1729.2. (a) An applicant or licensee shall notify the
7 commissioner when any of the background information set forth
8 in this section changes after the application has been submitted or
9 the license has been issued. If the licensee is listed as an endorsee
10 on any business entity license, the licensee shall also provide this
11 notice to any officer, director, or partner listed on that business
12 entity license.

13 (b) A business entity licensee, upon learning of a change in
14 background information pertaining to any unlicensed person listed
15 on its business entity license or application therefor, shall notify
16 the commissioner of that change. The changes subject to this
17 requirement include changes pertaining to any unlicensed officer,
18 director, partner, member, or controlling person, or any other
19 natural person named under the business entity license or in an
20 application therefor.

21 (c) The following definitions apply for the purposes of this
22 section:

23 (1) "License" includes all types of licenses issued by the
24 commissioner pursuant to Chapter 5 (commencing with Section
25 1621), Chapter 5A (commencing with Section 1759), Chapter 6
26 (commencing with Section 1760), Chapter 6.5 (commencing with
27 Section 1781.1), Chapter 7 (commencing with Section 1800), and
28 Chapter 8 (commencing with Section 1831) of Part 2 of Division
29 1, Chapter 1 (commencing with Section 10110) of Part 2 of
30 Division 2, Chapter 4 (commencing with Section 12280) of Part
31 5 of Division 2, Article 8 (commencing with Section 12418) of
32 Chapter 1 of Part 6 of Division 2, and Chapter 1 (commencing
33 with Section 14000) and Chapter 2 (commencing with Section
34 15000) of Division 5.

35 (2) "Background information" means any of the following: a
36 misdemeanor or felony conviction; a filing of felony criminal
37 charges in state or federal court; an administrative action regarding
38 a professional or occupational license or regarding conduct or
39 activity for which a professional or occupational license was
40 required but not possessed; an administrative or civil action filed

1 by, or on behalf of, a government or regulatory agency alleging
2 any unlawful conduct, activity, or omission; any licensee's
3 discharge or attempt to discharge, in a personal or organizational
4 bankruptcy proceeding, an obligation regarding any insurance
5 premiums or fiduciary funds owed to any person, including a
6 premium finance company, or managing general agent; and any
7 admission, or judicial finding or determination, of fraud,
8 misappropriation or conversion of funds, misrepresentation, or
9 breach of fiduciary duty.

10 (3) "Applicant" and "licensee" include individual and
11 organization applicants and licensees, and officers, directors,
12 partners, members, and controlling persons (as defined in
13 subdivision (b) of Section 1668.5) of an organization.

14 (d) Notification to the commissioner shall be in writing and
15 shall be sent within 30 days of the date the applicant or licensee
16 learns of the change in background information.

17 (e) The commissioner may adopt regulations necessary or
18 desirable to implement this section.

19 *SEC. 13. Section 1757.1 of the Insurance Code is amended to*
20 *read:*

21 1757.1. A limited license may be issued to a natural person or
22 to an organization who or which acts as an agent on behalf of ~~cargo~~
23 ~~owners or shippers~~, *a cargo owner, a cargo shipper*, or both. The
24 limited license shall authorize the ~~cargo owner's or shipper's agent~~
25 *of the cargo owner, cargo shipper, or both* to procure cargo
26 insurance only on behalf of a cargo owner or shipper for whom
27 the agent is also arranging for the carriage of goods. The limited
28 license shall authorize the ~~cargo owner's or shipper's agent acting~~
29 *on behalf of the cargo owner, cargo shipper, or both*, only to
30 procure cargo insurance, perform related document preparation,
31 and assist the cargo owners or shippers, or both, with the filing of
32 claims or preparation of proofs of loss in connection with filing
33 claims and performing similar claims activities.

34 *SEC. 14. Section 1757.2 of the Insurance Code is amended to*
35 *read:*

36 1757.2. A limited *cargo shipper's* license shall be applied for
37 and renewed in the same manner as is provided in this chapter for
38 a licensee to act as a property broker-agent or a casualty
39 broker-agent, except that an applicant for a limited license as a
40 cargo shipper's agent need not pass a qualifying examination and

1 is exempt from the prelicensing and continuing education
2 requirements. The fee for filing an application shall be twenty-nine
3 dollars (\$29) for each year or fraction thereof of the term of the
4 license applied for.

5 ~~SEC. 3.~~

6 *SEC. 15.* Section 1800 of the Insurance Code is amended to
7 read:

8 1800. (a) An insurer shall not execute an undertaking of bail
9 except by and through a person holding a bail license issued as
10 provided in this chapter. A person shall not in this state solicit or
11 negotiate in respect to execution or delivery of an undertaking of
12 bail or bail bond by an insurer, or execute or deliver such an
13 undertaking of bail or bail bond unless licensed as provided in this
14 chapter, but if so licensed, such person may so solicit, negotiate,
15 and effect such undertakings or bail bonds without holding or being
16 named in any license specified in Chapter 5 of this part.

17 (b) (1) A person shall not perform in this state the activities of
18 a bail fugitive recovery agent, as defined in paragraph (4) of
19 subdivision (a) of Section 1299.01 of the Penal Code, or solicit or
20 negotiate to perform the activities of a bail fugitive recovery agent,
21 as defined in paragraph 4 of subdivision (a) of Section 1299.01 of
22 the Penal Code, unless licensed pursuant to this chapter.

23 (2) Any person, persons, or entity, including licensed bail agents
24 and surety insurers, that hire, contract, solicit, or appoint another
25 person or persons to act as a bail fugitive recovery agent shall
26 ensure that the hired person or persons are duly licensed by the
27 department as a bail fugitive recovery agent under paragraph (4)
28 of subdivision (a) of Section 1801.

29 (c) For purposes of this section, “solicit” shall include any
30 written or printed presentation or advertising made by mail or other
31 publication, or any oral presentation or advertising by means of
32 telephone, radio, or television which implies that an individual is
33 licensed under this chapter, and any activity in arranging for bail
34 which results in remuneration to the individual conducting that
35 activity.

36 *SEC. 16.* Section 1802.3 of the Insurance Code is amended to
37 read:

38 1802.3. (a) A bail fugitive recovery agent’s license, by its
39 terms, permits the licensee to engage in the activities of a bail

1 fugitive recovery agent as set forth in ~~subdivision (d)~~ paragraph
2 (4) of subdivision (a) of Section 1299.01 of the Penal Code.

3 (b) A bail fugitive recovery agent licensee shall comply with
4 the Bail Fugitive Recovery Persons Act (commencing with Section
5 1299) of the Penal Code.

6 (c) Notwithstanding subdivision (b) of Section 1810, only
7 natural persons may be licensed as bail fugitive recovery agents.

8 (d) A bail fugitive recovery agent shall disclose on their license
9 application and renewal to the department whether they are also
10 a bail agent, permittee, or solicitor, and shall carry identification
11 cards issued by the commissioner pursuant to Section 2077.1 of
12 Chapter 5 of Title 10 of the California Code of Regulations.

13 (e) All bail licensees shall not have been convicted of a felony
14 unless the person is licensed pursuant to Section 1800.

15 ~~(f) This section shall become operative on July 1, 2023.~~

16 ~~SEC. 4.~~

17 *SEC. 17.* Section 1871.7 of the Insurance Code is amended to
18 read:

19 1871.7. (a) It is unlawful to knowingly employ runners,
20 cappers, steerers, or other persons to procure clients or patients to
21 perform or obtain services or benefits pursuant to Division 4
22 (commencing with Section 3200) of the Labor Code or to procure
23 clients or patients to perform or obtain services or benefits under
24 a contract of insurance or that will be the basis for a claim against
25 an insured individual or their insurer.

26 (b) Every person who violates any provision of this section or
27 Section 549, 550, or 551 of the Penal Code shall be subject, in
28 addition to any other penalties that may be prescribed by law, to
29 a civil penalty of not less than five thousand dollars (\$5,000) nor
30 more than ten thousand dollars (\$10,000), plus an assessment of
31 not more than three times the amount of each claim for
32 compensation, as defined in Section 3207 of the Labor Code or
33 pursuant to a contract of insurance. The court shall have the power
34 to grant other equitable relief, including temporary injunctive relief,
35 as is necessary to prevent the transfer, concealment, or dissipation
36 of illegal proceeds, or to protect the public. The penalty prescribed
37 in this paragraph shall be assessed for each fraudulent claim
38 presented to an insurance company by a defendant and not for each
39 violation.

1 (c) The penalties set forth in subdivision (b) are intended to be
2 remedial rather than punitive, and shall not preclude, nor be
3 precluded by, a criminal prosecution for the same conduct. If the
4 court finds, after considering the goals of disgorging unlawful
5 profit, restitution, compensating the state for the costs of
6 investigation and prosecution, and alleviating the social costs of
7 increased insurance rates due to fraud, that such a penalty would
8 be punitive and would preclude, or be precluded by, a criminal
9 prosecution, the court shall reduce that penalty appropriately.

10 (d) The district attorney or commissioner may bring a civil
11 action under this section. Before the commissioner may bring that
12 action, the commissioner shall be required to present the evidence
13 obtained to the appropriate local district attorney for possible
14 criminal or civil filing. If the district attorney elects not to pursue
15 the matter, then the commissioner may proceed with the action.

16 (e) (1) Any interested persons, including an insurer, may bring
17 a civil action for a violation of this section for the person and for
18 the State of California. The action shall be brought in the name of
19 the state. The action may be dismissed only if the court and the
20 district attorney or the commissioner, whichever is participating,
21 give written consent to the dismissal.

22 (2) A copy of the complaint and written disclosure of
23 substantially all material evidence and information the person
24 possesses shall be served on the district attorney and commissioner.
25 The complaint shall be filed in camera, shall remain under seal for
26 at least 60 days from the date of service on the district attorney
27 and commissioner, and shall not be served on the defendant until
28 the court so orders. The local district attorney or commissioner
29 may elect to intervene and proceed with the action within 60 days
30 after the district attorney or commissioner receives both the
31 complaint and the material evidence and information. If more than
32 one governmental entity elects to intervene, the district attorney
33 shall have precedence.

34 (3) The district attorney or commissioner may, for good cause
35 shown, move the court for extensions of the time during which the
36 complaint remains under seal under paragraph (2). The motions
37 may be supported by affidavits or other submissions in camera.
38 The defendant shall not be required to respond to any complaint
39 filed under this section until 20 days after the complaint is unsealed
40 and served upon the defendant.

1 (4) Before the expiration of the 60-day period or any extensions
2 obtained under paragraph (3), the district attorney or commissioner
3 shall either:

4 (A) Proceed with the action, in which case the action shall be
5 conducted by the district attorney or commissioner.

6 (B) Notify the court that it declines to take over the action, in
7 which case the person bringing the action shall have the right to
8 conduct the action.

9 (5) When a person or governmental agency brings an action
10 under this section, no person other than the district attorney or
11 commissioner may intervene or bring a related action based on the
12 facts underlying the pending action unless that action is authorized
13 by another statute or common law.

14 (f) (1) If the district attorney or commissioner proceeds with
15 the action, the district attorney or commissioner shall have the
16 primary responsibility for prosecuting the action, and shall not be
17 bound by an act of the person bringing the action. That person
18 shall have the right to continue as a party to the action, subject to
19 the limitations set forth in paragraph (2).

20 (2) (A) The district attorney or commissioner may dismiss the
21 action notwithstanding the objections of the person initiating the
22 action if the person has been notified by the district attorney or
23 commissioner of the filing of the motion, and the court has
24 provided the person with an opportunity for a hearing on the
25 motion.

26 (B) The district attorney or commissioner may settle the action
27 with the defendant notwithstanding the objections of the person
28 initiating the action if the court determines, after a hearing, that
29 the proposed settlement is fair, adequate, and reasonable under all
30 the circumstances. Upon a showing of good cause, the hearing
31 may be held in camera.

32 (C) Upon a showing by the district attorney or commissioner
33 that unrestricted participation during the course of the litigation
34 by the person initiating the action would interfere with or unduly
35 delay the district attorney's or commissioner's prosecution of the
36 case, or would be repetitious, irrelevant, or for purposes of
37 harassment, the court may, in its discretion, impose limitations on
38 the person's participation, including, but not limited to, the
39 following:

40 (i) Limiting the number of witnesses the person may call.

- 1 (ii) Limiting the length of the testimony of those witnesses.
- 2 (iii) Limiting the person's cross-examination of witnesses.
- 3 (iv) Otherwise limiting the participation by the person in the
- 4 litigation.

5 (D) Upon a showing by the defendant that unrestricted
6 participation during the course of the litigation by the person
7 initiating the action would be for purposes of harassment or would
8 cause the defendant undue burden or unnecessary expense, the
9 court may limit the participation by the person in the litigation.

10 (3) If the district attorney or commissioner elects not to proceed
11 with the action, the person who initiated the action shall have the
12 right to conduct the action. If the district attorney or commissioner
13 so requests, the district attorney or commissioner shall be served
14 with copies of all pleadings filed in the action and shall be supplied
15 with copies of all deposition transcripts, at the district attorney's
16 or commissioner's expense. When a person proceeds with the
17 action, the court, without limiting the status and rights of the person
18 initiating the action, may nevertheless permit the district attorney
19 or commissioner to intervene at a later date upon a showing of
20 good cause.

21 (4) If at any time both a civil action for penalties and equitable
22 relief pursuant to this section and a criminal action are pending
23 against a defendant for substantially the same conduct, whether
24 brought by the government or a private party, the civil action shall
25 be stayed until the criminal action has been concluded at the trial
26 court level. The stay shall not preclude the court from granting or
27 enforcing temporary equitable relief during the pendency of the
28 actions. Whether or not the district attorney or commissioner
29 proceeds with the action, upon a showing by the district attorney
30 or commissioner that certain actions of discovery by the person
31 initiating the action would interfere with a law enforcement or
32 governmental agency investigation or prosecution of a criminal
33 or civil matter arising out of the same facts, the court may stay
34 discovery for a period of not more than 180 days. A hearing on a
35 request for the stay shall be conducted in camera. The court may
36 extend the 180-day period upon a further showing in camera that
37 the agency has pursued the criminal or civil investigation or
38 proceedings with reasonable diligence and any proposed discovery
39 in the civil action will interfere with the ongoing criminal or civil
40 investigation or proceedings.

1 (5) Notwithstanding subdivision (e), the district attorney or
2 commissioner may elect to pursue its claim through any alternate
3 remedy available to the district attorney or commissioner.

4 (g) (1) (A) (i) If the district attorney proceeds with an action
5 brought by a person under subdivision (e), that person shall, subject
6 to subparagraph (B), receive at least 30 percent but not more than
7 40 percent of the proceeds of the action or settlement of the claim,
8 depending upon the extent to which the person substantially
9 contributed to the prosecution of the action.

10 (ii) If the commissioner has brought an action or has proceeded
11 with an action brought by another person under this section on or
12 after January 1, 2006, the commissioner shall be entitled to
13 attorney's fees and costs in addition to any judgment, regardless
14 of the date that judgment is entered. The court shall determine and
15 award the commissioner the amount of reasonable attorney's fees,
16 including, but not limited to, reasonable fees for time expended
17 by attorneys employed by the department and for costs incurred.
18 Any attorney's fees or costs awarded to the commissioner and
19 collected shall be deposited in the Insurance Fund. In cases in
20 which the commissioner has intervened, the commissioner and the
21 person bringing the claim may stipulate to an allocation. The court
22 may allocate the funds pursuant to the stipulation if, after the
23 court's ruling on objection by the district attorney, if any, the court
24 finds it is in the interests of justice to follow the stipulation.

25 (iii) If the commissioner has proceeded with an action, if there
26 is no stipulation regarding allocation, and if a judgment has been
27 obtained or a settlement has been reached with the defendants, the
28 court shall determine the allocation, upon motion of the
29 commissioner or the person bringing the action, according to the
30 following priority:

31 (I) The person bringing the action, regardless of whether that
32 person paid money to the defendants as part of the acts alleged in
33 the complaint, shall first receive the amount the court determines
34 is reasonable for attorney's fees, costs, and expenses that the court
35 determines to have been necessarily incurred.

36 (II) The commissioner shall receive the amount the court
37 determines for reasonable attorney's fees and costs.

38 (III) If the person bringing the suit has paid moneys to the
39 defendants as part of the acts alleged in the complaint, that person
40 shall receive the amount paid to the defendants.

1 (IV) At least 30 percent, but not more than 40 percent, of the
2 remaining assets or moneys, shall be allocated to the person
3 bringing the action, depending upon the extent to which the person
4 substantially contributed to the prosecution of the action.

5 (iv) Those portions of a judgment or settlement not distributed
6 pursuant to this subdivision shall be paid to the General Fund of
7 the state and, upon appropriation by the Legislature, shall be
8 apportioned between the Department of Justice and the Department
9 of Insurance for enhanced fraud investigation and prevention
10 efforts.

11 (B) Where the action is one that the court finds to be based
12 primarily on disclosures of specific information, other than
13 information provided by the person bringing the action, relating
14 to allegations or transactions in a criminal, civil, or administrative
15 hearing, in a legislative or administrative report, hearing, audit, or
16 investigation, or from the news media, the court may award those
17 sums that it considers appropriate, but in no case more than 10
18 percent of the proceeds, taking into account the significance of the
19 information and the role of the person bringing the action in
20 advancing the case to litigation.

21 (C) Any payment to a person under subparagraph (A) or under
22 subparagraph (B) shall be made from the proceeds. The person
23 shall also receive an amount for reasonable expenses that the court
24 finds to have been necessarily incurred, plus reasonable attorney's
25 fees and costs. All of those expenses, fees, and costs shall be
26 awarded against the defendant.

27 (2) (A) If the district attorney or commissioner does not proceed
28 with an action under this section, the person bringing the action
29 or settling the claim shall receive an amount that the court decides
30 is reasonable for collecting the civil penalty and damages. Except
31 as provided in subparagraph (B), the amount shall not be less than
32 40 percent and not more than 50 percent of the proceeds of the
33 action or settlement and shall be paid out of the proceeds. That
34 person shall also receive an amount for reasonable expenses that
35 the court finds to have been necessarily incurred, plus reasonable
36 attorney's fees and costs. All of those attorney's fees and costs
37 shall be imposed against the defendant. The parties shall serve the
38 commissioner and the local district attorney with complete copies
39 of any and all settlement agreements, and terms and conditions,
40 for actions brought under this article at least 10 days prior to filing

1 any motion for allocation with the court under this paragraph. The
2 court may allocate the funds pursuant to the settlement agreement
3 if, after the court's ruling on objection by the commissioner or the
4 local district attorney, if any, the court finds it is in the interests
5 of justice to follow the settlement agreement.

6 (B) If the person bringing the action, as a result of a violation
7 of this section has paid money to the defendant or to an attorney
8 acting on behalf of the defendant in the underlying claim, then the
9 person shall be entitled to up to double the amount paid to the
10 defendant or the attorney if that amount is greater than 50 percent
11 of the proceeds. That person shall also receive an amount for
12 reasonable expenses that the court finds to have been necessarily
13 incurred, plus reasonable attorney's fees and costs. All of those
14 expenses, fees, and costs shall be awarded against the defendant.

15 (3) If a local district attorney has proceeded with an action under
16 this section, one-half of the penalties not awarded to a private
17 party, as well as any costs awarded shall go to the treasurer of the
18 appropriate county. Those funds shall be used to investigate and
19 prosecute fraud, augmenting existing budgets rather than replacing
20 them. All remaining funds shall go to the state and be deposited
21 in the General Fund and, when appropriated by the Legislature,
22 shall be apportioned between the Department of Justice and the
23 Department of Insurance for enhanced fraud investigation and
24 prevention efforts.

25 (4) Whether or not the district attorney or commissioner
26 proceeds with the action, if the court finds that the action was
27 brought by a person who planned and initiated the violation of this
28 section, that person shall be dismissed from the civil action and
29 shall not receive any share of the proceeds of the action. The
30 dismissal shall not prejudice the right of the district attorney or
31 commissioner to continue the action on behalf of the state.

32 (5) If the district attorney or commissioner does not proceed
33 with the action, and the person bringing the action conducts the
34 action, the court may award to the defendant its reasonable
35 attorney's fees and expenses if the defendant prevails in the action
36 and the court finds that the claim of the person bringing the action
37 was clearly frivolous, clearly vexatious, or brought primarily for
38 purposes of harassment.

39 (h) (1) In no event may a person bring an action under
40 subdivision (e) that is based upon allegations or transactions that

1 are the subject of a civil suit or an administrative civil money
2 penalty proceeding in which the Attorney General, district attorney,
3 or commissioner is already a party.

4 (2) (A) A court shall not have jurisdiction over an action under
5 this section based upon the public disclosure of allegations or
6 transactions in a criminal, civil, or administrative hearing in a
7 legislative or administrative report, hearing, audit, or investigation,
8 or from the news media, unless the action is brought by the district
9 attorney or commissioner, the district attorney or commissioner
10 proceeds with an action brought by a person under subdivision
11 (e), or the person bringing the action is an original source of the
12 information.

13 (B) For purposes of this paragraph, “original source” means an
14 individual who has direct and independent knowledge of the
15 information on which the allegations are based and has voluntarily
16 provided the information to the district attorney or commissioner
17 before filing an action under this section that is based on the
18 information.

19 (i) Except as provided in subdivision (j), the district attorney or
20 commissioner is not liable for expenses that a person incurs in
21 bringing an action under this section.

22 (j) In civil actions brought under this section in which the
23 commissioner or a district attorney is a party, the court shall retain
24 discretion to impose sanctions otherwise allowed by law, including
25 the ability to order a party to pay expenses as provided in Sections
26 128.5 and 1028.5 of the Code of Civil Procedure.

27 (k) Any employee who is discharged, demoted, suspended,
28 threatened, harassed, or in any other manner discriminated against
29 in the terms and conditions of employment by their employer
30 because of lawful acts done by the employee on behalf of the
31 employee or others in furtherance of an action under this section,
32 including investigation for, initiation of, testimony for, or assistance
33 in, an action filed or to be filed under this section, shall be entitled
34 to all relief necessary to make the employee whole. That relief
35 shall include reinstatement with the same seniority status the
36 employee would have had but for the discrimination, two times
37 the amount of backpay, interest on the backpay, and compensation
38 for any special damages sustained as a result of the discrimination,
39 including litigation costs and reasonable attorney’s fees. An
40 employee may bring an action in the appropriate superior court

1 for the relief provided in this subdivision. The remedies under this
2 section are in addition to any other remedies provided by existing
3 law.

4 (l) (1) An action pursuant to this section may not be filed more
5 than three years after the discovery of the facts constituting the
6 grounds for commencing the action.

7 (2) Notwithstanding paragraph (1) no action may be filed
8 pursuant to this section more than eight years after the commission
9 of the act constituting a violation of this section or a violation of
10 Section 549, 550, or 551 of the Penal Code.

11 ~~SEC. 5.~~

12 *SEC. 18.* Section 10123.13 of the Insurance Code, as amended
13 by Section 6 of Chapter 763 of the Statutes of 2024, is amended
14 to read:

15 10123.13. (a) Every insurer issuing group or individual policies
16 of health insurance that cover hospital, medical, or surgical
17 expenses, including those telehealth services covered by the insurer
18 as defined in subdivision (a) of Section 2290.5 of the Business and
19 Professions Code, shall reimburse claims or any portion of any
20 claim, whether in state or out of state, for those expenses as soon
21 as practical, but no later than 30 working days after receipt of the
22 claim by the insurer, unless the claim or portion thereof is contested
23 or denied by the insurer, in which case the claimant shall be
24 notified, in writing, that the claim is contested or denied, within
25 30 working days after receipt of the claim by the insurer. The
26 notice that a claim is being contested or denied shall identify the
27 portion of the claim that is contested or denied and the specific
28 reasons including for each reason the factual and legal basis known
29 at that time by the insurer for contesting or denying the claim. If
30 the reason is based solely on facts or solely on law, the insurer is
31 required to provide only the factual or the legal basis for its reason
32 for contesting or denying the claim. The insurer shall provide a
33 copy of the notice to each insured who received services pursuant
34 to the claim that was contested or denied and to the insured's health
35 care provider that provided the services at issue. The notice shall
36 advise the provider who submitted the claim on behalf of the
37 insured or pursuant to a contract for alternative rates of payment
38 and the insured that either may seek review by the department of
39 a claim that the insurer contested or denied, and the notice shall
40 include the address, internet website address, and telephone number

1 of the unit within the department that performs this review function.
2 The notice to the provider may be included on either the
3 explanation of benefits or remittance advice and shall also contain
4 a statement advising the provider of its right to enter into the
5 dispute resolution process described in Section 10123.137. The
6 notice to the insured may also be included on the explanation of
7 benefits.

8 (b) If an uncontested claim is not reimbursed by delivery to the
9 claimant's address of record within 30 working days after receipt,
10 interest shall accrue and shall be payable at the rate of 10 percent
11 per annum beginning with the first calendar day after the
12 30-working-day period.

13 (c) For purposes of this section, a claim, or portion thereof, is
14 reasonably contested when the insurer has not received a completed
15 claim and all information necessary to determine payer liability
16 for the claim, or has not been granted reasonable access to
17 information concerning provider services. Information necessary
18 to determine liability for the claims includes, but is not limited to,
19 reports of investigations concerning fraud and misrepresentation,
20 and necessary consents, releases, and assignments, a claim on
21 appeal, or other information necessary for the insurer to determine
22 the medical necessity for the health care services provided to the
23 claimant. If an insurer has received all of the information necessary
24 to determine payer liability for a contested claim and has not
25 reimbursed a claim determined to be payable within 30 working
26 days of receipt of that information, interest shall accrue and be
27 payable at a rate of 10 percent per annum beginning with the first
28 calendar day after the 30-working-day period.

29 (d) The obligation of the insurer to comply with this section
30 shall not be deemed to be waived when the insurer requires its
31 contracting entities to pay claims for covered services.

32 (e) This section shall remain in effect only until January 1, 2026,
33 and as of that date is repealed.

34 ~~SEC. 6.~~

35 *SEC. 19.* Section 10123.13 of the Insurance Code, as added
36 by Section 7 of Chapter 763 of the Statutes of 2024, is amended
37 to read:

38 10123.13. (a) Every insurer issuing group or individual policies
39 of health insurance that cover hospital, medical, or surgical
40 expenses, including those telehealth services covered by the insurer

1 as defined in subdivision (a) of Section 2290.5 of the Business and
2 Professions Code, shall reimburse a complete claim or portion
3 thereof, whether in state or out of state, for those expenses as soon
4 as practicable, but no later than 30 calendar days after receipt of
5 the claim by the insurer, unless the insurer is contesting or denying
6 the claim or a portion thereof, in which case the claimant shall be
7 notified, in writing, that the claim is contested or denied, within
8 30 calendar days after receipt of the claim by the insurer. The
9 notice that a claim is being contested or denied shall identify the
10 portion of the claim that is contested or denied and the specific
11 reasons including for each reason the factual and legal basis known
12 at that time by the insurer for contesting or denying the claim. If
13 the reason is based solely on facts or solely on law, the insurer is
14 required to provide only the factual or the legal basis for its reason
15 for contesting or denying the claim. The insurer shall provide a
16 copy of the notice to each insured who received services pursuant
17 to the claim that was contested or denied and to the insured's health
18 care provider that provided the services at issue. The notice shall
19 advise the provider who submitted the claim on behalf of the
20 insured or pursuant to a contract for alternative rates of payment
21 and the insured that either may seek review by the department of
22 a claim that the insurer contested or denied, and the notice shall
23 include the address, internet website address, and telephone number
24 of the unit within the department that performs this review function.
25 The notice to the provider may be included on either the
26 explanation of benefits or remittance advice and shall also contain
27 a statement advising the provider of its right to enter into the
28 dispute resolution process described in Section 10123.137. The
29 notice to the insured may also be included on the explanation of
30 benefits.

31 (b) If an uncontested claim is not reimbursed by delivery to the
32 claimant's address of record within 30 calendar days after receipt,
33 interest shall accrue at the rate of 15 percent per annum beginning
34 with the first calendar day after the 30-calendar-day period. An
35 insurer shall automatically include in its payment of the claim all
36 interest that has accrued pursuant to this section without requiring
37 the claimant to submit a request for the interest amount. An insurer
38 failing to comply with this requirement shall pay the claimant a
39 fee of the greater of an additional fifteen dollars (\$15) or 10 percent
40 of the accrued interest.

(c) (1) For purposes of this section, a claim, or portion thereof, is reasonably contested when the insurer has not received a completed claim and all information necessary to determine payer liability for the claim, or has not been granted reasonable access to information concerning provider services. Information necessary to determine liability for the claims includes, but is not limited to, reports of investigations concerning fraud and misrepresentation, and necessary consents, releases, and assignments, a claim on appeal, or other information necessary for the insurer to determine the medical necessity for the health care services provided to the claimant. An insurer may not contest a complete claim that is consistent with an approved prior authorization request if the prior authorization approval has been provided in the appropriate field on the claim.

(2) If an insurer has received all of the information necessary to determine payer liability for a contested claim and has not reimbursed a claim determined to be payable within 30 calendar days of receipt of that information, interest shall accrue and be payable at a rate of 15 percent per annum beginning with the first calendar day after the 30-calendar-day period.

(d) The obligation of the insurer to comply with this section shall not be deemed to be waived when the insurer requires its contracting entities to pay claims for covered services.

(e) (1) The department may issue guidance and regulations relating to this section. The guidance and regulations shall not be subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) until December 31, 2027.

(2) After January 1, 2028, the department may issue regulations relating to this section subject to the rulemaking provisions of the Administrative Procedure Act ((Chapter 3.5 commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) until December 31, 2030.

(f) This section shall become operative on January 1, 2026.

~~SEC. 7.~~

SEC. 20. Section 10270.2 of the Insurance Code is amended to read:

10270.2. (a) Blanket insurance is that form of insurance providing coverage for specified circumstances and insuring by

1 description all or nearly all persons within a class of persons
2 defined in a policy issued to a master policyholder, and not by
3 specifically naming the persons covered, by certificate or otherwise,
4 although a statement of the coverage provided may be given, or
5 required by the policy to be given, to eligible persons. The
6 permitted types of blanket insurance are those where the blanket
7 policy is issued to any of the following:

8 (1) A volunteer or governmental fire department, emergency
9 medical services company, or similar volunteer or governmental
10 organization providing benefits to members or participants only
11 in the event of accident incurred while performing actions incident
12 to an activity or operation sponsored or supervised by the
13 department, company, or organization.

14 (2) A college, school, or other institution of learning, a school
15 district or districts or school jurisdictional unit, or to the head,
16 principal, or governing board of an educational unit who or which
17 shall be deemed the policyholder; providing benefits to students
18 without necessarily any restriction as to activity, time, or place, or
19 to teachers, employees, or volunteers, while performing actions
20 incident to special duties, such as at camps, at summer playgrounds,
21 or during tours or excursions; and providing benefits to students,
22 teachers, employees, or volunteers, and spouses and dependents
23 of students, teachers, and employees, for death or dismemberment
24 resulting from accident, or for hospital, medical, surgical, drug,
25 or nursing expenses resulting from accident or sickness.

26 (3) A sports team, camp, sponsor, or proprietor thereof, who
27 shall be deemed the policyholder, providing benefits to sports team
28 participants, campers, employees, officials, supervisors, volunteers,
29 or persons responsible for their support, for death or
30 dismemberment resulting from accident, or for hospital, medical,
31 surgical, or nursing expenses resulting from accident, to those
32 participants, campers, employees, officials, supervisors, volunteers,
33 or persons responsible for their support, or arising out of sickness
34 of those participants, campers, employees, officials, supervisors,
35 volunteers, or persons responsible for their support, provided the
36 accident or the first manifestation of sickness occurs while those
37 participants, campers, employees, officials, supervisors, volunteers,
38 or persons responsible for their support are in or on the buildings
39 or premises of the sports team or camp, being transported between
40 their homes and the sports team or camp, or while at any other

1 place as an incident to sports team- or camp-sponsored activities
2 or while being transported to, from, or between those places.

3 (4) (A) A newspaper, farm paper, magazine, or other periodical
4 publication, which shall be deemed the policyholder, providing
5 benefits for independent contractors, such as carriers, newsboys,
6 dealers, distributors, wholesalers, or others engaged in the sale,
7 distribution, collecting for, or other activities pertaining to the
8 marketing and delivery of the publication, including attendance at
9 a coaching school or participation as a member of a trip organized,
10 supervised, and sponsored as a reward for meritorious service, on
11 account of loss resulting from accident or sickness, the benefit to
12 be payable to the independent contractors or to their parents,
13 guardians, or other persons responsible for their support.

14 (B) When the premium for the insurance is paid by the person
15 insured, the person may, upon request, obtain from the insurer in
16 certificate form a copy of the policy.

17 (5) Any religious, charitable, recreational, educational, athletic,
18 civic organization, or branch thereof, which shall be deemed the
19 policyholder, providing benefits to any group of members,
20 employees, or participants for death or dismemberment or for
21 hospital, medical, surgical, or nursing expenses resulting from
22 accident incurred incident to specific hazards pertaining to any
23 activity or activities or operations sponsored or supervised by, or
24 on the premises of, the policyholder.

25 (6) An employer, a majority of the employees in this state of
26 an employer, or both, upon application, to pay the benefits afforded
27 by a voluntary plan of unemployment compensation disability
28 insurance. Notwithstanding the provisions of Section 10113, the
29 policy may incorporate by reference any of the appropriate
30 provisions of Part 2 (commencing with Section 2601) of Division
31 1 of the Unemployment Insurance Code and the authorized
32 regulations of the Director of Employment Development.

33 (7) An employer, who shall be deemed the policyholder,
34 providing benefits to any group of workers, dependents, or guests,
35 limited by reference to specified hazards incident to activities or
36 operations of the policyholder, for death or dismemberment, or
37 for hospital, medical, surgical, or nursing expenses, resulting from
38 accident. When the premium for the insurance is paid by the person
39 insured, the person may, upon request, obtain from the insurer in
40 certificate form a copy of the policy.

(8) Any common carrier or any operator, owner, or lessor of a means of transportation, who shall be deemed the policyholder, providing benefits to any group of persons who may become lessees or passengers, limited by reference to their travel status on that common carrier or that means of transportation, for death or dismemberment, or for hospital, medical, surgical, or nursing expenses, resulting from accident. When the premium for the insurance is paid by the person insured, the person may, upon request, obtain from the insurer in certificate form a copy of the policy.

(9) An entertainment production company, who shall be deemed the policyholder, providing benefits to any group of participants, volunteers, audience members, contestants, or workers for death or dismemberment, or for hospital, medical, surgical, or nursing expenses, resulting from accident while engaged in any activity or operation of the policyholder. When the premium for the insurance is paid by the person insured, the person may, upon request, obtain from the insurer in certificate form a copy of the policy.

(b) A “blanket policy” is any disability policy of the nature herein described sold to any of the entities described in paragraphs (1) to (9), inclusive, of subdivision (a) that provides coverage for any group of persons within permitted categories defined in the policy. Policies referred to in paragraph (6) of subdivision (a) shall comply with the provisions of this section specifically referring thereto. Policies referred to in paragraphs (1) to (5), inclusive, or (7) to (9), inclusive, of subdivision (a) may provide that the cost of the insurance coverage shall be borne by either the policyholder, or the individuals insured or their parents or guardians, payable through the policyholder. In the absence of a policy provision excluding coverage for otherwise covered individuals who have not individually enrolled with the policyholder and undertaken to pay all or a specified portion of the premium allocable to the individual, the policy shall provide the described insurance for all who fall within the categories of covered individuals defined in the policy. The policy may, but is not required to, contain provisions requiring a minimum number of participating persons or a minimum percentage of participation before the policy is effective. In the absence of such a provision, coverage shall not be denied any individual otherwise eligible on those grounds.

1 (c) A policy described in paragraphs (1) to (5), inclusive, or (7)
2 to (9), inclusive, of subdivision (a) shall not be issued until
3 approved as to substance and form by the commissioner. The
4 commissioner may, after notice and hearing, promulgate reasonable
5 rules and regulations relating to the substance, form, and issuance
6 of the policies that are necessary or desirable to preserve, insofar
7 as applicable, standards of substance, form, and issuance
8 comparable to the standards prescribed by this chapter that are
9 applicable to other types of disability policies, and to further the
10 purposes for which the policies are issued.

11 (d) A policy described in paragraph (6) of subdivision (a) shall
12 not be issued until approved as to form by the commissioner. The
13 commissioner may, after notice and hearing, promulgate reasonable
14 rules and regulations relating to the form and issuance of the
15 policies that do not affect the substance of the coverage, and that
16 are necessary or desirable to preserve, insofar as applicable,
17 standards of form and issuance comparable to the standards
18 prescribed by this chapter that are applicable to other types of
19 disability policies, and to further the purposes for which the policies
20 are issued. Notwithstanding the provisions of Section 10113, the
21 policy may incorporate by reference any of the appropriate
22 provisions of Part 2 (commencing with Section 2601) of Division
23 1 of the Unemployment Insurance Code and the authorized
24 regulations of the Director of Employment Development.

25 (e) A policy described in this section shall not constitute
26 workers' compensation insurance, as defined in Section 109. A
27 policy described in paragraphs (3), (5), (7), (8), or (9) of
28 subdivision (a) shall not be marketed or sold as a substitute for
29 health insurance coverage compliant with the requirements of the
30 federal Patient Protection and Affordable Care Act (Public Law
31 111-148), as amended by the Health Care and Education
32 Reconciliation Act of 2010 (Public Law 111-152).

33 (f) (1) An insurer that intends to issue a policy of blanket
34 insurance authorized by the amendments to this section pursuant
35 to the act adding this subdivision, or authorized pursuant to Section
36 10270.2.5, using a policy form previously approved by the
37 commissioner, where the only new language in the policy is the
38 specification of the policyholder, covered persons, or the hazards
39 or activities insured, shall file that new language with the
40 commissioner prior to issuance of the policy. Submissions of

1 documents containing variable text or blanks shall include complete
2 lists of the variable wording or accurate descriptions of the material
3 to be inserted in lieu of the variable wording or in the blanks of
4 these documents.

5 (2) A policy using the new language shall not be issued until
6 either 30 days expires without notice from the commissioner after
7 the new language is filed, or the commissioner gives their written
8 approval prior to that time. If the commissioner at any time notifies
9 the insurer, in writing and specifying the reasons for ~~their~~ the
10 opinion, that the filed new language does not comply with the
11 requirements of law, the insurer shall not issue any policy
12 containing that language.

13 (3) This subdivision shall not be construed to provide separate
14 authority for the commissioner to reopen review of previously
15 approved policy forms.

16 ~~SEC. 8.~~

17 *SEC. 21.* Section 10295.11 of the Insurance Code is amended
18 to read:

19 10295.11. (a) An accelerated death benefit shall not be
20 advertised or marketed as long-term care insurance, nursing home
21 insurance, or home care insurance. Any advertisement, description,
22 comparison, marketing material, or illustration shall state in bold
23 type:

24 “This is a life insurance benefit that also gives you the option to
25 accelerate some or all of the death benefit in the event that you
26 meet the criteria for a qualifying event described in the policy.
27 This policy or certificate does not provide long-term care insurance
28 subject to California long-term care insurance law. This policy or
29 certificate is not a California Partnership for Long-Term Care
30 program policy. This policy or certificate is not a Medicare
31 supplement (policy or certificate).”

32 An insurer shall also include in any advertisement or marketing
33 materials for these insurance policies all of the following:

34 (1) A statement that the policy or certificate pays proceeds that
35 are or are not intended to receive favorable tax treatment under
36 Section 101(g) of the Internal Revenue Code (26 U.S.C. Sec.
37 101(g)).

38 (2) A description of the accelerated death benefits provided by
39 the policy, including a description of the acceleration of the death
40 benefit to pay an unrestricted cash benefit when the insured has

1 become chronically ill or otherwise eligible for benefits from a
2 qualified event.

3 (3) A comparison between the benefits provided by life
4 insurance policies, riders, or endorsements that contain accelerated
5 death benefits and the benefits provided by long-term care
6 insurance.

7 (b) Advertising for term life insurance policies or certificates
8 that contain an accelerated death benefit to be attached to an
9 existing term life policy shall include a prominent statement that
10 the accelerated death benefit will terminate with the policy.

11 (c) On or after January 1, 2014, every insurer offering
12 accelerated death benefits shall file with the commissioner copies
13 of all advertising for accelerated death benefits that the insurer
14 proposes to disseminate in the state prior to use of that material.
15 The commissioner shall have the authority to disapprove any
16 advertising that does not meet the requirements of this code. If the
17 commissioner disapproves the advertising, the insurer shall not
18 use and shall stop using the disapproved advertising. Nothing in
19 this subdivision shall be construed as requiring prior approval of
20 advertising prior to dissemination in this state.

21 *SEC. 22. Section 11103 of the Insurance Code is repealed.*

22 ~~11103. Insofar as his or her license to represent a fraternal~~
23 ~~benefit society is concerned, the examination requirements of~~
24 ~~Article 7 (commencing with Section 1675) of Chapter 5 of Part 2~~
25 ~~of Division 1 does not apply to any agent of a society who was in~~
26 ~~the service of a society on March 1, 1945, and who is licensed to~~
27 ~~represent a fraternal benefit society on January 1, 1952, and~~
28 ~~continuously thereafter, nor to any agent of a society who does~~
29 ~~not devote substantially full time to the sale of life or disability~~
30 ~~insurance, whether that insurance is provided by insurance policies~~
31 ~~or by fraternal benefit policies or certificates. If any person~~
32 ~~exempted from such examination requirements by virtue of not~~
33 ~~devoting substantially full time to the sale of life or disability~~
34 ~~insurance as hereinabove provided, shall, after securing a license~~
35 ~~pursuant to the provisions of this section, thereafter devote~~
36 ~~substantially full time to the sale of such insurance, the society~~
37 ~~shall give notice thereof to the commissioner. The commissioner~~
38 ~~thereupon shall send to the licensee a notice specifying when the~~
39 ~~examination fee shall be paid and when, not sooner than one month~~
40 ~~nor later than three months the licensee must qualify by~~

1 examination. Failure to pass the examination or failure to appear
2 pursuant to notification shall result in a termination 45 days
3 thereafter of all license privileges unless within such 45-day period
4 the licensee passes the examination. The licensee shall not be
5 permitted to retake the examination more than twice within that
6 45-day period. Thereafter the person may be licensed as a fraternal
7 benefit agent only if he or she files a new application for the license
8 and either (a) takes and passes the qualifying examination or (b)
9 demonstrates affirmatively to the commissioner that he or she will
10 no longer devote substantially full time to the sale of life or
11 disability insurance.

12 *SEC. 23. Section 11103 is added to the Insurance Code, to*
13 *read:*

14 *11103. (a) The examination requirements of Article 7*
15 *(commencing with Section 1675) of Chapter 5 of Part 2 of Division*
16 *1 shall not apply to a license to represent a fraternal benefit society*
17 *if the individual insurance licensee of a society meets either of the*
18 *following conditions:*

19 *(1) Was in the service of a society on March 1, 1945, and*
20 *licensed to represent a fraternal benefit society on January 1,*
21 *1952, and continuously thereafter.*

22 *(2) Does not devote substantially full time to the sale of life*
23 *insurance, accident and health or sickness insurance, or both, as*
24 *provided in Section 1622, and is an individual part-time fraternal*
25 *licensee, whether that insurance is provided by insurance policies*
26 *or by fraternal benefit policies or certificates.*

27 *(b) If an individual that is exempt from the examination*
28 *requirements described in subdivision (a) and meets the condition*
29 *described in paragraph (2) of subdivision (a) later intends, after*
30 *securing a license pursuant to this section, to devote substantially*
31 *full time to the sale of life insurance, accident and health or*
32 *sickness insurance, or both, the society shall give notice to the*
33 *commissioner.*

34 *(c) (1) Upon receiving notice, the commissioner shall send to*
35 *the individual part-time fraternal insurance licensee a notice*
36 *specifying when the examination fee shall be paid and when, not*
37 *sooner than one month nor later than three months, the licensee*
38 *shall qualify by examination. Failure to pass the examination or*
39 *failure to appear pursuant to the commissioner's notification shall*
40 *result in a termination 45 days thereafter of all license privileges*

1 *unless the licensee passes the examination within the 45-day*
2 *period. The individual part-time fraternal insurance licensee shall*
3 *not be permitted to retake the examination more than twice within*
4 *that 45-day period.*

5 *(2) Following termination pursuant to paragraph (1), the*
6 *individual may remain licensed as a part-time fraternal insurance*
7 *licensee until the licensee files a new application for the license*
8 *and does either of the following:*

9 *(A) Takes and passes the qualifying examination to become a*
10 *life insurance agent, accident and health or sickness insurance*
11 *agent, or both.*

12 *(B) Demonstrates affirmatively to the commissioner that the*
13 *individual will no longer devote substantially full time to the sale*
14 *of life insurance, accident and health or sickness insurance, or*
15 *both, to retain the individual part-time fraternal insurance license.*

16 ~~SEC. 9.~~

17 *SEC. 24.* Section 12800 of the Insurance Code is amended to
18 read:

19 12800. The following definitions apply for purposes of this
20 part:

21 (a) “Motor vehicle” means a self-propelled device operated
22 solely or primarily upon land and may include both self-propelled
23 motor homes or recreational vehicles, non-self-propelled camping
24 and recreational trailers, off-road vehicles, and trailers designed
25 to transport off-road vehicles. However, “motor vehicle” shall not
26 include a self-propelled vehicle, or a component part of such a
27 vehicle, that has any of the following characteristics:

28 (1) Has a gross vehicle weight rating of 30,000 pounds or more,
29 and is not a recreational vehicle as defined by Section 18010 of
30 the Health and Safety Code.

31 (2) Is designed to transport more than 15 passengers, including
32 the driver.

33 (3) Is used in the transportation of materials considered
34 hazardous pursuant to the Hazardous Materials Transportation Act
35 (49 U.S.C. Sec. 5101 et seq.), as amended.

36 (b) “Watercraft” means a vessel, as defined in Section 21 of the
37 Harbors and Navigation Code, and may include any
38 non-self-propelled trailer used to transport such watercraft upon
39 land.

(c) (1) “Vehicle service contract” means a contract or agreement for a separately stated consideration and for a specific duration to repair, replace, or maintain a motor vehicle or watercraft, or to indemnify for the repair, replacement, or maintenance of a motor vehicle or watercraft, necessitated by an operational or structural failure due to a defect in materials or workmanship, or due to normal wear and tear.

(2) (A) A vehicle service contract may also provide for the incidental payment of indemnity under limited circumstances only in the form of the following additional benefits: coverage for towing, substitute transportation, emergency road service, rental car reimbursement, reimbursement of deductible amounts under a manufacturer’s warranty, and reimbursement for travel, lodging, or meals.

(B) A provider seeking to offer a vehicle service contract, including any of the benefits described in subparagraph (A), shall, when filing a specimen of the contract in accordance with subdivision (a) of Section 12820, certify that the indemnity benefits provided are incidental. For purposes of subparagraph (A) and this certification, indemnity benefits are incidental if the cost to provide them based on historical data, or projected data if historical data is unavailable or insufficient, is substantially less than the cost of providing all the benefits described in paragraphs (1), (3), (4), and (5). The commissioner may request the historical or projected data at any time.

(3) “Vehicle service contract” also includes an agreement of a term of at least one year, for separately stated consideration, that promises routine maintenance.

(4) Notwithstanding Section 116, and paragraphs (1) and (2) of this subdivision, a vehicle service contract also includes one or more of the following:

(A) An agreement that promises the repair or replacement of a tire or wheel necessitated by wear and tear, defect, or damage caused by a road hazard. However, an agreement that promises the repair or replacement of a tire necessitated by wear and tear, defect, or damage caused by a road hazard, in which the obligor is the tire manufacturer, is exempt from the requirements of this part. A warranty provided by a tire or wheel distributor or retailer is exempt from the requirements of this part as long as the warranty

1 covers only defects in the material or workmanship of the tire or
2 wheel.

3 (B) An agreement that promises the repair or replacement of
4 glass on a vehicle necessitated by wear and tear, defect, or damage
5 caused by a road hazard. However, a warranty provided by a
6 vehicle glass or glass sealant manufacturer is exempt from the
7 requirements of this part. A warranty provided by a vehicle glass
8 distributor or retailer is exempt from the requirements of this part
9 as long as the warranty covers only defects in the material or
10 workmanship of the vehicle glass.

11 (C) An agreement that promises the removal of a dent, ding, or
12 crease without affecting the existing paint finish using paintless
13 dent repair techniques, and which expressly excludes the
14 replacement of vehicle body panels, sanding, bonding, or painting.

15 (D) An agreement that promises the replacement of a motor
16 vehicle key or key fob in the event that the key or key fob becomes
17 inoperable or is lost or stolen.

18 (5) "Vehicle service contract" also includes an agreement
19 covering any of a vehicle's mechanical components, provided with
20 or without separate consideration, that promises to repair, replace,
21 or maintain a motor vehicle or watercraft, or to indemnify for the
22 repair, replacement, or maintenance of a motor vehicle or
23 watercraft, conditioned upon the use of a specific brand or brands
24 of lubricant, treatment, fluid, or additive.

25 (d) "Service contract administrator" or "administrator" means
26 any person, other than an obligor, who performs or arranges,
27 directly or indirectly, any of the following activities:

28 (1) Providing sellers with service contract forms.

29 (2) Participating in the adjustment of claims arising from service
30 contracts.

31 (3) Coordinating the performance or arrangement of any of the
32 benefits permissible under subdivision (c).

33 (4) Collecting, maintaining, or disbursing of moneys to
34 compensate any person for claims, repairs, or refunds pursuant to
35 a vehicle service contract.

36 (e) "Purchaser" means any person who purchases a vehicle
37 service contract from a seller.

38 (f) "Seller" means either of the following:

39 (1) With respect to motor vehicles, a dealer or lessor-retailer
40 licensed in one of those capacities by the Department of Motor

1 Vehicles and who sells vehicle service contracts incidental to their
2 business of selling or leasing motor vehicles.

3 (2) With respect to watercraft, a person who sells vehicle service
4 contracts incidental to that person's business of selling or leasing
5 watercraft vehicles.

6 (g) "Obligor" means the entity legally obligated under the terms
7 of a service contract.

8 (h) "Road hazard" means a hazard that is encountered while
9 driving a motor vehicle and that may include, but is not limited
10 to, potholes, rocks, debris, metal parts, glass, plastic, curbs, or
11 composite scraps.

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