

“The Dictionary”

Summary of Legislative Measures 2005 Legislative Session

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AGENT/BROKER

AB 544 (Vargas) -- Insurance Solicitors: Appointment

PIFC Position: Support

Status: Chapter 84 of 2005 Statutes

Would eliminate the provision in current law that prohibits an insurance agent or broker from utilizing the services of a part time solicitor.

AB 729 (Koretz) -- Production Agencies: Regulation: Penalties

PIFC Position: Neutral

Status: Chapter 312 of 2005 Statutes

Under this bill, a person caught cheating on the licensing exam will be subject to a fine of up to \$10,000.

AB 975 (Nunez) -- Insurance Brokers

PIFC Position: Watch

Status: Assembly Insurance Committee

Requires an insurance broker to have access to two or more insurance markets not under common control and prohibits an insurance broker from holding himself or herself out as the representative of any insurance company. Requires a fire and casualty broker-agent to maintain a bond of \$25,000.

SB 205 (Cox) -- Insurance Brokers and Agents: Contracts

PIFC Position: Watch

Status: Senate Banking, Finance and Insurance Committee

Regulates the termination or amendment of a written agency or brokerage contract. Provides that no insurer shall be required to renew any policy of insurance or compensate a terminated broker-agent if the broker-agent, upon failure to remit funds within the time limits set forth in the agency or brokerage contract, has failed within 20 days after written demand to remit funds owed to the insurer.

SB 938 (Dunn) -- Insurance Agents and Brokers: Duties to Clients

PIFC Position: Oppose

Status: Senate Banking, Finance and Insurance Committee

Requires that an insurance agent or broker acting on behalf of a client in a transaction involving commercial insurance, use reasonable care, skill, and diligence in performing services on behalf of the client. Provides that the agent or broker owes the client the duties of good faith, honesty, loyalty, and integrity. Imposes specified requirements on an agent or broker acting on behalf of a client with respect to making inquiries of insurers, obtaining coverage, disclosing information and charging fees.

ARBITRATION

AB 1553 (Evans) -- Arbitration

PIFC Position: Oppose

Status: Senate Judiciary Committee

Provides, if an arbitration agreement requires that arbitration of a controversy be demanded or initiated within a period of time, the commencement of a civil action within that period of time shall toll the applicable time limitations contained in the arbitration agreement with respect to that controversy from the date the civil action is commenced until 30 days after a final determination by the court that the controversy must be arbitrated.

ATTORNEY ISSUES

AB 1133 (Harman) -- Evidentiary Privileges

PIFC Position: Support

Status: Senate Judiciary Committee

Provides that the right of any person to claim evidentiary privileges is waived with respect to a communication protected by the privilege if any holder of the privilege, without coercion, has intentionally disclosed a significant part of the communication or has consented to disclosure made by anyone. Provides that consent to disclosure is manifested by any statement or other conduct of the holder of the privilege indicating intent to permit the disclosure.

AUTOMOBILE ACCIDENTS

AB 1413 (DeVore) -- Vehicles: Accidents: Notification

PIFC Position: Watch

Status: Senate Transportation and Housing Committee

Relates to existing law that requires the driver of a vehicle involved in an accident resulting only in damage to property to immediately stop the vehicle at the nearest location that will not impede traffic, immediately leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances and without unnecessary delay notify the police department.

SB 1021 (Bowen) -- Infractions: Bodily Injury

PIFC Position: Watch

Status: Assembly Third Reading

Creates the public offense of unsafe operation of a motor vehicle with bodily injury, and would impose a fine of a certain amount if bodily injury or great bodily injury is involved.

AUTOMOBILE INSURANCE

AB 306 (Baca) -- Military Service: Benefits

PIFC Position: Watch

Status: Chapter 291 of 2005 Statutes

Provides only specified obligation of members of the United States Reserve and National Guard which were incurred prior to the date a reservist was called into active duty would be deferred for the period of active duty, plus 60 calendar days, or 180 days, whichever is the lesser and shall not apply to any active duty served after the close of the Iraq or Afghanistan conflicts or to any member of the reserve or national on active duty prior to the effective of this bill. Does not include insurance obligations.

AB 778 (Mullin) -- Auto Insurance: In-Home Supportive Services

PIFC Position: Neutral

Status: Vetoed by the Governor

Prohibits an auto liability policy from containing any provision that excludes from coverage the operation or use of an insured motor vehicle by the named insured in the performance of any in-home supportive services. Prohibits an insurer from rating or canceling an auto insurance policy, or refusing to insure an applicant, for the reason that the insured or applicant is using an insured vehicle for the provision of in-home supportive services.

AB 1122 (Wyland) -- Auto Insurance: Cost Estimate**PIFC Position:** Support**Status:** Senate Banking, Finance and Insurance Committee

Amends existing law that requires every insurer or insurer group licensed to sell auto insurance to provide consumers with a cost estimate for its lowest priced personal auto insurance policy at the limits the consumer has requested and for which the consumer is eligible. Applies the requirement to every admitted insurer selling auto insurance. Exempts from this requirement any insurer that is licensed to sell auto insurance and that ceases the sale of auto insurance.

AB 1554 (Frommer) -- Auto Insurance: Refusals**PIFC Position:** Watch**Status:** Assembly Insurance Committee

Amends existing law that requires that, when any admitted insurer licensed to issue motor vehicle liability policies, or any licensed insurance agent, refuses to accept an application for such a policy or refuses to issue such a policy when a written application has been made, the refusing agent or insurer furnish to the applicant, if requested, a written statement explaining the reasons relied upon for that action. Increases the fines for violations.

SB 590 (Cedillo) -- Evidence of Financial Responsibility: Penalty**PIFC Position:** Watch**Status:** Senate Transportation and Housing Committee

Authorizes the court to reduce the amount of the mandatory minimum specified fine if the court determines that the defendant is unable to comply with the specified financial responsibility provision because the defendant is prohibited from obtaining a driver's license.

AUTOMOBILE REPAIR**AB 79 (Calderon) -- Automotive Repair Dealers****PIFC Position:** Support**Status:** Assembly Business and Professions Committee

Relates to the Automotive Repair Act that provides for the registration and regulation of automotive repair dealers and authorizes the Director of Consumer Affairs to adopt regulations to implement its provisions and defines various terms. Defines the term "motor vehicle" to include vehicles used to transport passengers powered by electricity, hydrogen or other alternative energy sources. Revises the definition of the term "customer" to include an insurer under certain conditions.

AB 303 (Calderon) -- Automotive Repair Dealers**PIFC Position:** Support**Status:** Senate Banking, Finance and Insurance Committee

Relates to the Automotive Repair Act that provides for the regulation of insurers by the Insurance Commissioner and imposes certain obligations on automobile insurers with regard to repair of damaged vehicles. Imposes certain requirements on such insurers that have been authorized by a claimant to act on the claimant's behalf to arrange repairs of a motor vehicle at a repair facility.

AB 1163 (Yee) -- Motor Vehicle Replacement Parts**PIFC Position:** Support**Status:** Assembly Business and Professions Committee

Requires an insurer or repair facility to notify a consumer of the use of crash parts supplied by the manufacturer of the vehicle, certified aftermarket crash parts, or other crash parts.

Establishes that a non-car company certified aftermarket crash part is of like kind and quality to a part manufactured by the vehicle manufacturer. Prohibits a person from imposing a penalty upon a person leasing or financing a vehicle who repairs that vehicle using certified aftermarket crash parts.

AB 1716 (Haynes) -- Automotive Repair**PIFC Position:** Sponsor/ Support**Status:** Assembly

Defines the terms "fraud" and "standards of automotive repair" for purposes of the Automotive Repair Act.

SB 98 (Murray) -- Auto Insurance: Repairs**PIFC Position:** Watch**Status:** Re-referred to Assembly Insurance Committee

Relates to repairs under an automobile insurance claim. Provides that, if the insurer and the shop chosen by the claimant to perform the repairs cannot agree on the price of repairs, the insurer may obtain and present to the shop two or more quotes from other shops in the area that will perform and guarantee the repairs, and that the insurer shall be liable for only the higher of the quotes presented. Allows an insurer to offer a preferred provider program to an insured in return for a premium reduction.

BUDGET**AB 584 (Blakeslee) -- Seismic Safety****PIFC Position:** Watch**Status:** Chapter 92 of the 2005 Statutes

Deletes an obsolete cross-reference, repeals an obsolete grant program, and transfers funds remaining in the Alfred E. Alquist Earthquake Fund to the Seismic Safety Account in the Insurance Fund. Appropriates those funds to the Seismic Safety Commission for expenditure in the 2005-06 fiscal year. Repeals the provisions creating the Alfred E. Alquist Earthquake Fund.

AB 1374 (Liu) -- Seismic Safety Commission**PIFC Position:** Oppose**Status:** Vetoed by the Governor

Extends, until July 1, 2013, the sunset date on the Seismic Safety Account, thereby further obligating the Insurance Fund as the source of funding for the California Seismic Safety Commission.

CALIFORNIA DEPARTMENT OF INSURANCE (CDI)

AB 687 (Horton, J.) -- Insurance: Investments

PIFC Position: Sponsor/ Support

Status: Assembly Insurance Committee

Prohibits the Insurance Commissioner from, directly or indirectly, requiring an insurer to make an investment that is not authorized by law and, unless expressly permitted by statute, by the rules and regulations regarding investments by domestic incorporated insurers and the investment standards adopted by the National Association of Insurance Commissioners (NAIC).

SB 216 (Dutton) – Governmental Reorganization: Tax Functions

PIFC Position: Watch

Status: Senate Government Modernization, Efficiency and Accountability Committee

Abolishes the Franchise Tax Board, and provides for the transfer of its powers and duties to the State Board of Equalization. Provides for the transfer of the tax administrative functions performed by the Employment Development Department and the Department of Insurance to the State Board of Equalization. Requires the State Board of Equalization to submit a report to the Governor and the Legislature regarding the board's assumption of these duties.

SB 717 (Maldonado) -- Insurance Rates: Intervention

PIFC Position: Watch

Status: Senate Banking, Finance and Insurance Committee

Requires the Department of Insurance to publish annually the total amount of funds paid to compensate persons for participation in ratemaking hearings and specified information with respect to each person who initiates or intervenes in ratemaking proceedings.

CALIFORNIA INSURANCE GUARANTY ASSOCIATION (CIGA)

AB 191 (Vargas) -- Insurance: Insolvency: Longshore and Harbor Workers

PIFC Position: Watch

Status: Assembly Appropriations Committee

Includes insurers providing insurance under the federal Longshore and Harbor Workers' Compensation Act among the insurers required to be members of the Insurance Guarantee Association. Requires the association to pay an insolvent insurer's claims under the federal act that are within the coverage of a policy issued and arise as a result of injury that occurs at worksites in certain locations. Requires an association to charge a premium for the payment of covered claims and costs only to member insurers.

AB 1761 (Assembly Insurance Committee) -- Insolvency: Deductible Agreements

PIFC Position: Watch

Status: Chaptered 95 of 2005 Statutes

Provides any collateral held by or for the benefit of, or assigned to, an insurer or liquidator pursuant to these provisions to secure the obligation of a policyholder under a deductible agreement and any reimbursement payments to the liquidator under a deductible agreement, shall be considered property of the liquidated company, but shall not be general assets of the liquidated company. Imposes certain requirements on the liquidator and the policyholder relating to the payment of claims from collateral.

CANCELLATION/NON-RENEWALS

AB 1123 (Wyland) -- Insurance: Renewal: Liability

PIFC Position: Support

Status: Chapter 327 of 2005 Statutes

Relates to existing law that provides there shall be no liability on the part of any insurer, agent, broker, or other specified person for any statement made, unless shown to have been in bad faith in communications involving the cancellation of a policy. Applies these protections, to communications and evidence involving the nonrenewal of a policy for insurers that issue professional liability insurance policies to health care providers. Requires no show of malice for liability purposes.

CELL PHONES

AB 963 (Garcia) -- Vehicles: Provisional Driver's License: Cellular Telephone Use

PIFC Position: Watch

Status: Senate Transportation and Housing Committee

Imposes an additional restriction on the provisional driver's license by prohibiting the licensee from operating a device that provides commercial mobile radio services, while at the same time operating a moving vehicle, unless the licensee is in the process of calling 911 or another emergency services number. Makes conforming changes regarding penalties for a violation of this additional restriction.

SB 681 (Simitian) -- Vehicles: Wireless Telephones

PIFC Position: Watch

Status: Senate Transportation and Housing Committee

Makes it an infraction to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving. Provides that this prohibition does not apply to a person who is using the cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes.

CIVIL ACTIONS

SB 815 (Ortiz) -- Civil Procedure: Service by Publication

PIFC Position: Oppose

Status: Assembly

Provides that a summons may be served by substitute service on a defendant's insurance company if upon affidavit it appears to the court's satisfaction that the party to be served cannot with reasonable diligence be served in another manner and if other specified conditions are satisfied and if the insurer has acknowledged the claim and has not denied coverage on the loss. Provides a plaintiff who elects this form of service waives any claim above the policy limits.

CONFIDENTIALITY

AB 1700 (Pavley) -- Secrecy Agreements: Public Danger

PIFC Position: Oppose

Status: Assembly Inactive File

Provides that in an action, based upon the existence of a public danger, evidence of or information concerning a public danger that was discovered during the course of litigation, whether or not that evidence or information was filed with the court may not be kept secret pursuant to agreement of the parties or by court order. Provides the information may be kept secret only pursuant to a court order based on the court's independent findings.

CONSTRUCTION DISPUTE RESOLUTION

AB 108 (Houston) -- Attorney Advertising: Residential Construction Defects

PIFC Position: Support

Status: Assembly Judiciary Committee

Requires an advertisement by a lawyer or law firm, that urges a person or entity to take an action that may lead to the filing of a claim for residential construction deficiencies, to disclose specified information.

AB 406 (Haynes) -- Contracts: Indemnity

PIFC Position: Watch

Status: Senate Rules Committee

States the intent of the Legislature governing the use of indemnification and additional-insured provisions in construction contracts with respect to construction defect disputes.

AB 573 (Wolk) -- Construction Contracts: Indemnity

PIFC Position: Watch

Status: Senate Rules Committee

States the intent of the Legislature governing the use of indemnification and additional-insured provisions in construction contracts with respect to construction defect disputes.

AB 662 (La Suer) -- Construction Defects: County of San Diego: Fires

PIFC Position: Watch

Status: Chapter 40 of 2005 Statutes

Authorizes a homeowner and a contractor to agree by contract to be governed by the construction defect provisions in existing law with regard to the free rebuilding of residential homes destroyed in the Cedar Fire of October 2003, in the County of San Diego, and any construction defects thereof.

AB 758 (Calderon) -- Construction Contracts: Indemnity

PIFC Position: Watch

Status: Chapter 394 of 2005 Statutes

Provides that all agreements affecting any residential construction contract that purport to indemnify or require a defense duty of the builder by a subcontractor against liability for claims of construction defects or other injury to property arising from the negligence of the builder or the builder's agents are void and unenforceable.

AB 941 (Canciamilla) -- Construction Defects: Pre-litigation Procedures

PIFC Position: Support

Status: Assembly Judiciary Committee

Requires a homeowner prior to filing any actions for construction defect claims not otherwise subject to existing law, to contact the building of that home to inform the builder of the nature and location of the defect and allow the builder to inspect the defect at a mutually convenient time.

AB 1038 (Houston) -- Construction Defects

PIFC Position: Watch

Status: Senate Rules Committee

States the intent of the Legislature to enact legislation governing the use of indemnification and additional-insured provisions in construction contracts with respect to construction defect disputes.

SB 947 (Morrow) -- Construction Contracts**PIFC Position:** Watch**Status:** Senate Judiciary Committee

Provides that any provisions, clauses, covenants, or agreements contained in, collateral to, or affecting any construction contract for the construction of residential units that purport to indemnify the promisee against liability for damages for injury to property, or any other loss, damage, or expense arising from the act or omission of the promisor, shall be limited only to damages, injury, loss, or expense caused by the promisor, or the promisor's subcontractors, agents or representatives.

CREDIT**AB 1454 (Calderon) – Homeowners' Insurance: Prohibited Actions****PIFC Position:** Support**Status:** Assembly Insurance Committee

Imposes various requirements on an insurer that uses credit information on their underwriting or in rating a consumer of homeowners' insurance, including requirements relating to denials of applications, cancellation or nonrenewal of policies, setting of rates, discrimination, prohibited credit factors, updated credit reports, and notification of adverse actions. Prohibits an insurer from reporting the fact that an insured has inquired about the nature or scope of coverage to any insurance-support entity.

SB 603 (Ortiz) -- Insurance: Credit Ratings**PIFC Position:** Oppose**Status:** Assembly Insurance Committee

Prohibits an insurer from using credit ratings, credit reports, credit scoring models, or credit information to underwrite, classify, or rate certain insurance policies that provide coverage for loss or damage relating to automobiles, real or personal property, including loss or damage caused by fire, and residential property where the loss or damage is caused by earthquake. Prohibits an insurer from refusing to issue those policies and from renewing or canceling those policies based upon credit grounds.

SB 986 (Escutia) – Consumer Credit Reports: Employment Purposes**PIFC Position:** Oppose**Status:** Senate Judiciary Committee

Defines and regulates consumer credit reporting agencies and investigative consumer reporting agencies. Revises the definition of "employment purposes" to require that when the consumer credit report or the investigative consumer report is used for employment purposes the information be directly related to the skills necessary to perform the job.

DEPARTMENT OF MOTOR VEHICLES (DMV)**AB 26 (Mountjoy) -- Vehicles: Commercial Requester Accounts: Access****PIFC Position:** Watch**Status:** Assembly Appropriations Committee

Requires the Department of Motor Vehicles, upon request by an individual or organization that has been issued a commercial requester account, to provide special expedited access to the automated name index information and vehicle registration information in its files through telephone access as approved by the department in a manner requested by the individual or organization. Requires the ensuring of the privacy of the information. Requires the charging of a fee to cover costs.

DRIVERS

SB 597 (Torlakson) -- Good Driver Discounts: Drunk Drivers

PIFC Position: Support

Status: Chapter 109 of 2005 Statutes

Relates to existing law that provides that a person is qualified to purchase a Good Driver Discount auto insurance policy if he or she meets specified criteria, including not having been convicted of specified offenses relating to driving while intoxicated during the previous 7 years. Changes that period to the period commencing on January 1, 1999 or the date 10 years prior to the date of application for the issuance or renewal of the discount policy, whichever is later, and ending on a specified date.

SB 598 (Torlakson) -- Vehicles: Leaving the Scene of an Accident

PIFC Position: Watch

Status: Assembly Appropriations Committee

Requires the driver of a vehicle involved in an accident resulting in injury to any person, other than himself, or in a death, to immediately stop the vehicle at the scene of the accident and provide certain information and render assistance, as necessary, to the driver and occupants of the other vehicle and divulge specified information to traffic or police officers. Requires that a person who violates such requirements be punished with additional specified prison term.

DRIVERS' LICENSES

AB 397 (Chavez) -- Provisional Licensing Program

PIFC Position: Watch

Status: Assembly Transportation Committee

Revises the second and third educational and training alternatives under the provisional licensing program by requiring a person to complete ten hours, rather than six hours, of behind-the-wheel training. Additionally requires a person under the provisional licensing program to satisfactorily complete a specified crash avoidance training program taught at driving schools that meet certain requirements and by instructors who meet specified training requirements.

AB 718 (Calderon) -- Personal Data: Driver's Licenses

PIFC Position: Watch

Status: Assembly Judiciary Committee

Authorizes a retail seller to type, key in, or otherwise capture the data from a driver's license or identification card for specified purposes, only if there is no magnetic strip on the back of that license or card, or the electronic device cannot read that particular license or card. Allows the swiping of a license or a card for purposes of complying with a specified provision of the Vehicle Code or a Department of Motor Vehicles' requirement, or for providing financing or arranging for vehicle insurance.

AB 753 (Gordon) -- Underage Drinking: Suspension of Driving Privileges

PIFC Position: Watch

Status: Assembly Transportation Committee

Requires, in addition to the penalties imposed under the Alcoholic Beverage Control Act for any person under the age of 21 years to purchase any alcoholic beverage or to consume such beverage in any on-sale premises or to furnish any such beverages to any person under the age of 21 or makes it illegal for a parent or guardian to permit a child, under age 18 to consume such beverages or a controlled substance at their home. Any violation will result in the suspension or the delay of the driving privilege of a violator.

AB 846 (Liu) -- Driver Education: Private Secondary Schools**PIFC Position:** Watch**Status:** Chapter 314 of 2005 Statutes

Relates to existing law that provides that the satisfactory completion of a course in automobile driver education offered by private secondary school satisfies specified driver education instructional requirements. Revises and recasts those provisions. Provides that the satisfactory completion of an Internet-based, correspondence or other distance-learning course offered by a private secondary meets those instruction requirements. Sets forth additional course requirements for those schools.

AB 1447 (Garcia) -- Vehicles: Provisional Driver's License: Restrictions**PIFC Position:** Watch**Status:** Assembly Transportation Committee

Requires that a driver's license issued to a person who is at least 16 years of age, but under 18 years of age, be issued pursuant to a specified provisional licensing program that imposes certain restrictions on the license. Increases the penalties that a court may impose for a violation.

AB 1474 (Maze) -- Provisional Licensing Program**PIFC Position:** Watch**Status:** Chapter 337 of 2005 Statutes

Provides that during the first 12 months after issuance of a provisional driver's license, the licensee is prohibited from driving between the hours of 11 p.m. and 5 a.m. and is prohibited from transporting passengers who are under 20 years of age, unless in either situation the licensee is accompanied and supervised as currently provided or an existing exception applies.

AB 1475 (Maze) -- Provisional Licensing Program**PIFC Position:** Watch**Status:** Assembly Transportation Committee

Creates an additional exception to the restrictions by allowing a provisional licensee to drive between midnight and 5 a.m. or transport an immediate family member without the supervisory restrictions when involved in activities of a tax-exempt nonprofit charitable or religious organization under specified conditions.

AB 1627 (Koretz) -- Provisional Licensing Program**PIFC Position:** Watch**Status:** Assembly Appropriations Committee

Amends the Brady-Jared Teen Driver Safety Act which allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age and imposes a license restriction and suspension for violations relating to the hours a teen driver may drive. Requires the court to impose one or both of the sanctions. Changes the license restriction to a suspension and changes the point total for the determination of the placement on probation.

AB 1703 (Bogh) -- Drivers' Licenses**PIFC Position:** Watch**Status:** Assembly

Makes technical, nonsubstantive changes in existing law that prohibits a person from driving a motor vehicle upon a highway, unless that person holds a valid driver's license issued under the Vehicle Code.

ACA 6 (Wyland) -- Public Benefits**PIFC Position:** Watch**Status:** Assembly Judiciary Committee

Proposes a Constitutional amendment to prohibit the state from issuing any driver's license, state identification card, providing in-state tuition or fees for postsecondary education, granting any voting privileges, or providing any health, social, or other state or local benefit to any person who is neither a citizen of the United States nor an alien lawfully present in the United States, unless the privilege, service or benefit is required to be provided pursuant to federal law.

SB 60 (Cedillo) -- Vehicles: Driver's License**PIFC Position:** Support**Status:** Vetoed by the Governor

Requires the Department of Motor Vehicles, in the issuance of drivers' licenses and identification cards, to issue licenses and cards that are in compliance with specified requirements of the federal Real ID Act of 2005. Requires the department to issue driver's licenses and permit driving and are acceptable by a federal agency for any official purpose, as certified by the federal Secretary of Homeland Security, to applicants in compliance with the requirements of the federal act.

SB 176 (Denham) -- Traffic Collision: Fatality: Testing**PIFC Position:** Watch**Status:** Assembly Public Safety Committee

Extends the implied consent testing requirement to a person, who, while driving, is at fault in causing a traffic collision that is the proximate cause of a fatality. Requires a peace officer, if a person is so involved in a collision and refuses to take the test, to serve notice of an order suspending or revoking the person's privilege to operate a motor vehicle.

SB 212 (Lowenthal) -- Lapses of Consciousness: Reports to the DMV**PIFC Position:** Watch**Status:** Assembly Judiciary Committee

Authorizes a physician or surgeon to report to the Department of Motor Vehicle in good faith specified information relating to a patient at least 15 years of age or 14 years of age for those patients holding a conditional license, who has been diagnosed as having suffered a lapse of consciousness or has a disorder or medical condition that may affect the ability to drive safely and with patients diagnosed with Alzheimer's or other dementia disorders, or any disorder comprising the ability to drive safely.

SB 590 (Cedillo) -- Evidence of Financial Responsibility: Penalty**PIFC Position:** Watch**Status:** Senate Transportation and Housing Committee

Authorizes the court to reduce the amount of the mandatory minimum specified fine if the court determines that the defendant is unable to comply with the specified financial responsibility provision because the defendant is prohibited from obtaining a driver's license.

SB 591 (Cedillo) -- Impounding: Vehicles**PIFC Position:** Watch**Status:** Senate Public Safety Committee

Amends existing provisions that require a peace officer to impound a vehicle when the driver has a revoked or suspended license or has never been issued a drivers license. Requires a city or county to exempt a person from the impound period where the offense involves a person who has never been issued a driver's license due to an inability to meet the requirement that the applicant's presence in the United States is authorized under federal law.

SB 806 (Speier) -- Provisional Licensing Program**PIFC Position:** Watch**Status:** Assembly Appropriations Committee

Provides that during the first 12-months after the issuance of a provisional license, the licensee is prohibited from transporting persons under 20 years of age, unless the licensee is accompanied and supervised in the manner provided under current law. Revises the sanction upon a second or subsequent violation. Deletes the prohibition against including a violation of this offense as a violation point. Imposes a specified punishment. Provides for an alternative sanction of community service.

SB 823 (Margett) -- Provisional Licensing Program: Speed Contest**PIFC Position:** Watch**Status:** Senate Transportation and Housing Committee

Requires the Department of Motor Vehicles to inform an applicant for a license under the Brady-Jared Teen Driver Safety Act of 1997 program, prior to issuing a license, of the hazards and penalties associated with violating a statute prohibiting a person from engaging in a motor vehicle speed contest on a highway.

DRIVING UNDER THE INFLUENCE (DUI)**AB 4 (Bogh) -- Vehicles: Driver's License: Permanent Revocation: DUI****PIFC Position:** Watch**Status:** Assembly Appropriations Committee

Requires the Department of Motor Vehicles to permanently revoke the driving privilege when a person has been convicted of a third or subsequent violation of the specified DUI provisions. Requires that persons convicted of violating certain DUI provisions be punished by the specified fines and terms of imprisonment if the violation occurs after 2, 3, or more separate violations of DUI provisions without regard to the 10-year requirement. Requires an ignition interlock device for blood alcohol at 0.15.

AB 570 (Villines) -- DUI**PIFC Position:** Watch**Status:** Senate Public Safety Committee

Revises provisions of existing law to codify the provisions relating to willful or wanton disregard for the safety of persons separately from the provision relating to willful or wanton disregard for the safety of property for operating a motor vehicle to willfully flee or otherwise attempt to elude a pursuing peace officer's vehicle. Provides that a sentence for the violation of the above offense does not preclude the imposition of a greater offense based on a conviction of the crime of murder.

AB 571 (Levine) – DUI: Blood-Alcohol Concentration: Sanctions

PIFC Position: Watch

Status: Chapter 89 of 2005 Statutes

Decreases the required blood-alcohol concentration level to be used under driving-under-the-influence provisions. Relates to assessments imposed on DUI violations in a judicial district that participates in a county alcohol and drug problem assessment program.

AB 979 (Runner) -- DUI

PIFC Position: Watch

Status: Chapter 646 of 2005 Statutes

Applies provisions governing the issuance of restricted driver's licenses to persons convicted of repeated DUI offenses after the completion of 12 months of the suspension or revocation period in all cases, rather than the current 12 to 30 month range. Applies the vehicle impoundment procedure under existing law to a person who is driving in violation of a driver's license restriction requiring that person to operate a vehicle that is equipped with a certified ignition interlock device.

AB 1353 (Liu) -- DUI Offenders

PIFC Position: Watch

Status: Chapter 164 of 2005 Statutes

Requires a first offender whose blood alcohol concentration of 0.20% or more, by weight, or who refused to take a chemical test, to participate for at least 9 months or longer in a licensed program that consists of at least 60 hours of program activities.

SB 95 (Murray) -- Vehicles: Ignition Interlock Device

PIFC Position: Watch

Status: Senate Public Safety Committee

Relates to a person who is convicted of a repeat driving under the influence offense and subject to requirements that the person only operate a motor vehicle that is equipped with a functioning ignition interlock device. Makes it a misdemeanor or felony for a person who is subject to that condition to operate a motor vehicle in violation of that condition.

SB 207 (Scott) -- Vehicles: DUI: Impoundment

PIFC Position: Watch

Status: Chapter 656 of 2005 Statutes

Authorizes a peace officer to immediately cause the removal and seizure of a vehicle from a person who meets certain circumstances relating to driving a motor vehicle while under the influence of alcohol or drugs, or both, and who has been previously convicted of DUI within the preceding 10 years. Provides for a 5-day impoundment of that vehicle if the person has been convicted of DUI once within the preceding 10 years. Prescribes procedures for the release of impounded vehicle.

SB 547 (Cox) -- Vehicles: DUI: Vehicle Impound

PIFC Position: Watch

Status: Chapter 159 of 2005 Statutes

Establishes a pilot program in Sacramento County that would require the impoundment of a person's vehicle by a peace officer for a DUI offense that is undertaken in combination with an intervention and a referral of the person to a driving-under-the-influence program under certain conditions and only if the board of supervisors enacts an ordinance or resolution therefor. Requires the county to report to the Legislature regarding the effectiveness of the pilot program.

EARTHQUAKE

AB 527 (Levine) -- California Earthquake Authority: Governing Board

PIFC Position: Oppose

Status: Assembly Appropriations Committee

Provides that the CEA is governed by a 5-member board consisting of the 3 voting members specified in existing law, one appointee of the Speaker of the Assembly, and one appointee of the Chairperson of the Senate Rules Committee. Requires that the 2 legislative appointees be voting members and serve 4-year terms.

AB 584 (Blakeslee) -- Seismic Safety

PIFC Position: Watch

Status: Chapter 92 of 2005 Statutes

Deletes an obsolete cross-reference, repeals an obsolete grant program, and transfers funds remaining in the Alfred E. Alquist Earthquake Fund to the Seismic Safety Account in the Insurance Fund. Appropriates those funds to the Seismic Safety Commission for expenditure in the 2005-06 fiscal year. Repeals the provisions creating the Alfred E. Alquist Earthquake Fund.

AB 1374 (Liu) -- Seismic Safety Commission

PIFC Position: Oppose

Status: Vetoed by the Governor

Extends until July 1, 2013 the sunset date on the Seismic Safety Account, thereby further obligating the Insurance Fund as the source of funding for the California Seismic Safety Commission.

ELDER ABUSE

AB 1605 (Wolk) -- Elder and Dependent Adult Abuse

PIFC Position: Watch

Status: Assembly Inactive File

Includes within Elder Abuse and Dependent Adult Civil Protection Act reporting requirements mandated reporters of suspected financial abuse, and, with certain exceptions, makes failure to comply with these requirements subject to a civil penalty. This law does not apply to insurers.

AB 1664 (Gordon) -- Elder Abuse Reporting

PIFC Position: Watch

Status: Senate Banking, Finance and Insurance Committee

Authorizes an officer, employee or agent of a financial institution to report incidents of suspected financial abuse of an elder or dependent adult. Requires employee training in elder and dependent adult financial abuse. Makes an exemption to the State Right to Financial Privacy Act to authorize a county adult protective services office, when investigating the financial abuse of an elder or dependent adult, to request and receive from a financial institution specified financial information of a customer.

SB 1018 (Simitian) -- Elder and Dependent Adult Abuse

PIFC Position: Watch

Status: Chapter 140 of 2005 Statutes

Includes within elder abuse and dependent adult civil protection reporting requirements mandated reporters of suspected financial abuse, and would, with certain exceptions, make failure to comply with these requirements subject to a civil penalty.

ELECTIONS

AB 25 (McCarthy) -- Redistricting

PIFC Position: Watch

Status: Assembly

States the intent of the Legislature to enact the necessary statutory changes to facilitate the creation of an independent commission that would establish electoral district boundaries.

ACA 8 (Maze) -- Reapportionment

PIFC Position: Watch

Status: Assembly

Proposes a Constitutional Amendment to provide that congressional and legislative district boundary lines would be adjusted by a panel of five special masters, and deemed adopted upon filing with the Secretary of State. Provides for public hearings regarding redistricting plans proposed by any elector, public interest group, or Member of the Legislature before approving a plan and filing it with the Secretary of State.

ACA 6 First Extraordinary Session (Canciamilla) -- Term Limits

PIFC Position:

Status: Assembly

Removes existing term limits for California Legislators. Allows a person, during his or her lifetime, to serve not more than 16 years in the Senate, the Assembly, or both, in any combination of terms. Makes a person ineligible to be a member of the Legislature unless service of the full term of office will not exceed the maximum years of service allowed.

ACA 18 (Nation) – Initiatives: Legislative Review and Adoption

PIFC Position: Watch

Status: Assembly Third Reading

Proposes a Constitutional amendment relating to initiatives to require the Legislature, following the submittal of an initiative measure for the ballot, to introduce a bill or constitutional amendment, or both, containing provisions substantively identical to those of the initiative measure. Requires the Secretary of State to immediately withdraw the initiative measure from the ballot if a bill is enacted or a constitutional amendment is passed setting forth only provisions substantively identical to the measure.

SB 469 (Bowen) -- Petition: Initiative, Referendum, Recall

PIFC Position: Watch

Status: Vetoed by the Governor

Requires an initiative, referendum, or recall petition to reflect, in specified language, whether it is being circulated by a paid circulator or by a volunteer. Requires any state or local initiative, referendum or recall petition circulated by a committee to include a disclosure statement identifying the 5 largest cumulative contributors in support of the measure.

SCA 3 (Lowenthal) -- Elections: Redistricting

PIFC Position: Watch

Status: Senate Appropriations Committee

Proposed an amendment to the Constitution to require each member of the Legislature to conduct two town hall meetings each calendar year within his or her district to discuss legislative issues, prohibit the Senate or Assembly from commencing a summer recess until the Budget Bill has been passed, and establishes the Citizen's Commission on Boundaries and Accountability to adopt redistricting plans for congressional and Assembly, Senate and Board of Equalization districts of equal population.

EMPLOYER ISSUES

AB 640 (Tran) -- Employment: Work Hours

PIFC Position: Watch

Status: Assembly Labor and Employment Committee

Exempts individual, non-exempt employees from the alternative workweek. Permits each individual, non-exempt employee to adopt an alternative workweek schedule providing for workdays up to ten hours per day within a 40-hour workweek, with no fixed workweek without the payment of overtime compensation, provided the employee submits a written request to the employer and the request is approved. Prohibits an employer from encouraging or soliciting an employee to submit an alternate schedule.

AB 1012 (Nation) -- Overtime Compensation

PIFC Position: Watch

Status: Senate Labor and Industrial Relations Committee

Relates to existing law that authorizes the Industrial Welfare Commission to establish exemptions from overtime wage requirements for certain employees, including certain employees in the computer software field. Makes technical nonsubstantive changes to these provisions. Requires the Department of Industrial Relations to report annually regarding the impact of these provisions on the retention in, and recruitment to the state, of computer consulting jobs.

AB 1048 (Pavley) -- Motor Carriers

PIFC Position: Watch

Status: Chapter 226 of 2005 Statutes

Makes a motor carrier that engages a person who owns, leases or otherwise operates not more than one commercial vehicle to provide transportation service under the direction and control of the motor carrier, responsible for the compliance of that person with specified laws and regulations. Revises the definition of direction and control of these purposes.

AB 1255 (Calderon) -- Employee Work Hours

PIFC Position: Watch

Status: Assembly

Makes a technical, nonsubstantive change to existing law that provides that eight hours of labor constitutes a day's work and that work in excess of eight hours in one workday shall be compensated at the rate of no less than 1-1/2 times the regular rate of pay for an employee.

SB 300 (Kuehl) -- Family and Medical Leave

PIFC Position: Watch

Status: Assembly

Increases the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by eliminating the age and dependency elements from the definition of child, and permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner. Provides an employer violates the act if it fails to grant or interferes with an employee's right to take family leave.

SB 862 (Perata) -- Minimum Wage Increase

PIFC Position: Watch

Status: Senate Rules Committee

Increases the minimum wage to an unspecified amount.

FIRE/ HOMEOWNERS' INSURANCE

AB 306 (Baca) – Military Service: Benefits

PIFC Position: Watch

Status: Chapter 291 of 2005 Statutes

Provides only specified obligation of members of the United States Reserve and National Guard which were incurred prior to the date a reservist was called into active duty would be deferred for the period of active duty, plus 60 calendar days, or 180 days, whichever is the lesser and shall not apply to any active duty served after the close of the Iraq or Afghanistan conflicts or to any member of the reserve or national on active duty prior to the effective of this bill. Does not include insurance obligations.

AB 873 (Bogh) -- Homeowners' Insurance: Copies of Policy

PIFC Position: Sponsor/ Support

Status: Chapter 397 of 2005 Statutes

Requires an insurer under a homeowners' insurance policy to provide an insured with a copy of his or her policy within an unspecified number of calendar days of receiving a request from the insured when a state of emergency has been declared by the Governor or the President in the area in which the insured property is located, or when there has been a loss that may be covered by the policy.

AB 1454 (Calderon) – Homeowners' Insurance: Prohibited Actions

PIFC Position: Support

Status: Assembly Insurance Committee

Imposes various requirements on an insurer that uses credit information in underwriting or rating a consumer of homeowners' insurance, including requirements relating to denials of applications, cancellation or nonrenewal of policies, setting of rates, discrimination, prohibited credit factors, updated credit reports, and notification of adverse actions. Prohibits an insurer from reporting the fact that an insured has inquired about the nature or scope of coverage to any insurance-support entity.

AB 1640 (Saldana) -- Insurance Claims Information

PIFC Position: Support

Status: Chapter 433 of 2005 Statutes

Requires any insurer who issues a policy of insurance covering residential property, if it reports claims history or loss experience to a claims information database, to provide the insured, within a certain period, with specified disclosures regarding contacting the claims information database.

SB 2 (Speier) -- Homeowners' Insurance: Valuation: Continuing Education

PIFC Position: Support

Status: Chapter 447 of 2005 Statutes

Provides that if a state of emergency has been declared, coverage for additional living expenses (ALE) shall be for a period of 24 months. Requires the curriculum committee of the Department of Insurance to make recommendations to instruct producers and applicants for insurance in proper methods of estimating the replacement value of structures and of providing options of the appropriate levels of coverage under a homeowner's policy. Requires an insurer to provide a claimant for ALE with a list of items the insurer believes may be covered.

SB 150 (Escutia) -- Insurance: Adverse Underwriting Decisions**PIFC Position:** Neutral**Status:** Chapter 436 of 2005 Statutes

Requires the insurance institution or agent responsible for an adverse underwriting decision to provide the specific reasons for cancellations, nonrenewals, and declinations.

SB 251 (Morrow) -- Homeowners' Insurance: Personal Property**PIFC Position:** Oppose**Status:** Senate Banking, Finance and Insurance Committee

Requires an insurer under a homeowners' insurance policy, in the event of a total loss of the primary insured structure, to offer the insured the option of receiving an unspecified portion of the policy limit for loss or damage to personal property, in exchange for the insured's waiver of any right to recover an amount in excess of that sum for that loss. Prohibits an insurer, if the insured chooses to accept that portion of the policy limit, from requiring the insured to prepare a list of personal property.

SB 518 (Kehoe) -- Homeowners' Insurance: Insurance Adjusters**PIFC Position:** Support**Status:** Chapter 448 of 2005 Statutes

Provides that, in the event of a covered loss relating to a state of emergency, coverage for additional living expenses shall be for a period of 24 months but shall be subject to other policy provisions, provided that any extension of time beyond the period provided in the policy shall not act to increase the additional living expense policy limit in force at the time of the loss. Requires an insurer, after a covered loss, to provide, free of charge, a duplicate insurance policy within 30 days of request and, for a policyholder without a covered loss, one free copy per year. Relates to the licensure of public insurance adjusters. Provides non-contact hours for adjusters.

SB 530 (Kehoe) -- Insurance: Underwriting**PIFC Position:** Neutral**Status:** Senate Banking, Finance and Insurance Committee

Prohibits an insurance institution or agent from basing an adverse underwriting decision on the fact that a holder of a valid real estate license has been the subject of an incident that might give rise to a claim subjecting an errors and omissions insurer to an obligation to defend, provided that certain conditions are met.

SB 1090 (Maldonado) -- Insurance: Insolvency: Liquidation**PIFC Position:** Watch**Status:** Senate Banking, Finance and Insurance Committee

Provides that the Treasurer or the Attorney General may challenge an application for an order to liquidate by an insurer. Requires the Insurance Commissioner, before completed any sale of assets of the person that exceeds \$10 million in price, to notify the Treasurer of the pending sale and provide any documents that the department possesses regarding the value of the assets.

FIRE SAFETY

AB 178 (Koretz) – Cigarette Fire Safety and Firefighter Protection

PIFC Position: Support

Status: Chapter 633 of 2005 Statutes

Prohibits the sale of cigarettes unless the manufacturer of those cigarettes certifies to the Attorney General that the cigarettes have been tested in accordance with certain standards and no more than 25% of the cigarettes it manufactures exhibit full-length burns when tested. Requires manufacturers to mark packages to show compliance. Allows the Board of Equalization to inspect the markings. Provides a civil penalty for failure or refusal to allow an inspection, and for sales in violation.

AB 260 (Bermudez) -- State Fire Marshal: Fire Response Time: Reports

PIFC Position: Watch

Status: Assembly Appropriations Committee

Requires the State Fire Marshal to adopt revised regulations to require the statistical information for chief fire officials on and after January 1, 2007, to include response time and staffing level information that is compatible with the National Fire Incident Reporting System and to include other specified information.

AB 287 (Negrete McLeod) -- Rapid Disaster Response Act of 2005

PIFC Position: Watch

Status: Chapter 290 of 2005 Statutes

Enacts the Rapid Disaster Response Act of 2005. Requires the Director of Forestry and Fire Protection to review the current and anticipated mission of the department for the next 20 years. Requires the director to draw upon eligible federal funds to finance a study to be conducted by an independent consultant to examine the most cost-effective and efficient means of replacing and diversifying, if appropriate, the department's aging helicopter fleet and to recommend a helicopter replacement planning cycle.

AB 560 (Emmerson) -- Fire Protection

PIFC Position: Watch

Status: Assembly

Relates to existing law that authorizes the State Fire Marshal to enforce building standards and other regulations relating to fire protection outside corporate cities, and within corporate cities upon request of the chief fire official or the governing body. Deletes the reference to those cities as "corporate."

AB 566 (Bermudez) -- State Fire Marshal: Fire Response: Reports

PIFC Position: Watch

Status: Vetoed by the Governor

Requires the State Fire Marshal to adopt revised regulations to require that statistical information relating to each fire that is submitted by chief fire officials to include response time and staffing level information that is compatible with the National Fire Incident Reporting System and to include other specified information. Requires the Fire Marshal's report of the date compilation to chief fire officials to include a comparison of response times for each reporting department.

AB 669 (La Suer) – Firefighter Training and Standards**PIFC Position:** Support**Status:** Senate Appropriations Committee

Creates the California Firefighter Training Standards Task Force to coordinate with participating agencies and stakeholders to conduct a statewide needs assessment and make recommendations for the implementation and funding of a comprehensive, continuing training and education structure that meets the needs and disciplines within the fire service profession.

AB 715 (Levine) -- Forestry: Inventoried Roadless Area Management**PIFC Position:** Watch**Status:** Assembly Unfinished Business

Prohibits a department or agency of the state from expending any funds to assist or cooperate with any agency of the federal government in the planning, adopting or implementation of any decision or action that is inconsistent with the protections intended to be provided under the 2001 federal roadless rule or in connection with a request for that action or decision.

AB 1356 (Berg) -- Department of Forestry and Fire Protection**PIFC Position:** Watch**Status:** Chapter 408 of 2005 Statutes

Specifies the striking force and efficiency of the Department of Forestry and Fire Protection in its primary mission, as well as, response to major fires or other natural disasters will not be reduced or impaired. Authorizes the director to enter into cooperative agreements with a person, firm, association, corporation or other entity for the purpose of preventing and suppressing fires. Requires that a cost cooperative agreement to include a provision relating to staffing level on all suppression vehicles.

AB 1389 (Oropeza) – Littering: Cigarette Butts**PIFC Position:** Watch**Status:** Assembly Public Safety Committee

Declares it a crime to throw any cigarette, match, or glowing or flaming substance or thing that may cause a fire upon any highway, sidewalk, or upon any public or private property. Increases the fine for these offenses.

AB 1718 (Mountjoy) -- Forestry and Fire Prevention: Screens**PIFC Position:** Sponsor/ Support**Status:** Chapter 346 of 2005 Statutes

Deletes provisions of existing law relating to maintaining a screen over the outlet of every chimney or stovepipe that is attached to a fireplace, stove or other device that burns any solid or liquid fuel by the person who owns, leases, controls, operates or maintains a building or structure in, upon or adjoining any specified land that is covered with flammable material. Requires the development of building regulations that strengthen and improve the location of screens and required screen mesh.

SB 502 (Kehoe) -- Weed and Vegetation Management**PIFC Position:** Watch**Status:** Chapter 260 of 2005 Statutes

Relates to existing law that requires firebreaks with respect to the maintenance of flammable vegetation or other combustible growth around occupied buildings located within very high fire hazard severity zones to revise that exemption. Relates to existing law that defines the term “weeds” for the purposes of the abatement of hazardous weeds and rubbish as a public nuisance.

SB 841 (Hollingsworth) -- Fire Protection: Firebreaks**PIFC Position:** Watch**Status:** Senate Natural Resources and Water Committee

Authorizes a local fire official, at his or her discretion, to permit an owner of property or his or her agent to construct a firebreak or implement appropriate vegetation management techniques, to ensure that defensible space is adequate for the protection of a home or other permanent structure on the property. Authorizes the firebreak to be for a radius of up to 300 feet from the home or other structure, or to the property line, whichever distance is shorter.

SB 955 (Soto) – Public Safety: Firefighting**PIFC Position:** Watch**Status:** Senate Appropriations Committee

Requires the Office of Emergency Services (OES) to acquire 150 additional multiple discipline response engines and assign them to the Department of Forestry and Fire Protection and fire protection agencies pursuant to a written agreement on such terms as shall be determined by the director of OES. Requires the director to assign or reassign multiple discipline response engines in a manner that promotes rapid mobilization, organization, and operation within strategically located geographic regions of the state.

SB 1084 (Kehoe) -- Forest Practices**PIFC Position:** Neutral**Status:** Chapter 278 of 2005 Statutes

Prohibits a person from selling, offering for sale, leasing or renting to any person a specified internal combustion engine, unless the equipment has a permanent warning label attached warning of the danger of starting a fire from sparks created by the operation of equipment. Revises the definition of wild land and defines hazardous fuel reduction for purposes of a state responsibility area.

SCR 24 (Kuehl) -- Wildlife Protection**PIFC Position:** Watch**Status:** Chapter 61 of 2005 Statutes

Urges the federal government to provide federal financial assistance to be used to predict wildfire behavior. Requests the National Oceanic and Atmospheric Administration undertake development of a National Fire Weather Center, to allocate resources to provide rapid and accurate meteorological information useful for predicting the movement of wildfire perimeters.

FLOOD INSURANCE**AB 1665 (Laird) – Flooding****PIFC Position:** Neutral**Status:** Senate Natural Resources and Water Committee

The bill would require that the Department of Water Resources prepare maps that accurately reflect the flood risk in the Sacramento and San Joaquin valleys and to update the maps annually. Would create the Central Valley Flood Management Board (Board) and would require that the Board provide a written notice to each landowner whose property is determined to be in a levee protection zone.

FRAUD

AB 1183 (Vargas) -- Insurance Fraud

PIFC Position: Neutral

Status: Chapter 717 of 2005 Statutes

Extends existing law that requires each insurer doing business in the state pay an annual fee for each vehicle it insures to fund certain consumer operations of the Department of Insurance related to automobile insurance and to fund the Fraud Division and an Organized Automobile Fraud Activity Interdiction Program.

SB 706 (Ortiz) -- Insurance Commissioner: Enforcement

PIFC Position: Neutral

Status: Chapter 717 of 2005 Statutes

Amends existing law which prohibits knowingly employing runners, cappers, steerers, other persons to procure clients or patients to perform or obtain services or benefits. Requires, in an action brought by an interested person, that the parties serve the Insurance Commissioner and the local district attorney, within a certain period, with complete copies of all settlement agreements for actions brought under these provisions. Requires a court to determine the allocation of any judgment or settlement.

HELMETS

SB 969 (Ducheny) -- Vehicles: Motorcycles: Safety Helmets: Exceptions

PIFC Position: Oppose

Status: Senate Transportation and Housing Committee

Exempts a driver and any passenger from the requirement to wear a safety helmet meeting certain requirements when riding on a motorcycle, motor driven cycle, or motorized bicycle who is 18 years of age or older and either has completed a motorcycle rider training program or has been issued a class M1 license or endorsement, or a comparable license or endorsement from another jurisdiction, for 2 years or more and has proof of current medical insurance on his or her person.

IDENTITY THEFT

SB 682 (Simitian) – Identity Information Protection Act

PIFC Position: Watch

Status: Assembly Appropriations Committee

Enacts the Identity Information Protection Act of 2005. Requires identification documents that are created, mandated, purchased, or issued by various public entities and that contain a contactless integrated circuit or other device that uses radio waves to broadcast personal information or to enable personal information to be read remotely to meet specified requirements. Provides exceptions and criminal penalties for a person or entity that remotely reads or attempts to read information without permission.

SB 852 (Bowen) – Identity Theft

PIFC Position: Oppose

Status: Assembly Business and Professions Committee

Requires an agency, or a person or business conducting business in the state, that owns, licenses, or collects computerized data including the personal information of a resident, to notify the resident of any breach of the security, regardless of whether the data was computerized when it was acquired. Requires a copy to the Office of Privacy Protection. Revises the definition of “personal information”. Prescribes a request by a law enforcement agency to delay notification be either in writing or electronic form.

INSURANCE COMMISSIONER

SB 398 (Simitian) -- Insurance Commissioner

PIFC Position: Watch

Status: Senate Rules Committee

States the intent of the Legislature to provide for financing of the election of Insurance Commissioner by regulatory fees paid by the insurance industry and deposited into a special fund created for that purpose.

SB 1089 (Maldonado) -- Insurance

PIFC Position: Watch

Status: Senate Banking, Finance and Insurance Committee

Provides that no person who serves as the Insurance Commissioner may, within five years of leaving that office, serve as an officer, agent, or employee of an insurer or contract with an insurer, law firm, or other business to provide legal, consulting or lobbying services on any matter before the Legislature or the Insurance Department.

INTERNET/E-COMMERCE

SB 7 (Figueroa) -- Information Practices Act: Internet Privacy

PIFC Position: Watch

Status: Senate Rules Committee

Declares the intent of the Legislature that a provider of an electronic communications service may not for its purposes either develop personally identifiable profiles of persons from the contents of those electronic communications or extract electronic mail addresses or other personally identifiable information from electronic communications.

SB 97 (Murray) -- Commercial Electronic Mail: Penalties

PIFC Position: Oppose

Status: Chapter 247 of 2005 Statutes

Relates to law prohibiting a person or entity from using commercial e-mail advertisements containing certain falsified, misrepresented, obscured, or misleading information. Makes a violation of these provisions a misdemeanor with specified punishment.

INVESTMENTS

AB 251 (Haynes) -- California New Markets Venture Capital Program

PIFC Position: Watch

Status: Assembly

Enacts the California New Markets Venture Capital Program Act of 2005, pursuant to which the Business, Transportation and Housing Agency would be required to establish the New Markets Venture Capital Program. Authorizes the agency to enter into participation agreements with eligible New Markets Venture Capital companies, and guarantee debentures of the companies to enable them to make developmental venture capital investments in smaller enterprises in low- or moderate-income areas.

AB 687 (Horton, J.) -- Insurance: Investments

PIFC Position: Sponsor/Support

Status: Assembly Insurance Committee

Prohibits the Insurance Commissioner from, directly or indirectly, requiring an insurer to make an investment that is not authorized by law and, unless expressly permitted by statute, by the rules and regulations regarding investments by domestic incorporated insurers and the investment standards adopted by the National Association of Insurance Commissioners (NAIC).

AB 925 (Ridley-Thomas) -- Insurance: Community Investments**PIFC Position:** Oppose**Status:** Assembly Insurance Committee

Makes findings and declarations regarding the need to promote investment by insurers in low-income and moderate-income communities. Defines "community development investments" to mean specified investments that have as their primary purpose community development benefiting low-income or moderate-income individuals or communities. Requires each insurer to have a specified level of community development investments.

AB 957 (Haynes) -- California New Markets Venture Capital Program**PIFC Position:** Watch**Status:** Assembly Jobs, Economic Development and the Economy Committee

Enacts the California New Markets Venture Capital Program Act of 2005, requires the Business, Transportation and Housing Agency to establish the California New Markets Venture Capital Program. Provides the agency would be authorized to enter into participation agreements with eligible California New Markets Venture Capital companies, guarantee debentures of the companies to enable them to make developmental venture capital investments in smaller enterprises in low-or moderate-income geographic areas.

LIABILITY**AB 122 (Spitzer) -- Family Day Care****PIFC Position:** Neutral**Status:** Assembly Appropriations Committee

Requires each family day care home provider to submit to the Department of Social Services a provider affidavit, under penalty of perjury, stating either that the family day care home provider carries liability insurance or a bond, or has informed each parent of the children receiving care at the home that the home does not carry liability insurance or a bond.

AB 984 (Laird) -- Liability: Genetically Engineered Plants**PIFC Position:** Watch**Status:** Assembly Agriculture Committee

Enacts the Food Industry and Farmer Protection Act. Provides that the manufacturer of a genetically engineered plant is liable for the contamination of a farm product, facility or other property of any producer, grain and seed cleaner, handler or processor by that plant.

Authorizes the prevailing plaintiff in an action to recover compensatory damages, attorney's fees and other litigation expenses. Provides the manufacture a defense if specified conditions are met. Provides the liability may not be waived.

AB 1048 (Pavley) -- Motor Carriers**PIFC Position:** Watch**Status:** Chapter 226 of 2005 Statutes

Makes a motor carrier that engages a person who owns, leases, or otherwise operates not more than one commercial motor vehicle to provide transportation services under the direction and control of the motor carrier, responsible for the compliance of that person with the specified laws and regulations. Revises the definition of direction and control for these purposes.

SB 126 (Runner) -- Emergency Services: Liability**PIFC Position:** Watch**Status:** Assembly Judiciary Committee

Amends provisions creating a crime if a person flees or attempts to elude a pursuing peace officer and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property. Imposes liability upon any person who is convicted of violating any of these crimes and whose actions proximately cause any incident that results in an emergency response, for the expense of the emergency response by a public agency. Provides any victim would receive restitution before a public agency.

LIENS**AB 1132 (Torrico) -- Vehicle: Impounding: Liens****PIFC Position:** Watch**Status:** Vetoed by the Governor

Relates to the seizure and impound of a motor vehicle ordered by a peace officer. Requires the impounding agency to release the described impounded vehicle upon the request of the registered owner, or the legal owner or his or her agent, without subjecting the vehicle to the 30-day impoundment period and related restrictions.

AB 1284 (Plescia) -- Medi-Cal: Right of Recovery: Special Needs Trust**PIFC Position:** Watch**Status:** Assembly

States the intent of the legislature to enact legislation that relates to third-party recovery on behalf of the Medi-Cal Program from special needs trusts.

SB 399 (Escutia) -- Health Services: Third Party Liability**PIFC Position:** Oppose**Status:** Vetoed by the Governor

Revises the third-party procedures under which a provider, beneficiary or the Director of Health Services may bring an action or claim against a third-party who is liable for services rendered to a beneficiary under the Medi-Cal program. Revises the provider lien procedures to provide that the lien shall be satisfied against the portion of any judgment, award, or settlement relating to past medical expenses obtained by the beneficiary or the director. Provides the provider may recover only upon certain proof.

SB 558 (Migden) -- Medi-Cal: Third Party Liability**PIFC Position:** Watch**Status:** Senate Judiciary Committee

Relates to an action or claim against a third party who is liable for services rendered to a beneficiary under the Medi-Cal program. Provides that no claim under that authorization shall be permitted to the extent that it is inconsistent with a specified decision of the California Supreme Court which limits the right of recovery from third parties.

LIFE INSURANCE

AB 204 (Harman) -- Decedents' Estates: Posthumously Conceived Children

PIFC Position: Watch

Status: Chapter 285 of 2005 Statutes

Relates to existing law that provides for the distribution of a decedent's estate among heirs and beneficiaries and provides, for purposes of determining rights of property, a child of the decedent conceived after the decedent's death, is deemed to have been born in the decedent's lifetime under conditions, one which requires the decedent specify in writing that his or her genetic material be used for posthumous conception. Requires that specification, and any revocation or amendment thereof, to be dated.

LITIGATION

AB 496 (Aghazarian) -- Service of Process

PIFC Position: Neutral

Status: Chapter 300 of 2005 Statutes

Amends existing law that requires every person who makes service of process for compensation more than 10 times a year to register as a process server with the county clerk, with specified exceptions. Limits exceptions to persons when serving provides related to cases for which the attorney is providing legal services. Requires the clerk to keep each summons issued to the plaintiff who requested issuance of the summons. Provides provisions of existing law do not limit certain service of process.

SB 312 (Ackerman) -- Summary Judgment

PIFC Position: Watch

Status: Senate Judiciary Committee

Makes an exception to the requirement that notice of a motion for summary judgment shall be served on all parties at least 75 days before the time appointed for hearing, if the court for good cause orders otherwise or the parties stipulate otherwise. Authorizes a party to move for summary adjudication of a legal issue or claim for damages, other than punitive damages, that does not completely dispose of a cause of action, and affirmative defense, or an issue of duty.

LOW-COST AUTOMOBILE INSURANCE

SB 20 (Escutia) -- Auto Insurance: Low-Cost Policies

PIFC Position: Support

Status: Chapter 435 of 2005 Statutes

Extends the sunset on the low-cost automobile insurance program in San Francisco and Los Angeles Counties until January 1, 2011. Also extends the program to six other counties, including Alameda, Fresno, Orange, Riverside, San Bernardino and San Diego until January 1, 2011. It will also allow the Insurance Commissioner to expand the program statewide at his discretion. Requires the Commissioner to establish the annual rate offered initially under the program for each of the counties. Raises the cap on the vehicle value that can be insured under this program. Specifies that only two policies per person may be purchased under this program.

MISCELLANEOUS

AB 310 (Umbert) -- Investment Plans: Defined Contribution and Retirement

PIFC Position: Oppose

Status: Vetoed by the Governor

Amends provisions relating to the licensing and regulation of broker-dealers and investment advisors. Imposes various fees and requirements on persons performing investment or management services in connection with a state mandatory defined contribution plan established for state and local employees including requirements regarding minimum rates of return on assets, limits on management and service fees and liability insurance. Provides those persons owe a fiduciary duty to the plan beneficiaries.

AB 1634 (McCarthy) -- Insurance: Notice

PIFC Position: Support

Status: Senate Banking, Finance and Insurance Committee

Amends existing law that provides that any notice required to be given to any person by any of specified provisions relating to insurance may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his or her residence or principal place of business in this state. Specifies various other means of demonstrating that notice was mailed, including by adhering to any generally accepted business practice stating the facts of the mailing.

SB 367 (Speier) -- Health Care Complaint System

PIFC Position: Neutral

Status: Chapter 723 of 2005 Statutes

Requires the Insurance Commissioner to establish a web page dedicated exclusively to processing complaints and inquiries from insureds and their health care providers relating to health insurance issues and providing information concerning the process for filing complaints and making inquiries concerning health insurers. Requires the commissioner to provide public service announcements regarding the complaint system and to process those complaints. Requires an insurer to provide notice of denial.

SB 840 (Kuehl) -- Single Payer Health Care Coverage

PIFC Position: Watch

Status: Assembly Rules Committee

Establishes the Health Insurance System to be administered by the newly created Health Insurance Agency under the control of an elected Health Insurance Commissioner. Makes all residents eligible for specified health care benefits under the Health Insurance System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. Requires the health care system to be operational within two years of enactment.

PETS

SB 861 (Speier) -- Dangerous and Vicious Dogs

PIFC Position: Watch

Status: Chaptered 668 of 2005 Statutes

Allows local governments to adopt a program regulating dangerous and vicious dogs that is specific as to breed pertaining to mandatory spay or neuter programs and breeding requirements. Requires that those jurisdictions that do implement such programs to provide quarterly statistical reports relating to dog bites to the State Veterinarian.

POLITICAL CONTRIBUTIONS

AB 16 (Huff) -- Campaign Contributions

PIFC Position: Watch

Status: Assembly Elections, Redistricting and Constitutional Amendments Committee
Prohibits the Governor or a member of the Legislature from accepting any campaign contributions between the date that the Director of Finance presents the estimate of general fund revenues, proposals to reduce expenditures to reflect this estimate, and proposed adjustments to the Governor's Budget to the Legislature, and the date of enactment of the Budget Bill.

PREMIUM

AB 1043 (Harman) -- Insurance: Unearned Premium

PIFC Position: Neutral

Status: Chapter 321 of 2005 Statutes

Requires unearned premium to be tendered to the insured within 25 days after termination of a personal lines policy (or reduction in coverage) and 80 days for a commercial lines policy. If the policy is auditable, unearned premium shall be tendered within 80 business days after the insured provides all requested audit information.

PRIVACY

AB 718 (Calderon) -- Personal Data: Driver's Licenses

PIFC Position: Watch

Status: Assembly Judiciary Committee

Authorizes a retail seller to type, key in, or otherwise capture the data from a driver's license or identification card for specified purposes, only if there is no magnetic strip on the back of that license or card, or the electronic device cannot read that particular license or card. Allows the swiping of a license or a card for purposes of complying with a specified provision of the Vehicle Code or a Department of Motor Vehicles' requirement, or for providing financing or arranging for vehicle insurance.

SB 97 (Murray) -- Commercial Electronic Mail: Penalties

PIFC Position: Oppose

Status: Chapter 247 of 2005 Statutes

Relates to law prohibiting a person or entity from using commercial e-mail advertisements containing certain falsified, misrepresented, obscured, or misleading information. Makes a violation of these provisions a misdemeanor with specified punishment.

SB 433 (Simitian) -- Personal Information: Computer Security

PIFC Position: Watch

Status: Senate Judiciary Committee

Amends existing law that contains two identical provisions requiring any entity that conducts business in the state and that owns or licenses computerized data that includes personal information to disclose any breach of the security system following discovery or notification of the breach in the security of the data to any resident whose unencrypted personal information was believed to have been acquired by an unauthorized person. Repeals one of those two identical provisions.

SB 440 (Speier) -- Personal Information Disclosures: Businesses**PIFC Position:** Watch**Status:** Assembly Business and Professions Committee

Requires a state agency, or contractor thereof, to encrypt all personal information that is owned by the state and stored or transported on a portable computing or electronic storage device. Prohibits a business from discriminating against or denying an otherwise qualified consumer a product or service or charging a higher price because the consumer has not provided consent to disclose or share covered information because the consumer has directed that the information not be disclosed or shared.

SB 550 (Speier) -- Data Brokers**PIFC Position:** Oppose**Status:** Assembly Banking and Finance Committee

Enacts the Data Broker Access and Accuracy Act of 2005. Regulates the disclosure of personally identifiable information by data brokers. Requires data brokers to disclose to individuals who are the subject of the information all personally identifiable information about the individual and the specific sources of the information. Requires brokers to reinvestigate disputed items of information, to post specified notices on their Web sites and maintain specified procedures to control access to the information.

SB 833 (Bowen) -- Unsolicited Advertising Faxes**PIFC Position:** Watch**Status:** Chapter 667 of 2005 Statutes

Makes it unlawful for a person or entity, if located in the State or if the recipient is located in the State, to use any device, or cause any other person or entity to use a device to send, an unsolicited advertisement to a telephone facsimile machine. Authorizes the recipient of an unsolicited advertising fax to bring an action for a violation of these provisions for injunctive relief and damages, if the violation was willful.

SB 1104 (Senate Banking, Finance and Insurance Committee) -- Fiscal Privacy**PIFC Position:** Watch**Status:** Senate Judiciary Committee

Excludes specified entities from the California Financial Information Privacy Act, including a provider of health care, a health care service plan, and a state agency. Provides that the act supplements and does not limit the application of various other provisions, including the Consumer Credit Reporting Agencies Act. Establishes a policy in the event that the act conflicts with another statute enacted before the act was enacted.

PROPOSITION 103**AB 977 (Nava) -- Health Care Review Process****PIFC Position:** Watch**Status:** Assembly Inactive File

Requires a health care service plan and a health insurer to apply, to the Director of the Department of Managed Health Care and the Insurance Commissioner for approval to market or offer for sale a plan or policy that includes any deductible, co-payment, other out-of-pocket costs or limitation on benefits or coverage not previously approved. Requires the director and commissioner to develop regulations concerning review of these terms and to obtain public comment before deciding on certain applications.

SB 46 (Alarcon) -- Workers' Compensation Insurance**PIFC Position:** Oppose**Status:** Assembly Insurance Committee

Requires that workers' compensation rates not be excessive, inadequate, or unfairly discriminatory. Revises the workers' compensation rate regulation procedures by establishing the Commission on Workers' Compensation Rate Regulation. Allows an employer to obtain a certificate of merit based upon the employer's safety program. Prohibits a workers' compensation insurer from classifying a policyholder based upon the policyholder's entire business.

SB 425 (Ortiz) -- Health Care Rate Approvals**PIFC Position:** Oppose**Status:** Senate Banking, Finance and Insurance Committee

Requires a health care service plan and a health insurer to obtain approval from, respectively, the Department of Managed Health Care and the Department of Insurance, of a rate increase, which is defined as including premiums, co-payments, deductibles, charges, and the cost of coverage. Authorizes the departments to assess plans and health insurers a fee for implementing the rate approval process.

SB 597 (Torlakson) -- Good Driver Discounts: Drunk Drivers**PIFC Position:** Support**Status:** Chapter 109 of 2005 Statutes

Relates to existing law that provides that a person is qualified to purchase a Good Driver Discount auto insurance policy if he or she meets specified criteria, including not having been convicted of specified offenses relating to driving while intoxicated during the previous 7 years. Changes that period to the period commencing on January 1, 1999, or the date 10 years prior to the date of application for the issuance or renewal of the discount policy, whichever is later, and ending on a specified date.

SB 717 (Maldonado) -- Insurance Rates: Intervention**PIFC Position:** Watch**Status:** Senate Banking, Finance and Insurance Committee

Requires the Department of Insurance to publish annually the total amount of funds paid to compensate persons for participation in ratemaking hearings and specified information with respect to each person who initiates or intervenes in ratemaking proceedings.

RED LIGHT CAMERAS**SB 466 (Kuehl) -- Mobile Photo Radar Enforcement****PIFC Position:** Watch**Status:** Senate Transportation and Housing Committee

Authorizes a mobile photo radar enforcement system to be used by a county or city in cooperation with a local law enforcement agency if its operation includes specific activities and the system is used only for purposes of enforcing certain speed laws in a residence district or a school zone.

REDISTRICTING

ACA 3 First Extraordinary Session (McCarthy) -- Elections: Reapportionment

PIFC Position: Watch

Status: Assembly District Representation Committee

Proposes a Constitutional Amendment to provide that the district boundary lines would be adjusted by a panel of five special masters, rather than the Legislature. Provides that the panel would hold public hearings regarding redistricting plans. Provides the panel would be selected by the Legislature from a pool of retired state or federal judges with prescribed qualification.

ACA 5 First Extraordinary Session (Canciamilla) -- Redistricting

PIFC Position: Watch

Status: Assembly

Deletes existing provisions of the California Constitution that require the Legislature to adjust the boundary lines of the State Senate, Assembly, Congressional and Board of Equalization districts, and instead creates a procedure for the appointment of an independent redistricting commission, composed of five members, which would be charged with establishing districts of equal population in a grid-like pattern across the state, adjusted as necessary to accommodate various goals.

REGULATORY

AB 1055 (Calderon) -- Regulation of Insurance Rates

PIFC Position: Sponsor/Support

Status: Assembly Insurance Committee

Relates to regulation of insurance rates. Requires that, in considering investment income, the commissioner take into account the actual rate of return that particular insurer has earned on his investment.

AB 1302 (Horton, J.) -- State Agency Regulations

PIFC Position: Watch

Status: Assembly Appropriations Committee

Requires an agency, when adopting, amending or repealing a regulation, to submit to the Office of Administrative Law a finding supported by evidence that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private individuals, businesses and small businesses than the adopted regulations and an explanation of the reasons for rejecting any proposed less burdensome alternative.

AB 1588 (Negrete McLeod) -- Administrative Agencies: Regulations: Compliance

PIFC Position: Sponsor/Support

Status: Assembly Business and Professions Committee

Provides that any person or entity that complies with lawful administrative guidance, including, but not limited to, rules, forms, regulations, bulletins, lawful written directives, and other written communications, shall be rebuttably presumed to have complied with the law or regulation upon which the guidance was based. Prohibits a state agency or official from imposing any sanction upon a person or entity that reasonably relies upon that guidance.

RENTAL COMPANIES

AB 987 (Frommer) -- Vehicle Rental Agreements: Disclosures

PIFC Position: Watch

Status: Chapter 82 of 2005 Statutes

Amends provisions regarding an automobile renter's liability for loss due to theft, a rental company's loss of use, or damage or loss to a rental vehicle, a renter's credit card liability, submission of insurance claims, damage waivers and damage waiver fees, and the notice to a renter regarding financial responsibility and optional damage waivers. Requires a written notice to be given to certain renters that the damage waiver may be duplicative of coverage the customer maintains under his or her policy.

SAFETY

AB 1189 (Bermudez) -- Vehicles: Motorcycles: Rider Training Programs

PIFC Position: Watch

Status: Senate Transportation and Housing Committee

Relates to existing law that authorizes the Commissioner of the California Highway Patrol, to provide financial or other support to projects aimed at enhancing motorcycle operation or safety, including rider training programs. Authorize the Commissioner to provide financing or other support to projects aimed at enhancing both motorcycle operation and safety.

SETTLEMENTS

AB 1042 (Harman) -- Floating Interest Rate

PIFC Position: Sponsor/Support

Status: Assembly Judiciary Committee

Provides that the rate of interest upon a judgment accrues at the federal short-term rate plus 3%, except as otherwise provided in a written contract, not to exceed 10% per annum on those judgments. Requires the Controller to annually establish the interest rate and notify the auditor in each county of that rate.

SB 410 (Speier) -- Structured Settlements

PIFC Position: Oppose

Status: Senate Judiciary Committee

Provides that the consumer in a structured settlement transaction has the right to select an insurance producer and qualified funding asset provider after the defendant or insurer has agreed with the consumer on an amount that the defendant or insurer is willing to pay on a specific funding date. Prohibits the defendant or insurer from withdrawing an offer because the consumer has exercised this right. Imposes various other requirements on producers who sell, solicit, and negotiate structured settlements.

SMALL CLAIMS COURT

AB 1459 (Canciamilla) -- Small Claims Court: Jurisdiction

PIFC Position: Oppose Unless Amended

Status: Chapter 618 of 2005 Statutes

Increases the small claims court jurisdiction over actions brought by a natural person from \$5,000 to \$7,500, with specified exceptions. Requires, in small claims courts actions to enforce the payment of a debt, that the statement of calculation of liability separately state the original debt and other payments to the debt. Increases the filing fee for certain cases with a portion of the fee to enhance law library services. Requires judges to take courses on ethics and substantive law.

SB 422 (Simitian) -- Small Claims Court: Jurisdiction**PIFC Position:** Oppose Unless Amended**Status:** Chapter 600 of 2005 Statutes

Increases the small claims court jurisdiction over actions brought by a natural person from \$5,000 to \$7,500, with specified exceptions. Requires, in small claims courts actions to enforce the payment of a debt, that the statement of calculation of liability separately state the original debt and other payments to the debt. Increases the filing fee for certain cases with a portion of the fee to enhance law library services. Requires judges to take courses on ethics and substantive law.

SB 996 (Alarcon) -- Small Claims Court**PIFC Position:** Oppose**Status:** Senate Rules Committee

Specifies that the jurisdiction of the small claims court includes various actions in which the demand does not exceed a certain amount.

STATUTE OF LIMITATIONS**AB 378 (Chu) -- Statute of Limitation: Protected Classes****PIFC Position:** Watch**Status:** Chapter 123 of 2005 Statutes

Provides for a three-year statute of limitation for the commencement of any action brought against any person who interferes with the exercise of an individual's right to be free from violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

AB 431 (Aghazarian) -- Statutes of Limitation: Asbestos**PIFC Position:** Watch**Status:** Assembly

Makes technical, nonsubstantive changes in existing law that sets forth the statute of limitation governing actions based upon disabilities resulting from exposure to asbestos.

AB 915 (Keene) -- Civil Actions: Time of Commencing**PIFC Position:** Oppose**Status:** Assembly Judiciary Committee

Extends the period for commencement of an action upon a written contract, book account, or the rescission of a written contract to seven years.

TAXATION**AB 9 (Coto) -- Education Finance: Sales and Use Taxes: Services****PIFC Position:** Oppose**Status:** Assembly Revenue and Taxation Committee

Requires the Legislature and the Governor ensure that the average per pupil level of funding for California's public elementary and high schools increases annually by an amount derived from a prescribed formula. Imposes a tax on the gross receipts derived from services to include residential telephone services, customer computer program services, bookkeeping services and legal services. Requires funds to be deposited in the Education Funding Account.

AB 115 (Klehs) -- Personal Income and Corporation Taxes**PIFC Position:** Watch**Status:** Chapter 691 of 2005 Statutes

Relates to the Personal Income Tax and Corporation Tax laws that states various provisions of the Internal Revenue Code, as enacted as of specified dates, are referenced in various sections of the Revenue and Taxation Code. Changes the specified date of those referenced Internal Revenue Code sections. Authorizes a small ultra-low sulfur diesel fuel refiner to elect to treat 75% of qualified capital costs as expenses not chargeable to capital account and expenses that may be deducted under those tax laws.

AB 1424 (Saldana) -- Taxation: Tax Liabilities: Surplus Line Brokers**PIFC Position:** Watch**Status:** Chapter 231 of 2005 Statutes

Amends existing law that provides that the tax levied upon an insurer is a lien upon all property owned by the insurer, imposes a penalty on any insurer who fails to pay any tax and disallows a corporate dissolution or bankruptcy discharge unless all tax obligations are paid. Clarifies that surplus line brokers are subject to these provisions.

SB 216 (Dutton) -- Governmental Reorganization: Tax Functions**PIFC Position:** Watch**Status:** Senate Government Modernization, Efficiency and Accountability Committee

Abolishes the Franchise Tax Board, and provides for the transfer of its powers and duties to the State Board of Equalization. Provides for the transfer of the tax administrative functions performed by the Employment Development Department and the Department of Insurance to the State Board of Equalization. Requires the State Board of Equalization to submit a report to the Governor and the Legislature regarding the board's assumption of these duties.

TORT**AB 192 (Tran) -- Tort Claims Act****PIFC Position:** Neutral**Status:** Assembly Judiciary Committee

Limits the liability of public entities in actions for injury to \$250,000 per individual or \$500,000 per occurrence under the Governmental Tort Claims Act.

AB 355 (Tran) -- Joint or Several Obligations**PIFC Position:** Oppose**Status:** Assembly Judiciary Committee

Relates to joint and several obligations. Authorizes the court, in any affected action, to instruct the jury on the effect of finding any party, including the state, partially liable.

TRAFFIC SCHOOL**AB 107 (Benoit) -- Traffic Violator Schools: Lesson Plans****PIFC Position:** Oppose**Status:** Senate Appropriations Committee

Requires that a traffic violator school owner provide a specified amount of a department-approved lesson plan of traffic safety instruction that is designed to improve safe driving habits and reduce traffic accidents. Requires the Department of Motor Vehicles to develop curriculum criteria designed to reduce subsequent traffic violations and traffic collisions by those persons completing traffic violator school. Authorizes the school to use a specified plan until the criteria is developed.

UNINSURED/UNDERSINSURED MOTORISTS

AB 526 (Harman) -- Auto Insurance: Uninsured Motorists

PIFC Position: Watch

Status: Assembly Insurance Committee

Relates to an uninsured motorist policy or endorsement thereto. Provides that coverage does not apply to bodily injury or wrongful death sustained while operating or riding on a certain class of motor vehicles as described in the policy or endorsement.

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