

**PERSONAL INSURANCE FEDERATION OF  
CALIFORNIA**

**"The Dictionary"**

**Summary of Legislative Measures  
*2003 Legislative Session***

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## **ADVERTISING**

### **SB 584 (Alarcon) -- Advertising**

**PIFC Position:** Watch

**Status:** Assembly Business and Professions Committee

Requires a person operating in business including financial institutions, automobile dealers, insurance and public utilities, who advertise rates, terms and conditions for a service or product in designated languages to provide, upon the request of a consumer, specified materials and to notify consumers of the right to request these materials.

## **AGENT/BROKER ISSUES**

### **AB 700 (Diaz) -- Insurance**

**PIFC Position:** Watch

**Status:** Assembly Insurance Committee

Provides that in addition to transacting the business of surety insurance, an insurer may also be licensed to transact the business of credit insurance. Provides that an insurer that anywhere transacts or is licensed to transact any class of insurance other than financial guaranty insurance, surety insurance, credit insurance and residual value insurance shall not be eligible for a certificate of authority to transact financial guaranty insurance.

### **AB 794 (Frommer) -- Department of Insurance: Web Site: Disclosure**

**PIFC Position:** Watch

**Status:** Chapter 310 of the 2003 Statutes

Requires that the Department of Insurance remove from its web site any order or pleading related to a disciplinary proceeding, enforcement action, or restricted license regarding specified licensees 10 years from the date the action becomes final or the restriction is removed. Provides this requirement would not apply to any order or pleading related to an enforcement action resulting in a suspended or revoked license.

### **AB 1252 (Jackson) -- Insurance**

**PIFC Position:** Watch

**Status:** Chapter 217 of the 2003 Statutes

Allows the issuance of a fire and casualty broker agent license to a nonresident who maintains a resident license to transact insurance in a territory of the United States. Exempts nonresident insurance applicants from certain requirements if the nonresident maintains a license in a jurisdiction granting reciprocity. Eliminates additional requirements applicable to nonresidents for reinsurance intermediary licenses. Renames long-term care insurance continuing education requirements as "training".

### **AB 1297 (Frommer) -- Insurance**

**PIFC Position:** Watch. Opposed previous version.

**Status:** Senate Insurance Committee/ Two-year bill

Relates to existing law which requires a fire and casualty broker-agent to file and maintain a bond and that the authority to act as a broker shall automatically terminate when no bond is in force. Specifies instead that the termination would last until a new bond has been filed. Revises the conditions under which a fire and casualty broker-agent licensee or a personal lines broker-agent licensee shall be presumed to be acting as a broker.

### **SB 618 (Scott) -- Insurance: Unfair Acts: Licenses**

**PIFC Position:** Watch

**Status:** Chapter 546 of the 2003 Statutes

Raises the fine for misrepresenting information relating to insurance. Revises policy return protections to persons 65 and older who purchase life insurance. Authorizes the Insurance Commissioner to suspend or revoke any permanent licensee issued if the licensee induces the

client to make a loan or gift to or investment with the license, or to otherwise act in other specified ways benefiting the licensee or other people acquainted or related to the licensee.

**SB 620 (Scott) -- Annuities: Life Insurance: Required Disclosures**

**PIFC Position:**

**Status:** Chapter 547 of the 2003 Statutes

Enacts additional restrictions on insurance advertising practices that target senior citizens. Expands existing restrictions to life insurance and annuities. Prohibits insurance agents who are not attorneys from sharing compensation with attorneys. Requires specific training for resident life agents to sell annuities. Imposes restrictions on the sale of life insurance policies and annuities to seniors. Imposes duties on the Insurance Commissioner.

**AUDIT**

**AB 689 (Horton, S.) -- State Regulatory Agencies: Audits**

**PIFC Position:** Watch

**Status:** Assembly Business and Professions Committee

Requires the State Auditor to conduct a performance audit of each State regulatory agency, subject to specified exceptions. Requires the State Auditor to hold a public hearing after each audit report has been completed. Requires a copy of the report to be made available to each member of the Legislature and the Governor. Appropriates funds for the purposes of this legislation.

**AUTO REPAIR**

**AB 761 (Oropeza) -- Automotive Repair: Report Card Pilot Program**

**PIFC Position:** Concerns

**Status:** Assembly Business and Professions Committee/ Two-year bill

Requires an automotive repair dealer to maintain and make available records containing specified information concerning its employees. Requires the Bureau of Automotive Repair to establish an Automotive Repair Report Card Pilot Program in the Cities of Los Angeles and San Jose. Requires the director to issue a report card for each place of business in those cities operated by an automotive repair dealer. Requires the dealer to display the report card.

**AB 970 (Correa) -- Automotive Repair Regulations**

**PIFC Position:** Watch

**Status:** Senate Business and Professions Committee

Specifies that the Director of Consumer Affairs adopt those regulations that he or she determines are reasonably necessary to promote a fair, healthy, and competitive automobile repair marketplace.

**AB 984 (Vargas) -- Service Contracts: Automobile Insurance**

**PIFC Position:** Watch

**Status:** Chapter 439 of the 2003 Statutes

Requires an obligor under a vehicle service contract who is not a seller to possess a vehicle service contract provider license. Subjects the obligor, the seller, and the administrator to various regulatory provisions relating to licensing, contract forms, notice, cancellations, and insurance. Places specified limitations on the grounds for denying contract claims. Provides certain service agreements constitute insurance. Makes additional changes relative to refund agreements.

**AB 1079 (Bermudez) -- Automotive Repair**

**PIFC Position:** Watch

**Status:** Senate Inactive File

Relates to the Automotive Repair Act that establishes the Bureau of Automotive Repair, which provides for the registration and regulation of automotive repair dealers, under the Department of Consumer Affairs. Defines the term customer and corrects an erroneous cross-reference in the act's provisions. Authorizes a customer to designate in writing another person to authorize repairs in excess of the estimate amount.

**AB 1227 (McCarthy) -- Insurance Fraud: Bureau of Automotive Repair**

**PIFC Position:** Sponsor/ Support

**Status:** Assembly Inactive File

Lists the Bureau of Automotive Repair, for the purpose of investigating auto repair or auto insurance fraud, among the agencies authorized to request and receive information relating to a specific motor vehicle theft or motor vehicle insurance fraud, and provides that it is declarative of existing law.

**SB 551 (Speier) -- Insurance: Automotive Repair Dealers**

**PIFC Position:** Neutral As Amended

**Status:** Chapter 791 of the 2003 Statutes

This bill codifies a portion of a proposed regulation that prohibits an insurer from requiring an automobile be repaired at a specific automotive repair dealer or from suggesting or recommending an automobile be repaired at such dealer unless the claimant requests the referral or is informed, in writing, of his rights.

**AUTOMOBILES**

**AB 213 (Leslie) -- Vehicles: Manufactures: Disclosure**

**PIFC Position:** Watch

**Status:** Chapter 427 of the 2003 Statutes

Requires a manufacturer of a new motor vehicle sold or leased in this state, equipped with one or more recording devices commonly referred to as event data recorders or sensing and diagnostic modules, to disclose that fact in the vehicle owner's manual. Provides certain data is the sole property of the registered owner of the vehicle.

**AB 456 (Mullin) -- Automobile Insurance: Liability Coverage**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee/Two-year bill

Raises minimum liability coverage amounts as follows: (1) the minimum coverage for bodily injury or death of one person in any one accident would rise to \$20,000 on January 1, 2006; (2) the minimum coverage for bodily injury to or death of 2 or more persons in any one accident would rise to \$35,000 on January 1, 2006; and (3) the minimum coverage for injury to or destruction of property of others in any one accident would rise to \$10,000 on January 1, 2008.

**AB 631 (Koretz) -- Automobile Medical Payments Insurance**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee/Two-year bill

Defines automobile medical payments insurance, and requires that specific forms of policy language and certain disclosures be included in contracts for versions of this insurance. Prohibits an insurer from changing any provision of an insurance agreement for automobile medical payments insurance without providing 60 days' notice to the insured and meeting other specified requirements.

**AB 1181 (Ridley-Thomas) -- Automobile Insurance: Rating Information**

**PIFC Position:** Neutral As Amended

**Status:** Chapter 360 of the 2003 Statutes

Requires that a policy of automobile insurance contain a disclosure, at issuance and in each renewal notice, of information that was applied in determining the premium that was charged for the policy. Requires the policy specify certain categories of information used as the basis for rating the coverage, including, minor and major driving-related convictions, at-fault accidents and other driving related information.

**BUDGET**

**AB 1598 (Corbett) -- Seismic Safety: Insurance: Retrofitting**

**PIFC Position:** Oppose Unless Amended

**Status:** Chapter 448 of the 2003 Statutes

Extends the sunset date for the Earthquake Grant and Loan Retrofit Program until July 1, 2007 and appropriates \$2,900,000 from the California Residential Earthquake Recovery Fund (CRERF) for the program.

**AB 1764 (Assembly Budget Committee) -- Resources**

**PIFC Position:** Oppose

**Status:** Senate Third Reading File

Budget trailer bill that provides for funding of the Seismic Safety Commission through an assessment on insurers. Contains additional provisions related to inundation maps for flood zones, fees for sport, commercial fishing and aquaculture facilities, pesticide sales taxes, pesticide handling safety, fees for wildfire prevention and protection, fees for electric corporations for power plant or transmission line development, fees for water appropriators and lessors, and fee schedules for certification of projects which affect the quality of waters of California. Contains the same language as SB 1049.

**SB 1049 (Senate Budget and Fiscal Review Committee) -- Resources**

**PIFC Position:** Oppose

**Status:** Chapter 741 of the 2003 Statutes

Budget trailer bill that provides for funding of the Seismic Safety Commission through an assessment on insurers. Contains additional provisions related to inundation maps for flood zones, fees for sport, commercial fishing and aquaculture facilities, pesticide sales taxes, pesticide handling safety, fees for wildfire prevention and protection, fees for electric corporations for power plant or transmission line development, fees for water appropriators and lessors, and fee schedules for certification of projects which affect the quality of waters of California. Contains the same language as AB 1764.

**SB 1055 (Senate Budget and Fiscal Review Committee) -- Vehicles: Fees: Funding**

**PIFC Position:** Oppose

**Status:** Chapter 719 of the 2003 Statutes

Allows the DMV to circumvent the regulatory process for fee increases and increase the amount charged for issuing a salvage certificate from \$3 to \$15, a 400% increase .

**CALIFORNIA DEPARTMENT OF INSURANCE**

**AB 700 (Diaz) -- Insurance**

**PIFC Position:** Watch

**Status:** Assembly Insurance Committee

Provides that in addition to transacting the business of surety insurance, an insurer may also be licensed to transact the business of credit insurance. Provides that an insurer that anywhere transacts or is licensed to transact any class of insurance other than financial guaranty

insurance, surety insurance, credit insurance and residual value insurance shall not be eligible for a certificate of authority to transact financial guaranty insurance.

**AB 1728 (Assembly Insurance Committee) -- Insurance Actuaries**

**PIFC Position:** Watch

**Status:** Senate Insurance Committee

Authorizes the Insurance Commissioner to review and negotiate rates charged by contracting actuaries to long-term care insurers submitting applications in order to ensure the rates do not exceed the average of actuarial rates charged in the private market.

**SB 686 (Ortiz) -- Long Term Care Facilities: Insurance: Medi-Cal**

**PIFC Position:** Watch

**Status:** Chapter 899 of the 2003 Statutes

Requires insurers writing policies of liability insurance to long-term care or residential care facilities for the elderly or physicians who oversee the care of persons to notify the Insurance Department prior to the date it intends to cease or withdraw from offering such liability policies. Authorizes formation of a risk pooling arrangement. Requires such insurers to report other information.

**CELL PHONES**

**AB 45 (Simitian) -- Vehicles**

**PIFC Position:** Neutral

**Status:** Senate Transportation Committee

Makes it an infraction, operative January 1, 2005, to drive a motor vehicle while using a wireless telephone, unless the telephone is designed and configured to allow hands-free operation, and is used in that manner while driving. Provides this prohibition does not apply to a person who is using the telephone to contact a law enforcement agency or public safety entity for emergencies. Exempts emergency service personnel operating an emergency vehicle.

**AB 1511 (Benoit) -- Vehicles: Unlawful Activities**

**PIFC Position:** Support

**Status:** Assembly Second Reading File/Two-year bill

Makes it unlawful for a driver of a motor vehicle to engage in an activity unrelated to the operation of the vehicle when such activity interferes with the safe operation of the vehicle and the driver simultaneously commits another traffic violation involving the safe operation of the motor vehicle. Requires a notice to appear for a violation to include a description of the unlawful activity and the other violation involving the operation of the vehicle.

**AB 1737 (Nakano) -- Vehicles: Driving: Wireless Telephones**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Requires any traffic collision report prepared by a member of the California Highway Patrol or any other peace officer, to include information as to whether a wireless telephone or other driver distraction or inattention is a known or suspected associated factor to the cause of such collision. Requires a report regarding the implementation of these provisions by the CHP to the Legislature.

## **CIVIL ACTIONS**

### **AB 1088 (Harman) -- Multiple Defendants: Joint and Several Liability**

**PIFC Position:** Watch

**Status:** Introduced in Assembly

Relates to liability in contract actions in which multiple defendants are liable. Declares the Legislature's intent to address the application of those provisions to complex civil actions.

### **SB 515 (Kuehl) -- Civil Actions**

**PIFC Position:** Oppose

**Status:** Chapter 338 of the 2003 Statutes

Provides that certain civil actions are not subject to a special motion to strike, known as the anti-SLAPP suit motion, including, but not limited to, any action brought solely in the public interest or on behalf of the general public, against a business defendant. Provides that related appeal provisions are not applicable to these actions.

### **SB 766 (Florez) -- Securities Violations: Remedies**

**PIFC Position:** Oppose

**Status:** Senate Inactive File

Makes various findings of the Legislature concerning recent court decisions relating to provisions of the Corporate Securities Law of 1968, and declares the Legislature's intent to abrogate those decisions. Specifies that, in cases filed on or after January 1, 2004, or in which a judgment has not been entered before that date, a person is not required to be a market participant for purposes of the civil remedy provided under these provisions.

## **CONFIDENTIALITY**

### **AB 634 (Steinberg) -- Elder Abuse Actions: Confidentiality**

**PIFC Position:** Oppose

**Status:** Chapter 242 of the 2003 Statutes

Provides that it is the policy of the State that in any civil action the factual foundation for which establishes a cause of action for a violation of the Elder Abuse and Dependent Adult Civil Protection Act, confidential settlement agreements are disfavored. Requires a showing before such settlement may be recognized by the court. Provides that certain information covered by a protective order in such actions shall remain subject to such order.

### **AB 1346 (Bermudez) -- Court Records: Confidentiality**

**PIFC Position:** Watch

**Status:** Assembly Public Safety Committee

Provides that, if a court reads or considers a law enforcement report, the report shall be maintained as a confidential court record but may be accessed by the public if specified information is redacted, unless a showing of good cause for not releasing the report is made.

### **SB 434 (Escutia) -- State Departments: Investigations and Hearings**

**PIFC Position:** Neutral As Amended

**Status:** Chapter 876 of the 2003 Statutes

Authorizes the Attorney General to bring an action or conduct an investigation when it appears any person has violated or is about to violate the Corporate Securities and California Commodity laws. Provides that, at the request of a prosecuting attorney or the Attorney General, any agency, bureau, or department of this state, any other state, or the United States may assist in conducting an investigation of unlawful activity. Also authorizes a state department head to inspect and copy records in the course of an investigation of an unlawful activity.

**SB 466 (Escutia) -- Entry of Judgment: Nondisclosure Agreements**

**PIFC Position:** Oppose

**Status:** Senate Judiciary Committee

Provides that in specified actions alleging damages caused by a product defect or an environmental hazard, any part of an agreement or order, that requires the nondisclosure of information that may be evidence of the defect or hazard may not be entered or enforced by the court upon settlement or final order, unless the court enters a final protective order.

**CONSTRUCTION DEFECT**

**AB 752 (Plescia) -- Construction Defects: Additional Insureds**

**PIFC Position:** Watch

**Status:** Assembly Insurance Committee

Provides that any endorsement issued by an admitted or nonadmitted insurer and governed by the Insurance Code that names an individual or entity as an additional insured under any insurance policy that is collateral to, or affects, any residential construction contract governed by the legal requirements for actions for construction defects shall only provide the additionally-named insured individual or entity with a defense for those claims.

**AB 903 (Steinberg) -- Construction Defect Cases**

**PIFC Position:** Support

**Status:** Chapter 762 of the 2003 Statutes

Revises and recasts various provisions of existing law governing home construction defect actions. Revises the definition of builder. Specified the application of certain provisions to general contractors. Makes technical changes relating to the builder's election to inspect. Recasts provisions relating to the applicable statute of limitations and the exclusivity of these provisions. States the provisions governing home construction defect actions apply to new residential units purchased on or after a certain date.

**SB 458 (Burton) -- Construction Defects: Affirmative Defenses**

**PIFC Position:** Watch

**Status:** Assembly Inactive File

Relates to affirmative defenses in construction defect suits. Makes a technical change by specifying that provisions relating to comparative fault apply to a subcontractor, material supplier, individual product manufacturer, or design professional.

**CONTRACTS**

**AB 88 (Corbett) -- Contracts: Telemarketing**

**PIFC Position:** Watch

**Status:** Chapter 88 of the 2003 Statutes

Provides that any contract for the purchase of certain goods or services made in connection with a telephone solicitation is unlawful if the telemarketer fails to comply with the provisions of the Telemarketing Sales Rule.

**AB 309 (Chu) -- Contracts: Foreign Languages**

**PIFC Position:** Watch

**Status:** Chapter 330 of the 2003 Statutes

Relates to existing law which requires a person in a trade or business who negotiates specified contracts or agreements primarily in the Spanish language to deliver to the other party prior to execution thereof, a Spanish language translation of the contract or agreement. Extends this provision to the foreign languages of Chinese, Tagalog, Vietnamese, and Korean in addition to Spanish. Joined with SB 146 (Escutia).

**AB 412 (Chan) -- Insurance: Consumer Protection: Senior Citizens**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Requires the Insurance Commissioner to convene a task force and ongoing working group to address harmful effects resulting from marketing and delivering insurance products to senior citizens in the State. Requires the commissioner to consult with and seek advice from interested parties.

**AB 1078 (Runner) -- Business Transactions: Telephone Solicitations**

**PIFC Position:** Watch

**Status:** Assembly Business and Professions Committee

Requires a person who contacts a consumer by telephone in order to solicit a magazine, newspaper, or newsletter subscription renewal or extension to notify the consumer of the termination date of the current subscription prior to requesting the consumer to renew or extend the subscription. Makes a violation a crime. Authorizes a person 65 years of age or older who enters into a contract with a financial institution to rescind such contract within 60 days.

**SB 146 (Escutia) -- Contracts: Spanish Translation**

**PIFC Position:** Watch

**Status:** Chapter 589 of the 2003 Statutes

Provides that translation of contracts into Spanish is required to include a translation of every term and condition in that contract or agreement, with specified exceptions. Joined to AB 309 (Chu).

**CREDIT**

**SB 25 (Bowen) -- Personal Information: Security**

**PIFC Position:** Watch

**Status:** Chapter 907 of the 2003 Statutes

Provides a person who uses a consumer credit report in connection with approval of credit may not lend money, extend credit, or complete the purchase, lease, or rental of goods or noncredit related services without taking steps to verify the consumer's identity to ensure against identity theft. Revises credit agency disclosures. Includes additional provisions related to the use of social security numbers by financial institutions.

**SB 64 (Speier) -- Homeowners' Insurance**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee

Provides no notice of non-renewal of homeowners' insurance shall be effective unless it is based on specified events. Prohibits an homeowners' insurance insurer from using credit ratings, reports, scoring models or information to underwrite, classify, rate, refuse to issue, non-renew or cancel such policies. Prohibits an insurer from using privileged personal information from an insurance-support organization as the basis for adverse underwriting decisions.

**SB 691 (Escutia) -- Credit History: Homeowner's Insurance**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee

Prohibits an insurer from using, in whole or in part, credit ratings, credit reports, credit scoring models or other related credit or financial information as a basis to underwrite, rate or determine a placement in a particular payment plan for residential property insurance policies.

**DEPARTMENT OF MOTOR VEHICLES**

**AB 25 (Nunez) -- State Agencies: Identification Cards**

**PIFC Position:** Watch

**Status:** Senate Inactive File

Requires state agencies to accept as valid identification of a person, a foreign identification card issued by another nation to its citizens or nationals, under certain conditions. Requires the head of each State agency to issue appropriate notification and instructions to members of the agency of these conditions. Authorizes local and state officials or peace officers to require other identification if they feel the foreign identification is fraudulent.

**AB 184 (Lowenthal) -- Department of Motor Vehicles: Records**

**PIFC Position:** Watch

**Status:** Chapter 720 of the 2003 Statutes

Includes victims of domestic violence and stalking under the Secretary of State's confidentiality program within the category of persons entitled to have their registration or driver's license record suppressed from other persons, if those persons request the suppression and submit to the DMV a program participant certificate or identification card issued by the Secretary of State. Allows for 4-year suppression periods.

**AB 1272 (Dutra) -- DMV Administrative Hearings**

**PIFC Position:** Watch

**Status:** Assembly Transportation Committee

Requires administrative hearings involving license denials, revocations, or suspensions to be conducted by an administrative law judge on the staff of the Office of Administrative Hearings.

**SB 315 (Senate Transportation Committee) -- Transportation**

**PIFC Position:** Watch

**Status:** Chapter 594 of the 2003 Statutes

An omnibus transportation administration bill relating to among other things, the North San Diego Transit Development Board, salvaged and dismantled vehicle registration, weight fees on commercial vehicles, failure to appear for violations of the Motor Vehicle Code, deleting obsolete cross-references in the Vehicle License Fee Law, school bus lighting equipment, financial responsibility, specialty vehicle drivers' licensure, traffic school operator's licensure, and mounting of motor vehicle license plates.

**SB 871 (Torlakson) -- Vehicles**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Extends the provisions relating to driving schools and driving instructors. Requires the DMV to compile an electronic database for release of certain motor vehicle accident report information to commercial requestors with specified contracts with the department and under specified conditions.

**DRIVERS' LICENSES**

**AB 522 (Diaz) -- Local Officers and Employees: Individuals Identity**

**PIFC Position:** Watch

**Status:** Vetoed

Authorizes a peace officer to ask for additional evidence of identification if the officer believes an identification document is forged, altered or identifies another individual. Requires such officer or a local employee to accept for identification, an identification card issued by the Mexican Consulate Office the same as a driver's license or identification card issued by the DMV.

**AB 737 (Longville) -- Vehicles: Driver's Licenses: Fees**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Relates to existing law that authorizes the DMV to establish a program for renewal of driver's licenses by mail for licensees not holding a probationary license who meet certain conditions. Requires the licensee to pass the department's visual test and may require the passage of the written driving examination under certain conditions. Increases the fee for non-mail renewal of a driver's license.

**AB 755 (Samuelian) -- Vehicles: Driver's License: Suspension**

**PIFC Position:** Watch

**Status:** Assembly Public Safety Committee

Relates to existing law which prohibits a person from driving at any time when that person's driving privilege is suspended or revoked for reckless or negligent driving. Requires a violation of that prohibition to be punished by imprisonment in the county jail or in the state prison if the driving results in the death or great bodily injury to any person other than the defendant.

**AB 1343 (Spitzer) -- Vehicles: Instruction Permits: Driving Instructors**

**PIFC Position:** Watch

**Status:** Chapter 768 of the 2003 Statutes

Deletes the authority of the DMV to issue an instruction permit to a person age 15 years or over, who is enrolled in an approved driver education course. Authorizes the department to issue a driving school instructor's license, restricted to classroom driver education instruction, to an applicant who is not physically able to safely operate a motor vehicle to train others. Provides for driver education for a provisional license.

**SB 60 (Cedillo) -- Vehicles: Social Security Numbers: Driver Licenses**

**PIFC Position:** Support

**Status:** Chapter 326 of the 2003 Statutes

Requires DMV forms to contain the applicant's social security number, individual taxpayer identification number or other identifier. Prohibits use of taxpayer identification numbers on documents the DMV issues. Repeals requirement that applicants for original driver's license or identification card show authorized presence in the country. Requires SSN on commercial driver licenses applications. Studies use of thumbprint.

**SB 524 (Vasconcellos) -- Instruction: Driver Training**

**PIFC Position:** Watch

**Status:** Assembly Floor

Encourages adoption of the recommendations of the DMV contained in a specified study relating to a pilot project comparing the effectiveness of driver education programs in classroom based and non classroom based driver training environments.

**DUI**

**AB 19 (Leslie) -- Taxation: Vehicle License Fee: DUI**

**PIFC Position:** Watch

**Status:** Assembly Public Safety Committee

Prohibits persons convicted of a driving while under the influence offense from receiving for 5 years from the date of the conviction the reduction in the full amount of the vehicle license fee by the offset. Creates the DUI sub account in the Motor Vehicle License Fee Account in the Transportation Tax Fund, and requires the increased fees that otherwise would have been offset to be deposited into that sub account.

**AB 486 (Parra) -- Vehicles: Suspended License: Penalties**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Increases fines and terms of confinement in the county jail for driving with a suspended or revoked license, and for driving with a license that was suspended or revoked for a violation of certain DUI provisions.

**AB 638 (Longville) -- Vehicles: Impoundment**

**PIFC Position:** Watch

**Status:** Assembly Public Safety Committee

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 under the influence of alcohol or drugs, or both, and who has been previously convicted of driving under the influence within the preceding 7 years. Prescribes procedures to be followed for the release of the vehicle prior to the end of the impoundment period.

**AB 1301 (Simitian) -- Alcoholic Beverages and Controlled Substances**

**PIFC Position:** Watch

**Status:** Chapter 625 of the 2003 Statutes

Provides a parent or legal guardian who knowingly permits his or her child, or a person in the company of the child, or both, who are under the age of 18 years, to consume an alcoholic beverage or use a controlled substance at the home of the parent or legal guardian is guilty of a misdemeanor if the parent knowingly permits the child or other underage person, after leaving the home, to drive a vehicle under the influence of alcohol or controlled substance.

**SB 132 (Battin) -- Vehicles: DUI: Punishment**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Relates to existing law which authorizes a conviction for DUI as either a felony or a misdemeanor, if the offense occurred within 10 years of a prior violation that was punished as a felony. Specifies that for purposes of punishing these offenses a violation that was initially sentenced as a felony, but was subsequently reduced to a misdemeanor, is a prior violation that was punished as a felony.

**SB 408 (Torlakson) -- Vehicles: DUI: Driver's**

**PIFC Position:** Watch

**Status:** Chapter 254 of the 2003 Statutes

Prohibits a person under the age of 21, convicted of driving with a blood alcohol content (BAC) of .01 percent or more, from receiving a restricted driver's license, based on a showing of critical need to drive, if that person has been convicted of specified DUI violations within seven years, or has had their license suspended or revoked within that seven year period.

**SB 416 (Alpert) -- Vehicles: DUI: License**

**PIFC Position:** Watch

**Status:** Chapter 705 of the 2003 Statutes

Requires the DMV to grant a driver's license restriction instead of a suspension to a person who has been convicted of a second violation of a specified DUI provision that occurred on or before 7/1/99, was granted probation under a specified provision for that conviction, is no longer subject to that probation and has not completed the DUI program requirements in existing law for reinstatement of the driving privilege.

**EARTHQUAKE/CEA**

**AB 1048 (Calderon) -- Insurance: Earthquake Policies**

**PIFC Position:** Sponsor/Support

**Status:** Chapter 144 of the 2003 Statutes

Amends the definition of “available capital” to clarify that available capital does not include “unearned premium” as it relates to the California Earthquake Authority. Excludes the unearned premium reserve from the funds comprising available capital. Current statute does not clearly restrict the CEA from recording unearned premium as available capital thereby risking the interests of the consumer and inflating the amount of available capital.

**AB 1066 (Liu) -- Seismic Safety Bond Act of 2004**

**PIFC Position:** Support

**Status:** Assembly Appropriations Committee

Enacts the Seismic Safety Bond Act of 2004 which, if adopted, would authorize the issuance of bonds in an amount of \$700 million to be allocated to the California Seismic Safety Bond Fund of 2004 to fund local government building and facility seismic safety retrofit projects.

**AB 1576 (Liu) -- Water Heaters: Earthquakes**

**PIFC Position:** Support

**Status:** Chapter 581 of the 2003 Statutes

Prohibits eviction based solely on the requirement that all new, replacement and existing residential water heaters to be braced, anchored or strapped to resist falling or horizontal displacement due to earthquake motion. Provides the owner or the owner's agent has the right to correct specified violations of the provisions of existing law. Makes technical changes to existing provisions.

**AB 1598 (Corbett) -- Seismic Safety: Insurance: Retrofitting**

**PIFC Position:** Oppose Unless Amended

**Status:** Chapter 448 of the 2003 Statutes

AB 1598 extends the sunset date for the Earthquake Grant and Loan Retrofit Program until July 1, 2007 and appropriates \$2,900,000 from the California Residential Earthquake Recovery Fund (CRERF) for the program.

**AB 1658 (Maddox) -- Insurance: Earthquake Coverage**

**PIFC Position:** Watch

**Status:** Introduced in Assembly

Makes a technical, non-substantive change to existing law that prohibits a policy of residential property insurance from being issued or delivered unless the named insured is offered coverage for loss or damage caused by the peril of earthquake.

**EMPLOYEE ISSUES**

**AB 76 (Corbett) -- Employment Discrimination**

**PIFC Position:** Oppose

**Status:** Chapter 671 of the 2003 Statutes

Revises existing law that makes it an unlawful employment practice for a person, other than a religious association or corporation not organized for private profit, regularly employing one or more persons or regularly receiving the services of one or more persons providing services pursuant to a contract to fail to take corrective action to prevent harassment. Includes sexual harassment by non-employees if the employer knows and fails to take action.

**AB 244 (Maze) -- Overtime Rate of Pay****PIFC Position:** Watch**Status:** Assembly Desk

Relates to existing law which provides the number of hours worked daily and weekly that require the payment of wages at an overtime rate. Exempts small business employees from overtime benefits.

**AB 1047 (Calderon) -- Overtime Compensation: Insurance Claims Adjusting****PIFC Position:** Watch**Status:** Assembly Second Reading File

Makes a technical, non-substantive change to existing law that establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked.

**AB 1133 (Koretz) -- Employment****PIFC Position:** Watch**Status:** Vetoed

Provides that if a judgment for unpaid wages or penalties remains unsatisfied for 6 months after the judgment becomes final, a penalty equal to the amount of the judgment is applied, and this penalty is applied again for each additional 6-month period the judgment remains unsatisfied, up to a maximum of 4 time.

**AB 1327 (Wyland) -- Family Temporary Disability Insurance****PIFC Position:** Watch**Status:** Assembly Insurance Committee

Provides that only businesses that employ 50 or more individuals within a 75-mile radius of the worksite of the individual requesting family temporary leave are subject to the Temporary Disability Insurance Program. Requires an individual, to be eligible for the benefits, to work at least 1,250 hours during the 12-month period prior to the period for which the individual is requesting the family temporary disability leave.

**SB 2 (Burton) -- Health Care Coverage****PIFC Position:** Watch**Status:** Chapter 673 of the 2003 Statutes

Imposes a "pay-or-play" health care system whereby employers that purchase private health insurance for their employees, at a specified benefit level, would be exempted from the fee (they "play" by buying insurance, so they don't have to "pay" the fee).

The bill specifies that employers would pay at least 80% of the premium costs of the benefit package required, with most employees required to put up the remaining 20%. Medium-employer mandate would take effect in 2007 and only if the Legislature has established by then a tax credit for medium employers to offset 20% of premium costs. The large-employer mandate would begin in 2006. Estimates vary on the cost to business, but even the most conservative estimates start in the billions.

**SB 573 (Alarcon) -- Employee Wages and Working Hours: Violators****PIFC Position:** Watch**Status:** Senate Appropriations Committee

Requires the Labor Commissioner to develop and implement a set of standards that, if met by an employer, will trigger recommendation for an audit by appropriate state tax authorities of employers in violation of statutes relating to employee wages and working hours. Requires the Labor Commissioner, after 7/1/04, to notify appropriate state tax authorities each time the set of standards is met by an employer.

**SB 586 (Alarcon) -- Wages: Penalties**

**PIFC Position:** Watch

**Status:** Senate Labor and Industrial Relations Committee

Requires the Labor Commissioner to, in addition to any award ordered by the Labor Commissioner, impose on an employer found to owe back wages a penalty equal to 1% of the total amount owed by the employer. Creates a special account in the Unpaid Wage Fund and requires the Labor Commissioner to deposit the penalty moneys in the special account to be used to pay employees the unpaid balance of any monetary relief ordered.

**FIRE SAFETY**

**AB 344 (La Malfa) -- Forest Practice Act: Exemptions**

**PIFC Position:** Watch

**Status:** Assembly

Authorizes the State Board of Forestry and Fire Protection to exempt from the Forest Practice Act, in certain counties, the cutting and removal of trees to reduce the threat of wildfire if the removal satisfies certain conditions, including limited removal of trees to areas identified as urban wildland interface communities in the vicinity of federal lands. Requires upon completion of operations, the site meet certain commercial stocking standards.

**AB 1216 (Vargas) -- Fire Safety: Regulations**

**PIFC Position:** Support

**Status:** Chapter 688 of the 2003 Statutes

Requires the State Fire Marshal, in consultation with the Director of Housing and Community Development, to recommend building standards that provide for comprehensive space and structure defensibility from fires spreading from adjacent structures or vegetation. Requires the State Fire Marshal to propose fire protection for roofs, exterior walls, structure projections, and structure openings. Defines urban wildlife interface community.

**SB 8 (Brulte) -- Fire Prevention: Fire Prevention Act of 2003**

**PIFC Position:** Watch

**Status:** Senate Natural Resources and Wildlife Committee

Requires the Department of Forestry and Fire Protection to implement a program to mitigate the threat of fires posed by dead and dying trees in State responsibility areas near or enclosed by the Angeles, San Bernardino, or Cleveland National Forest, resulting from drought conditions and pest infestation. Establishes the California Fire Prevention Task Force to provide to the department advice and recommendations.

**SB 351 (Ducheny) -- Emergency Services: Firefighting: Federal Funds**

**PIFC Position:** Watch

**Status:** Senate Appropriations Committee

Provides that, upon appropriation in the Budget Act or another statute, the Director of Finance may transfer any moneys in the Federal Trust Fund to the Office of Emergency Services if moneys are made available by the United States for expenditure by the state for the purpose of providing financial assistance to any volunteer fire department that provides emergency services in a rural area of the State.

## **HELMETS**

### **SB 685 (Hollingsworth) -- Vehicles: Motorcycles: Safety Helmets**

**PIFC Position:** Watch

**Status:** Senate Transportation Committee

Exempts from the safety helmet requirement a person who has on file with the DMV a certificate signed by a physician and surgeon or a licensed chiropractor substantiating a disability that renders the person unable to wear a safety helmet as required under existing law. Requires the certificate to include a description of the nature of the disability.

## **HOMEOWNERS' INSURANCE**

### **AB 81 (Wyland) -- Insurance: Underwriting: Information**

**PIFC Position:** Concerns

**Status:** Senate Appropriations Committee

Prohibits an insurance institution from reaching an adverse underwriting decision based on the fact that an individual has previously inquired about the scope or nature of coverage under a residential fire or property insurance policy, if that information is received from an insurance-support organization whose primary source of information is insurance institutions, and if the inquiry did not result in the filing of a claim.

### **AB 1049 (Calderon) -- Insurance: Underwriting: Information**

**PIFC Position:** Concerns

**Status:** Chapter 442 of the 2003 Statutes

Prohibits an insurance institution or agent from basing an adverse underwriting decision on the fact an individual has previously inquired and received information about the scope or nature of coverage under an residential fire or property insurance policy and the inquiry did not result in the filing of a claim.

### **AB 1191 (Wiggins) -- Property Insurance: Rates: Disclosure**

**PIFC Position:** Neutral As Amended

**Status:** Chapter 571 of the 2003 Statutes

Requires an insurer under certain property insurance policies to inform an insured in writing of any increase or decrease in an annual premium as compared to the previous year, the reasons for the change, and specified telephone numbers and information regarding consumer complaints.

### **AB 1727 (Assembly Insurance Committee) -- Insurance: Cancellation: Notice**

**PIFC Position:** Neutral

**Status:** Chapter 148 of the 2003 Statutes

Changes the notice requirement for cancellation of specified property insurance policies to at least 20 days, except that at least 10 days' notice must be provided if cancellation is for nonpayment of premiums, or for fraud.

### **SB 64 (Speier) -- Homeowners' Insurance**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee

Provides no notice of non-renewal of homeowners' insurance shall be effective unless it is based on specified events. Prohibits an homeowners' insurance insurer from using credit ratings, reports, scoring models or information to underwrite, classify, rate, refuse to issue, non-renew or cancel such policies. Prohibits an insurer from using privileged personal information from an insurance-support organization as the basis for adverse underwriting decisions.

### **SB 667 (Soto) -- Property Insurance: Withdrawal**

**PIFC Position:** Watch

**Status:** Senate Insurance Committee

Prohibits an insurer issuing forms of property insurance from ceasing to offer any particular line of coverage without obtaining the prior approval of the Insurance Commissioner. Allows the commissioner to deny or delay the withdrawal if he or she determines that the withdrawal would result in that insurance becoming not readily available or affordable in the voluntary insurance market.

## **IDENTITY THEFT**

### **AB 239 (Bates) -- Identity Theft: Minors: Sentence Enhancements**

**PIFC Position:** Watch

**Status:** Assembly Public Safety Committee

Relates to existing law which provides that every person who falsely personates another and does any act that subjects the victim to certain consequences, and any person who obtains personal information of another person and uses that information for any unlawful purpose, is guilty of a crime. Imposes a 1-year sentence enhancement for each violation if the victim was under 18 at the time of the offense, and the convicted person should have known that fact.

### **AB 543 (Bogh) -- Jurisdiction**

**PIFC Position:** Watch

**Status:** Assembly Public Safety Committee

Provides as regards to a criminal action for unauthorized use of personal identifying information of another for which there is jurisdiction somewhere in the State, there shall also be jurisdiction in the county of residence of the person whose personal identifying information is used without authorization. Makes the county of residence of the person whose personal identifying information is used without authorization a proper jurisdiction for prosecution.

### **AB 1105 (Jackson) -- Identity Theft: Limitations Period**

**PIFC Position:** Watch

**Status:** Chapter 73 of the 2003 Statutes

Provides that the statute of limitations period for crimes involving the unlawful use of personal identifying information and for procuring or offering a false or forged instrument to be filed, registered or recorded in any public office in the state does not begin until the discovery of the offense.

### **AB 1294 (Wiggins) -- Debt Collectors: Responsibilities: Identity Theft**

**PIFC Position:** Support

**Status:** Chapter 287 of the 2003 Statutes

Requires a debt collector to stop collecting a consumer debt when an alleged debtor provides the debt collector certain information, including, but not limited to, information relating to the alleged debtor's status as a victim of identity theft. Permits the collector to recommence collection activities under certain conditions. Requires the collectors to notify consumer credit agencies and creditors of specified information.

### **AB 1305 (Bogh) -- Identity Theft: Driver's License and ID Card**

**PIFC Position:** Watch

**Status:** Assembly Transportation Committee

Requires the DMV to create a fingerprint identification system based on the print of the thumb or finger of the applicant collected pursuant to existing law, and cross reference that print with all other fingerprints in the database in order to authenticate that print to ensure that each individual is issued only one driver's license. Provides an extension of the expiration of state identification cards.

**AB 1773 (Assembly Banking and Finance Committee) -- Search Warrants: Identity Theft**

**PIFC Position:** Support

**Status:** Chapter 137 of the 2003 Statutes

Provides that, in addition to any other circumstances permitting a magistrate to issue a warrant for a person or property in another county, when the property or things to be seized consist of any item or constitute any evidence that tends to show a violation of specified identity theft crimes, a magistrate may issue a warrant to search a person or property located in another county if the person subject to the theft resides in another county.

**SB 25 (Bowen) -- Personal Information: Security**

**PIFC Position:** Watch

**Status:** Chapter 907 of the 2003 Statutes

Provides a person who uses a consumer credit report in connection with approval of credit may not lend money, extend credit, or complete the purchase, lease, or rental of goods or noncredit related services without taking steps to verify the consumer's identity to ensure against identity theft. Revises credit agency disclosures. Includes additional provisions related to the use of social security numbers by financial institutions.

**SB 752 (Alpert) -- Identification**

**PIFC Position:** Watch

**Status:** Chapter 467 of the 2003 Statutes

Relates to distribution of thumbprints taken upon arrest for an infraction or misdemeanor for satisfactory identification. Prohibits a thumbprint from being included in a database for any purpose except law enforcement purposes relating to the identity of the arrested. Includes additional provisions that allow persons contesting charges and claiming not to be the person ordered to appear to submit a copy of their thumbprint for comparison. Provides for a finding of factual innocence under certain circumstances and for referral of the finding to the DMV.

**INSURANCE COMMISSIONER**

**AB 983 (Vargas) -- Insurance**

**PIFC Position:** Watch

**Status:** Introduced in Assembly

Makes a non-substantive change to existing law, which specifies the qualifications of the Insurance Commissioner and any deputy of the commissioner.

**INSURANCE POLICIES**

**AB 996 (Wiggins) -- Insurance**

**PIFC Position:** Watch

**Status:** Chapter 647 of the 2003 Statutes

Provides that a premium shall not be excessive or unfairly discriminatory for commercial property insurance because the insured is a religious, educational or other or non-profit organization. Provides these provisions, and existing provisions prohibiting an insurer from canceling or non renewing a policy because the non profit organization was the victim of a hate crime, also apply to a reproductive health services facility or its administrative offices. Requires an insurer to report a cancellation or non-renewal if the insured submits a claim that is the result of an anti-reproductive rights crime.

**AB 1729 (Bermudez) -- Automobile Insurance: Persistency**

**PIFC Position:** Support if Amended

**Status:** Senate Third Reading File

Provides that the provisions of existing law allowing the use of persistency of coverage as an automobile insurance optional rating factor shall cease to be operative on January 1, 2010. Requires the California Research Bureau to contract with a recognized actuarial firm to complete a study regarding whether a discount for persistency of coverage with another insurer adversely affects low-income and previously uninsured individuals.

**INTERNET/E-COMMERCE**

**AB 68 (Simitian) -- Online Privacy Protection Act of 2003**

**PIFC Position:** Watch

**Status:** Chapter 829 of the 2003 Statutes

Requires an online business operator that collects personally identifiable information from State residents through an Internet web site or online service for commercial purposes, to conspicuously post its privacy policy on its web site or online service and to comply with the policy. Requires the policy identify the categories of information the operator collects about individual consumers and third parties with whom they share information.

**AB 567 (Simitian) -- Unsolicited E-Mail Advertising**

**PIFC Position:** Watch

**Status:** Senate Business and Professions Committee

Authorizes the recipient of an advertisement that violates existing law governing unsolicited electronic mail advertising to bring an action against the initiator of the unsolicited e-mail for the recovery of actual damages or \$1,000, whichever is greater, for each violation. Authorizes an e-mail service provider to bring a civil action to recover damages of \$100 for each message initiated or delivered in violation of existing law up to a maximum.

**SB 12 (Bowen) -- E-Mail Advertising**

**PIFC Position:** Watch

**Status:** Assembly Business and Professions Committee

Prohibits a person or entity from initiating an unsolicited commercial e-mail advertisement either from or to a California e-mail address. Makes it unlawful for a person or entity to collect or use e-mail addresses or to register multiple e-mail accounts for the purpose of initiating the transmission of unsolicited commercial e-mail advertisements from or to a California e-mail address. Provides for cause of action for violations.

**SB 186 (Murray) -- Privacy: Unsolicited Commercial E-mail Advertising**

**PIFC Position:** Watch

**Status:** Chapter 487 of the 2003 Statutes

Prohibits a person or entity located in California from initiating or advertising in unsolicited commercial e-mail advertisements. Prohibits a person or entity, not located in California, from initiating or advertising in an unsolicited commercial e-mail advertisements sent to a California e-mail address. Authorizes actions by recipients of commercial e-mail advertisements, the e-mail service provider, or the Attorney General to recover damages and reasonable attorney's fees and costs.

**SB 342 (Florez) -- Unsolicited E-mail Advertisements**

**PIFC Position:** Watch

**Status:** Senate Business and Professions Committee

Requires the statement of an unsolicited e-mail advertisement to include the sender's identity, postal address, and e-mail address or telephone number; states that the recipient of an

unsolicited e-mailed advertisement may notify the sender not to e-mail any further unsolicited advertising materials to the e-mail address or addresses specified by the recipient.

### **LIABILITY**

#### **AB 1088 (Harman) -- Multiple Defendants: Joint and Several Liability**

**PIFC Position:** Watch

**Status:** Assembly Desk

Relates to liability in contract actions in which multiple defendants are liable. Declares the Legislature's intent to address the application of those provisions to complex civil actions.

#### **AB 1135 (Spitzer) -- Immunity: Rides: Intoxicated Drivers**

**PIFC Position:** Watch

**Status:** Assembly Judiciary Committee

Provides immunity from civil liability to any person or organization that provides vehicular rides to intoxicated persons for any injury to, or death of, an intoxicated passenger resulting from any ride thereof, if that passenger contributed to the cause of the injury or death by a percentage of fault of more than 50%, so long as the driver is not found to have been in violation of being under the influence of alcoholic beverages or drugs.

#### **AB 1301 (Simitian) -- Alcoholic Beverages and Controlled Substances**

**PIFC Position:** Watch

**Status:** Chapter 625 of the 2003 Statutes

Provides a parent or legal guardian who knowingly permits his or her child, or a person in the company of the child, or both, who are under the age of 18 years, to consume an alcoholic beverage or use a controlled substance at the home of the parent or legal guardian is guilty of a misdemeanor if the parent knowingly permits the child or other underage person, after leaving the home, to drive a vehicle under the influence of alcohol or controlled substance.

### **LIEN CLAIMS**

#### **AB 447 (Vargas) -- Lien Claims: Release: Attorneys' Fees**

**PIFC Position:** Watch

**Status:** Chapter 279 of the 2003 Statutes

Relates to existing law which provides that where no action has been brought to enforce a claim of lien, the owner of the property or the owner of interest therein may petition the court for a decree to release the property from a mechanic's lien. Increases the amount of attorneys' fees that may be recovered by the prevailing party to \$2000.

#### **SB 835 (Escutia) -- Health Care Liens**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Relates to existing law which provides that any lien asserted for the recovery of money paid or payable to or on behalf of an enrollee of a health care service plan may not exceed a specified amount, and requires that the amount determined to be recoverable for services provided on a capitated basis equal 80% of the usual and customary charge. Clarifies that the determination of this charge is the charge appearing on a statement or accounting of services.

### **LOW-COST AUTOMOBILE INSURANCE**

#### **AB 1318 (Maddox) -- Automobile Insurance: Good Driver Discount**

**PIFC Position:** Sponsor/Support

**Status:** Senate Insurance Committee

Relates to existing law which provide for the purchase of Good Driver Discount motor vehicle insurance policies if the applicant meets certain criteria including, among other things, that the applicant has not been the driver of a motor vehicle involved in an accident that resulted in

bodily injury or death and in which he or she was principally at fault. Requires an insurer to notify an insured if the insurer determines that the insured was principally at fault but not to provide the actual specific percentages of fault.

**SB 286 (Escutia) -- Auto Insurance: Assigned Risk Plans**

**PIFC Position:** Watch

**Status:** Senate Rules Committee

Makes a technical, non-substantive change to existing law that provides for the CAARP Advisory Board to consult with the Insurance Commissioner regarding the administration and operation of the assigned risk plan covering automobile insurance applicants.

**SB 1052 (Senate Budget and Fiscal Review Committee) -- Insurance: Assigned Risk**

**PIFC Position:** Watch

**Status:** Assembly Insurance Committee

Makes a technical, non-substantive change to existing law that provides for the existence of assigned risk plans by which an equitable apportionment among insurers is made of those applicants for automobile liability insurance who are entitled, but unable, to procure that insurance through ordinary methods.

**MED PAY**

**AB 631 (Koretz) -- Automobile Medical Payments Insurance**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee

Defines automobile medical payments insurance, and requires that specific forms of policy language and certain disclosures be included in contracts for versions of this insurance. Prohibits an insurer from changing any provision of an insurance agreement for automobile medical payments insurance without providing 60 days' notice to the insured and meeting other specified requirements.

**MISCELLANEOUS**

**AB 205 (Goldberg) -- Domestic Partners**

**PIFC Position:** Watch

**Status:** Chapter 421 of the 2003 Statutes

Enacts the California Domestic Partner Rights and Responsibilities Act of 2003. Extends the legal rights and duties of marriage to domestic partners after January 1, 2005. Modifies the procedure and the accompanying form for terminating domestic partnerships. Revises the requirements for entering into a domestic partnership to require each person to consent to the jurisdiction of the superior courts of this state for the purpose of a proceeding to obtain a judgment of dissolution or nullity of the domestic partnership.

**AB 378 (Steinberg) -- Escheat: Insurance**

**PIFC Position:** Watch

**Status:** Chapter 304 of the 2003 Statutes

Establishes a presumption that unclaimed intangible property payable or distributable in the course of the de-mutualization of an insurance corporation is abandoned 3 years after the date of last contact with the policyholder or the date the property became payable or distributable, whichever is earlier. Relates to certain insurance reporting requirements regarding the presumption. Shortens the timeframe for reporting financially related abandoned property.

**AB 695 (Harman) -- Posthumously Conceived Child**

**PIFC Position:** Watch

**Status:** Assembly Judiciary Committee

Provides that, for purposes of determining rights to property to be distributed upon the death of a decedent, a child of the decedent conceived after the death of the decedent shall be deemed to have been born in the lifetime of the decedent if the child or his or her representative proves by clear and convincing evidence that specified conditions are satisfied. Prohibits the distribution of certain property or death benefits for a certain period.

**AB 1274 (Chavez) -- Motor Clubs**

**PIFC Position:** Watch

**Status:** Chapter 88 of the 2003 Statutes

Provides that a person who is engaged in selling or furnishing discount service, map service, travel service or miscellaneous service that is incidental to those services, but who is not engaged in selling or furnishing certain other services, is not a motor club and is exempt from the operation of the regulatory provisions. Requires the Insurance Commissioner to adopt regulations specifying the types of miscellaneous service permitted.

**SB 200 (Murray) -- Long Term Care Insurance: Genetic Testing**

**PIFC Position:** Watch

**Status:** Chapter 408 of the 2003 Statutes

Prohibits a long-term care insurer from requiring testing for the purposes of genetic characteristic for insurability or underwriting purposes.

**SB 331 (Romero) -- Toxic Injuries: Limitation on Actions**

**PIFC Position:** Watch

**Status:** Chapter 873 of the 2003 Statutes

Establishes a separate statute of limitations for a civil action for injury or illness based upon exposure to a hazardous material or toxic substance other than asbestos. States the intent of the Legislature to codify and disapprove the rulings in specific court cases.

**SB 921 (Kuehl) -- Single Payer Health Care Coverage**

**PIFC Position:** Watch

**Status:** Assembly Health Committee

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

**MUTUAL INSURERS**

**AB 652 (Leno) -- Insurers: Loans**

**PIFC Position:** Watch

**Status:** Assembly Unfinished Business

Relates to existing law allowing a mutual insurer to borrow money to defray the expenses of its organization upon a written agreement that the money is required to be repaid only out of the insurers surplus in excess of that stipulated in the agreement. Allows these agreements to be executed by a reciprocal exchange or an interinsurance exchange and to provide for fixed or variable interest not to exceed an amount allowed by the Insurance Commissioner.

## PETS

### **SB 225 (Vincent) -- Civil Liability: Pet Death**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Provides that any person who causes the intentional or negligent death of another person's pet, or the owner of another animal that causes the death of another person's pet, is liable in a civil action for up to \$4,000 in non-economic damages.

## PREMIUM

### **AB 1181 (Ridley-Thomas) -- Automobile Insurance: Rating Information**

**PIFC Position:** Neutral As Amended

**Status:** Chapter 360 of the 2003 Statutes

Requires that a policy of automobile insurance contain a disclosure, at issuance and in each renewal notice, of information that was applied in determining the premium that was charged for the policy. Requires the policy specify certain categories of information used as the basis for rating the coverage, including, minor and major driving-related convictions, at-fault accidents and other driving related information.

### **AB 1191 (Wiggins) -- Property Insurance: Rates: Disclosure**

**PIFC Position:** Neutral As Amended

**Status:** Chapter 571 of the 2003 Statutes

Requires an insurer under certain property insurance policies to inform an insured in writing of any increase or decrease in an annual premium as compared to the previous year, the reasons for the change, and specified telephone numbers and information regarding consumer complaints.

### **SB 841 (Perata) -- Automobile Insurance: Rates: Persistency**

**PIFC Position:** No Position

**Status:** Chapter 169 of the 2003 Statutes

Allows an insurer to use persistency of automobile insurance coverage with that insurer, an affiliate, or another insurer as an optional rating factor. Authorizes the use of portable persistency as an additional optional factor in the determination of premiums for automobile insurance policies.

## PRIVACY

### **AB 7 (Corbett) -- Privacy**

**PIFC Position:** Watch

**Status:** Assembly Desk

Declares the intent of the Legislature to ensure that state law adequately and fully protects the right of privacy. Makes a statement of legislative findings and declarations.

### **AB 68 (Simitian) -- Online Privacy Protection Act of 2003**

**PIFC Position:** Watch

**Status:** Chapter 829 of the 2003 Statutes

Requires an online business operator that collects personally identifiable information from State residents through an Internet web site or online service for commercial purposes, to conspicuously post its privacy policy on its web site or online service and to comply with the policy. Requires the policy identify the categories of information the operator collects about individual consumers and third parties with whom they share information.

**AB 213 (Leslie) -- Vehicles: Manufactures: Disclosure****PIFC Position:** Watch**Status:** Chapter 427 of the 2003 Statutes

Requires a manufacturer of a new motor vehicle sold or leased in this State, equipped with one or more recording devices commonly referred to as event data recorders or sensing and diagnostic modules, to disclose that fact in the vehicle owner's manual. Provides certain data is the sole property of the registered owner of the vehicle. Requires a subscription service agreement to disclose that certain information may be recorded or transmitted.

**AB 763 (Liu) -- Privacy: Social Security Numbers****PIFC Position:** Watch**Status:** Chapter 532 of the 2003 Statutes

Prohibits a social security number that is otherwise permitted to be mailed from being printed, in whole or in part, on a postcard or other mailer or visible on the envelope or without an envelope having been opened.

**AB 1175 (Koretz) -- Consumer Credit****PIFC Position:** Watch**Status:** Assembly Banking and Finance Committee

Prohibits credit card issuers from sending out unsolicited preprinted credit card applications that contain personal information about the consumer.

**SB 1 (Speier) -- Financial Institutions: Nonpublic Information****PIFC Position:** Neutral As Amended**Status:** Chapter 241 of the 2003 Statutes

Enacts the California Financial Information Privacy Act, which requires a financial institution to provide a specified written form to a consumer relative to the sharing of the consumer's nonpublic personal information. Allows a consumer to direct the financial institution to not share the nonpublic personal information with affiliated companies or with nonaffiliated financial companies with which the financial institution has contracted to provide services. Prohibits the sharing of nonpublic personal information with other nonaffiliated third parties without the consumer's prior consent. Contains specific exceptions and other related provisions.

**SB 27 (Figueroa) -- Personal Information: Disclosure to Marketers****PIFC Position:** Neutral As Amended**Status:** Chapter 505 of the 2003 Statutes

Requires a business that discloses a customer's personal information, including information relating to income or purchases, to a third party for direct marketing purposes to provide the customer, within 30 days after the customer's request, in writing or e-mail the names and addresses of the recipients of the information and specified details regarding the information disclosed. Requires businesses to inform customers of privacy policy.

**SB 186 (Murray) -- Privacy: Unsolicited Commercial E-mail Advertising****PIFC Position:** Watch**Status:** Chapter 487 of the 2003 Statutes

Prohibits a person or entity located in California from initiating or advertising in unsolicited commercial e-mail advertisements. Prohibits a person or entity, not located in California, from initiating or advertising in an unsolicited commercial e-mail advertisements sent to a California e-mail address. Authorizes actions by recipients of commercial e-mail advertisements, the e-mail service provider, or the Attorney General to recover damages and reasonable attorney's fees and costs.

**SB 583 (Senate Insurance Committee) -- Personal Medical Information**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Makes certain legislative findings and declarations relative to the right of individuals to privacy of personal medical information and to access of their own personal medical information.

**SB 590 (Speier) -- Personal Information: Consumers**

**PIFC Position:** Neutral As Amended

**Status:** Vetoed

Prohibits a seller from requesting personal information from a consumer, with specified exceptions. Prohibits a seller from providing any personal information about a consumer to a third party, or an affiliated party, except under the circumstances specifically permitted under the bill. Excludes financial institutions from the definition of seller.

**SB 602 (Figueroa) -- Personal Information**

**PIFC Position:** Watch

**Status:** Chapter 533 of the 2003 Statutes

Provides for a penalty of up to \$2,500 for failure of a consumer credit reporting agency to place a security alert on a consumers credit report as requested. Requires consumer credit reporting agencies to provide an additional notice to a consumer regarding the expiration date of the security alert. Limits the amount of a reasonable fee that may be charged to a consumer who elects to, among other things, freeze their credit report. Restricts the allowable uses of information encoded on drivers licenses. Enacts additional provisions related to identity theft.

**SB 822 (Soto) -- Information Practices Act of 1977**

**PIFC Position:** Watch

**Status:** Senate Rules Committee

Makes nonsubstantive, technical changes to a provision of the Information Practices Act of 1977.

**SB 1006 (Knight) -- Medical Information: Confidentiality**

**PIFC Position:** Watch

**Status:** Senate Rules Committee

Makes nonsubstantive, technical changes to the Confidentiality of Medial Information Act that prohibits providers of health care, health care service plans, pharmaceutical companies, and contractors from disclosing medical information regarding a patient.

**SJR 2 (Figueroa) -- Privacy**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Respectfully requests that the Congress of the United States exempt from preemption any state privacy law that provides greater protection to consumers than is, or will be, provided by federal law.

**PROPOSITION 103**

**SB 154 (Oller) -- Insurance Commissioner: Approval: Rates**

**PIFC Position:** Watch

**Status:** Senate Insurance Committee

Provides that insurance rates, rules, and forms prescribed by insurers and approved by the Insurance Commissioner pursuant to his or her regulatory authority shall be deemed to comply with all applicable statutes and regulations. Prohibits the commissioner from challenging those previously approved items unless, after approval, changes occur in legal standards that materially affect the continued validity of those items.

## **PUBLIC RECORDS**

### **SCA 1 (Burton) -- Access to Government Information**

**PIFC Position:** Neutral As Amended

**Status:** Assembly Third Reading File

Provides that the people have the right of access of information concerning the conduct of the people's business. Provides that the meetings of public bodies and writing of public officials and agencies shall be open to public scrutiny. Provides that any statute, court order for rule limiting such access must provide findings for such limitation. States these provisions do not supercede certain existing provisions relating to public access.

## **RED LIGHT CAMERAS**

### **AB 1022 (Oropeza) -- Vehicles: Automated Enforcement Systems**

**PIFC Position:** Watch

**Status:** Chapter 511 of the 2003 Statutes

Prohibits a contract between a governmental agency and a manufacturer or supplier of automated red light cameras from including a provision for the payment of compensation to the manufacturer or supplier based on the number of citations generated as a result of the use of the equipment. Authorizes the agency to contract out the operation of the system under certain circumstances except for certain activities.

### **SB 780 (Torlakson) -- Vehicles: Violations: Automated Enforcement System**

**PIFC Position:** Watch

**Status:** Senate Appropriations Committee

Revises the definition of automated enforcement system that photographically records a driver's responses to a rail or rail transit signal or crossing gate or an official traffic control signal to delete the requirement that the system be designed to obtain a clear photograph of the driver of the vehicle. Requires a clear photograph of the vehicle and that vehicle's license plate. Provides violations are civil violations.

## **REGULATORY**

### **AB 873 (Richman) -- Regulations: Impact on Business**

**PIFC Position:** Watch

**Status:** Assembly Business and Professions Committee

Requires an agency, for purposes of evaluating the impact on business of a proposal to adopt, amend, or repeal a regulation, to solicit comment from individuals and organizations with an expertise in economics in the appropriate policy being considered by the agency.

### **AB 1318 (Maddox) -- Automobile Insurance: Good Driver Discount**

**PIFC Position:** Sponsor/Support

**Status:** Senate Insurance Committee

Relates to existing law which provide for the purchase of Good Driver Discount motor vehicle insurance policies if the applicant meets certain criteria including, among other things, that the applicant has not been the driver of a motor vehicle involved in an accident that resulted in bodily injury or death and in which he or she was principally at fault. Requires an insurer to notify an insured if the insurer determines that the insured was principally at fault but not to provide the actual specific percentages of fault.

### **SJR 20 (Florez) -- Regulation of Financial Institutions**

**PIFC Position:** Watch

**Status:** Senate Banking, Commerce, and International Trade Committee

Requests the U.S. Congress to hold hearings to explore and study the growing scope of federal preemption of regulation of financial institutions and the effects on American consumers and the 75% of the banks in the U.S. that are state chartered banks, and if necessary, to consider

legislation that will prevent the unilateral expansion of jurisdiction over financial institutions by federal regulators.

## **REINVESTMENTS**

### **AB 849 (Lieber) -- Public Agency Investments**

**PIFC Position:** Watch

**Status:** Assembly Desk

States the intent of the Legislature to require a state or local agency that invests public funds and purchases financial instruments from financial institution to go through a financial institution that has positive rating under the federal Community Reinvestment Act.

## **RENTAL CAR COMPANIES**

### **AB 118 (Frommer) -- Rental Vehicle Transaction Fees**

**PIFC Position:** Watch

**Status:** Assembly Unfinished Business - Concurrence in Senate Amendments

Requires rental car companies to collect a specified impact fee on each rental transaction.

Requires the companies to remit all fees to the State Board of Equalization to be deposited in the Transportation Congestion Relief Fund and funds to be allocated exclusively to certain construction projects at locations found to be used by a high proportion of rental cars.

### **AB 487 (Frommer) -- Rental Vehicle Fees**

**PIFC Position:** Watch

**Status:** Vetoed

Requires a rental company to collect from renters a vehicle license transaction fee. Provides that a rental car company shall submit certain information to the Department of Finance under penalty of perjury. Requires rental car companies to collect an impact fee on each rental transaction and to remit all fees to the Board of Equalization for deposit in the Transportation Congestion Relief Fund to fund highway projects at locations used by rental cars.

### **SB 300 (Torlakson) -- Rental Vehicle License Transaction Fees**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Requires a vehicle rental company to collect from renters a vehicle license transaction fee.

Provides a rental company shall submit certain information to the Department of Finance under penalty of perjury. Makes a rental company liable for specified civil fines for failure to submit this information on time or submitting false information. Provides accounts over-collected would escheat to the State.

### **SB 849 (Torlakson) -- Rental Vehicle License Transaction Fees**

**PIFC Position:** Watch

**Status:** Assembly

Requires a rental company to collect from renters a vehicle license transaction fee. Requires rental companies to submit certain information to the Department of Finance under penalty of perjury. Provides a rental company is liable for civil fines for failure to submit this information on time or for submitting false information. Requires the department to collect an administrative fee. Authorizes auditing of rental company records.

## **SAFETY**

### **AB 24 (Negrete McLeod) -- Real Property Hazards: Notice**

**PIFC Position:** Watch

**Status:** Chapter 422 of the 2003 Statutes

Extends the operative date of existing law that requires notification to potential buyers or tenants of residential real property regarding the presence of illegal controlled substances on the property. Encourages a private entity, in consultation with the Epidemiology and Prevention of Injury Control Branch of the Department of Health Services, to produce an information brochure or booklet explaining certain hazards relating to swimming pools and spas.

### **AB 301 (Reyes) -- Vehicles: Video Displays**

**PIFC Position:** Watch

**Status:** Chapter 303 of the 2003 Statutes

Prohibits any person from driving a motor vehicle if a certain video monitor, or a video screen, or any other, similar means of visually displaying a video signal, is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is visible to the driver while driving the vehicle. Provides this prohibition does not apply to specified equipment or motor vehicle providing emergency service or roadside assistance.

### **AB 985 (Vargas) -- Motor Vehicle Speed Contest: Punishment**

**PIFC Position:** Watch

**Status:** Senate Public Safety Committee

Provides that engaging in a motor vehicle speed contest, or aiding and abetting in that contest, is a public offense punishable by imprisonment in the State prison or county jail if the unlawful act causes great bodily injury to a person other than the defendant.

### **AB 1200 (Longville) -- Vehicles: Motorcycles: Helmets**

**PIFC Position:** Oppose

**Status:** Assembly Transportation Committee

Limits the requirements for wearing safety helmets to motorcycle drivers and passengers who are 17 years of age or less.

### **AB 1408 (Wolk) -- Vehicles: Bicycles: Equipment: Operation**

**PIFC Position:** Watch

**Status:** Senate Transportation Committee

Requires additional lighting equipment to be used when a person operates a bicycle on a highway during darkness. Exempts recumbent bicycles from existing law which prohibits the operation on a highway of a bicycle equipped with handlebars so raised that the operator must elevate his or her hands above the level of their shoulders in order to grasp the normal steering grip area. Recasts provisions relating to highway bicycle operation.

### **AB 1511 (Benoit) -- Vehicles: Unlawful Activities**

**PIFC Position:** Support

**Status:** Assembly Second Reading File

Makes it unlawful for a driver of a motor vehicle to engage in an activity unrelated to the operation of the vehicle when such activity interferes with the safe operation of the vehicle and the driver simultaneously commits another traffic violation involving the safe operation of the motor vehicle. Requires a notice to appear for a violation to include a description of the unlawful activity and the other violation involving the operation of the vehicle.

**AB 1625 (Benoit) -- Vehicles: Seat Belts: Fines**

**PIFC Position:** Watch

**Status:** Chapter 521 of the 2003 Statutes

Relates to existing law that imposes a fine for certain seat belt violations while operating a motor vehicle. Deletes the inclusion of the penalty assessment and court costs in determining the maximum amount of the fine that may be imposed. Eliminates the additional penalty assessments levied for a first and subsequent offense.

**AB 1697 (Pavley) -- Vehicles: Child Passenger Restraint System**

**PIFC Position:** Watch

**Status:** Chapter 524 of the 2003 Statutes

Requires a child or ward who is less than 6 years of age or weighs less than 60 pounds to be secured in a rear seat in a child passenger restraint system. Allows a child under the age of 6 years who weighs less than 60 pounds to ride in the front seat if properly secured in a child passenger restraint system under certain conditions. Provides conditions under which a child or ward may not ride in the front seat of a vehicle with an active passenger air bag.

**SB 825 (Torlakson) -- Pedestrian and Bicyclist Safety**

**PIFC Position:** Watch

**Status:** Senate Transportation Committee

Makes various findings and declarations concerning pedestrian and bicyclist safety. Creates the Pedestrian and Bicyclist Mobility and Safety Fund in the State Treasury.

**SB 848 (Karnette) -- School Programs: Pedestrian-Bicyclist Safety**

**PIFC Position:** Watch

**Status:** Senate Public Safety Committee

Authorizes, in addition to Alameda, Santa Barbara and Ventura counties and the cities therein, the City of Long Beach to adopt the program of increased fine for a designated violation occurring in a specifically posted school zone established in collaboration with local school districts. Requires the deposit of the amount of enhanced fine to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs.

**SECURITIES FRAUD**

**SB 325 (Florez) -- Securities Fraud: Statute of Limitations**

**PIFC Position:** Oppose

**Status:** Senate Judiciary Committee

Provides that an action for relief on the ground of fraud in connection with the sale or issuance of corporate securities shall be commenced within 5 years after the discovery by the aggrieved party of the facts constituting the fraud.

**SB 355 (Florez) -- Securities Fraud**

**PIFC Position:** Oppose

**Status:** Senate Judiciary Committee

Relates to securities fraud. Provides that it is a crime to employ any device, scheme or artifice to defraud in connection with the offer, purchase or sale of any security, or to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person in connection with the offer, sale or purchase of any security.

**SB 396 (Florez) -- Securities Fraud: Insurer's Liability**

**PIFC Position:** Oppose

**Status:** Senate Insurance Committee

Provides that an insurer is liable for a loss caused by the intentional commission of securities fraud by the insured.

## **SETTLEMENTS**

### **SB 494 (Escutia) -- Medi-Cal**

**PIFC Position:** Oppose

**Status:** Assembly Health Committee

Relates to existing law that specifies a provider who has rendered services to a beneficiary because of an injury for which a third party is liable and who has received payment under the Medi-Cal program shall be entitled to file a lien for the "reasonable and necessary charges" for services provided to the beneficiary against the portion of any award, judgment or settlement relating to past medical expenses obtained by the beneficiary or director against the third party.

## **STATE COMPENSATION INSURANCE FUND**

### **AB 1357 (Matthews) -- State Compensation Insurance Fund**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Requires that three of the State Compensation Insurance Fund board of directors, members, other than the ex officio members, possess and maintain a connection to the Fund as a policyholder or employee or member of a policyholder in the fund. Requires that any member, who does not meet the above, not have been an employee, officer or member of the board of directors of an insurance company during the 12 months prior to their appointment to the board.

### **AB 1764 (Assembly Budget Committee) -- Resources**

**PIFC Position:** Oppose

**Status:** Senate Third Reading File

Budget trailer bill that provides for funding of the Seismic Safety Commission through an assessment on insurers. Contains additional provisions related to inundation maps for flood zones, fees for sport, commercial fishing and aquaculture facilities, pesticide sales taxes, pesticide handling safety, fees for wildfire prevention and protection, fees for electric corporations for power plant or transmission line development, fees for water appropriators and lessors, and fee schedules for certification of projects which affect the quality of waters of California. Contains the same language as SB 1049.

### **SB 1049 (Senate Budget and Fiscal Review Committee) -- Resources**

**PIFC Position:** Oppose

**Status:** Chapter 741 of the 2003 Statutes

Budget trailer bill that provides for funding of the Seismic Safety Commission through an assessment on insurers. Contains additional provisions related to inundation maps for flood zones, fees for sport, commercial fishing and aquaculture facilities, pesticide sales taxes, pesticide handling safety, fees for wildfire prevention and protection, fees for electric corporations for power plant or transmission line development, fees for water appropriators and lessors, and fee schedules for certification of projects which affect the quality of waters of California. Contains the same language as AB 1764.

## **STATUTE OF LIMITATIONS**

### **SB 333 (Romero) -- Automobile Insurance: Uninsured Motorists**

**PIFC Position:** Neutral

**Status:** Chapter 56 of the 2003 Statutes

Relates to existing law which provides no cause of action shall accrue to an insured under liability insurance coverage unless, within 1 year, suit for bodily injury has been filed against the uninsured motorist, agreement as to the amount due has been concluded, or the insured has instituted arbitration proceedings. Increases the timeframe from one year to two years which one of these above actions and notification to the insurer of the action must have occurred.

**SB 337 (Romero) -- Limitations of Time**

**PIFC Position:** Watch

**Status:** Chapter 152 of the 2003 Statutes

Amends existing law related to specified limitations of time after which a criminal complaint or indictment may not be filed against a defendant. Adds violations of provisions relating to unlawful practice of law to those for which the commencement of the applicable limitation of time commences only when the offense has been, or could reasonably have been, discovered.

**SB 718 (Dunn) -- Sexual Abuse: Statute of Limitations**

**PIFC Position:** Watch

**Status:** Senate Public Safety Committee

States intent to address the statute of limitations in cases involving criminal prosecution of childhood sexual abuse. Deletes provisions regarding rights of a defendant in a criminal case to move for the return of property or to suppress as evidence any tangible or intangible thing obtained as a result of a search or seizure based on specified grounds. Deletes provisions regarding motions to return property, evidentiary hearings, and evidence.

**SB 851 (Senate Public Safety Committee) -- Public Safety**

**PIFC Position:** Watch

**Status:** Chapter 468 of the 2003 Statutes

Makes several changes to existing law on elder or dependent adult abuse, including providing that a county is not required to report or respond to a report involving danger to an elder or dependent adult in any facility for the incarceration of prisoners operated by a law enforcement agency for abuse reportedly occurring in the facility. Adds to the Los Angeles County police to provisions of law regarding eavesdropping or recording of conversations. Provides that the statute of limitations for identity theft and offering a false or forged instrument for recording does not begin to run until discovery of the offense. Deletes the repeal date on provision of law relating to ignition interlock devices.

**SB 1013 (Ackerman) -- Civil Actions**

**PIFC Position:** Oppose

**Status:** Senate Judiciary Committee

Provides that the statute of limitations for an action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another is one year, rather than 2 years, except for the victims of the September 11, 2001, terrorist attacks. Revises procedures concerning the service deadlines, continuance procedures, and appellate review of motions for summary judgment to narrow the service deadline from 75 to 28 days.

**TAXATION**

**AB 128 (Campbell) -- Internet Tax Freedom Act: Continuation**

**PIFC Position:** Watch

**Status:** Assembly Appropriations Committee

Eliminates the existing conditions that determine the repeal date of the California Internet Tax Freedom Act, and extends the application of the act until January 1, 2008.

**AB 263 (Oropeza) -- Bank and Corporation Taxes: Deductions**

**PIFC Position:** Watch

**Status:** Senate Revenue and Taxation Committee

Allows a corporation, whether or not engaged in business in California, to take a deduction under the Bank and Corporation Tax Law for 80% of the amount of the dividend received from an insurance company, if at the time of the payment the corporation owned at least 80% of each class of stock of the insurance company. Allows a taxpayer a dividend received deduction with respect to certain open years in the amount equal to 90% of dividends received.

**AB 565 (Cogdill) -- Personal Income and Corporation Taxes: Credits**

**PIFC Position:** Watch

**Status:** Assembly Revenue and Taxation Committee

Authorizes a credit against the Personal Income Tax Law and the Corporation Tax Law for each taxable year beginning on or after January 1, 2003, and before January 1, 2008, in an amount equal to 25% of the cost paid or incurred during the taxable year to acquire and install a certified clean-burning device.

**TELEMARKETING**

**AB 88 (Corbett) -- Contracts: Telemarketing**

**PIFC Position:** Watch

**Status:** Chapter 77 of the 2003 Statutes

Provides that any contract for the purchase of certain goods or services made in connection with a telephone solicitation is unlawful if the telemarketer fails to comply with the provisions of the Telemarketing Sales Rule.

**AB 1078 (Runner) -- Business Transactions: Telephone Solicitations**

**PIFC Position:** Watch

**Status:** Assembly Business and Professions Committee

Requires a person who contacts a consumer by telephone in order to solicit a magazine, newspaper, or newsletter subscription renewal or extension to notify the consumer of the termination date of the current subscription prior to requesting the consumer to renew or extend the subscription. Makes a violation a crime. Authorizes a person 65 years of age or older who enters into a contract with a financial institution to rescind such contract within 60 days.

**AB 1452 (Hancock) -- Telecommunications: Predictive Dialers**

**PIFC Position:** Watch

**Status:** Assembly Utilities and Commerce Committee

Requires that the error rate established by the Public Utilities Commission for predictive dialers not exceed 1% and that any call generated by a predictive dialer that terminates the call prior to a period of time determined by the Commission to be the amount of time ordinarily required to answer a telephone, is an abandoned call.

**SB 33 (Figueroa) -- Telephone Solicitations**

**PIFC Position:** Watch

**Status:** Chapter 779 of the 2003 Statutes

Requires telephone solicitors to comply with all State and federal laws regarding telephone solicitations. Makes it a crime to deny or interfere with a subscriber's right to place a California telephone number on the do not call list. Deletes the civil penalty fine amounts and instead, requires these amounts to be the same as those imposed by the Federal Trade Commission.

**TOTAL LOSS/SALVAGE VEHICLES**

**AB 1718 (Assembly Transportation Committee) -- Vehicles**

**PIFC Position:** Sponsor

**Status:** Chapter 451 of the 2003 Statutes

An omnibus transportation bill that relates to the suspension of a driver's license for failure to satisfy a judgment, generic tourist oriented directional signs, the definition of total loss salvage vehicle, the New Motor Vehicle Board, authorizing the use of a mailing address on the face of a motor vehicle registration card including general delivery or post office box as an address, printed summaries for persons whose driving privileges have been suspended and motorcycles with fog lamps.

**SB 1055 (Senate Budget and Fiscal Review Committee) -- Vehicles: Fees: Funding**

**PIFC Position:** Oppose

**Status:** Chapter 719 of the 2003 Statutes

Authorizes the DMV to increase fees for total loss vehicle certificates. Also increases fees for driver's licenses, vehicle registration, title transfers, and other DMV services. Provides gross vehicle weight fees for commercial motor vehicles and tow trucks. Relates to validity of certificates of non-operation for off-highway motor vehicles. Increases Highway Patrol funding. Provides for weight decals for commercial vehicles and tow trucks with declared weight at registration. Promotes special license plates. Same language as AB 1767.

**TRAFFIC SCHOOL**

**AB 435 (Matthews) -- Vehicles: Traffic Violator Schools**

**PIFC Position:** Watch

**Status:** Assembly Transportation Committee

Allows a court to order any person convicted of a traffic violation to complete a program of traffic safety instruction only at a DMV licensed traffic violator school. Allows a traffic violator school to offer instruction by the classroom method or the home study method, or both, and specifies requirements for each method of instruction. Prohibits the operation a school without a current valid license issued by the department.

**AB 1479 (Chu) -- Vehicles: Traffic Violator Schools**

**PIFC Position:** Watch

**Status:** Chapter 518 of the 2003 Statutes

Requires court notification of a traffic violator school if the court decides to remove the school from the traffic violator school referral list. Authorizes use of the court assistance program to assist in performance of services to process traffic violators. Authorizes the DMV to audit, inspect, and monitor licensed traffic violator schools. Requires a Court Assistance Program to follow certain procedures if the program conducts school monitoring.

**SB 555 (Florez) -- Vehicles: Traffic Violator Schools**

**PIFC Position:** Watch

**Status:** Senate Transportation Committee

Requires the court to use only the referral list of traffic violator schools published by the DMV. Prohibits a nonprofit agency from monitoring traffic violator schools and instead permits a court to use or contract with a nonprofit agency to assist the court in performing in-court administrative services related to the processing of traffic violators.

**UNINSURED/UNDERINSURED MOTORISTS**

**SB 333 (Romero) -- Automobile Insurance: Uninsured Motorists**

**PIFC Position:** Watch

**Status:** Chapter 56 of the 2003 Statutes

Relates to existing law which provides no cause of action shall accrue to an insured under liability insurance coverage unless, within 1 year, suit for bodily injury has been filed against the uninsured motorist, agreement as to the amount due has been concluded, or the insured has instituted arbitration proceedings. Increases the timeframe from one year to two years which one of these above actions and notification to the insurer of the action must have occurred.

## **UNDERWRITING**

### **AB 81 (Wyland) -- Insurance: Underwriting: Information**

**PIFC Position:** Concerns

**Status:** Senate Appropriations Committee

Prohibits an insurance institution from reaching an adverse underwriting decision based on the fact that an individual has previously inquired about the scope or nature of coverage under a residential fire or property insurance policy, if that information is received from an insurance-support organization whose primary source of information is insurance institutions, and if the inquiry did not result in the filing of a claim.

### **AB 1049 (Calderon) -- Insurance: Underwriting: Information**

**PIFC Position:** Concerns

**Status:** Chapter 442 of the 2003 Statutes

Prohibits an insurance institution or agent from basing an adverse underwriting decision on the fact an individual has previously inquired and received information about the scope or nature of coverage under an residential fire or property insurance policy and the inquiry did not result in the filing of a claim.

### **SB 64 (Speier) -- Homeowners' Insurance**

**PIFC Position:** Oppose

**Status:** Assembly Insurance Committee

Provides no notice of non-renewal of homeowners' insurance shall be effective unless it is based on specified events. Prohibits a homeowners' insurance carrier from using credit ratings, reports, scoring models or information to underwrite, classify, rate, refuse to issue, non-renew or cancel such policies. Adds privileged personal information from an insurance-support organization to the information upon which an insurer may not base adverse underwriting decisions.

## **UNFAIR BUSINESS PRACTICES**

### **AB 995 (Ridley-Thomas) -- Insurance Policies: Unfair Practices**

**PIFC Position:** Watch

**Status:** Assembly Desk

Makes technical, non-substantive changes to provisions that prohibit an admitted insurer from refusing to insure, canceling or issuing under conditions less favorable than those given in other comparable cases, certain property and liability insurance to any person by reason of the marital status, sex, race, color, religion, national origin or ancestry of the person.

## **UNFAIR COMPETITION LAW**

### **AB 69 (Correa) -- Business: Unfair Competition**

**PIFC Position:** Support

**Status:** Assembly Judiciary Committee

Imposes specified requirements on an unfair business competition action brought by a private person acting for the interest of the general public, which the bill would designate as a representative cause of action. Prohibits a private person acting for the interests of the general public from soliciting a settlement or resolution of an alleged act of unfair competition without first filing a complaint with the court.

### **AB 95 (Corbett) -- Private Actions**

**PIFC Position:** Oppose

**Status:** Senate Third Reading File

Amends existing law relating to procedures for the bringing of actions for unfair competition business practices. Requires a person bringing a private action under these provisions on

behalf of the general public to serve a specified notice on each defendant in the action. Sets forth principles for joining these actions. Joined to SB 122.

**AB 102 (Pacheco) -- Unfair Competition**

**PIFC Position:** Support

**Status:** Assembly Judiciary Committee

Imposes various requirements with respect to an unfair competition action that is brought by a person other than the Attorney General, a district attorney, a county counsel, or a city attorney, which action would be known as a representative civil action. Authorizes a judge hearing the action to consider mitigating actions of the defendant, including a letter documenting under penalty of perjury that the acts of unfair competition have been corrected.

**AB 599 (Dutton) -- Private Enforcement**

**PIFC Position:** Watch

**Status:** Assembly Judiciary Committee

Imposes requirements with respect to an unfair competition action that is brought by a person other than the Attorney General, a district attorney, a county counsel, or a city attorney. Requires the person to have a good faith belief that each defendant had engaged in the alleged misconduct and requires court approval prior to dismissal or compromise of an action brought by a private person on behalf of the general public.

**AB 754 (Bogh) -- Unfair Competition**

**PIFC Position:** Watch

**Status:** Assembly Judiciary Committee

Revises the definition of unfair competition to instead require a practice, rather than an act, of the specified misconduct. Defines the term practice.

**SB 122 (Escutia) -- Unfair Competition**

**PIFC Position:** Oppose

**Status:** Assembly Desk

Authorizes "disgorgement" as a remedy in a §17200 competition action. Authorizes, with exceptions, a party to request court review and approval of a settlement or compromise of an unfair competition action brought on behalf of the general public. Requires the plaintiff to serve a specified notice on each defendant and a copy to the State Bar. Specifies set off requirements applicable to unfair competition actions. Linked to AB 95.

**SB 889 (Johnson) -- Unfair Competition**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Limits a private right of action for unfair competition by prohibiting those actions against a business organization having fewer than 50 employees, unless the person bringing the action has sustained distinct and palpable harm as a result of an act or practice of unfair competition.

**SB 890 (Johnson) -- Unfair Competition**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Defines an unfair competition action that is brought by a person other than the Attorney General, a district attorney, a county counsel, or a city attorney as a "representative civil action." Requires, in the case of an action that is brought by a plaintiff who has not suffered an injury as a result of unfair business acts or practices, that an amount of money equal to 85% of any judgment obtained thereof shall be deposited in the Restitution Fund.

**SB 912 (Ackerman) -- Private Enforcement Actions**

**PIFC Position:** Watch

**Status:** Senate Judiciary Committee

Precludes a private person acting for the interests of the general public from initiating specified types of unfair competition actions.

**VEHICLE INPOUNDMENT**

**AB 616 (Vargas) -- Vehicles: Impoundment: Storage Notices**

**PIFC Position:** Watch

**Status:** To Governor

Authorizes the officer, employee, or public agency directing the storage of an impounded motor vehicle to notify the National Law Enforcement Telecommunication System by transmitting by any means available the vehicle identification number and other specified information to the Department of Justice Stolen Vehicle System.

**AB 625 (Spitzer) -- Vehicles: Towing: Storage Charge**

**PIFC Position:** Watch

**Status:** Senate Appropriations Committee

Requires a storage facility operator or keeper who holds a vehicle that is placed in storage following its removal under certain circumstances to, upon the in-person demand of the registered owner or the owner's agent, release the vehicle within one hour of that demand if made during certain hours, and if certain conditions apply. Prohibits a storage facility operator or keeper who violates this requirement from imposing any storage charges for the vehicle.

**AB 792 (Yee) -- Vehicles: Removal: Storage**

**PIFC Position:** Watch

**Status:** Chapter 212 of the 2003 Statutes

Expresses the intent of the Legislature regarding the requirement that vehicle storage facilities accept valid bank credit cards, and regarding obtaining the written authorization from the property owner or lessee of the property from which the vehicle was removed.

**AB 1096 (Bermudez) -- Transportation Projects**

**PIFC Position:** Sponsor/Support

**Status:** Senate Rules Committee

Requires the California Transportation Commission to allocate, from funds appropriated for the State Transportation Improvement Program, a certain sum of moneys for specified transportation projects.

**AB 1663 (Dutra) -- Vehicle Forfeiture: Storage**

**PIFC Position:** Watch

**Status:** Assembly Transportation Committee

Provides that a peace officer is authorized to either immediately arrest a person and cause the removal and seizure of the vehicle he or she was operating or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person, if the peace officer determines that the person was driving the vehicle while his or her driving privilege was ordered suspended or revoked.

## **VEHICLES**

### **AB 301 (Reyes) -- Vehicles: Video Displays**

**PIFC Position:** Watch

**Status:** Chapter 303 of the 2003 Statutes

Prohibits any person from driving a motor vehicle if a certain video monitor, or a video screen, or any other, similar means of visually displaying a video signal, is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is visible to the driver while driving the vehicle. Provides this prohibition does not apply to specified equipment or motor vehicles providing emergency service or roadside assistance.

### **AB 1238 (Firebaugh) -- Vehicles: Regulations**

**PIFC Position:** Watch

**Status:** Chapter 729 of the 2003 Statutes

Redefines commercial vehicle in provisions relating to primary payer of damages by a motor vehicle liability insurer when multiple policies apply to the same vehicle. Increases commercial motor carrier terminal inspection fees. Requires a commercial motor carrier to hold a valid motor carrier permit, enroll in the biennial inspection of terminals program and a controlled substance and alcohol-testing program. Extends a double fine zone on SR 101.

### **SB 315 (Senate Transportation Committee) -- Transportation**

**PIFC Position:** Watch

**Status:** Chapter 594 of the 2003 Statutes

Relates to the North San Diego Transit Development Board, salvaged and dismantled vehicle registration, weight fees on commercial vehicles, failure to appear for violations of the Motor Vehicle Code, deleting obsolete cross-references in the Vehicle License Fee Law, school bus lighting equipment, financial responsibility, specialty vehicle drivers' licensure, traffic school operator's licensure, and mounting of motor vehicle license plates.

## **WORKERS' COMPENSATION**

### **SB 228 (Alarcon) -- Workers' Compensation**

**PIFC Position:** Watch

**Status:** Chapter 639 of the 2003 Statutes

Amends existing law relating to workers' compensation insurance rates, a care standards survey by the Commission on Health and Safety and Workers' Compensation, workers' compensation claim fraud, improper referral of injured workers to medical facilities, the providing of generic drug equivalents to injured workers, the vocational rehabilitation services program, eliminating the Industrial Medical Council, workers' compensation employer assessments and prohibited surgeries.

## **WHISTLEBLOWERS**

### **SB 523 (Escutia) -- Corporate Liability**

**PIFC Position:** Watch

**Status:** Chapter 477 of the 2003 Statutes

Makes a corporation or limited liability company liable for civil penalties in an action brought by the Attorney General or district or city attorney if the corporation or LLC has knowledge of certain acts relating to neglecting, failing or refusing to keep certain records about the corporation or LLC and fails to notify the Attorney General, appropriate government agency, shareholders and investors.

**SB 777 (Escutia) -- Whistleblowers**

**PIFC Position:** Watch

**Status:** Chapter 484 of the 2003 Statutes

Extends whistleblower protections to employees who report a violation of a state or federal rule, refuse to participate in an activity that would result in a violation of state or federal statute or regulation, or who exercised these rights in former employment. Prohibits an employer from retaliating against an employee for exercising any rights. Requires an employer to display employee whistleblower rights.