

Introduced by Senator Scott

February 13, 2004

An act to add Section 785 to the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as introduced, Scott. Insurance: misrepresentations.

Existing law provides that it is a crime, punishable by a fine not exceeding \$1,500, or imprisonment in a county jail for a period not exceeding 6 months, for an insurer or his or her agent, to issue, circulate, or use any misrepresentation of the terms of a policy issued by the insurer or sought to be negotiated by the person making or permitting the misrepresentation, or to make any misrepresentation to another person for the purpose of inducing that other person to take out a policy of insurance or to induce that other person to lapse, forfeit, or surrender insurance in a policy he or she holds.

This bill would provide that it is a crime punishable by imprisonment in a county jail for a period of up to one year, or by imprisonment in the state prison to violate these provisions in the course of a transaction with a person who is 65 years of age or older.

Because this bill would create a new crime, it would impose a state-mandated, local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 785 is added to the Insurance Code, to
 2 read:
 3 785. Any person who commits any violation of Section 780
 4 or 781 in the course of a transaction with a person who is 65 years
 5 of age or older is guilty of a crime punishable by imprisonment in
 6 a county jail for a period of up to one year, or by imprisonment in
 7 the state prison.
 8 SEC. 2. No reimbursement is required by this act pursuant to
 9 Section 6 of Article XIII B of the California Constitution because
 10 the only costs that may be incurred by a local agency or school
 11 district will be incurred because this act creates a new crime or
 12 infraction, eliminates a crime or infraction, or changes the penalty
 13 for a crime or infraction, within the meaning of Section 17556 of
 14 the Government Code, or changes the definition of a crime within
 15 the meaning of Section 6 of Article XIII B of the California
 16 Constitution.

