

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN SENATE JUNE 10, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 483

Introduced by Assembly Member Buchanan
(Coauthors: Assembly Members De La Torre, Lieu, and Portantino)

February 24, 2009

An act to add Section 11752.75 to the Insurance Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 483, as amended, Buchanan. Workers' compensation: Internet Web sites.

Existing law provides that a licensed rating organization shall make available specified policy information relating to workers' compensation insurance, as specified.

This bill would provide that a licensed rating organization shall, pursuant to regulations adopted by the Insurance Commissioner after notice and hearing, establish and maintain an Internet Web site for the purposes of assisting any person to determine whether an employer is insured for workers' compensation.

This bill would specify who may submit an inquiry and for what purpose, what information shall be available on the Internet Web site, and would provide that a rating organization would not be required to disclose, on the Internet Web site, certain specified information or confidential information, as specified.

The bill would provide that the Internet Web site shall be accessible for inquiries without charge, but the commissioner may at his or her

discretion, permit the rating organization to impose access restrictions as necessary to deter the use of the Internet Web site for purposes other than which it was intended.

This bill would provide that the Internet Web site contain specified information, or a hypertext link to insurer information on the Department of Industrial Relations' Internet Web site, and a hypertext link to the department for the purpose of locating employers who may be self-insured.

This bill would require that the Internet Web site be operational 180 days after adoption of regulations by the commissioner, and be updated as specified.

This bill would require the commissioner to adopt regulations to implement this act and provide for dispute resolution regarding the accuracy of the information displayed on the Internet Web site.

This bill would provide civil immunity, as specified, to rating organizations, and specified persons acting within their capacity as members of the organization, or employees acting within the scope of their employment, who release information.

This bill would provide that it shall not be construed to create liability, as specified, or construed to limit the authority of a rating organization to disclose information contained in its records to others.

This bill would require the commissioner to conduct a review, evaluation, and assessment of the Internet Web site, as specified, to provide a written report no later than July 1, 2013, of his or her findings to various state legislative and executive entities, and to make the report available on its own Internet Web site.

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

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

- 1 SECTION 1. Section 11752.75 is added to the Insurance Code,
- 2 to read:
- 3 11752.75. (a) Notwithstanding any other provision of law, a
- 4 licensed rating organization shall, pursuant to regulations adopted
- 5 by the commissioner after notice and hearing, establish and
- 6 maintain an Internet Web site for the purposes of assisting any
- 7 person to determine whether an employer is insured for workers'
- 8 compensation.
- 9 (b) The Internet Web site shall:

1 (1) Permit a person to submit a query for coverage information
2 concerning a specified employer.

3 (2) Permit the query to specify an employer, using the name,
4 address, or other identifying information of the employer, or
5 combinations of identifying information, as may be provided by
6 regulations adopted by the commissioner. Other identifying
7 information may include, but need not be limited to, the employer's
8 federal employer identification number.

9 (3) In response to the query, provide the name of the workers'
10 compensation insurer or insurers for the employer on the date of
11 the query according to the most recent information available to
12 the rating organization, subject to paragraph (7), and provide a
13 contact address for the insurer from information available to the
14 rating organization, or by providing a hypertext link to insurer
15 information available on the department's Internet Web site.

16 (4) Be accessible for inquiries without charge. However, the
17 commissioner may, at his or her discretion, permit the rating
18 organization to impose access restrictions as necessary to deter
19 the use of the Internet Web site for purposes other than those for
20 which it was intended.

21 (5) Contain a hypertext link to the Department of Industrial
22 Relations' Internet Web site for the purpose of locating employers
23 who may be self-insured.

24 (6) Include any disclaimers that the commissioner may prescribe.

25 (7) Be updated to reflect policy information as soon as is
26 reasonably feasible following submission of that information by
27 insurers to the rating organization, as the commissioner shall
28 require.

29 (8) Include a disclaimer stating that the search results may not
30 reflect recent changes in information.

31 (9) Include a disclaimer stating that the failure of an employer
32 to appear in response to a query does not mean that the employer
33 does not have insurance or is operating in violation of California
34 law.

35 (10) Include the date that the Internet Web site was last updated.

36 (c) A rating organization shall not be required to disclose on
37 the Internet Web site any policy numbers, inception or expiration
38 dates, or confidential information, as defined by the commissioner.

1 (d) The Internet Web site specified in this section shall become
2 operative no later than 180 days after the effective date of
3 regulations adopted by the commissioner implementing this section.

4 (e) The commissioner shall adopt regulations to implement this
5 section no later than January 1, 2011. These regulations shall
6 specify a method by which an employer may dispute through the
7 rating organization or the employer's insurance company the
8 accuracy of the information displayed on the Internet Web site.

9 (f) No rating organization, member of a rating organization, or
10 member of a committee of a rating organization when acting within
11 his or her capacity as a member of the committee, or when acting
12 within the scope of his or her employment, shall be liable to any
13 person for injury, personal or otherwise, or damages caused, or
14 alleged to have been caused, either directly or indirectly, by the
15 good faith disclosure of information pursuant to this section, or
16 for the accuracy or completeness of any information disclosed in
17 good faith.

18 (g) This section shall not be construed to create liability except
19 as provided in this section, nor as a legislative recognition that,
20 except for the enactment of this section, a liability would exist.

21 (h) Nothing in this section shall be construed as limiting the
22 authority of a rating organization to disclose information contained
23 in its records to others.

24 (i) *The commissioner shall conduct a review and evaluation of*
25 *the establishment and operation of the Internet Web site and an*
26 *assessment of whether it is achieving its intended purpose and*
27 *provide a written report on his or her findings no later than July*
28 *1, 2013. The report shall include, to the extent possible, statistics*
29 *on usage, error rates, user complaints, and efforts undertaken by*
30 *the commissioner to improve the operation of the Internet Web*
31 *site. The commissioner shall present a copy of the report to the*
32 *office of the President pro Tempore of the Senate, the Speaker of*
33 *the Assembly, the Senate Committee on Banking, Finance and*
34 *Insurance, the Department of Finance, and the Department of*
35 *Industrial Relations and shall make it available on the Internet*
36 *Web site of the Department of Insurance.*