

AMENDED IN SENATE JUNE 9, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 499**

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**Introduced by Assembly Member Cooley**

February 23, 2015

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An act to amend ~~Section 4370 of the Fish and Game Code, relating to hunting, Sections 10083 and 10087 of, and to amend and repeal Section 10086 of, the Insurance Code, relating to insurance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 499, as amended, Cooley. ~~Archery season: concealed firearms. Insurance: earthquake: mandatory offer.~~

*Existing law provides that a policy of residential property insurance may not be issued or delivered or, under certain circumstances, initially renewed by an insurer unless the named insured is offered coverage for loss or damage caused by an earthquake. The required offer of earthquake coverage is authorized to be made prior to, concurrent with, or within 60 days following the issuance or renewal of a residential property insurance policy and must contain certain disclosure language. Existing law provides that when the insurer, agent, or broker establishes delivery of the disclosure form by obtaining the signature of the applicant or insured, or when an insurer, agent, or broker provides the applicant with the disclosure form and the applicant does not return a signed acknowledgment of receipt within 60 days of the date it was provided, there is a conclusive presumption that the insurer, agent, or broker has complied with the disclosure requirements.*

*This bill would delete the above presumption.*

*Existing law requires that if an offer of earthquake coverage is accepted, the coverage continues at the applicable rates and conditions*

*for the policy term, provided the policy of residential property insurance is not terminated by the named insured or insurer. At any renewal, an insurer is authorized to modify the terms and conditions of an existing earthquake insurance policy, rider, or endorsement as long as the modified terms and conditions provide the minimum insurance coverages required and the insurer provides the insured with a stand-alone document disclosing the changes, as specified.*

*This bill would, among other things, instead require an insurer modifying the terms and conditions of an existing earthquake insurance policy, rider, or endorsement at renewal to provide the insured with the stand-alone document disclosing the changes when the modification of the terms and conditions reduces or substantially differs from the coverage previously provided to the insured.*

*Existing law provides that proof of mailing of the offer by first-class mail addressed to a named insured or applicant at the mailing address shown on the policy or application, or proof that the offer of coverage was sent to the named insured or applicant by electronic transmission, creates a conclusive presumption that the offer was made.*

*This bill would, among other things, add that if an offer, disclosure, or document required to be delivered is not mailed, but hand delivered to the insured, the insured's signed receipt would create a conclusive presumption that the offer was provided or that the disclosure or document was delivered as required.*

*This bill would also make technical and clarifying changes.*

*This bill would provide that specified provisions of the act would only become operative if AB 2591 is enacted and takes effect on or before January 1, 2017.*

~~Existing law establishes an archery season for the taking of deer with bow and arrow. Existing law generally prohibits a person taking or attempting to take deer during that archery season from carrying, or having under his or her immediate control, a firearm of any kind, except for an active or honorably retired peace officer, as specified.~~

~~This bill would authorize a person with a valid license to carry a firearm capable of being concealed on the person, consistent with the terms of that license, while engaged in the taking of deer with bow and arrow as long as he or she does not take or attempt to take deer with the firearm.~~

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

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

1     **SECTION 1.** *Section 10083 of the Insurance Code, as added*  
2 *by Section 2.5 of Chapter 419 of the Statutes of 2014, is amended*  
3 *to read:*

4     10083. (a) The offer of coverage required by Section 10081  
5 may be made prior to, concurrent with, or within 60 days following  
6 the issuance or renewal of a residential property insurance policy.  
7 If the offer of coverage is mailed to the named insured or applicant,  
8 it shall be mailed to the mailing address shown on the policy of  
9 residential property insurance or on the application. The offer may  
10 be made electronically pursuant to Section 38.5.

11     (1) If the offer is made by a nonparticipating insurer as defined  
12 in Section 10089.5, the offer of earthquake coverage shall contain  
13 all of the following language in at least 10-point boldface type:  
14

15     “Your residential property insurance policy does not cover  
16 earthquake damage to your home or its contents.

17     To cover earthquake damage to your home and its contents you  
18 need to purchase a separate earthquake insurance policy. The  
19 coverage provided by an earthquake insurance policy is different  
20 from, and typically more limited than, the coverage provided by  
21 your residential property insurance policy.

22     California law requires insurance companies to offer earthquake  
23 insurance in conjunction with a residential property insurance  
24 policy. If you do not accept the offer of earthquake insurance below  
25 within 30 days of the mailing of this notice, your insurance  
26 company shall presume that you have not accepted this offer of  
27 earthquake insurance.

28     You may purchase earthquake insurance coverage on the  
29 following terms:

30     (A) Amount of Dwelling/Building Coverage Limit:

31 \_\_\_\_\_

32     (B) Deductible: \_\_\_\_\_

33     (C) Contents Coverage Limit: \_\_\_\_\_

34     (D) Additional Living Expenses Coverage Limit:

35 \_\_\_\_\_

36     (E) Estimated Annual Premium: \_\_\_\_\_

37     The deductible represents the amount of damage your covered  
38 property must incur before the earthquake insurance coverage

1 begins. If your covered loss is less than the applicable deductible,  
2 you may not receive any payment.

3 Contact your insurance agent or your insurance company to  
4 obtain details regarding this offer of earthquake insurance and  
5 other coverage options.”  
6

7 (2) If the offer is made by a participating insurer as defined by  
8 Section 10089.5, the offer of earthquake coverage shall contain  
9 all of the following language in at least 10-point boldface type:  
10

11 “Your residential property insurance policy does not cover  
12 earthquake damage to your home or its contents.

13 To cover earthquake damage to your home and its contents you  
14 need to purchase a separate earthquake insurance policy. The  
15 coverage provided by an earthquake insurance policy is different  
16 from, and typically more limited than, the coverage provided by  
17 your residential property insurance policy.

18 California law requires insurance companies to offer earthquake  
19 insurance in conjunction with a residential property insurance  
20 policy. If you do not accept the offer of earthquake insurance below  
21 within 30 days of the mailing of this notice, your insurance  
22 company shall presume that you have not accepted this offer of  
23 earthquake insurance.

24 You may purchase earthquake insurance coverage on the  
25 following terms:

26 (A) Amount of Dwelling/Building Coverage Limit:  
27 \_\_\_\_\_

28 (B) Deductible: \_\_\_\_\_

29 (C) Contents Coverage Limit: \_\_\_\_\_

30 (D) Additional Living Expenses Coverage Limit:  
31 \_\_\_\_\_

32 (E) Estimated Annual Premium: \_\_\_\_\_

33 The deductible represents the amount of damage your covered  
34 property must incur before the earthquake insurance coverage  
35 begins. If your covered loss is less than the applicable deductible,  
36 you may not receive any payment.

37 If you choose not to accept this offer within the 30-day period,  
38 you may apply for earthquake coverage at a later date.

39 Your insurance company contracts with the California  
40 Earthquake Authority (CEA) to offer earthquake insurance to its

1 customers. For an additional premium, you can choose CEA  
2 coverage options such as higher limits for Contents or Additional  
3 Living Expenses, increased building code upgrade limits, or a  
4 lower deductible. You can also choose to buy certain CEA  
5 coverages separately.

6 Contact your insurance agent or your insurance company to  
7 obtain details regarding this offer of earthquake insurance and  
8 other coverage options.”

9  
10 ~~(b) When the insurer, agent, or broker establishes delivery of~~  
11 ~~the disclosure form by obtaining the signature of the applicant or~~  
12 ~~insured, or when an insurer, agent, or broker provides the applicant~~  
13 ~~with the disclosure form and the applicant does not return a signed~~  
14 ~~acknowledgment of receipt within 60 days of the date it was~~  
15 ~~provided, there shall be a conclusive presumption that the insurer,~~  
16 ~~agent, or broker has complied with the disclosure requirements of~~  
17 ~~this section.~~

18 *(b) If the offer of earthquake coverage made pursuant to Section*  
19 *10081 is not accepted, the insurer or any affiliated insurer shall*  
20 *be required on an every other year basis to offer earthquake*  
21 *coverage in connection with any continuation, renewal, or*  
22 *reinstatement of the policy following any lapse thereof, or with*  
23 *respect to any other policy that extends, changes, supersedes, or*  
24 *replaces the policy of residential property insurance.*

25 (c) The offer may contain additional provisions not in conflict  
26 with or in derogation of this section.

27 (d) The commissioner may ~~only~~ approve modifications to the  
28 language prescribed in subdivision (a) *only* if all of the following  
29 conditions are met:

30 (1) The modifications are not in conflict with or in derogation  
31 of any provision of this section or Section 10089.

32 (2) ~~The modifications are necessary to ensure that the disclosure~~  
33 ~~statement accurately reflects the coverage actually~~ *accurately*  
34 *describe the coverage* provided by the policy being offered.

35 (3) The modifications are strictly limited to necessary changes  
36 so that the modified ~~disclosure statement~~ *offer* is otherwise identical  
37 to the ~~disclosure statement prescribed in this section.~~ *offer*  
38 *prescribed in subdivision (a).*

39 (e) Use of the language prescribed by this section, or modified  
40 language approved pursuant to subdivision (d), shall constitute

1 compliance with the requirements of Section 10081 by an insurer  
2 subject to the requirements.

3 (f) (1) If an insurer issues or causes to be issued a policy with  
4 earthquake coverages other than the coverages specified in  
5 subdivisions (a) and (b) of Section 10089, pursuant to a rate  
6 application approved by the commissioner in accordance with  
7 subdivision (c) of Section 10089, no further or other offer of  
8 earthquake coverage as specified in subdivisions (a) and (b) of  
9 Section 10089 and no further or other notice of noncoverage is  
10 required by the insurer if both of the following apply:

11 (A) A renewal of that policy is offered.

12 (B) A written notice is provided with that renewal regarding  
13 additional earthquake coverage that is available.

14 (2) The form of the written notice in paragraph (1) shall be filed  
15 with the commissioner at least 30 days before its first use. The  
16 form shall not be used if the commissioner disapproves the form  
17 of the written notice within that period for being misleading or  
18 incomplete.

19 ~~(g) This section shall become operative on January 1, 2016.~~

20 ~~(h)~~

21 (g) This section shall remain in effect only until January 1, 2019,  
22 and as of that date is repealed, unless a later enacted statute, that  
23 is enacted before January 1, 2019, deletes or extends that date.

24 *SEC. 2. Section 10083 of the Insurance Code, as amended by*  
25 *Section 2.5 of Chapter 427 of the Statutes of 2014, is amended to*  
26 *read:*

27 10083. (a) The offer of coverage required by Section 10081  
28 may be made prior to, concurrent with, or within 60 days following  
29 the issuance or renewal of a residential property insurance policy.  
30 If the offer of coverage is mailed to the named insured or applicant,  
31 it shall be mailed to the mailing address shown on the policy of  
32 residential property insurance or on the application.

33 (1) If the offer is made by a nonparticipating insurer as defined  
34 in Section 10089.5, the offer of earthquake coverage shall contain  
35 all of the following language in at least 10-point boldface type:

37 “Your residential property insurance policy does not cover  
38 earthquake damage to your home or its contents.

39 To cover earthquake damage to your home and its contents you  
40 need to purchase a separate earthquake insurance policy. The

1 coverage provided by an earthquake insurance policy is different  
2 from, and typically more limited than, the coverage provided by  
3 your residential property insurance policy.

4 California law requires insurance companies to offer earthquake  
5 insurance in conjunction with a residential property insurance  
6 policy. If you do not accept the offer of earthquake insurance below  
7 within 30 days of the mailing of this notice, your insurance  
8 company shall presume that you have not accepted this offer of  
9 earthquake insurance.

10 You may purchase earthquake insurance coverage on the  
11 following terms:

12 (A) Amount of Dwelling/Building Coverage Limit:

13 \_\_\_\_\_  
14 (B) Deductible: \_\_\_\_\_

15 (C) Contents Coverage Limit: \_\_\_\_\_

16 (D) Additional Living Expenses Coverage Limit:

17 \_\_\_\_\_  
18 (E) Estimated Annual Premium: \_\_\_\_\_

19 The deductible represents the amount of damage your covered  
20 property must incur before the earthquake insurance coverage  
21 begins. If your covered loss is less than the applicable deductible,  
22 you may not receive any payment.

23 Contact your insurance agent or your insurance company to  
24 obtain details regarding this offer of earthquake insurance and  
25 other coverage options.”

26  
27 (2) If the offer is made by a participating insurer as defined by  
28 Section 10089.5, the offer of earthquake coverage shall contain  
29 all of the following language in at least 10-point boldface type:

30  
31 “Your residential property insurance policy does not cover  
32 earthquake damage to your home or its contents.

33 To cover earthquake damage to your home and its contents you  
34 need to purchase a separate earthquake insurance policy. The  
35 coverage provided by an earthquake insurance policy is different  
36 from, and typically more limited than, the coverage provided by  
37 your residential property insurance policy.

38 California law requires insurance companies to offer earthquake  
39 insurance in conjunction with a residential property insurance  
40 policy. If you do not accept the offer of earthquake insurance below

1 within 30 days of the mailing of this notice, your insurance  
2 company shall presume that you have not accepted this offer of  
3 earthquake insurance.

4 You may purchase earthquake insurance coverage on the  
5 following terms:

6 (A) Amount of Dwelling/Building Coverage Limit:

7 \_\_\_\_\_

8 (B) Deductible: \_\_\_\_\_

9 (C) Contents Coverage Limit: \_\_\_\_\_

10 (D) Additional Living Expenses Coverage Limit:

11 \_\_\_\_\_

12 (E) Estimated Annual Premium: \_\_\_\_\_

13 The deductible represents the amount of damage your covered  
14 property must incur before the earthquake insurance coverage  
15 begins. If your covered loss is less than the applicable deductible,  
16 you may not receive any payment.

17 If you choose not to accept this offer within the 30-day period,  
18 you may apply for earthquake coverage at a later date.

19 Your insurance company contracts with the California  
20 Earthquake Authority (CEA) to offer earthquake insurance to its  
21 customers. For an additional premium, you can choose CEA  
22 coverage options such as higher limits for Contents or Additional  
23 Living Expenses, increased building code upgrade limits, or a  
24 lower deductible. You can also choose to buy certain CEA  
25 coverages separately.

26 Contact your insurance agent or your insurance company to  
27 obtain details regarding this offer of earthquake insurance and  
28 other coverage options.”

29  
30 ~~(b) When the insurer, agent, or broker establishes delivery of~~  
31 ~~the disclosure form by obtaining the signature of the applicant or~~  
32 ~~insured, or when an insurer, agent, or broker provides the applicant~~  
33 ~~with the disclosure form and the applicant does not return a signed~~  
34 ~~acknowledgment of receipt within 60 days of the date it was~~  
35 ~~provided, there shall be a conclusive presumption that the insurer,~~  
36 ~~agent, or broker has complied with the disclosure requirements of~~  
37 ~~this section.~~

38 *(b) If the offer of earthquake coverage made pursuant to Section*  
39 *10081 is not accepted, the insurer or any affiliated insurer shall*  
40 *be required on an every other year basis to offer earthquake*

1 *coverage in connection with any continuation, renewal, or*  
2 *reinstatement of the policy following any lapse thereof, or with*  
3 *respect to any other policy that extends, changes, supersedes, or*  
4 *replaces the policy of residential property insurance.*

5 (c) The offer may contain additional provisions not in conflict  
6 with or in derogation of this section.

7 (d) The commissioner may ~~only~~ approve modifications to the  
8 language prescribed in subdivision (a) *only* if all of the following  
9 conditions are met:

10 (1) The modifications are not in conflict with or in derogation  
11 of any provision of this section or Section 10089.

12 (2) ~~The modifications are necessary to ensure that the disclosure~~  
13 ~~statement accurately reflects the coverage actually~~ *accurately*  
14 *describe the coverage* provided by the policy being offered.

15 (3) The modifications are strictly limited to necessary changes  
16 so that the modified ~~disclosure statement~~ *offer* is otherwise identical  
17 to the ~~disclosure statement prescribed in this section.~~ *offer*  
18 *prescribed in subdivision (a).*

19 (e) Use of the language prescribed by this section, or modified  
20 language approved pursuant to subdivision (d), shall constitute  
21 compliance with the requirements of Section 10081 by an insurer  
22 subject thereto.

23 (f) (1) If an insurer issues or causes to be issued a policy with  
24 earthquake coverages other than the coverages specified in  
25 subdivisions (a) and (b) of Section 10089, pursuant to a rate  
26 application approved by the commissioner in accordance with  
27 subdivision (c) of Section 10089, no further or other offer of  
28 earthquake coverage as specified in subdivisions (a) and (b) of  
29 Section 10089 and no further or other notice of noncoverage is  
30 required by the insurer if both of the following apply:

31 (A) A renewal of that policy is offered.

32 (B) A written notice is provided with that renewal regarding  
33 additional earthquake coverage that is available.

34 (2) The form of the written notice in paragraph (1) shall be filed  
35 with the commissioner at least 30 days before its first use. The  
36 form shall not be used if the commissioner disapproves the form  
37 of the written notice within that period for being misleading or  
38 incomplete.

39 (g) This section shall become operative on January 1, 2019.

SEC. 3. Section 10086 of the Insurance Code, as added by Section 5 of Chapter 419 of the Statutes of 2014, is amended to read:

10086. (a) If an offer of earthquake coverage, made pursuant to Section 10081, is accepted, the coverage shall be continued at the applicable rates and conditions for the policy term, provided the policy of residential property insurance is not terminated by the named insured or insurer.

(1) At any renewal, an insurer may modify the terms and conditions of an existing policy, rider, or endorsement providing coverage against loss or damage caused by the peril of earthquake if the modified terms and conditions provide the minimum coverages required by Section 10089.

~~(2) An insurer that modifies the terms and conditions of an existing policy, rider, or endorsement shall provide the insured with the renewal notice in a stand-alone disclosure document stating the changes in the terms and conditions of the insured's existing policy, rider, or endorsement. The offer of renewal may be made electronically pursuant to Section 38.5. Proof of mailing of the disclosure document by first-class mail to a named insured at the mailing address shown on the policy or application, or proof consistent with Section 38.5 that the offer of renewal of coverage was sent to the named insured or applicant by electronic transmission, creates a conclusive presumption that the disclosure document was provided. The disclosure shall include the following statement in 14-point boldface type:~~

*(2) If the modification referenced in paragraph (1) reduces or substantially differs from the coverage previously provided, an insurer shall provide the insured with the renewal offer required by Section 10083 and a stand-alone document stating the changes in the terms and conditions of the insured's existing policy, rider, or endorsement. The offer of renewal may be made electronically pursuant to Section 38.5. Proof of mailing of the offer of renewal by first-class mail to a named insured at the mailing address shown on the policy or application, or proof consistent with Section 38.5 that the offer of renewal of coverage was sent to the named insured or applicant by electronic transmission, creates a conclusive presumption that the offer of renewal was provided. The stand-alone document shall include the following statement in 14-point boldface type:*

1  
2 “THE COVERAGE IN THE POLICY WE ARE OFFERING  
3 YOU WITH THIS RENEWAL HAS BEEN REDUCED, AND  
4 SUBSTANTIALLY DIFFERS FROM THE COVERAGES  
5 PROVIDED BY YOUR HOMEOWNERS’ POLICY.  
6 INSURANCE COMPANIES ARE ALLOWED TO RENEW  
7 EARTHQUAKE INSURANCE POLICIES WITH COVERAGE  
8 THAT IS REDUCED FROM THE COVERAGE YOU  
9 PREVIOUSLY PURCHASED. YOU MAY REQUEST A  
10 SAMPLE COPY OF THIS NEW POLICY TO REVIEW PRIOR  
11 TO MAKING A DECISION TO ACCEPT THIS RENEWAL,  
12 AND WE WILL MAIL OR DELIVER IT TO YOU WITHIN 14  
13 DAYS OF YOUR REQUEST. A REQUEST FOR THE SAMPLE  
14 COPY SHALL NOT CHANGE OR EXTEND THE POLICY  
15 EXPIRATION DATE SPECIFIED IN THE RENEWAL NOTICE.  
16 A SUMMARY OF THE CHANGES IS INCLUDED WITH THIS  
17 NOTICE.”  
18

19 ~~The~~

20 (3) ~~The~~ commissioner shall approve the ~~form of the summary~~  
21 ~~offer of renewal~~ at the time he or she approves the policy. The  
22 ~~summary offer of renewal~~ shall include the information contained  
23 in subdivision (a) of Section 10083, and may be included with the  
24 renewal notice in standard type.

25 ~~The~~

26 (4) ~~The~~ commissioner may approve a substantially similar  
27 ~~disclosure forms form of the offer of renewal~~ if necessary to  
28 accurately disclose relevant information to the policyholder. ~~The~~  
29 ~~commissioner may also approve disclosure forms substantially~~  
30 ~~similar to the disclosure statement required by Section 10083 if~~  
31 ~~necessary to accurately disclose relevant information to the~~  
32 ~~policyholder.~~

33 (b) ~~If the offer of earthquake coverage made pursuant to Section~~  
34 ~~10081 is not accepted, the insurer or any affiliated insurer shall be~~  
35 ~~required on an every other year basis to offer earthquake coverage~~  
36 ~~in connection with any continuation, renewal, or reinstatement of~~  
37 ~~the policy following any lapse thereof, or with respect to any other~~  
38 ~~policy that extends, changes, supersedes, or replaces the policy of~~  
39 ~~residential property insurance. The offer may be made~~  
40 ~~electronically pursuant to Section 38.5.~~

1 (e)

2 (b) Nothing in this section shall preclude the named insured  
3 from terminating the earthquake coverage at any time.

4 ~~(d) This section shall become operative on January 1, 2016.~~

5 (e)

6 (c) This section shall remain in effect only until January 1, 2019,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2019, deletes or extends that date.

9 *SEC. 3.5. Section 10086 of the Insurance Code, as added by*  
10 *Section 5 of Chapter 419 of the Statutes of 2014, is repealed.*

11 10086. (a) If an offer of earthquake coverage, made pursuant  
12 to Section 10081, is accepted, the coverage shall be continued at  
13 the applicable rates and conditions for the policy term, provided  
14 the policy of residential property insurance is not terminated by  
15 the named insured or insurer.

16 (1) At any renewal, an insurer may modify the terms and  
17 conditions of an existing policy, rider, or endorsement providing  
18 coverage against loss or damage caused by the peril of earthquake  
19 if the modified terms and conditions provide the minimum  
20 coverages required by Section 10089.

21 (2) An insurer that modifies the terms and conditions of an  
22 existing policy, rider, or endorsement shall provide the insured  
23 with the renewal notice in a stand-alone disclosure document  
24 stating the changes in the terms and conditions of the insured's  
25 existing policy, rider, or endorsement. The offer of renewal may  
26 be made electronically pursuant to Section 38.5. Proof of mailing  
27 of the disclosure document by first-class mail to a named insured  
28 at the mailing address shown on the policy or application, or proof  
29 consistent with Section 38.5 that the offer of renewal of coverage  
30 was sent to the named insured or applicant by electronic  
31 transmission, creates a conclusive presumption that the disclosure  
32 document was provided. The disclosure shall include the following  
33 statement in 14-point boldface type:

34  
35 “THE COVERAGE IN THE POLICY WE ARE OFFERING  
36 YOU WITH THIS RENEWAL HAS BEEN REDUCED, AND  
37 SUBSTANTIALLY DIFFERS FROM THE COVERAGES  
38 PROVIDED BY YOUR HOMEOWNERS’ POLICY.  
39 INSURANCE COMPANIES ARE ALLOWED TO RENEW  
40 EARTHQUAKE INSURANCE POLICIES WITH COVERAGE

1 ~~THAT IS REDUCED FROM THE COVERAGE YOU~~  
2 ~~PREVIOUSLY PURCHASED. YOU MAY REQUEST A~~  
3 ~~SAMPLE COPY OF THIS NEW POLICY TO REVIEW PRIOR~~  
4 ~~TO MAKING A DECISION TO ACCEPT THIS RENEWAL,~~  
5 ~~AND WE WILL MAIL OR DELIVER IT TO YOU WITHIN 14~~  
6 ~~DAYS OF YOUR REQUEST. A REQUEST FOR THE SAMPLE~~  
7 ~~COPY SHALL NOT CHANGE OR EXTEND THE POLICY~~  
8 ~~EXPIRATION DATE SPECIFIED IN THE RENEWAL NOTICE.~~  
9 ~~A SUMMARY OF THE CHANGES IS INCLUDED WITH THIS~~  
10 ~~NOTICE.”~~

11  
12 The commissioner shall approve the form of the summary at the  
13 time he or she approves the policy. The summary shall include the  
14 information contained in subdivision (a) of Section 10083, and  
15 may be included with the renewal notice in standard type.

16 The commissioner may approve substantially similar disclosure  
17 forms if necessary to accurately disclose relevant information to  
18 the policyholder. The commissioner may also approve disclosure  
19 forms substantially similar to the disclosure statement required by  
20 Section 10083 if necessary to accurately disclose relevant  
21 information to the policyholder.

22 (b) If the offer of earthquake coverage made pursuant to Section  
23 10081 is not accepted, the insurer or any affiliated insurer shall be  
24 required on an every other year basis to offer earthquake coverage  
25 in connection with any continuation, renewal, or reinstatement of  
26 the policy following any lapse thereof, or with respect to any other  
27 policy that extends, changes, supersedes, or replaces the policy of  
28 residential property insurance. The offer may be made  
29 electronically pursuant to Section 38.5.

30 (c) Nothing in this section shall preclude the named insured  
31 from terminating the earthquake coverage at any time.

32 (d) This section shall become operative on January 1, 2016.

33 (e) This section shall remain in effect only until January 1, 2019,  
34 and as of that date is repealed, unless a later enacted statute, that  
35 is enacted before January 1, 2019, deletes or extends that date.

36 *SEC. 4. Section 10086 of the Insurance Code, as amended by*  
37 *Section 6 of Chapter 419 of the Statutes of 2014, is amended to*  
38 *read:*

39 10086. (a) If an offer of earthquake coverage, made pursuant  
40 to Section 10081, is accepted, the coverage shall be continued at

1 the applicable rates and conditions for the policy term, provided  
2 the policy of residential property insurance is not terminated by  
3 the named insured or insurer.

4 (1) At any renewal, an insurer may modify the terms and  
5 conditions of an existing policy, rider, or endorsement providing  
6 coverage against loss or damage caused by the peril of earthquake  
7 if the modified terms and conditions provide the minimum  
8 coverages required by Section 10089.

9 ~~(2) An insurer that modifies the terms and conditions of an~~  
10 ~~existing policy, rider, or endorsement shall provide the insured~~  
11 ~~with the renewal notice in a stand-alone disclosure document~~  
12 ~~stating the changes in the terms and conditions of the insured's~~  
13 ~~existing policy, rider, or endorsement. Proof of mailing of the~~  
14 ~~disclosure document by first-class mail to a named insured at the~~  
15 ~~mailing address shown on the policy or application creates a~~  
16 ~~conclusive presumption that the disclosure document was provided.~~  
17 ~~The disclosure shall include the following statement in 14-point~~  
18 ~~boldface type:~~

19 *(2) If the modification referenced in paragraph (1) reduces or*  
20 *substantially differs from the coverage previously provided, an*  
21 *insurer shall provide the insured with the renewal offer required*  
22 *by Section 10083 and a stand-alone document stating the changes*  
23 *in the terms and conditions of the insured's existing policy, rider,*  
24 *or endorsement. The stand-alone document shall include the*  
25 *following statement in 14-point boldface type:*

26  
27 “THE COVERAGE IN THE POLICY WE ARE OFFERING  
28 YOU WITH THIS RENEWAL HAS BEEN REDUCED, AND  
29 SUBSTANTIALLY DIFFERS FROM THE COVERAGES  
30 PROVIDED BY YOUR HOMEOWNERS’ POLICY.  
31 INSURANCE COMPANIES ARE ALLOWED TO RENEW  
32 EARTHQUAKE INSURANCE POLICIES WITH COVERAGE  
33 THAT IS REDUCED FROM THE COVERAGE YOU  
34 PREVIOUSLY PURCHASED. YOU MAY REQUEST A  
35 SAMPLE COPY OF THIS NEW POLICY TO REVIEW PRIOR  
36 TO MAKING A DECISION TO ACCEPT THIS RENEWAL,  
37 AND WE WILL MAIL OR DELIVER IT TO YOU WITHIN 14  
38 DAYS OF YOUR REQUEST. A REQUEST FOR THE SAMPLE  
39 COPY SHALL NOT CHANGE OR EXTEND THE POLICY  
40 EXPIRATION DATE SPECIFIED IN THE RENEWAL NOTICE.

1 A SUMMARY OF THE CHANGES IS INCLUDED WITH THIS  
2 NOTICE.”

3  
4 ~~The~~

5 (3) ~~The~~ commissioner shall approve the form of the ~~summary~~  
6 ~~offer of renewal~~ at the time he or she approves the policy. The  
7 ~~summary offer of renewal~~ shall include the information contained  
8 in subdivision (a) of Section 10083, and may be included with the  
9 renewal notice in standard type.

10 ~~The~~

11 (4) ~~The~~ commissioner may approve a substantially similar  
12 ~~disclosure forms form of the offer of renewal~~ if necessary to  
13 accurately disclose relevant information to the policyholder. ~~The~~  
14 ~~commissioner may also approve disclosure forms substantially~~  
15 ~~similar to the disclosure statement required by Section 10083 if~~  
16 ~~necessary to accurately disclose relevant information to the~~  
17 ~~policyholder.~~

18 (b) ~~If the offer of earthquake coverage made pursuant to Section~~  
19 ~~10081 is not accepted, the insurer or any affiliated insurer shall be~~  
20 ~~required on an every other year basis to offer earthquake coverage~~  
21 ~~in connection with any continuation, renewal, or reinstatement of~~  
22 ~~the policy following any lapse thereof, or with respect to any other~~  
23 ~~policy that extends, changes, supersedes, or replaces the policy of~~  
24 ~~residential property insurance.~~

25 (e)

26 (b) Nothing in this section shall preclude the named insured  
27 from terminating the earthquake coverage at any time.

28 (d)

29 (c) This section shall become operative on January 1, 2019.

30 SEC. 4.5. *Section 10086 of the Insurance Code, as amended*  
31 *by Section 6 of Chapter 419 of the Statutes of 2014, is amended*  
32 *to read:*

33 10086. (a) If an offer of earthquake coverage, made pursuant  
34 to Section 10081, is accepted, the coverage shall be continued at  
35 the applicable rates and conditions for the policy term, provided  
36 the policy of residential property insurance is not terminated by  
37 the named insured or insurer.

38 (1) At any renewal, an insurer may modify the terms and  
39 conditions of an existing policy, rider, or endorsement providing  
40 coverage against loss or damage caused by the peril of earthquake

1 if the modified terms and conditions provide the minimum  
2 coverages required by Section 10089.

3 ~~(2) An insurer that modifies the terms and conditions of an~~  
4 ~~existing policy, rider, or endorsement shall provide the insured~~  
5 ~~with the renewal notice in a stand-alone disclosure document~~  
6 ~~stating the changes in the terms and conditions of the insured's~~  
7 ~~existing policy, rider, or endorsement. Proof of mailing of the~~  
8 ~~disclosure document by first-class mail to a named insured at the~~  
9 ~~mailing address shown on the policy or application creates a~~  
10 ~~conclusive presumption that the disclosure document was provided.~~  
11 ~~The disclosure shall include the following statement in 14-point~~  
12 ~~boldface type:~~

13 *(2) If the modification referenced in paragraph (1) reduces or*  
14 *substantially differs from the coverage previously provided, an*  
15 *insurer shall provide the insured with the renewal offer required*  
16 *by Section 10083 and a stand-alone document stating the changes*  
17 *in the terms and conditions of the insured's existing policy, rider,*  
18 *or endorsement. The stand-alone document shall include the*  
19 *following statement in 14-point boldface type:*

20  
21 “THE COVERAGE IN THE POLICY WE ARE OFFERING  
22 YOU WITH THIS RENEWAL HAS BEEN REDUCED, AND  
23 SUBSTANTIALY DIFFERS FROM THE COVERAGES  
24 PROVIDED BY YOUR HOMEOWNERS’ POLICY.  
25 INSURANCE COMPANIES ARE ALLOWED TO RENEW  
26 EARTHQUAKE INSURANCE POLICIES WITH COVERAGE  
27 THAT IS REDUCED FROM THE COVERAGE YOU  
28 PREVIOUSLY PURCHASED. YOU MAY REQUEST A  
29 SAMPLE COPY OF THIS NEW POLICY TO REVIEW PRIOR  
30 TO MAKING A DECISION TO ACCEPT THIS RENEWAL,  
31 AND WE WILL MAIL OR DELIVER IT TO YOU WITHIN 14  
32 DAYS OF YOUR REQUEST. A REQUEST FOR THE SAMPLE  
33 COPY SHALL NOT CHANGE OR EXTEND THE POLICY  
34 EXPIRATION DATE SPECIFIED IN THE RENEWAL NOTICE.  
35 A SUMMARY OF THE CHANGES IS INCLUDED WITH THIS  
36 NOTICE.”

37  
38 ~~The~~  
39 *(3) The commissioner shall approve the form of the summary*  
40 *offer of renewal at the time he or she approves the policy. The*

1 ~~summary offer of renewal~~ shall include the information contained  
2 in subdivision (a) of Section 10083, and may be included with the  
3 renewal notice in standard type.

4 ~~The~~

5 (4) ~~The~~ commissioner may approve a substantially similar  
6 ~~disclosure forms form of the offer of renewal~~ if necessary to  
7 accurately disclose relevant information to the policyholder. ~~The~~  
8 ~~commissioner may also approve disclosure forms substantially~~  
9 ~~similar to the disclosure statement required by Section 10083 if~~  
10 ~~necessary to accurately disclose relevant information to the~~  
11 ~~policyholder.~~

12 ~~(b) If the offer of earthquake coverage made pursuant to Section~~  
13 ~~10081 is not accepted, the insurer or any affiliated insurer shall be~~  
14 ~~required on an every other year basis to offer earthquake coverage~~  
15 ~~in connection with any continuation, renewal, or reinstatement of~~  
16 ~~the policy following any lapse thereof, or with respect to any other~~  
17 ~~policy that extends, changes, supersedes, or replaces the policy of~~  
18 ~~residential property insurance.~~

19 ~~(e)~~

20 (b) Nothing in this section shall preclude the named insured  
21 from terminating the earthquake coverage at any time.

22 ~~(d) This section shall become operative on January 1, 2019.~~

23 *SEC. 5. Section 10087 of the Insurance Code, as amended by*  
24 *Section 16 of Chapter 369 of the Statutes of 2013, is amended to*  
25 *read:*

26 10087. (a) As used in this chapter, “policy of residential  
27 property insurance” shall mean a policy insuring individually  
28 owned residential structures of not more than four dwelling units,  
29 individually owned condominium units, or individually owned  
30 mobilehomes, and their contents, located in this state and used  
31 exclusively for residential purposes or a tenant’s policy insuring  
32 personal contents of a residential unit located in this state. “Policy  
33 of residential property insurance,” as defined, shall not include  
34 insurance for real property or its contents used for any commercial,  
35 industrial, or business purpose, except a structure of not more than  
36 four dwelling units rented for individual residential purposes. A  
37 policy that does not include any of the perils insured against in a  
38 standard fire policy shall not be included in the definition of “policy  
39 of residential property insurance.”

(b) Proof of mailing of ~~the offer~~ *any offer, disclosure, or document required to be delivered by this chapter* by first-class mail addressed to a named insured or applicant at the mailing address shown on the policy or application, or proof consistent with Section 38.5 that the offer of coverage was sent to the named insured or applicant by electronic transmission, shall create a conclusive presumption that the offer was ~~made~~ *made or that the disclosure or document was delivered as required. If an offer, disclosure, or document required to be delivered by this chapter is not mailed, but is hand delivered to the insured, the insured's signed receipt creates a conclusive presumption that the offer was provided or that the disclosure or document was delivered as required.*

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 6. Section 10087 of the Insurance Code, as added by Section 17 of Chapter 369 of the Statutes of 2013, is amended to read:

10087. (a) As used in this chapter “policy of residential property insurance” shall mean a policy insuring individually owned residential structures of not more than four dwelling units, individually owned condominium units, or individually owned mobilehomes, and their contents, located in this state and used exclusively for residential purposes or a tenant’s policy insuring personal contents of a residential unit located in this state. “Policy of residential property insurance,” as defined, shall not include insurance for real property or its contents used for any commercial, industrial or business purpose, except a structure of not more than four dwelling units rented for individual residential purposes. A policy that does not include any of the perils insured against in a standard fire policy shall not be included in the definition of “policy of residential property insurance.”

(b) Proof of mailing of ~~the offer~~ *any offer, disclosure, or document required to be delivered by this chapter* by first-class mail addressed to a named insured or applicant at the mailing address shown on the policy or application shall create a conclusive presumption that the offer was ~~made~~ *made or that the disclosure or document was delivered as required. If an offer, disclosure, or document required to be delivered by this chapter is not mailed,*

1 *but is hand delivered to the insured, the insured's signed receipt*  
2 *creates a conclusive presumption that the offer was provided or*  
3 *that the disclosure or document was delivered as required.*

4 (c) This section shall become operative on January 1, 2019.

5 SEC. 7. (a) *Section 3.5 of this bill, which repeals Section 10086*  
6 *of the Insurance Code, as added by Section 5 of Chapter 419 of*  
7 *the Statutes of 2014, shall become operative only if Assembly Bill*  
8 *2591 of the 2015–16 Regular Session is enacted and takes effect*  
9 *on or before January 1, 2017, in which case Section 3 of this bill*  
10 *shall not become operative.*

11 (b) *Section 4.5 of this bill, which amends Section 10086 of the*  
12 *Insurance Code, as amended by Section 6 of Chapter 419 of the*  
13 *Statutes of 2014, shall become operative only if Assembly Bill 2591*  
14 *of the 2015–16 Regular Session is enacted and takes effect on or*  
15 *before January 1, 2017, in which case Section 4 of this bill shall*  
16 *not become operative.*

17 SECTION 1. ~~Section 4370 of the Fish and Game Code is~~  
18 ~~amended to read:~~

19 ~~4370. (a) In every area in which deer may lawfully be taken~~  
20 ~~during the general open season there is an archery season for the~~  
21 ~~taking of deer with bow and arrow. The season for each area shall~~  
22 ~~be as the commission may prescribe, with a minimum interposing~~  
23 ~~interval of three days immediately preceding the regular open~~  
24 ~~season on deer in that area. Except as provided in subdivision (b),~~  
25 ~~a person taking or attempting to take deer during such archery~~  
26 ~~season shall neither carry, nor have under his or her immediate~~  
27 ~~control, any firearm of any kind.~~

28 ~~(b) A peace officer listed in Chapter 4.5 (commencing with~~  
29 ~~Section 830) of Title 3 of Part 2 of the Penal Code, whether active~~  
30 ~~or honorably retired, or a person with a valid license to carry a~~  
31 ~~concealed firearm pursuant to Chapter 4 (commencing with Section~~  
32 ~~26150) of Division 5 of Title 4 of Part 6 of the Penal Code,~~  
33 ~~consistent with the terms of that license, may carry a firearm~~  
34 ~~capable of being concealed on his or her person while engaged in~~  
35 ~~the taking of deer with bow and arrow in accordance with~~  
36 ~~subdivision (a), but shall not take or attempt to take deer with the~~  
37 ~~firearm.~~