

AMENDED IN SENATE JUNE 29, 2015

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN SENATE JUNE 9, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 764

Introduced by Assembly Member Quirk
(Coauthor: Senator Mendoza)

February 25, 2015

An act to add Section 18940.7 to the Health and Safety Code, and to add Chapter 6 (commencing with Section 11895) to Part 3 of Division 2 of the Insurance Code, relating to parking lots.

LEGISLATIVE COUNSEL'S DIGEST

AB 764, as amended, Quirk. Parking lots: design: insurance discount.

Existing law provides that building standards shall be filed by the California Building Standards Commission with the Secretary of State and codified only after they have been approved by the commission. Existing law regulates the issuance and renewal of liability insurance policies in this state.

This bill would require the commission, in collaboration with the State Architect and the State Fire Marshal, to consider standards, at each model code adoption review, for the installation of vehicle ~~barriers~~ *barriers, as specified*, to protect persons located within, or in or on the property of, buildings, or to protect pedestrians, from collisions into

those buildings by motor vehicles. The bill would also authorize an insurer to consider the installation of vehicle barriers on a commercial property parking lot as a safety measure and ~~seek~~ *would authorize an insurer to provide or offer* a discount on the property owner's insurance covering damage or loss to the covered commercial property, or liability arising out of the ownership, maintenance, or use of the commercial ~~property~~. *property relative to the reduced risk of installation of the barriers. The bill would require that any discounts be determined to be actuarially sound and approved by the commissioner prior to their use.*

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 18940.7 is added to the Health and Safety
2 Code, to read:

3 18940.7. (a) The California Building Standards Commission,
4 in collaboration with the State Architect and the State Fire Marshal,
5 shall consider standards, at each model code adoption review, for
6 the installation of vehicle barriers to protect persons located within,
7 or in or on the property of, buildings, or to protect pedestrians,
8 from collisions into those buildings by motor vehicles.

9 (b) For the purposes of this section, a vehicle barrier includes
10 a horizontal or vertical protective device placed to protect persons
11 located within, or in or on the property of, buildings, or to protect
12 pedestrians, from collisions into those buildings by motor vehicles.

13 (c) For purposes of subdivision (a), the standards considered
14 shall include existing standards adopted or developed by a
15 standard-setting organization recognized by the commission,
16 including, but not limited to, the American Society for Testing and
17 Materials (ASTM) or another similar organization.

18 SEC. 2. Chapter 6 (commencing with Section 11895) is added
19 to Part 3 of Division 2 of the Insurance Code, to read:

20

21 CHAPTER 6. COMMERCIAL PROPERTY PARKING LOTS: VEHICLE
22 BARRIER DISCOUNT

23

24 11895. (a) An insurer may consider the installation of vehicle
25 barriers *approved by the California Building Standards*
26 *Commission* to protect persons located within, or in or on the

1 property of, buildings, or to protect pedestrians, from collisions
2 into those buildings by motor vehicles, on a commercial property
3 parking lot as a safety measure ~~and, consistent with Article 10~~
4 ~~(commencing with Section 1861.01) of Chapter 9 of Part 2 of~~
5 ~~Division 1, seek and may provide or offer~~ a discount on the
6 property owner's insurance covering damage or loss to the covered
7 commercial property, or liability arising out of the ownership,
8 maintenance, or use of the commercial ~~property~~. *property relative*
9 *to the reduced risk to the property as a result of installation of the*
10 *barriers if the discount provided or offered is provided or offered*
11 *consistent with Article 10 (commencing with Section 1861.01) of*
12 *Chapter 9 of Part 2 of Division 1.*

13 (b) For the purposes of this section, a vehicle barrier includes
14 a horizontal or vertical protective device placed to protect persons
15 located within, or in or on the property of, buildings, or to protect
16 pedestrians, from collisions into those buildings by motor vehicles.

17 (c) *Any discounts on insurance provided in accordance with*
18 *this section shall be determined to be actuarially sound and*
19 *approved by the commissioner prior to their use.*