

**ASSEMBLY BILL**

**No. 2161**

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**Introduced by Assembly Member Quirk**

February 17, 2016

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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 2161, as introduced, 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, and to update standards as it determines necessary, for the installation of vehicle 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 in or on a commercial property parking lot as a safety measure and 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 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 Insurance 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, and shall update standards as it determines  
6 necessary, for the installation of vehicle barriers to protect persons  
7 located within, or in or on the property of, buildings, or to protect  
8 pedestrians, 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:

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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  
27 property of, buildings, or to protect pedestrians, from collisions  
28 into those buildings by motor vehicles, on a commercial property  
29 parking lot as a safety measure and may provide or offer a discount  
30 on the property owner’s insurance covering damage or loss to the  
31 covered commercial property, or liability arising out of the  
32 ownership, maintenance, or use of the commercial property relative  
33 to the reduced risk to the property as a result of installation of the

1 barriers if the discount provided or offered is provided or offered  
2 consistent with Article 10 (commencing with Section 1861.01) of  
3 Chapter 9 of Part 2 of Division 1.

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

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

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