

AMENDED IN SENATE AUGUST 17, 2015

**SENATE BILL**

**No. 168**

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**Introduced by Senator Gaines**

*(Principal coauthor: Assembly Member Gatto)*

*(Coauthor: Assembly Member Mayes)*

February 5, 2015

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An act to ~~amend Section 900 of the Insurance Code, relating to insurance.~~ *add Chapter 4.5 (commencing with Section 853) to Part 2 of Division 3.6 of Title 1 of the Government Code, relating to immunity from civil liability, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 168, as amended, Gaines. ~~Insurance: annual statements.~~ *Immunity from civil liability: emergency responders: unmanned aircraft systems.*

*The Government Claims Act sets forth the general procedure for the presentation of a claim as a prerequisite to the commencement of an action for money or damages against a "public entity" or a "public employee," and defines those terms for its purposes. The act prohibits liability against a public entity or public employee for, among other things, certain acts relating to the provision of fire protection and police and correctional activities, as specified.*

*This bill would further limit the exposure to liability by an emergency responder, defined to include a public entity, public employee, and an unpaid volunteer, as specified, for damages to an unmanned aircraft system, if the damage was caused while the emergency responder was performing specific emergency services and the unmanned aircraft system was interfering with the provision of those emergency services.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law provides for the regulation of insurers by the Insurance Commissioner. Existing law requires every insurer, each year on or before the first day of March, to make and file with the Insurance Commissioner statements exhibiting its condition and affairs as of the previous December 31.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

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

1     *SECTION 1. Chapter 4.5 (commencing with Section 853) is*  
2     *added to Part 2 of Division 3.6 of Title 1 of the Government Code,*  
3     *to read:*

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*CHAPTER 4.5. EMERGENCY RESPONDERS*

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*853. An emergency responder shall not be liable for any damage to an unmanned aircraft system, if the damage was caused while the emergency responder was providing, and the unmanned aircraft system was interfering with, the operation, support, or enabling of any of the following emergency services:*

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*(a) Ambulance services, including, but not limited to, air ambulance services.*

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*(b) Firefighting or firefighting-related services, including, but not limited to, air services related to firefighting or firefighting-related services.*

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*(c) Search and rescue services, including, but not limited to, air search and rescue services.*

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*853.5. The following definitions shall apply to this chapter:*

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*(a) "Emergency responder" means a public entity, public employee, or an unpaid volunteer acting within the scope of authority implicitly or expressly provided by a public entity or public employee to respond to an emergency situation.*

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*(b) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.*

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1 (c) “Unmanned aircraft system” means an unmanned aircraft  
2 and associated elements, including, but not limited to,  
3 communication links and the components that control the  
4 unmanned aircraft that are required for the pilot in command to  
5 operate safely and efficiently in the national airspace system.

6 SEC. 2. This act is an urgency statute necessary for the  
7 immediate preservation of the public peace, health, or safety within  
8 the meaning of Article IV of the Constitution and shall go into  
9 immediate effect. The facts constituting the necessity are:

10 To protect emergency responders who are providing specific  
11 critical emergency services from potential civil liability relating  
12 to the new and increasing proliferation of unmanned aircraft  
13 systems that disrupt the provision of those emergency services, it  
14 is necessary that this act take effect immediately.

15 SECTION 1. ~~Section 900 of the Insurance Code is amended~~  
16 ~~to read:~~

17 900. ~~(a) Each year, on or before the first day of March, every~~  
18 ~~insurer doing business in this state shall make and file with the~~  
19 ~~commissioner, in the number, form, and by the methods prescribed~~  
20 ~~by the commissioner, statements exhibiting its condition and affairs~~  
21 ~~as of the previous December 31. If the first day of March falls on~~  
22 ~~a day other than a business day, the filing is due to the~~  
23 ~~commissioner by the first business day preceding the first day of~~  
24 ~~March.~~

25 ~~(b) Each year, on or before the following dates, every insurer~~  
26 ~~doing business in this state shall make and file with the~~  
27 ~~commissioner, in the number, form, and methods prescribed by~~  
28 ~~the commissioner, statements exhibiting its condition and affairs~~  
29 ~~for the period beginning on January 1 of the current calendar year~~  
30 ~~through the end of each quarter of the current year as described~~  
31 ~~below. These quarterly filings shall cover the period of time~~  
32 ~~beginning January 1 of the current year through and including the~~  
33 ~~last day of the quarter for which the report is being made. The first~~  
34 ~~quarter filing shall be filed with the commissioner on or before~~  
35 ~~May 15 of every year. The second quarter filing shall be filed with~~  
36 ~~the commissioner on or before August 15 of every year. The third~~  
37 ~~quarter filing shall be filed with the commissioner on or before~~  
38 ~~November 15 of every year. If any of these dates fall on a day~~

- 1 ~~other than a business day, then the filing is due to the commissioner~~
- 2 ~~by the first business day preceding that date.~~

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