

Introduced by Senator Roth

February 23, 2015

An act to amend Section 10082.5 of the Insurance Code, relating to earthquake insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 335, as introduced, Roth. Earthquake insurance.

Existing law prohibits an insurer who charges an additional earthquake insurance premium or deductible because a dwelling fails to meet certain building requirements relating to earthquake bracing from charging the additional premium or deductible if the dwelling is brought into compliance with those requirements, as specified. Existing law requires a copy of the approved inspection record for the building permit for work performed to bring the dwelling into compliance to be submitted by the insured to the insurer in order to verify that the retrofits have been performed.

This bill would require the additional premium or deductible paid to be refunded to the insured and prorated as of the date the approved inspection record is received by the insurer. The bill would also make technical nonsubstantive changes by deleting obsolete portions of those provisions.

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 10082.5 of the Insurance Code is
2 amended to read:

1 10082.5. (a) If an insurer subject to this chapter charges an
2 additional earthquake insurance premium or deductible because a
3 dwelling fails to comply with paragraph (1), (2), ~~(3), (4), or (5)~~ or
4 (3) and the dwelling is subsequently brought into compliance with
5 any one of these paragraphs, then the additional premium or
6 deductible attributed to noncompliance shall not be charged.

7 ~~(1) Until December 31, 2008, compliance with the foundation~~
8 ~~anchor bolt requirements of subdivision (f) of Section 2907 of~~
9 ~~Chapter 29 of the 1991 edition of the Uniform Building Code of~~
10 ~~the International Conference of Building Officials, or a successor~~
11 ~~building code adopted by the State of California, or with any local~~
12 ~~government modifications to those requirements.~~

13 ~~(2) Until December 31, 2008, compliance with the bracing~~
14 ~~requirements for cripple walls of paragraph (4) of subdivision (g)~~
15 ~~of Section 2517 of Chapter 25 of the 1991 edition of the Uniform~~
16 ~~Building Code of the International Conference of Building~~
17 ~~Officials, or a successor building code adopted by the State of~~
18 ~~California, and with any local government modifications to those~~
19 ~~requirements.~~

20 ~~(3)~~

21 (1) Compliance with Section 19215 of the Health and Safety
22 Code for the bracing, anchoring, or strapping all water heaters to
23 resist falling or horizontal displacement due to earthquake motion.

24 ~~(4) Commencing on January 1, 2009, compliance~~

25 (2) *Compliance* with the foundation anchor bolt requirements
26 of the 2007 edition of the California Building Standards Code as
27 specified in Title 24 of the California Code of Regulations, or a
28 successor edition of that code, or with any local government
29 modifications to those requirements.

30 ~~(5) Commencing on January 1, 2009, compliance~~

31 (3) *Compliance* with the bracing requirements for cripple walls
32 of the 2007 edition of the California Building Standards Code as
33 specified in Title 24 of the California Code of Regulations, or a
34 successor edition of that code, or with any local government
35 modifications to those requirements.

36 (b) A copy of the approved inspection record for the building
37 permit for work performed pursuant to this section shall be
38 submitted by the insured to the insurer in order to verify that
39 retrofits performed pursuant to this section have been performed.

40 *The additional premium or deductible paid shall be refunded to*

- 1 *the insured and prorated as of the date the approved inspection*
- 2 *record is received by the insurer.*

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