

2004

2003-2004 Legislative Summary

Assembly Committee on Insurance

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ASSEMBLY COMMITTEE ON INSURANCE

2003 - 2004
LEGISLATIVE SUMMARY

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Assembly
California Legislature
Committee on Insurance

JUAN VARGAS
CHAIR



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November 16, 2004

To All Interested Parties:

The following summary of legislation lists all of the bills that came before the Assembly Insurance Committee during the 2003-2004 legislative session. Each is organized in numerical order and the results are indicated. The summary of each bill is not intended to be a definitive or comprehensive statement of the provisions of the bill. Rather, it is intended to provide general information to the reader of the subject that the bill addresses. For more detailed information about any bill, please go to the Assembly's web page at www.assembly.ca.gov and click on "Legislation."

In addition to policy hearings on insurance legislation, the Assembly Insurance Committee held extensive hearings on the Governor's workers' compensation legislative proposals and on the workers' compensation system in general. The Legislature convened a workers' compensation conference committee co-chaired by Chairman Vargas and Senator Alarcon, Chair of the Senate Committee on Labor and Industrial Relations.

The Assembly Insurance Committee also held a number of hearings after the devastating wildfires in Southern California to analyze the insurance issues faced by the fire survivors.

Additionally the Committee held an oversight hearing on the financial problems plaguing the Unemployment Insurance Fund. Although no legislation came out of the hearing, a joint labor-employer task force spent the better part of the year trying to address these problems.

For additional information regarding this summary or other activities of the committee, please contact the committee staff at (916) 319-2086.

Respectfully,

Handwritten signature of Juan Vargas in black ink.

Juan Vargas, Chair

Handwritten signature of John Benoit in black ink.

John Benoit, Vice Chair

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ASSEMBLY INSURANCE COMMITTEE
2003-2004
LEGISLATIVE SUMMARY

Assembly Bills

AB 81 (Wyland) -- Homeowners' Insurance: Underwriting Information.

As passed by the Assembly, the bill would have prohibited insurance institutions from reaching adverse underwriting decisions based on the fact that an individual has previously inquired about the scope or nature of coverage under a residential fire or property insurance policy. The bill failed in the Senate Insurance Committee and was then amended to address issues related to energy resources.

Status: Never heard in the Senate Energy, Utilities and Communications Committee.

AB 87 (Bogh) -- Workers' compensation: disaster service workers: funding.

Would have established the Workers' Compensation for Disaster Service Workers Fund, which would be continuously appropriated to provide payments to volunteer disaster service workers who are injured while performing volunteer duties.

Status: Died on the Assembly Appropriations Committee Suspense File.

AB 136 (Kehoe) -- Workers' Compensation: Disability: Leave of Absence.

Would have extended disability benefits to all firefighters, police officers, or sheriffs disabled by injury or illness arising out of and within the course and scope of employment, for the period of disability, but not exceeding a maximum of up to two years.

Status: Died on the Assembly Appropriations Suspense File.

AB 149 (Cohn) -- Workers' compensation: asbestosis.

Extends the statute of limitations for claims for workers' compensation death benefits in the case of firefighters whose death results from asbestosis.

Status: Chapter 831, Statutes of 2003.

AB 226 (Vargas) -- Life insurance: corporate-owned policies.

Prohibits an insurer from issuing or delivering corporate-owned life insurance policies.

Status: Chapter 328, Statutes of 2003.

AB 227 (Vargas) - Workers' Compensation.

Authorizes the California Insurance Guarantee Association to borrow up to \$1.5 billion to meet cash flow needs; increases the maximum fine for workers' compensation fraud; requires the Insurance Commissioner to take into account the projected savings from the changes enacted during 2003 in determining the advisory pure premium rates; provides that employer assessments shall account for the total costs for the administration of the workers' compensation program; and repeals existing provisions of law relating to vocational rehabilitation and instead provides for a supplemental job displacement benefit.

Status: Chapter 328, Statutes of 2003.

AB 237 (Bermudez) - Unemployment insurance: unemployment compensation benefits: temporary employees of a community college.

Would have required the Employment Development Department to conduct a study of its process of granting unemployment insurance benefits to temporary employees of the community colleges and to report the findings to the Legislature by January 1, 2005.

Status: Died on the Assembly Appropriations Suspense File.

AB 284 (Chavez) -- Deferred annuities: nonforfeiture.

Requires that certain annuity contracts provide for paid-up annuity benefits upon written request of the contract owner. Eliminates the requirement that a company reserve the right to defer cash surrender benefit for six months, but allows the company to reserve that right after receiving written approval from the Insurance Commissioner.

Status: Chapter 381, Statutes of 2003.

AB 331 (Kehoe) -- Unemployment benefits: waiting period.

Would have waived the one-week waiting period for Unemployment Insurance benefits when an individual's unemployment is due to an unforeseen lockout.

Status: Vetoed by the Governor.

AB 412 (Chan) -- Insurance: consumer protection: senior citizens.

Would have required the Insurance Commissioner to convene a task force and on-going work group on insurance fraud as it relates to senior citizens.

Status: Died on the Assembly Appropriations suspense file.

AB 421 (Steinberg) -- Property insurance: subsidized housing.

Requires the Insurance Commissioner to conduct a study of the market for property and liability insurance for corporations that provide subsidized low and moderate-income rental housing.

Status: Chapter 771, Statutes of 2004.

AB 431 (Mountjoy) -- Workers' compensation - liberal construction.

Would have required courts to liberally construe workers' compensation laws only after a determination that an injury is specific and results in serious physical or bodily harm; would have required an employee to prove, by a preponderance of evidence, that a cumulative injury was substantially caused by actual activities of employment.

Status: Failed passage in the Assembly Insurance Committee.

AB 444 (Vargas) -- Life insurers: guarantees.

Authorizes the Insurance Commissioner (IC) to issue bulletins providing for approval on one or more expedited bases of policies, contracts, or agreements, guaranteed by an admitted life insurers, and filed with the IC.

Status: Chapter 352, Statutes of 2003.

AB 456 (Mullin) -- Automobile insurance: liability coverage.

Would have increased the minimum liability coverage amounts for automobile insurance.

Status: Never heard in the Assembly Insurance Committee.

AB 595 (Dutton) -- Workers' compensation - Medical fee schedule.

Would have given the Administrative Director of the Division of Workers' Compensation in the Department of Industrial Relations the sole authority to develop a durable medical equipment fee schedule.

Status: Never heard in the Assembly Insurance Committee.

AB 596 (Dutton) -- Workers' compensation - Pharmacy fee schedule.

Would have required the pharmaceutical fee schedule to apply to all medicines and medical supplies dispensed or prescribed regardless of whether these medicines or medical supplies are dispensed or prescribed by a physician, pharmacist, or by another source.

Status: Never heard in the Assembly Insurance Committee.

AB 597 (Dutton) -- Workers' compensation - Outpatient surgery fee schedule.

Would have requested the Administrative Director to adopt an outpatient surgery facility fee schedule on or before July 1, 2004.

Status: Never heard in the Assembly Insurance Committee.

AB 606 (Liu) -- Commission on Health and Safety and Workers' Compensation: activities.

As heard in the Assembly Insurance Committee, the bill would have required the Director of the Department of Industrial Relations, or his or her designee, and the Governor's Advocate for Small Business to meet at least two times annually with employees and representatives of small business, solely on issues related to California's workers' compensation system. The bill was amended to address other issues.

Status: Vetoed by the Governor.

AB 631 (Koretz) -- Automobile medical payments insurance.

Would have defined "automobile medical payments insurance" and required specific forms of policy language and certain disclosures to be included in contracts for versions of automobile insurance. Would have also required insurers to provide 60 days notice, and other specified conditions prior to changing any provision of an insurance agreement for automobile medical payments insurance.

Status: Held in the Assembly Insurance Committee.

AB 652 (Leno) -- Insurers: loans.

Permits California-domiciled mutual insurance companies a reciprocal exchange to issue surplus notes on terms acceptable to the financial markets, and under regulatory control of the Department of Insurance.

Status: Chapter 4, Statutes of 2004.

AB 700 (Diaz) -- Insurance: financial guaranty insurance.

Provides that an insurer with a certificate of authority to write financial guarantee insurance may also write surety insurance.

Status: Chapter 47, Statutes of 2004.

AB 701 (Horton) -- Horse racing: workers' compensation.

Makes changes to existing Horse Racing Law which prescribes the amount deducted from the pari-mutuel pools, as specified, in order to reduce workers' compensation costs within the California horse racing industry.

Status: Chapter 40, Statutes of 2004. While this bill was never heard in Assembly Insurance Committee, similar measures were heard.

AB 752 (Plescia) -- Construction defects: additional insureds.

Would have provided that any endorsement issued by an admitted insurer or nonadmitted insurer and governed by the Insurance Code that names an individual or entity as an additional insured under any insurance policy that is collateral to, or affects, any residential construction contract governed by the legal requirements for actions for constructive defective shall only provide the additionally named insured individual or entity with a defense for those claims arising from or related to the named insured activity.

Status: Never heard in the Assembly Insurance Committee.

AB 794 (Frommer) -- Department of Insurance: Web site: disclosure.

Requires the Department of Insurance to remove from its Web site any order or pleading or restricted license regarding specified licensees 10 years from the date the disciplinary or enforcement action becomes final, or the restriction is removed.

Status: Chapter 310, Statutes of 2003.

AB 943 (Chavez) -- Mortgage guaranty insurance: contingency reserve.

Requires that provisional contributions made by mortgage guaranty insurers to the contingency reserve be made on a quarterly basis and changes the way the required contributions are calculated. Requires the Insurance Commissioner's approval to make withdrawals from the reserve when incurred losses exceed 35% of the total year-to-date net earned premium.

Status: Chapter 392, Statutes of 2003.

AB 968 (Correa) -- Workers' compensation: bioterrorism.

Would have provided that any injury suffered by an employee as a result of a vaccination administered to prevent infection by a biochemical substance or blood-borne infectious disease arises out of and in the course of employment for workers' compensation purposes.

Status: Vetoed by the Governor.

AB 978 (Negrete McLeod) -- California State University: disability benefits.

Requires the California State University Trustees to vote on authorizing their employers to be eligible for payment of disability benefits from the Unemployment Compensation Disability Fund. Provides that eligibility for disability benefits could occur as a result of an election held by a recognized employee organization as well as through a negotiated agreement.

Status: Chapter 841, Statutes of 2003.

AB 984 (Vargas) -- Service contracts: automobile insurance.

Defines "vehicle service contract" and provides that this type of contract does not constitute automobile insurance if it meets specified requirements. Also requires specified parties to possess a vehicle service contract provider license.

Status: Chapter 439, Statutes of 2003.

AB 996 (Wiggins) -- Insurance: commercial property insurance.

Extends to reproductive health services facilities the prohibition on insurers from canceling or refusing to renew a property insurance policy because the facility has been the victim of a hate crime. Expands this existing prohibition to also include anti-reproductive-rights crimes committed against reproductive health services facilities.

Status: Chapter 647, Statutes of 2003.

AB 1005 (Dutra) -- Title insurance: rates.

Allows title insurers to lower prices for title insurance within a given county immediately after filing the rates with the Department of Insurance.

Status: Chapter 440, Statutes of 2003.

AB 1048 (Calderon) -- Insurance: earthquake policies.

Changes the definition of "available capital" as it relates to requirements surrounding the California Earthquake Authority. Also creates a definition of "unearned premium reserve" and requires assets equal to the unearned premium reserve to be retained until the policyholder claims and liabilities have been paid.

Status: Chapter 144, Statutes of 2003.

AB 1049 (Calderon) -- Insurance: underwriting: information.

Prohibits an insurance institution or agent from basing an adverse underwriting decision on the fact that an individual has previously inquired and received information about the scope or nature of coverage under a residential fire or property insurance policy if the information is received from an insurance-support organization whose primary source of information is insurance institutions and the inquiry did not result in the filing of a claim.

Status: Chapter 442, Statutes of 2003.

AB 1060 (Lieber) -- Life insurance: employees.

Prohibits an employer from obtaining a life insurance policy on an employee unless it first obtains the clearly expressed consent of the employee in writing and in the employee's own words and unless it transmits that consent to the insurer.

Status: Never heard in the Assembly Insurance Committee.

AB 1083 (Cogdill) -- Life insurance: notification.

Prohibits an insurer from issuing a policy to an applicant that insures the life of the applicant's spouse unless the spouse has signed the policy application or has otherwise been notified in advance of the issuance of the policy. Applies to life insurance policies with face amounts exceeding \$50,000 that are issued on or after July 1, 2004.

Status: Chapter 115, Statutes of 2003.

AB 1087 (Frommer) -- Venipuncture.

Provides that only specified persons shall perform venipuncture or skin puncture for the purpose of gathering information to make underwriting determinations for life, health, or disability insurance.

Status: Chapter 18, Statutes of 2004.

AB 1099 (Negrete McLeod) -- Insurance: fraud: information.

Includes the Employment Development Department among the agencies authorized to request and receive information regarding workers' compensation fraud.

Status: Chapter 636, Statutes of 2003.

AB 1103 (Laird) -- Life insurance: settlements.

Would have expanded the definition of "insurance settlement" to include viatical settlements, life settlements, senior settlements, or any other type of similar transaction. Would have required insurance settlement licensees to obtain a written acknowledgement that the policy may be resold to other licensed persons.

Status: Never heard in the Assembly Insurance Committee.

AB 1136 (Maddox) -- Unemployment: wage information.

Would have authorized, under certain conditions, the disclosure of wage information to consumer reporting agencies for the purpose of verifying information provided by an individual in connection with a credit or employment transaction.

Status: Never heard in the Assembly Insurance Committee.

AB 1181 (Ridley-Thomas) -- Automobile insurance: rating information disclosures.

Requires specified information used in determining the premium that was charged for an automobile insurance policy to be provided to the policyholder at the time of application for an auto insurance policy and in each renewal notice.

Status: Chapter 360, Statutes of 2003.

AB 1191 (Wiggins) -- Property insurance: rates: disclosure.

Requires that the policyholder be provided with specified information regarding how the premium was calculated on their property insurance policy.

Status: Chapter 360, Statutes of 2004.

AB 1215 (Vargas) -- Workers' compensation: fraud detection.

As passed by the Assembly, the bill would have required the State Compensation Insurance Fund to develop a program that allows workers' compensation insurers to have access to quarterly wage reports filed by employers with the California Employment Development Department for the sole purpose of detecting workers' compensation insurance fraud. The bill was amended to legislative intent language and sent to the workers' compensation conference committee.

Status: Never heard in the conference committee.

AB 1227 (McCarthy) -- Insurance fraud: investigative units.

As passed by the committee, the bill would have listed the Bureau of Automotive Repair among the agencies authorized to request and receive motor vehicle theft or motor vehicle insurance fraud information from insurers. The bill was amended in the Senate to require the Insurance Commissioner, upon good cause, to notify an insurer of its noncompliance with existing fraud investigation law and specifies the contents of the notice and requires an insurer to take certain actions after receiving such a notice.

Status: Chapter 596, Statutes of 2004.

AB 1252 (Jackson) -- Insurance.

Makes several technical changes to conform state law to the federal Gramm-Leach-Bliley Act. Renames various continuing education requirements for long-term care insurance agents, adds "territory of the United States" to the list of non-resident jurisdictions, and repeals a provision of current law regarding reinsurance intermediaries not allowed under federal law.

Status: Chapter 217, Statutes of 2003.

AB 1262 (Matthews) -- Workers' compensation insurance: claims adjusters.

Requires workers' compensation insurers to certify that their claims adjusters meet minimum standards. Requires the Department of Insurance to adopt applicable regulations setting forth those standards.

Status: Chapter 637, Statutes of 2003.

AB 1274 (Chavez) -- Motor clubs.

Clarifies current law to distinguish between risk-based motor clubs, such as the American Automobile Association, and non-risk-based motor clubs that provide only maps and discount coupons. The latter category of motor clubs is not subject to regulation by the Insurance Commissioner.

Status: Chapter 88, Statutes of 2003.

AB 1297 (Frommer) -- Insurance: brokers.

As passed by the Committee, the bill would have established a conclusive presumption that a person is acting as an insurance broker if he or she complies with specified requirements. The bill was amended in the Senate to prohibit the sale of insurance to cover any loss, tax, penalty, interest, fine, or reimbursement attributable to an abusive tax avoidance transaction and would have imposed a penalty administered by the Franchise Tax Board equal to 75% of the amounts received by taxpayers related to certain covered transactions.

Status: Vetoed by the Governor.

AB 1318 (Maddox) -- Automobile insurance: good driver discount.

Would have specified that an insurer is not required to notify the insured of the degree to which the insured was at-fault in an automobile accident.

Status: Never heard In the Senate Insurance Committee.

AB 1324 (Steinberg) -- Workers' compensation: infectious diseases: dependents.

Would have provided that if a person who is a specified state or local firefighting, law enforcement, or patrol member sustains an injury that meets the definition of a blood-borne infectious disease, and a dependent of that person contracts the blood-borne infectious disease from that person, the dependent may elect to receive compensation under the workers' compensation law, for the duration of the disease, for all medically necessary health care costs associated with the disease.

Status: Vetoed by the Governor.

AB 1327 (Wyland) -- Disability compensation: family temporary disability insurance.

Would have provided that only businesses that employ 50 or more individuals within a 75-mile radius of the worksite of the individual requesting leave are subject to the temporary disability insurance work program. Would have required an employee to work at least 1,250 hours during the 12-month period prior to the period for which the individual is requesting the family temporary disability leave.

Status: Failed passage in the Assembly Insurance Committee.

AB 1357 (Matthews) -- State Compensation Insurance Fund.

Would have allowed the Governor to appoint members to the board of directors of the State Compensation Insurance Fund who are not policyholders.

Status: Held in the Assembly Appropriations Committee.

AB 1430 (Shirley Horton) -- Unemployment compensation: election workers.

Increases the amount of calendar year earnings that an election poll worker may reasonably expect to earn in order to be exempt from unemployment insurance benefits from \$200 to \$1,000.

Status: Chapter 183, Statutes of 2003.

AB 1434 (Wyland) -- Alternative workers' compensation program: agreements.

Would have authorized private employers and unions in any industry to establish alternative workers' compensation programs, also known as "carve outs," via the collective bargaining process.

Status: Never heard in the Assembly Insurance Committee.

AB 1480 (Richman) -- Workers' compensation: medical care.

Would have required additional physician reporting to employers; would have altered medical treatment payment timeframe; would have restructured administrative penalties for delayed and contested claims; and would have changed the statute of limitations on medical payment penalties.

Status: Failed passage in the Assembly Insurance Committee.

AB 1481 (Richman) -- Workers' compensation: use of guidelines: apportionment.

Would have required physicians to use established medical guidelines when evaluating an injured worker; and would have amended apportionment language so that injuries can not cumulatively total more than a 100% disability for a given body part.

Status: Failed passage in the Assembly Insurance Committee.

AB 1482 (Richman) -- Workers' compensation: medical fee schedule.

Would have required the Administrative Director (AD) of the Division of Workers' Compensation in the Department of Industrial Relations to revise the Official Medical Fee Schedule (OMFS) to include an outpatient facility fee schedule, pharmacy services, ambulance services, and home health care services; would have required AD to use the resource-based relative value scale; would have prohibited medical providers from balance billing above the OMFS; and would have codified the Kunz decision.

Status: Failed passage in the Assembly Insurance Committee.

AB 1483 (Richman) -- Workers' Compensation: physicians.

Would have required physicians who treat and evaluate injured workers to be certified by the Industrial Medical Council and educated physicians through a certification process. The bill also would have required the Administrative Director to contract with a university or policy institute to develop physician utilization management, billing, quality of care, and outcome measurement data; and would have required mandatory training on the medical coordination of workers' compensation claims. The bill was amended to legislative intent language and sent to the workers' compensation conference committee.

Status: Never heard in the conference committee.

AB 1552 (Pavley) -- Life insurance: disability income insurance: discretionary clauses.

Would have prohibited a life or disability income insurance policy from being issued if the policy contains a provision giving the insurer discretionary authority to interpret the terms of the policy.

Status: Failed passage in the Assembly Insurance Committee.

AB 1578 (Vargas) -- Workers' Compensation: fraud.

As passed by the Assembly, the bill would have increased the fine for committing workers' compensation insurance fraud from \$50,000 to \$150,000. The bill was amended to legislative intent language and sent to the workers' compensation conference committee. The language, however, was put in AB 227 (Vargas).

Status: Never heard in the conference committee.

AB 1579 (Cogdill) -- Workers' compensation: physician referral: outpatient surgery.

As passed by the Committee, the bill would have prohibited a physician from referring a workers' compensation claimant for outpatient surgery services if the physician or his or her immediate family has a financial interest with the person or in the entity that receives the referral, and would have extended the applicability of the existing criminal provisions to this type of physician self-referral. The bill was amended to legislative intent language and sent to the workers' compensation conference committee. The language, however, was put into SB 228 (Alarcon).

Status: Never heard in the conference committee.

AB 1580 (Cogdill) -- Workers' compensation -- local inmates.

Would have deleted various provisions and benefits of current law pertaining to workers' compensation benefits paid to former inmates of city and county jails.

Status: Died on the Assembly Appropriations Committee Suspense File.

AB 1581 (Cogdill) -- Workers' compensation: merit credits.

Would have required that an experience-rating plan include merit credits that decrease a policyholder's rates based upon its record of job safety.

Status: Never heard in the Assembly Insurance Committee.

AB 1598 (Corbett) -- Seismic safety: insurance: retrofitting.

Extends the sunset date for the Earthquake Grant and Loan Program and increases the amount of money appropriated to the Program.

Status: Chapter 448, Statutes of 2003.

AB 1600 (Nakano) -- Life and disability insurance: records: inspection.

Extends the period of time that life and disability insurers must maintain records relating to the activities of their agents, authorizes the Insurance Commissioner (IC) to collect and report data relating to life and disability insurance, and establishes civil penalties for failure to comply with the IC's request for information.

Status: Chapter 166, Statutes of 2003.

AB 1727 (Committee on Insurance) -- Insurance: cancellation: notice.

Requires homeowners and residential property or liability insurers to give a 20-day written advance notice of cancellation, except in the case of non-payment of premiums or for fraud, in which case a 10-day advance written notice of cancellation is required.

Status: Chapter 148, Statutes of 2003.

AB 1728 (Committee on Insurance) -- Insurance company regulation: disability insurance.

Makes several substantive changes to the law regarding investments by insurers in subsidiaries, reporting requirements, disability fraud funding, and a technical change to eliminate an obsolete provision prohibiting a rollback of surety rates.

Status: Chapter 599, Statutes of 2004.

AB 1729 (Bermudez) -- Automobile insurance: persistency.

As passed by the Assembly, this bill (authored by the Assembly Insurance Committee) would have clarified current law to conform the definition of "insolvency" to the National Association of Insurance Carriers definition. The bill was amended in the Senate to change authors and would have sunset recently passed legislation relative to "portable persistency" as of December 31, 2009, and required that the California Research Bureau contract with a nationally recognized actuarial firm to complete a study regarding whether "portable persistency" adversely affects low-income and previously uninsured individuals more so than the "loyalty discount" currently allowed by the State Department of Insurance.

Status: Died on the Senate Inactive File.

AB 1838 (Horton) -- Horse racing: workers' compensation.

Would have changed existing Horse Racing Law which prescribes the amount deducted from the pari-mutuel pools in order to address workers' compensation costs within the California horse racing industry.

Status: Died on the Assembly Inactive File.

AB 1840 (Frommer)-- Workers' compensation: death benefits: police officers.

Provides payment of a \$250,000 death benefit to police officers who have no total or partial dependents, retroactive to January 1, 2003

Status: Chapter 92, Statutes of 2004.

AB 1845 (Lowenthal) -- Unemployment insurance: employment retraining benefits.

Extends the sunset provision pertaining to the California Benefits Training program from January 1, 2005 to January 1, 2010.

Status: Chapter 800, Statutes of 2004.

AB 1867 (Vargas) -- Budget: insurance fraud.

Increases the Department of Insurance's spending authority for local assistance to allow local district attorneys to access \$5 million in funds that are dedicated for investigating and processing auto fraud locally.

Status: Chapter 773, Statutes of 2004.

AB 1868 (Vargas) - Disability income insurance.

Would have allowed a disability income insurance policy to contain provisions for a rehabilitation program and may have required the insured to receive specified medical care as a condition of receiving payable benefits. Also would have provided for the payment of additional disability income benefits.

Status: Failed passage in the Senate Insurance Committee.

AB 1891 (Haynes) -- Homeowners' insurance: mold.

Would have required an insurer who intends to exclude mold as a covered peril to state the exclusion in readily understandable terms.

Status: Never heard in the Assembly Insurance Committee.

AB 1930 (McLeod) -- Workers' compensation: joint exercise of powers.

Authorizes specified entities to make risk-pooling arrangements to make payments for workers' compensation losses and other types of losses.

Status: Chapter 202, Statutes of 2004.

AB 1953 (Vargas) -- Public insurance adjusters: contracts.

Substantially increases fines for acting as an unlicensed public adjuster, places additional limitations on solicitation practices of public adjusters, and requires the Insurance Commissioner to enforce the public adjuster statutes.

Status: Chapter 600, Statutes of 2004.

AB 1955 (Vargas) -- Life insurers: nonprofit mutual benefit corporations.

Allows a life insurer to be organized as a non-profit mutual benefit corporation, subject to essentially the same regulations and requirements governing for-profit insurers, including reserve requirements and the obligation to pay gross premiums taxes.

Status: Chapter 376, Statutes of 2004.

AB 1962 (Cox) -- Underwritten title companies: limited liability companies.

Would have allowed underwritten title companies to be domestic limited liability companies.

Status: Never heard in the Senate Judiciary Committee.

AB 1965 (Hancock) -- Workers' compensation: nonprofit organization volunteer board members.

Would have excluded from the definition of "employee" under the workers' compensation system any person who performs voluntary service without pay as a member of a governing board for a private nonprofit organization and is a regular employee of the same nonprofit organization, when serving in his or her capacity as the member of the governing board.

Status: Never heard in the Assembly Insurance Committee.

AB 1985 (Wolk) -- Insurance claims: forms.

Allows insurers to satisfy retention requirements regarding the theft of an insured vehicle by maintaining an electronic version of the original claim form for a minimum of three years, in lieu of maintaining the actual original claim form.

Status: Chapter 93, Statutes of 2004.

AB 2028 (Koretz) -- Unemployment insurance: WARN Act.

Amends the state Unemployment Insurance Code to reflect recent changes in the state Labor Code providing that unemployment insurance benefits cannot be denied or reduced for receipt of payments due to an employer in violation of federal and state laws requiring advance notice of employer relocations, terminations and mass layoffs of employees.

Status: Chapter 776, Statutes of 2004.

AB 2129 (Chavez) - Insurance: seniors: life insurance and annuities.

Makes a technical change to the provisions governing individual life insurance and individual annuity contracts when sold to a senior citizen.

Status: Chapter 803, Statutes of 2004.

AB 2147 (Kehoe) - Workers' compensation: reporting: wrap-up policies.

Requires insurers who write wrap-up insurance policies to report workers' compensation information on both contractors and subcontractors to the rating agencies and to the contractor.

Status: Chapter 777, Statutes of 2004.

AB 2195 (Campbell) - Workers' compensation: contractors: temporary workers.

Would have repealed the provisions of the workers' compensation law that requires that a licensed contractor who enters an agreement with a temporary employment agency, or other similar entity for the entity to supply the contractor with an individual to perform acts or contracts for which the contractor's license is required and the licensed contractor is responsible for supervising the employee's work, the temporary employment agency, employment referral service, labor contractor, or other similar entity is to pay workers' compensation premiums based on the contractor's experience modification rating.

Status: Never heard in the Assembly Insurance Committee.

AB 2199 (Kehoe) - Fire insurance: indemnity.

Defines the scope of coverage for specified insurance policies and places specified conditions on insurers in circumstances related to fire insurance. Allows an insured to be granted a time extension to rebuild, repair, or replace the insured property and allows an insured to rebuild, repair, or replace the property at a location other than the original insured premise.

Status: Chapter 311, Statutes of 2004.

AB 2249 (Jerome Horton) - Auto insurance: good driver discounts.

Would have provided that nothing shall prohibit two or more insurers under common ownership that sell insurance through different distribution systems from selling separate good driver discount policies would have provided that each insurer offers its lowest rate for that coverage.

Status: Never heard in the Senate Insurance Committee.

AB 2255 (Houston) -- Workers' compensation: medical evaluations.

Would have imposed time limits for the selection by an employee or employer of a qualified medical evaluator and for an employee to make an appointment with that medical evaluator.

Status: Never heard in Assembly Insurance Committee.

AB 2310 (Richman) -- Unemployment insurance: private loans.

Would have authorized the Director of Employment Development, in consultation with the Treasurer to apply for a loan from the private sector to fund the Unemployment Fund for payment of unemployment compensation benefits under specified conditions.

Status: Died in the Assembly Insurance Committee.

AB 2316 (Chan) – Life insurance: consumer protection.

Creates a Life and Annuity Consumer Protection Program, including a fund exclusively dedicated to protecting consumers of life insurance and annuity products in the state. Sunsets these provisions effective January 1, 2010.

Status: Chapter 835, Statutes of 2004.

AB 2320 (Bates and Richman)-- Unemployment insurance: benefits.

Would have provided that the weekly benefit amount for new unemployment insurance claims filed with an effective date beginning on or after January 1, 2005 may not exceed \$410 until the Unemployment Fund meets the minimum reserve levels set by the U.S. Department of Labor.

Status: Never heard in the Assembly Appropriations Committee.

AB 2322 (Bates) – Unemployment and disability compensation.

Would have authorized any worker to opt out of making contributions to, and receiving benefits from, the family temporary disability insurance program and would have prohibited the director of the Employment Development Department from increasing the rate of worker contributions for workers who have opted out of the program.

Status: Died in Assembly Insurance Committee.

AB 2345 (Maddox) -- Workers Compensation: Official Medical Fee Schedule: Medical Devices.

Would have required the Administrative Director to develop a separate fee schedule for durable medical equipment, medical supplies, orthotics, and prosthetics not supplied pursuant to contract.

Status: Never heard in the Assembly Appropriations Committee.

AB 2384 (Nakano) – Life insurance.

Requires all life and annuity contract forms be filed with the Department of Insurance prior to being issued, and also provides that an insurer who fails to pay under a disability insurance that contains a death benefit, accidental death insurance, and credit life insurance within 30 days of

death shall also pay interest on the death proceeds left on deposit, as already required of life insurance policies.

Status: Chapter 601, Statutes of 2004.

AB 2399 (Liu) -- Homeowner's insurance: dog breeds.

Would have prohibited an insurer from refusing to issue or renew a homeowners' policy based upon the breed of dog owned by the applicant or insured.

Status: Failed passage in the Assembly Insurance Committee.

AB 2412 (Yee) – Unemployment insurance: false information: penalty.

Imposes a penalty on academic employers who willfully provide false information or willfully fail to report a material fact concerning reasonable assurance of a claimant's re-employment.

Status: Chapter 808, Statutes of 2004.

AB 2426 (Wiggins) -- Workers' compensation: qualified medical evaluator.

Would have added unspecified applicable requirements for a physician who is a doctor of audiology.

Status: Never heard in the Assembly Insurance Committee.

AB 2427 (Samuelian) – Homeowners' insurance: mold.

Would have prohibited specified policies of insurance that are issued, amended, or renewed on or after January 1, 2005, from being canceled, and would have prohibited an insurer from refusing to renew this policy only on the grounds of the presence of mold if the policy contains an existing exclusion for payment of loss for that peril.

Status: Never heard in the Assembly Insurance Committee.

AB 2441 (Levine) -- Workers' compensation - rates.

Would have prohibited a workers' compensation insurer from raising a policyholder's rates or changing a policyholder's classification based upon any claim filed by the policyholder that has not yet been paid, denied, or otherwise resolved. Would have also prohibited any physician or medical provider from being reimbursed for services rendered under the workers' compensation system unless the claim for reimbursement specifies both the date and time that each service was rendered by the physician or medical provider.

Status: Never heard in the Assembly Insurance Committee.

AB 2444 (Dutton) – Property insurance: FAIR Plan.

Would have required the California Fair Access to Insurance Requirements Plan Association to provide an annual report to the Legislature on policies in force for insuring qualified property and probable maximum losses in very high fire hazard severity zones.

Status: Never heard in the Senate Insurance Committee.

AB 2490 (Maddox) -- Insurance: surplus line brokers: notice.

Allows non-admitted insurers and surplus brokers selling personal lines insurance products, such as homeowners' insurance, as well as any related umbrella coverage, to immediately bind coverage with an applicant in the same manner as non-admitted insurers and surplus brokers are currently authorized to do in commercial lines insurance products. Sunsets January 1, 2008.

Status: Chapter 95, Statutes of 2004.

AB 2495 (Dutton) – Commission on Health and Safety and Workers’ Compensation: members.

Would have added three new voting members, two physicians and one chiropractor, to the Commission on Health and Safety and Workers Compensation.

Status: Never heard in the Assembly Insurance Committee.

AB 2520 (Vargas) -- Self-service storage agents.

Requires self-service storage facilities and their franchisees that sell insurance in connection with, and incidental to, self-service storage rental agreements to obtain a license to do so from the Insurance Commissioner.

Status: Chapter 428, Statutes of 2004.

AB 2557 (Koretz) – Insurance: licensing.

Increases penalties for unlicensed insurers, augments background information reporting requirements for insurance license applicants and licensees, and allows the Insurance Commissioner (IC) to penalize providers of continuing education who fail to achieve the IC's standards.

Status: Chapter 279, Statutes of 2004.

AB 2639 (Cox) - Title insurance: disciplinary actions.

Would have allowed the Insurance Commissioner, as an alternative enforcement remedy, to restrict the certificate of authority of a title insurer or the license of an underwritten title company for willfully failing to comply with specified regulatory provisions.

Status: Hearing canceled by author in Senate Insurance Committee.

AB 2649 (Salinas) – Workers’ compensation: exclusions: owner-builders.

Excludes from the definition of employee a person defined as an owner-builder who is participating in a mutual self-help housing program sponsored by a nonprofit corporation.

Status: Chapter 83, Statutes of 2004.

AB 2677 (Ridley-Thomas) -- Auto insurance: cost estimates.

Requires automobile insurers or insurer groups licensed to sell personal automobile insurance to provide consumers with a cost estimate for its lowest priced automobile insurance policy at the limits the consumer has requested and that is available to that consumer.

Status: Chapter 765, Statutes of 2004.

AB 2696 (Plescia) – Family temporary disability insurance program: regulations.

Would have required the Employment Development Department to adopt regulations for the implementation of the family temporary disability insurance program that are written in plain English, in order that employers and employees can easily understand what the program establishes in terms of rights and responsibilities.

Status: Failed passage in the Assembly Insurance Committee.

AB 2709 (Levine) -- Vehicle: financial responsibility.

Requires the Department of Motor Vehicles to develop a method for law enforcement to verify proof of insurance electronically.

Status: Chapter 948, Statutes of 2004.

AB 2730 (Dymally) – Unemployment compensation: reasonable assurance.

Would have clarified that an individual is not considered to have a reasonable assurance of employment unless the offer of employment or assignment made by the educational institution is in writing and signed by both parties.

Status: Died on the suspense file in the Assembly Appropriations Committee.

AB 2770 (Richman) -- Workers' compensation: physician certification.

Would have required the Administrative Director (AD), on or before January 1, 2006, to establish a Qualified Workers' Compensation Physician (QWCP) certification program, including a requirement to certify specified physicians. In addition, the bill would have required the AD, by January 1, 2006, to contract with a public or private university or policy institute in the state to develop evidence-based workers' compensation physician best practices guidelines and a system that would permit any QWCP to compare his or her utilization practices with those recommended in the treatment guidelines and with the utilization practices of the average QWCP in the state.

Status: Never heard in the Assembly Insurance Committee.

AB 2771 (Richman) -- Workers' compensation: carve out program.

Would have expanded the “carve out program” by eliminating the industry limitation and would have made other changes to the “carve out programs.” The bill would have also required an applicant for employment, upon the request of an employer, to disclose whether he or she has ever been adjudicated to have committed any of those unlawful acts or been convicted of violating other unlawful acts relating to fraud. The bill would have also revised the penalties when the payment of compensation had been found to be unreasonably delayed or refused.

Status: Never heard in the Assembly Insurance Committee.

AB 2772 (Richman) -- Workers' compensation: medical care.

Would have made several changes to the workers' compensation system including a requirement that the Administrative Director (AD) establish a Qualified Workers' Compensation Physician (QWCP) certification program and contract with a public or private university or policy institute in the state to develop evidence-based workers' compensation physician best practices guidelines. The bill would also have deleted the AD's authority to adopt an official medical fee schedule exclusively for physician Services and would have required that the fee schedule be based on the Medicare resource-based relative value scale (RBRVS), multiplied by 1.0. The bill would also have authorized specified entities to contract with a preferred provider organization for health care services under the workers' compensation system and allowed employees to select their personal physicians and have access to a second opinion. The bill would have also made changes in apportionment and the permanent disability system.

Status: Never heard in the Assembly Insurance Committee.

AB 2773 (Richman) – Public employees: benefits.

Would have limited the amount that a retired public employee who is receiving disability retirement benefits may receive in connection with a workers' compensation claim.

Status: Failed passage in Assembly Public Employees, Retirement and Social Security Committee.

AB 2780 (Maze) -- Workers' compensation: Indian tribes.

Would have authorized federally recognized Indian tribes to self-insure for the purposes of providing workers' compensation.

Status: Never heard in the Assembly Insurance Committee.

AB 2804 (Calderon) – Construction defect actions.

Would have protected the interests of all involved parties in the resolution of construction defect claims and litigation.

Status: In Senate Rules. Never heard in the Assembly Insurance Committee.

AB 2859 (Dutton) - Income and Franchise Taxes: Credit for Unemployment Insurance Fund Contributions.

Would have authorized a franchise and income tax credit for the unemployment insurance tax paid by businesses that employ certain individuals who have separated from the United States Armed Forces or the California National Guard.

Status: Passed the Assembly Insurance Committee but died on the Assembly Revenue and Taxation Suspense File.

AB 2866 (Frommer) – Workers' compensation: fraud.

Requires the posting of specified fraud information on the Department of Insurance Web site for each person convicted of fraud.

Status: Chapter 281, Statutes of 2004.

AB 2890 (Jerome Horton) -- Workers' compensation: official medical fee schedule.

Would have defined "100% of fees prescribed in the relevant Medi-Cal payment system" with respect to pharmacy services and drugs to mean the average wholesale price minus 10% plus the then current prescribed medical dispensing fee.

Status: Never heard in the Assembly Insurance Committee.

AB 2904 (Benoit) – Auto insurance: express warranties.

Modifies the definition of a manufacturer, in the context of express warranties for automobile lubricants, treatments and other fluids from the definition of automobile insurance, by changing the requirement that the manufacturer must have continuously produced and offered the product for sale in California from 10 years to nine years; thereby allowing the sponsor of this legislation to continue to sell these products in California after July 1, 2004.

Status: Chapter 85, Statutes of 2004.

AB 2919 (Ridley-Thomas) -- Workers compensation: physician assistant: nurse practitioner.

Deletes the sunset date in existing law which allows nurse practitioners and physician assistants to complete a Doctors First Report of Occupational Injury and to authorize temporary disability, if necessary, of up to three days.

Status: Chapter 100, Statutes of 2004.

AB 2945 (Calderon) – Workers' compensation: horse racing: reporting.

Would have required that the annual report of the California Horse Racing Board to the Governor and Legislature include information on workers' compensation costs and their impact on the horse racing industry.

Status: In Senate Governmental Organization Committee.

AB 2962 (Pavley) -- Fire insurance: valuation of loss.

Prohibits an insurer, in the event of a total loss to the primary insured structure under a residential policy, from canceling coverage during the course of rebuilding the structure and clarifies the measurement of "actual cash value" under an open fire policy covering residences.

Status: Chapter 605, Statutes of 2004.

AB 2965 (Samuelian) – Insurance: state departments: life insurance and annuities.

Exempts the University of California from the restriction on the ability of a state department or agency to negotiate life or disability insurance or an annuity, or to require the placing of that insurance or annuity through particular agents, brokers, or companies.

Status: In the Assembly Insurance Committee.

AB 3037 (Yee) -- Employment: occupational safety and health.

Would have declared the intent of the Legislature that high hazard industries, as defined, include an employer-employee committee or liaison to work in conjunction with their existing injury and illness prevention program.

Status: Died on the Assembly Inactive File.

AB 3051 (Nation) – Workers' compensation: firefighters: death benefits.

Would have extended the statute of limitations for claims for workers' compensation death benefits in the case of firefighters and peace officers whose death results from various medical conditions or diseases.

Status: Vetoed by the Governor.

AB 3088 (Jerome Horton) Auto insurance: good driver discounts.

Provides that, notwithstanding the current provisions, insurers operating under common management of control are not required to sell good driver discount policies issued by other insurers within the common ownership group if specified conditions are met.

Status: Chapter 787, Statutes of 2004.

AB X4 1 (Maldonado) - Workers' compensation.

Would have reformed both the medical delivery system and the indemnity system. Also includes 5814 penalty reform and repeal of the Illness Prevention Program review provisions.

Status: Heard but never voted on in the Assembly Insurance Committee.

AB X4 2 (Nation) - Insurance.

Would have tripled the maximum fine for fraud.

Status: Never heard in the Assembly Insurance Committee.

AB X4 3 (Vargas) - Workers' Compensation and Insurance.

Would have shifted the duty of determining savings from the 2003 reforms from the Workers' Compensation Insurance Rating Bureau to the Insurance Commissioner; would have required physicians to complete a course on treatment guidelines and utilization; would have allowed more time for spinal surgery second opinions; would have required the Administrative Director to adopt electronic billing standards; and would have created a presumption that the utilization review requirements are met if a health care organization is used.

Status: Never heard in the Assembly Insurance Committee.

AB X4 4 (Richman) - Workers' compensation: physician certification.

Would have required the Administrative Director to establish a Qualified Workers' Compensation Physician certification program and develop evidence-based workers' compensation physician best practices guidelines.

Status: Never heard in the Assembly Insurance Committee.

AB X4 5 (Richman) - Workers' compensation: permanent disability.

Would have required that all evaluations and reports prepared by a physician with regard to the degree of permanent whole body impairment be based upon demonstrable medical evidence.

Status: Never heard in the Assembly Insurance Committee.

AB X4 6 (Richman) - Workers' compensation.

Would have allowed for contracting with preferred provider organizations for health care.

Status: Never heard in the Assembly Insurance Committee.

AB X4 7 (Richman) - Workers' compensation: penalty provisions.

Would have repealed the existing 5814 penalty structure and instead would have created a penalty structure that provides where the payment of compensation has been unreasonably delayed or refused, the amount of the payment unreasonably delayed or refused may be increased up to 20% or \$500, whichever is greater.

Status: Never heard in the Assembly Insurance Committee.

AB X4 8 (Richman) - Workers' compensation: official medical fee schedule.

Would have required the development of a new fee schedule that includes physician services and is based on the Medicare resource-based relative value scale (RBRVS), multiplied by 1.0.

Status: Never heard in the Assembly Insurance Committee.

AB X4 9 (Richman) - Alternative workers' compensation program: agreements.

Would have amended the current statutes on alternative workers' compensation programs.

Status: Never heard in the Assembly Insurance Committee.

AB X4 10 (Richman) - Workers' compensation: permanent disability.

Would have provided that the burden of proof for apportionment regarding permanent disability rests on the defendant and would have prescribed the standard of proof.

Status: Never heard in the Assembly Insurance Committee.

AB X4 11 (Richman) - Workers' compensation: fraud.

Would have required a job applicant, upon employer request, to disclose whether he or she has ever been adjudicated or convicted of workers' compensation fraud.

Status: Never heard in the Assembly Insurance Committee.

AB X4 13 (Firebaugh) - Workers' compensation: fraud.

Would add city attorneys to the list of officials to whom insurers must release information on workers' compensation insurance fraud investigations.

Status: Chapter 1, Statutes of 2004.

AB X4 14 (Vargas) - Workers' compensation: outpatient surgery.

Would have extended prior authorization requirements to all outpatient surgery centers and would have increased the fee schedule from 120% 137%.

Status: Never heard in the Assembly Insurance Committee.

AB X4 15 (Vargas) - Workers' compensation.

Would have made substantial changes to the workers' compensation system.

Status: Never heard in the Assembly Insurance Committee.

AB X4 16 (Levine) - Workers' compensation: state rate supervision.

Would have required the Insurance Commissioner, in determining the advisory pure premium rates for policies beginning on or after July 1, 2004, through June 30, 2006, to take into account projected savings due to changes enacted in 2004 and revised savings resulting from the changes enacted in 2003.

Status: Never heard in the Senate Labor and Industrial Relations Committee.

AJR 1 (Koretz) -- Unemployment insurance benefits.

Would have memorialized the Congress and the President of the United States to enact legislation that would retroactively extend and increase the number of weeks of federal unemployment insurance benefits available to unemployed workers.

Status: Never heard in Assembly Insurance Committee.

AJR 44 (Koretz) – Holocaust era insurance policies.

Urges the State Attorney General and the State Insurance Commissioner to investigate any feasible alternatives to enacting a state law that will increase the likelihood that insurance companies will pay Holocaust era life insurance claims, and calls upon the United States Congress to pass legislation requiring insurance companies to disclose Holocaust era policy information.

Status: Resolution Chapter 145, Statutes of 2004.

Senate Bills

SB 64 (Speier) -- Homeowners' insurance: mediation.

Requires the Department of Insurance to establish a program for the mediation of certain residential property insurance disputes resulting from the 2003 Southern California wildfires.

Status: Chapter 357, Statutes of 2004.

SB 125 (Chesbro) -- Workers' compensation: leave of absence for disability: welfare fraud investigators.

Would have extended the leave-of-absence in lieu of temporary disability benefits for injured public safety employees ("4850 time") to injured county welfare fraud investigators or inspectors, who are peace officers as specified in the Penal Code, and a coroner and deputy coroner.

Status: Vetoed by the Governor.

SB 176 (Johnson) -- Workers' compensation insurance: classification: notice.

Requires workers' compensation insurance rating organizations to provide written notification to policyholders when the rating organization imposes a change in the policyholder's classification assignment.

Status: Chapter 121, Statutes of 2003.

SB 191 (Alarcon) -- Workers' compensation insurance: rates.

As passed by the Senate, this bill would have required that workers' compensation insurance rates not be excessive, as specified. The bill would have also required an experience-rating plan to contain a provision for rewarding employers that have been claim free for a specified length of time. The bill was amended to legislative intent language and sent to the workers' compensation conference committee.

Status: Never heard in the conference committee.

SB 200 (Murray) -- Long-term care insurance: genetic testing.

Prohibits, until January 1, 2008, long-term care insurers from using genetic testing to determine insurability or for underwriting purposes.

Status: Chapter 408, Statutes of 2003.

SB 223 (Margett) -- Workers' compensation: generic drugs.

Would have provided that the generic-drug-dispensing requirement, currently imposed on pharmacies, applies to any person or entity that dispenses medicines to a worker for a workers' compensation related injury, except under specified circumstances. The bill was amended to legislative intent language and sent to the workers' compensation conference committee. The language, however, was added to SB 228

Status: Never heard in the conference committee.

SB 228 (Alarcon) -- Workers' compensation.

Creates an outpatient-facility fee schedule, not to exceed 120% of Medicare; creates a pharmaceutical and pharmacy services fee schedule, not to exceed 100% of Medi-Cal; updates

the official medical fee schedule for hospital inpatient and provider services, not to exceed 120% of Medicare; reduces the prompt payment requirement from 60 days to 45 days for payments to providers; and requires implementation of a medical billing fraud referral protocol between the Department of Industrial Relations, the Department of Insurance and the Department of Justice.
Status: Chapter 639, Statutes of 2003.

SB 229 (Burton) --Workers' compensation.

As passed by the Senate, this bill would have prohibited the State Compensation Insurance Fund (SCIF) from raising small employers premiums, for a two year period, if such small employers are claim free for five years and if they provide health insurance coverage for their employees. The bill also would have required SCIF to submit their findings to the Legislature by January 1, 2005. The bill was amended to legislative intent language and sent to the workers' compensation conference committee.

Status: Never heard in the conference committee.

SB 354 (Speier) -- Workers' compensation insurance: fraud: limits.

Would have made four changes to the statutes governing workers' compensation insurance: (1) sets a limit of 15 one hour visits to a chiropractor, absent approval by a physician for more visits, (2) doubles the maximum fine for fraudulent claims to \$100,000 or double the value of the fraud, whichever is greater, (3) doubles the maximum fine on employers who fraudulently obtain lower premiums (premium fraud) to \$100,000 or double the value of the fraud, whichever is greater, (4) prohibits physicians from referring workers' compensation claimants to outpatient surgical centers owned by the referring physician or his/her immediate family (physician self-referral). The bill was amended to legislative intent language and sent to the workers' compensation conference committee. While the bill remained in conference committee, several of the provisions became part of AB 227 (Vargas) and SB 228 (Alarcon).

Status: Never heard in the conference committee.

SB 457 (McPherson) -- Workers' Compensation: benefit delays.

Would have expressed the Legislature's intent that the Division of Workers' Compensation within the Department of Industrial Relations review the effectiveness of provisions to penalize and deter unreasonably late and denied benefit payments. This bill specified that its provisions would only become operative if SB 229 is enacted during the 2003 portion of the 2003-04 Regular Session and becomes operative.

Status: Placed on the Senate Inactive File.

SB 551 (Speier) -- Insurance: auto repair dealers.

Codifies existing regulatory law and prohibits an insurer from requiring that an automobile be repaired at a specific automotive repair dealer.

Status: Chapter 791, Statutes of 2003.

SB 574 (Alpert) -- Workers' Compensation: insolvent insurers.

Would have required the California Insurance Guaranty Association (CIGA) to forward up to \$8 million to specified school districts for issues arising out of the insolvency of the Fremont Indemnity Corporation. The CIGA would have been repaid by either the proceeds of a specified legal action or by the school districts.

Status: Died on the Assembly Appropriations Committee Suspense File.

SB 595 (Johnson) -- Unemployment insurance: Employment Development Department.

Would have required the Employment Development Department (EDD) to increase, from annually to quarterly, itemized statements of employers' Unemployment Insurance reserve accounts and would have authorized EDD to provide this information electronically. In addition, this bill would have required EDD to notify employers within five days if a UI claimant's benefits address differs from the address on record with EDD.

Status: Died on the Assembly Appropriations Suspense File.

SB 618 (Scott) -- Insurance: unfair acts: license.

Authorizes the Insurance Commissioner to suspend or revoke an insurer's license under specified circumstances.

Status: Chapter 546, Statutes of 2003.

SB 620 (Scott) -- Annuities: life insurance: required disclosures and prohibited sales practices.

Increases the restrictions on the marketing of life insurance and annuities to senior citizens. Creates new training requirements for insurance agents and brokers, requires additional disclosures for life insurance and annuity products, and imposes restrictions on the sale of life insurance and annuities in the home of a senior.

Status: Chapter 547, Statutes of 2003.

SB 673 (Florez) -- Mortgage guaranty insurance: rates.

As assigned to the Committee, the bill would have required prior approval of rates for mortgage guaranty insurance by the Insurance Commissioner and would, generally speaking, impose on mortgage guaranty insurance requirements for public hearings and rate evaluations similar to those of Proposition 103. Prior to being heard in the Committee, the bill was amended to address transportation issues and was assigned to the Assembly Transportation Committee.

Status: Vetoed by the Governor.

SB 686 (Ortiz) -- Long-term health care facilities: insurance.

Requires an insurer issuing liability insurance policies to long-term health care facilities, residential care facilities for the elderly, or physicians who provide services to residents in those facilities to notify the Department of Insurance (DOI) at least 90 days prior to the date it intends to cease offering liability insurance to those facilities or physicians; requires insurers to report specified information regarding those policies to DOI; allows the Insurance Commissioner to authorize the formation of a market assistance program to assist in securing liability insurance and to order the creation of a joint underwriting association to provide this type of insurance.

Status: Chapter 899, Statutes of 2003.

SB 691 (Escutia) -- Credit history: homeowners' insurance.

Would have prohibited insurers from using credit scores to underwrite, rate, or determine placement in a particular payment plan for homeowner's insurance policies.

Status: Never heard in the Assembly Insurance Committee.

SB 727 (Kuehl) -- Unemployment and disability compensation: family temporary disability insurance.

Provides conforming, clarifying, and technical changes to the recently enacted Family Temporary Disability Insurance program.

Status: Chapter 797, Statutes of 2003.

SB 757 (Poochigian) -- Workers' compensation: official utilization schedule.

As passed by the Senate, this bill would have required the Administrative Director of the Division of Workers Compensation to adopt an official utilization schedule, as specified. The bill was amended to legislative intent language and sent to the workers' compensation conference committee. While the bill remained in conference committee, the provisions became part of SB 228 (Alarcon).

Status: Never heard in the conference committee.

SB 841 (Perata) -- Auto insurance: rates: persistency.

Authorizes an insurer to use persistency of automobile insurance coverage as an optional rating factor in determining rates and premiums.

Status: Chapter 169, Statutes of 2003.

SB 850 (Burton) -- State Insurance Commissioner.

As passed by the Senate, this bill was authored by Senator Ortiz and would have granted the Insurance Commissioner the authority to deny proposed policy changes or exclusions. In the Assembly, the bill was taken over by Senator Burton to address election issues.

Status: Never heard in the Assembly Elections Committee.

SB 899 (Poochigian) -- Workers' compensation.

Authorizes the development of medical provider networks; establishes a system of independent medical review; provides for immediate medical treatment to all workers filing claim forms for occupational injury; authorizes collectively bargained projects on health care integration; allows for pre-designated physicians within a group health network; restores user funding and specifies use of funding for a return to work program; provides return to work incentives; provides for differing permanent disability (PD) payments based on an employee's return to work; adjusts the mechanism for determining PD; restores the vocational rehabilitation program for pre-2004 injuries; limits most temporary disability payments to 104 weeks; revises Labor Code Section 5814 penalty amounts; revises the statutes relating to apportionment; and requires a study of the insurance marketplace and the rate effects from legislative reform.

Status: Chapter 34, Statutes of 2004.

SB 962 (McClintock) -- Unemployment compensation: addresses.

Would have required the Employment Development Department to take reasonable steps to verify eligibility of new unemployment insurance claimants and to upgrade computer systems to improve anti-fraud efforts.

Status: Died on the Assembly Appropriations Committee suspense file.

SB 1007 (Speier) -- Workers' compensation: insurance policies.

Expands the definition of "common trade or business" for the purposes of association or trade group workers' compensation insurance policies to include manufacturing facilities as identified in the North American Industry Classification System.

Status: Chapter 641, Statutes of 2003.

SB 1071 (Vincent) -- Workers' compensation: contracting rates.

Would have permitted a diagnostic or other medical imaging center to contract with a contracting agent, employer, carrier, or an agent on behalf of a contracting agent, employer, or carrier, for reimbursement rates different from those in the medical fee schedule.

Status: To Workers' Compensation Conference Committee.

SB 1088 (Scott) -- Grants and annuities societies: investments.

Allows a "grants and annuities society" (charity) to invest 50% of its reserve assets in the stock market, or 100% of the society's net worth, whichever is less.

Status: Chapter 381, Statutes of 2004.

SB 1181 (Margett) -- Public officials: bond: insurance.

Permits a city or county to purchase commercially available insurance securing the faithful performance of public officers in lieu of a public official's bond, master bond, or self-insuring.

Status: Chapter 273, Statutes of 2004.

SB 1191 (Alarcon) -- Unemployment insurance: Unemployment Fund.

Would have made legislative findings and declarations regarding the need to properly fund the unemployment compensation system to ensure that adequate benefits are provided to eligible claimants.

Status: Died at the Assembly desk.

SB 1273 (Scott) -- Insurance: misrepresentations.

Prohibits an insurer, agent or broker from making or using a statement that is known, or should have been known, to be a misrepresentation of the terms, benefits, or dividends of an insurance policy, and prohibits a person from making a statement for the purpose of inducing another person or policyholder to take certain actions, and increases the maximum penalty for such misrepresentations to up to one year and/or a fine of up to \$25,000, and provides that when the loss to the victim exceeds \$10,000, the maximum fine is three times the amount of that loss.

Status: Chapter 730, Statutes of 2004.

SB 1286 (Scott) -- Insurance: depository institutions: disclosures.

Would have required insurance agents who work inside depository institutions (banks) to disclose to customers whether they are employed by the bank. Would have required agents, in addition to other disclosures they must already make in connection with the initial purchase of an insurance product or annuity, to disclose whether they are directly employed by the bank, and, if not, whether the agent has a contractual relationship with the bank regarding the sale of insurance products or annuities.

Status: Failed passage In the Assembly Insurance Committee.

SB 1291 (Burton) -- Insurance Commissioner: approvals.

Would have required the Insurance Commissioner to approve a class plan, a rating methodology, an underwriting or eligibility rule, or a policy form for use by an insurer that writes auto insurance, or insurance for loss or damage to real property that is used predominately for residential purposes and that consists of not more than four dwelling units, if any other insurer of the same class has previously received approval and the approval remains in effect.

Status: Never heard in the Assembly Insurance Committee.

SB 1315 (Ortiz) -- Insurance: insurance policies: standard forms.

Would have required insurers seeking to make a change to the standard fire form to file a copy of the form with the Insurance Commissioner (IC), and would have grant the IC the right to disapprove the form under specified circumstances. Would have required policies that are currently being written in this state to be filed with the IC for review within 90 days of the effective date of this bill.

Status: Failed passage in the Assembly Insurance Committee.

SB 1323 (Ortiz) -- Homeowners' insurance: prohibited actions/credit scoring.

Would have regulated the use of credit scores in underwriting homeowners' insurance policies and would have prohibited insurers from reporting that an insured has made an inquiry about coverage if no claim is filed. *Status: Never heard on the Assembly Floor.*

SB 1344 (Margett) -- Insurance: fraud: records.

Includes the Department of Corrections among the agencies authorized to request and receive insurance and medical information regarding workers' compensation fraud.

Status: Chapter 490, Statutes of 2004.

SB 1439 (Speier) -- Public employees' retirement: state retired annuitants.

Prohibits a retired annuitant (i.e., a State Public Employees Retirement System retiree) from being hired by a state agency, if during the 12-month period prior to the proposed appointment, the retired annuitant received any unemployment insurance payments arising out of prior employment with the same employer.

Status: Chapter 398, Statutes of 2004.

SB 1474 (Escutia) -- Homeowners' insurance: claims.

Would have prohibited insurers from refusing to issue or renew a homeowners' policy on the basis of claims made by the applicant or insured under specified conditions. Would have allowed for specified exemptions of what is considered a "claim". Also, would have specified certain conditions that allow an insurer to refuse to renew or issue a homeowners' policy.

Status: Failed passage in the Assembly Insurance Committee.

SB 1495 (Machado) -- Insurance: fees: fraud.

Requires an insurer to reimburse any fees and extra premium charged to an insured due to a late premium payment or lapse in coverage if the late payment or lapse in coverage was the result of fraud committed by an agent or broker.

Status: Chapter 160, Statutes of 2004.

SB 1500 (Speier) -- Vehicles: financial responsibility.

Requires insurers to utilize an electronic method to provide specified information to the Department of Motor Vehicles (DMV) by 2006. Also requires DMV to suspend registration if insurance is fraudulent or cancelled; and requires the Department of Insurance to report on the effectiveness of the low-cost auto insurance program.

Status: Chapter 920, Statutes of 2004.

SB 1564 (Escutia) – Homeowners’ insurance: claims.

Would have prohibited insurers from refusing to renew homeowners' insurance policies on the basis of specified types of claims.

Status: In Assembly Insurance Committee.

SB 1689 (Poochigian) -- Settlements: Armenian genocide.

Provides that restitution payments for those persecuted by the regime that was in control of the Ottoman Turkish Empire during the Armenian genocide shall not be considered income for calculating eligibility for certain benefits and shall not be subject to income tax.

Status: Chapter 402, Statutes of 2004.

SB 1855 (Alpert) -- Homeowners' insurance: disclosure.

Makes changes to the California Residential Property Disclosure form and requires insurers to provide each insured with a residential property Insurance Bill of Rights.

Status: Chapter 385, Statutes of 2004.

SB 1872 (Denham) --Insurance: ability of state departments to negotiate insurance coverages.

Exempts the University of California from restrictions placed on state agencies and their ability to negotiate life or disability insurance or an annuity.

Status: Chapter 123, Statutes of 2004.

SB 1903 (Florez) -- Unemployment compensation benefits: locked out workers.

Would have expanded eligibility for Unemployment Insurance benefits by making payments to certain workers who have been locked out as a result of trade dispute.

Status: Died on the Assembly Appropriations suspense file.

SBX4 2 (Speier) – Workers’ compensation: insurance.

Makes a number of specified changes in law pertaining to workers' compensation insurance, other types of insurance, and money laundering. Increases incentives to secure the payment of workers' compensation benefits, and increases penalties for committing workers' compensation fraud.

Status: Chapter 2, Statutes of 2004.

SBX4 11 (Poochigian) Workers compensation: private self-insurance groups.

Would have allowed for the establishment and regulation of any group of private employers formed for the purpose of self-insuring the workers' compensation obligations of the group members.

Status: Failed passage in the Senate Industrial Relations Committee upon consideration of Assembly amendments.