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INSURANCE CODE - INS

DIVISION 1. GENERAL RULES GOVERNING INSURANCE [100 - 1879.8] (Division 1 enacted by Stats. 1935, Ch. 145.)

PART 1. THE CONTRACT [100 - 679.75] (Part 1 enacted by Stats. 1935, Ch. 145.)

CHAPTER 4. The Policy [380 - 460] (Chapter 4 enacted by Stats. 1935, Ch. 145.)

ARTICLE 4. Warranties [440 - 449] (Article 4 enacted by Stats. 1935, Ch. 145.)

[440.](#) A warranty is either express or implied.

(Enacted by Stats. 1935, Ch. 145.)

[441.](#) A statement in a policy of a matter relating to the person or thing insured, or to the risk, as a fact, is an express warranty thereof.

(Enacted by Stats. 1935, Ch. 145.)

[442.](#) A particular form of words is not necessary to create a warranty.

(Enacted by Stats. 1935, Ch. 145.)

[443.](#) Every express warranty made at or before the execution of a policy shall be contained in the policy itself, or in another instrument signed by the insured and referred to in the policy, as making a part of it.

(Enacted by Stats. 1935, Ch. 145.)

[444.](#) A warranty may relate to the past, the present, the future, or to any or all of these.

(Enacted by Stats. 1935, Ch. 145.)

[445.](#) A statement in a policy, which imports that there is an intention to do or not to do a thing which materially affects the risk, is a warranty that such act or omission will take place.

(Enacted by Stats. 1935, Ch. 145.)

[446.](#) When, before the time arrives for the performance of a warranty relating to the future, a loss insured against happens, or performance becomes unlawful at the place of the contract, or impossible, the omission to fulfill the warranty does not avoid the policy.

(Enacted by Stats. 1935, Ch. 145.)

[447.](#) The violation of a material warranty or other material provision of a policy, on the part of either party thereto, entitles the other to rescind.

(Enacted by Stats. 1935, Ch. 145.)

[448.](#) Unless the policy declares that a violation of specified provisions thereof shall avoid it, the breach of an immaterial provision does not avoid the policy.

(Enacted by Stats. 1935, Ch. 145.)

[449.](#) A breach of warranty without fraud merely exonerates an insurer from the time that it occurs, or where the warranty is broken in its inception, prevents the policy from attaching to the risk.

(Enacted by Stats. 1935, Ch. 145.)

