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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 2. THE BUSINESS OF INSURANCE [680 - 1879.8] (Part 2 enacted by Stats. 1935, Ch. 145.)

CHAPTER 1. General Regulations [680 - 1113] (Chapter 1 enacted by Stats. 1935, Ch. 145.)

ARTICLE 10.9. Zero-Emission Heavy-Duty Truck Data Reporting [938 - 938.1] (Article 10.9 added by Stats. 2023, Ch. 347, Sec. 2.)

938. (a) The Department of Insurance shall implement specific data collections on the availability and affordability of insurance for heavy-duty trucks and truck fleets that utilize advanced fuels and related technologies to better understand emerging markets important to the State of California's climate change goals, expand insurance options by establishing more robust data for consumers and insurers, and identify potential barriers to zero-emission technologies in the transportation sector. The focus of the data collections shall be zero-emission technologies that reduce greenhouse gas emissions and improve air quality when compared with conventional or fully commercialized alternatives, including those defined by the State Air Resources Board.

(b) The department shall issue a bulletin on or before February 1, 2024, to initiate the first data collection. Admitted insurers shall respond on or before May 1, 2024. Data collections shall include surveys and data calls from insurance companies licensed to write insurance through the admitted market. The surveys and data calls shall include, but are not limited to, all of the following information:

(1) Whether an insurance company offers insurance for zero-emission truck options.

(2) Loss experience information per claim over a specified time period, such as annually, including, but not limited to, all of the following:

(A) Type of loss, which may include both liability and physical damage type losses.

(B) Type of medium- and heavy-duty truck.

(C) Date of loss.

(D) Amount of losses incurred and paid in United States dollars.

(3) The number of vehicles covered under insurance policies,

(4) Policy level experience, including, but not limited to, premium per type of medium- and heavy-duty truck insured, the time the truck is insured from effective start date to end date of coverage, and type of coverage, which may include both liability and physical damage type coverage.

(5) Minimum, maximum, and average overall coverage limit of the policy, and per type of medium- and heavy-duty truck within a truck fleet.

(c) The information required by this section shall be submitted to the commissioner. The commissioner may specify, by bulletin, the manner of submission and format of the reporting required pursuant to subdivision (a).

(d) Notwithstanding subdivision (e), the commissioner shall publish information compiled from the data submitted pursuant to this section in the aggregate and shall not identify an individual respondent or insurer, except to support consumer understanding of insurance options as specified in subdivision (a) of Section 938.1. The commissioner shall establish and maintain a link on the department's internet website that provides public access to the aggregate information required to be disclosed pursuant to this subdivision.

(e) Information submitted to the commissioner, as required by this section, shall be confidential pursuant to Section 7929.000 of the Government Code and exempt from the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code). Additionally, that information shall not be subject to subpoena or subpoena duces tecum. Testimony by the commissioner, the commissioner's staff, an employee of the department, or a person to whom the reporting required by this section was disclosed, regarding the contents of any report submitted pursuant to this section, shall be inadmissible as evidence in a civil proceeding.

(Added by Stats. 2023, Ch. 347, Sec. 2. (AB 844) Effective January 1, 2024.)

938.1. (a) The Department of Insurance, in consultation with the State Air Resources Board, shall create a consumer-focused online insurance information resource tool, based on data collected pursuant to Section 938, for the public to use to readily find information and insurance options for battery-powered, hydrogen-powered, or other zero-emission advanced truck technology, including which insurance companies offer insurance for trucks or fleets using different zero-emission technologies and any relevant coverage limits or fleet size specifications, to provide a "one-stop" for the public.

(b) The Department of Insurance, in consultation with the State Air Resources Board, shall provide an assessment of all of the following:

- (1) The availability and affordability of insurance for existing and emerging advanced fleet technologies being deployed for heavy-duty vehicles.
- (2) The role of insurance markets in meeting the goals of Chapter 4.1 (commencing with Section 39710) of Part 2 of Division 26 of the Health and Safety Code and the greenhouse gas reduction and short-lived climate pollutant emissions reduction goals of the state.

(c) On or before January 1, 2025, the Department of Insurance, in consultation with the State Air Resources Board, shall create a strategy to address current and future insurance gaps for new heavy-duty truck technologies, including consideration for establishing a risk pool and other tools to offer insurance to truck fleet businesses and individual truck owners who are unable to find insurance in the private insurance markets. This strategy shall include an evaluation of all of the following:

- (1) The number of companies offering insurance for zero-emission truck fleets, or individual zero-emission trucks, in the current market.
- (2) The impact of existing electric and hydrogen truck insurance policies on emissions reductions from the heavy-duty truck sector.
- (3) Availability of actuarial loss data for electric and hydrogen trucks, or fleets of those trucks.
- (4) Coverage limits most appropriate for zero-emission truck fleets, based on the common size and characteristics of zero-emission trucking fleets.
- (5) Additional insurance related information, including information collected pursuant to Section 938.
- (6) Important timelines and specific checkpoints for monitoring insurance accessibility in advance of major regulatory deadlines for transitioning medium- and heavy-duty fleets to zero-emission technologies, and state goals for increasing the percentage of zero-emission trucks and buses in the state.

(d) The State Air Resources Board shall provide information necessary to support the Department of Insurance in the development of the evaluation described in subdivision (c), including, but not limited to, the information required by paragraphs (2) and (6) of subdivision (c).

(Added by Stats. 2023, Ch. 347, Sec. 2. (AB 844) Effective January 1, 2024.)