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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 9. Registration of Insurers' Names [880 - 886] ( *Article 9 enacted by Stats. 1935, Ch. 145.* )

**880.** Except as provided in this article, every insurer shall conduct its business in this State in its own name.

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

**881.** (a) The commissioner shall require the name or any changed name of every insurer (including reciprocal or interinsurance exchanges), every attorney in fact, every motor club, and every underwritten title company to be submitted to him or her by written application and approved by him or her before the name is used in this state for business purposes. If approved, the commissioner shall issue his or her official certificate approving the name, and when appropriate, reserving the name for the following time periods, which shall commence on the date of the approval:

(1) One year if the applicant is newly formed, or if the application is filed on behalf of an entity to be formed, under the laws of this state.

(2) One hundred eighty days and during the pendency in good faith of an application for certificate of authority in the case of a foreign or alien applicant.

(3) Ninety days in the case of an admitted entity requesting authority to change the name under which it will conduct its business with the public in this state.

(b) Except in the case in which an applicant has already paid a fee on a pending application for admission, the commissioner shall collect a one-hundred-thirty-six-dollar (\$136) fee for filing each application for name approval and reservation. An application for name approval may contain not more than three names in the order of applicant's preference and the commissioner's approval shall be limited to only one name submitted by any one application.

(c) The certificate of approval shall be attached to the articles of incorporation before the Secretary of State shall file the articles or any amended articles. The commissioner may reject any name submitted when it is an interference with, or too similar to one already appropriated, or when it is likely to mislead the public in any respect. In the event of a rejection, the applicant shall legally change its name to one approved by the commissioner or, if a foreign or alien insurer, may arrange to conduct any business it may do with the public in California under an approved name as an operating name, identifying itself under both its true name and operating name in the conduct of all official business with the commissioner.

(d) Notwithstanding Section 1282, this section shall apply to reciprocal insurers, including their attorneys in fact, and shall apply to motor clubs.

(Amended by Stats. 2017, Ch. 534, Sec. 12. (AB 1699) Effective January 1, 2018.)

**881.1.** Notwithstanding the provisions of Section 881 or any other provision of law, neither the commissioner or the Secretary of State shall reject a name proposed by an entity seeking admission as a home protection company if such name was used by such entity for conduct of a home protection or home warranty business in this state for at least one year prior to May 3, 1978. Every such name, upon the commissioner's determination of such use, shall be approved upon submission of application therefor.

(Added by Stats. 1978, Ch. 1203.)

**881.2.** Notwithstanding Section 5652 of the Financial Code, use of the term "savings bank" in a name or title may be approved for use by the commissioner if the remaining words in the name or title show that the insurer is engaged in the business of insurance

and is not a savings bank.

*(Added by Stats. 2006, Ch. 740, Sec. 3.8. Effective January 1, 2007.)*

**881.3.** Upon approval of an applicant's name by the commissioner, and the issuance of a certificate approving the same, the applicant may apply to the Secretary of State for the issuance of a certificate of reservation of corporate name for the same periods specified in Section 881.

*(Added by Stats. 1979, Ch. 737.)*

**881.5.** If through inadvertance or otherwise a corporation does not comply with Section 881 of the Insurance Code, or with Sections 201.5, 202, 2105, 2106, 2106.5, and 2107 of the Corporations Code when any of such sections is applicable, any corporation lawfully engaged in the insurance business in this state may bring an action for judicial relief against such corporation by means of any remedy afforded by law. Such action may be based upon any of the grounds by reason of which the commissioner could or would have denied application for approval of the corporate name of the noncomplying corporation. In such an action the court may order such corporate defendant to adopt a new name or an operating name, when permissible, acceptable to both the Secretary of State and the commissioner, by filing a certificate of amendment or by filing an amended statement and designation with the Secretary of State.

*(Added by Stats. 1979, Ch. 737.)*

**882.** When two or more insurers propose to issue an underwriter's policy, each insurer shall first file an application with the commissioner for approval and registration of the name or title under which the policy is to be issued. The commissioner may reject any name submitted when it is an interference with, or too similar to, one already appropriated or when it is likely to mislead the public in any respect. In that case the application may be amended to submit another or other names.

The commissioner shall charge and collect in advance a fee of seventy-two dollars (\$72) from each insurer filing an application for approval and registration of that name or title, or for filing any amendment thereto.

*(Amended by Stats. 2017, Ch. 534, Sec. 13. (AB 1699) Effective January 1, 2018.)*

**882.5.** (a) A home protection company proposing to issue a contract bearing the name of itself as well as another name which is the name of a person, persons, or organization of persons licensed pursuant to Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code, or a franchised name therefor, shall first file an application with the commissioner for approval of the other name. The commissioner may reject any name so submitted when it is an interference with, or too similar to, one already appropriated or when it is likely to mislead the public in any respect. However, the name shall not be rejected, except pursuant to subdivision (b), if the name was used by the same entity for a similar offering in this state prior to May 3, 1978. In case of any rejection of a name pursuant to this subdivision, the application may be amended to submit another or other names.

(b) No such name shall be approved unless all power to transact home protection business (except as authorized in Section 771.1) and other powers specified by the commissioner by regulation, are specifically retained by the home protection company and the home protection contracts prominently disclose that fact.

The commissioner, pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, may adopt reasonable regulations to implement this section.

*(Amended by Stats. 1985, Ch. 106, Sec. 93.)*

**883.** An underwriter's policy may be issued under a name thus registered and shall clearly show:

- (a) The names of the insurers guaranteeing it.
- (b) The severalty of the contract.
- (c) The proportion of the premium to be paid to each insurer.
- (d) The proportion of liability which each assumes.

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

**884.** Unless renewed, the approval and registration of all underwriters' names shall expire at 12:01 a.m. July 1 of each even-numbered year. Renewal may be secured by filing with the commissioner an application therefor, together with a fee of twenty-five dollars (\$25). An application shall be filed during the month of May preceding that July 1. The commissioner shall furnish the application forms for the renewal. The commissioner shall, upon receipt of a proper renewal application and payment of the filing fee therefor, renew the approval and registration of the underwriter's name unless he or she finds any of the following:

- (a) The insurer has abandoned use of the underwriter's name.

(b) The insurer is actually using or publicizing the name in any manner after it has discontinued the issuance of underwriter's policies bearing that name.

(c) The insurer has used that underwriter's name in a manner that has resulted in misrepresentation or fraud.

(d) The insurer has used that underwriter's name in a manner that would violate any provision of law relating to the conduct of its business.

(e) The insurer has secured that underwriter's name through misrepresentation or concealment of material information.

(f) Reasons exist that would warrant refusal of approval or registration if the same were being initially requested.

If the commissioner so finds he or she shall advise all insurers using that underwriter's name in writing that the renewal application is denied and set forth with particularity the reasons for the denial. That denial shall be effective 30 days after mailing of that advice to the insurer unless within those 30 days the insurer requests a hearing. In this event the advice of denial shall constitute the commissioner's opening pleading for the purpose of the hearing, which shall be deemed denied by the insurer. The insurer if it elects may, within 10 days, file an additional written response. The hearing shall be noticed and commenced within a reasonable time. During those 30 days, and, if a request for hearing is filed, until the termination of that proceeding, the insurer may continue the use of the underwriter's name and the issuance of policies thereunder provided timely renewal application has been filed and the filing fee paid.

*(Amended by Stats. 2017, Ch. 534, Sec. 14. (AB 1699) Effective January 1, 2018.)*

**885.** The commissioner may at any time institute proceedings for the revocation of approval and registration of an underwriter's name upon any of the grounds set forth in Section 884 by following the procedure prescribed in that section.

*(Added by Stats. 1963, Ch. 1494.)*

**886.** Termination of approval and registration of an underwriter's name, whether through denial of a renewal application or revocation, shall have no effect on the validity or the retention in force to normal expiration of any underwriter's policies issued on or prior to the date of such termination with an effective date not more than sixty (60) days after its issue date provided that if any such policy is continuous in form it shall not be continued in force beyond its annual renewal date first occurring after such date of termination.

*(Added by Stats. 1963, Ch. 1494.)*