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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 10. Child Care Insurance Act [1862 - 1864] (*Chapter 10 added by Stats. 1985, Ch. 1362, Sec. 3.)*

1862. It is the intent of the Legislature in enacting this chapter to assure the availability, stability, and affordability of liability insurance for operators of day care in this state, and to provide the residents of this state an adequate, safe, affordable, and plentiful market of day care services.

(*Added by Stats. 1985, Ch. 1362, Sec. 3. Effective October 1, 1985.*)

1863. Unless the provision or context otherwise requires, the following definitions govern the construction of this chapter:

- (a) "Commissioner" means the Insurance Commissioner of this state.
- (b) "Net direct premiums" means gross direct premiums written on liability insurance in this state, including the liability portion of the multiperil policies and of automobile insurance policies, less return premiums and any surplus premium deposits. "Net direct premiums" shall not mean any reinsurance premiums or premiums for ocean marine insurance.
- (c) "Insurer" means any person who undertakes to indemnify another against loss, damage, or liability arising from a contingent or unknown event, and shall include reciprocals and interinsurance exchanges.
- (d) "Family day care provider" means those persons licensed pursuant to Section 1596.78 or 1596.79 of the Health and Safety Code.

(*Added by Stats. 1985, Ch. 1362, Sec. 3. Effective October 1, 1985.*)

1864. (a) Each insurer engaged in writing child care liability insurance coverage in this state shall submit to the commissioner a report of its operations regarding child care liability claims experience for the last preceding calendar year at the request of the commissioner, but not more than annually, on a form prescribed by the commissioner. Each report shall separately state the following information for family day care homes, as defined in Section 1596.78 of the Health and Safety Code, and licensed child care centers, as defined in Section 1596.76 of the Health and Safety Code:

- (1) Premiums earned.
- (2) Premiums written.
- (3) Number of claims.
- (4) Number of new claims during the reporting period.
- (5) Number of claims closed during the reporting period.
- (6) Number of claims outstanding at the end of the reporting period.
- (7) Total losses incurred.
- (8) Total losses incurred as a percentage of premiums earned.
- (9) Total number of policies in force on the last day of the reporting period.

(10) Total number of policies canceled.

(11) Total number of policies nonrenewed.

(12) Net underwriting gain or loss.

(13) Separate allocations of expenses for commissions, other acquisition costs, general office expenses, taxes, licenses and fees, and other expenses. The allocations required by this section shall be made by dividing the company's total premiums earned for child care liability insurance by its total premiums earned and applying the ratio determined to the expenses reported in the company's annual statement filed with the commissioner pursuant to Section 900.

(b) The commissioner shall develop and issue reporting forms to insurers at least 90 days prior to the due date of the reports required pursuant to this section.

(c) The Legislature finds that it is in the public interest of the policyholders of this state that insurers writing child care liability insurance permit remittance of premiums to occur on an installment basis.

(d) The information provided under this section pertaining to a specified claim, insurance policy, or insurer shall be confidential and shall only be revealed by the department on a nonspecific basis as part of an aggregate report of claims or policies.

(Amended by Stats. 2012, Ch. 786, Sec. 39. (AB 2303) Effective January 1, 2013.)