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INSURANCE CODE - INS

DIVISION 2. CLASSES OF INSURANCE [1880 - 12880.8] (*Division 2 enacted by Stats. 1935, Ch. 145.*)

PART 1. FIRE AND MARINE INSURANCE [1880 - 10108.1] (*Part 1 enacted by Stats. 1935, Ch. 145.*)

CHAPTER 1. The Marine Contract [1880 - 2010] (*Chapter 1 enacted by Stats. 1935, Ch. 145.*)

ARTICLE 4. Effect of Course of Voyage [1940 - 1945] (*Article 4 enacted by Stats. 1935, Ch. 145.*)

[1940.](#) When the voyage contemplated by marine insurance is described by the places of beginning and ending, the voyage insured is one which conforms to the course of sailing fixed by mercantile usage between those places.

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

[1941.](#) If the course of sailing is not fixed by mercantile usage, the voyage insured by marine insurance is that way between the places specified which, to a master of ordinary skill and discretion, would seem the most natural, direct, and advantageous.

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

[1942.](#) Deviation is:

- (a) A departure from the course of the voyage insured.
- (b) An unreasonable delay in pursuing the voyage.
- (c) The commencement of an entirely different voyage.

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

[1943.](#) A deviation is proper:

- (a) When caused by circumstances over which neither the master nor the owner of the ship has any control.
- (b) When necessary to comply with a warranty, or to avoid a peril, whether or not the peril is insured against.
- (c) When made in good faith and upon reasonable grounds of belief in its necessity to avoid a peril.
- (d) When made in good faith, for the purpose of saving human life or relieving another vessel in distress.

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

[1944.](#) Every deviation not specified in the last section is improper.

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

[1945.](#) An insurer is not liable for any loss happening to the subject matter of marine insurance after an improper deviation.

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