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INSURANCE CODE - INS

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

PART 4. MISCELLANEOUS CASUALTY INSURANCES [12050 - 12129] (*Part 4 enacted by Stats. 1935, Ch. 145.*)

CHAPTER 1. Surety Insurers on Reserve Basis; Capital Requirements and Permitted Insurances [12050 - 12122] (*Chapter 1 enacted by Stats. 1935, Ch. 145.*)

ARTICLE 4. Special Regulations [12095 - 12097] (*Article 4 added by Stats. 1971, Ch. 1427.*)

12095. No insurer admitted in this state to issue surety insurance shall fail or refuse to accept an application for a contractor's license or performance bond, or to issue such a bond to an applicant therefor, or refuse or cancel such a bond, under conditions less favorable to the obligor than in other comparable cases, except for reasons applicable alike to persons of every characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, or persons of every geographical area; nor shall any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, or location within a county, of itself, constitute a condition or risk for which a greater rate, premium, charge, guaranty, or collateral may be required of the applicant for such a bond.

(*Amended by Stats. 2008, Ch. 682, Sec. 8. Effective January 1, 2009.*)

12096. (a) Any applicant for a contractor's license or performance bond who believes that the admitted surety insurer, regularly issuing such bonds, to whom he has applied did not comply with Section 12095, may file a complaint in writing with the commissioner. If the commissioner finds that there is reasonable ground to believe that the alleged discrimination has occurred, he may set the complaint for hearing, after notice, at which hearing each of the parties to the complaint shall have an opportunity to be heard in person or through their witnesses.

(b) Any determination of the commissioner upon such complaint and hearing shall be judicially reviewable.

(*Amended by Stats. 1979, Ch. 1013.*)

12097. Whoever denies a contractor's license or performance bond solely on the grounds specified in this article is liable for each and every such offense for the actual damages, and two hundred fifty dollars (\$250) in addition thereto, suffered by the licensee or applicant for a license.

(*Amended by Stats. 1979, Ch. 1013.*)