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HEALTH AND SAFETY CODE - HSC

DIVISION 45. HAZARDOUS SUBSTANCE RESPONSE [78000 - 81050] (*Division 45 added by Stats. 2022, Ch. 257, Sec. 2.*)

PART 2. HAZARDOUS SUBSTANCE ACCOUNT [78000 - 81050] (*Part 2 added by Stats. 2022, Ch. 257, Sec. 2.*)

CHAPTER 12. Compensation [80900 - 81050] (*Chapter 12 added by Stats. 2022, Ch. 257, Sec. 2.*)

ARTICLE 2. Claims for Compensation [80920 - 80930] (*Article 2 added by Stats. 2022, Ch. 257, Sec. 2.*)

80920. Any person may apply to the Department of General Services, pursuant to Section 80925, for compensation of a loss caused by the release, in California, of a hazardous substance if any of the following conditions are met:

- (a) The source of the release of the hazardous substance, or the identity of the party liable for damages in connection with the release or responsible for the costs of removal of the hazardous substance, is unknown or cannot, with reasonable diligence, be determined.
- (b) The loss was not compensable pursuant to law, including Chapter 6.5 (commencing with Section 25100) of Division 20, because there is no liable party or the judgment could not be satisfied, in whole or part, against the party determined to be liable for the release of the hazardous substance.
- (c) The person has presented a written demand for compensation, which sets forth the basis for the claim, to the party that the person reasonably believes is liable for a loss specified in subdivision (a) of Section 80940 that was incurred by that person and is compensable pursuant to this chapter, the person has presented the Department of General Services with a copy of the demand, and, within 60 days after presenting the demand, the party has either rejected, in whole or in part, the demand to be compensated for a loss specified in subdivision (a) of Section 80940, or has not responded to the demand. Only losses specified in subdivision (a) of Section 80940 are compensable under a claim filed pursuant to this subdivision.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80925. (a) The Department of General Services shall prescribe appropriate forms and procedures for claims filed pursuant to this chapter, which shall include, as a minimum, all of the following:

- (1) A provision requiring the claimant to make a sworn verification of the claim to the best of the claimant's knowledge.
- (2) A full description, supported by appropriate evidence from government agencies of the release of the hazardous substance claimed to be the cause of the physical injury or illness or loss of income.
- (3) Certification by the claimant of dates and places of residence for the five years preceding the date of the claim.
- (4) Certification of the medical history of the claimant for the five years preceding the date of the claim, along with certification of the alleged physical injury or illness and expenses for the physical injury or illness. The certification shall be made by hospitals, physicians, or other qualified medical authorities.
- (5) The claimant's income as reported on the claimant's federal income tax return for the preceding three years in order to compute lost wages or income.

(b) Any person who knowingly gives, or causes to be given, any false information as a part of any claim pursuant to this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined up to five thousand dollars (\$5,000), or imprisoned for not more than one year, or both.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80930. No claim may be presented to the Department of General Services pursuant to this chapter later than three years from the date of discovery of the loss or from January 1, 1982, whichever is later.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)