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AB-1799 Insurance: policy documents. (2017-2018)

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Assembly Bill No. 1799

CHAPTER 69

An act to amend Section 2084 of the Insurance Code, relating to fire insurance.

[Approved by Governor July 09, 2018. Filed with Secretary of State July 09, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, Levine. Insurance: policy documents.

Existing law requires an insurer, after a covered loss under a fire insurance policy, to provide the insured with a free copy of his or her policy within 30 calendar days of receiving a request from the insured, but allows the Insurance Commissioner to extend this period. Existing law also provides that an insured who does not experience a covered loss shall, upon request, be entitled to one free copy of his or her policy annually.

This bill would specify that the copy of the policy provided shall be a complete copy of the policy in effect at the time of the loss and shall include the full policy, any endorsements to the policy, and the policy declarations page. The bill would authorize an insurer that is not compliant with specified electronic document transmission requirements to provide a copy of the entire policy in electronic form if the covered loss is the result of a state of emergency and the electronic copy is requested by an insured who has not elected to receive electronic documents. The bill would require an insurer that is compliant with those requirements to provide an electronic copy of the entire policy if the same criteria are met. The bill would provide that request by an insured under these circumstances is not a request to receive future electronic communications.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2084 of the Insurance Code is amended to read:

2084. (a) After a covered loss under a policy covered by Section 2071, an insurer shall provide to the insured, free of charge, a complete copy of the policy that was in effect at the time of the loss within 30 calendar days of receipt of a request from the insured. The time period for providing the policy may be extended by the Insurance Commissioner. The policy provided to the insured shall include, where applicable and without limitation, the full insurance policy, any endorsements to the policy, and the policy declarations page.

(b) An insured under a policy covered by Section 2071 who does not experience a covered loss shall, upon request, be entitled to one free copy of his or her policy annually. The policy provided to the insured shall include, where applicable and without limitation, the full insurance policy, any endorsements to the policy, and the policy declarations page.

(c) (1) An insurer responding to a request made pursuant to subdivision (a) for a covered loss that was the result of a state of emergency, as defined in Section 8558 of the Government Code, may, and an insurer compliant with the electronic transaction requirements of Section 38.6 shall, upon the request of an insured who has not elected to receive electronic documents pursuant to Section 38.6, transmit or provide access to an electronic copy of the entire policy. Section 38.6 shall not apply to transmitting or providing access to a policy pursuant to this paragraph.

(2) A request of an insured pursuant to paragraph (1) does not constitute a request to participate in electronic transactions or communications for any purpose other than receiving the documents described in this section.