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SB-222 Climate disasters: civil actions. (2025-2026)

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AMENDED IN SENATE MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 222

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Muratsuchi)
(Coauthors: Senators Gonzalez, McNERney, Menjivar, Pérez, and Stern)
(Coauthor: Assembly Member Addis)

January 27, 2025

An act to add Part 3.5 (commencing with Section 3508.5) to Division 4 of the Civil Code, and to add Sections 540 and 10100.3 to the Insurance Code, relating to climate disasters, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 222, as amended, Wiener. Climate disasters: civil actions.

(1) Existing law gives a person the right of protection from bodily harm and the right to possess and use property. If a person suffers bodily harm or a loss of their property because of the unlawful act or omission of another, existing law authorizes them to recover compensation from the person at fault, which is known as damages.

This bill would authorize a person *who suffered physical harm to their person or property totaling at least \$10,000* to bring a civil ~~action, if specified criteria are met, including damages of \$10,000 or more, action~~ against a party responsible for a climate disaster ~~or extreme weather or other events attributable to climate change due to the responsible party's misleading and deceptive practices or the provision of misinformation or disinformation about the connection between its fossil fuel products and climate change and extreme weather or other events attributable to climate change.~~ *to recover damages, restitution, specified costs, and other appropriate relief.* The bill would make responsible parties jointly, severally, and strictly liable to a plaintiff for ~~the climate disaster or extreme weather or other events attributable to climate change. The bill would set forth venue requirements and prohibited defenses for that action, and would require the court to award a prevailing plaintiff the full extent of noneconomic, compensatory, and punitive damages allowable, as specified. The bill would provide that the connection of a climate disaster, extreme weather or other events attributable to climate change, or harms resulting from long term changes to the climate system to alleged injuries are an injury in fact for all residents of the state harmed by the event and would give those persons standing to bring a civil action pursuant to the above-described provisions. The bill would also make a person who seeks declaratory or~~

~~injunctive relief to prevent enforcement of the above-described provisions or any other related law, as specified, jointly and severally liable to pay the attorney's fees and costs of the prevailing party, as specified. damages and restitution. The bill would require an action to be filed within 3 years of the date that the harm was or should have been discovered.~~

(2) Existing law generally regulates the business of insurance in the state. The California FAIR Plan Association is a joint reinsurance association in which all insurers licensed to write basic property insurance participate in administering a program for the equitable apportionment of basic property insurance for persons who are unable to obtain that coverage through normal channels. Under existing law, a member insurer participates in the writings, expenses, and profits and losses of the association in proportion to its written premiums, as specified. Existing law authorizes the association, with the Insurance Commissioner's approval, to assess member insurers in amounts sufficient to operate the association.

This bill would *specify that an insurer has a right of subrogation against a responsible party and would* authorize an insurer to seek damages against a responsible party for a climate disaster, pursuant to the above-described provisions. ~~Within 90 calendar days of its operative date, the bill would require the commissioner to establish an independent advisory body of industry experts to conduct cost-benefit analyses of the effect of a climate disaster, or extreme weather or other events attributable to climate change, on the association.~~ The bill would require the association to exercise its right of subrogation against a responsible party for a climate disaster ~~or extreme weather or other events attributable to climate change,~~ if the association pays claims and ~~the independent advisory body determines the benefits of subrogation outweigh the costs.~~ *receives a policyholder petition, as specified. The bill would require the association to notify the petitioners of a deficiency in the petition within 30 days of receipt, would authorize the petitioners to respond to a notice in accordance with specified procedures, and would require the association to file a lawsuit within 90 days of a court-ordered or statutory determination of completeness, as prescribed.* The bill would ~~authorize~~ *require* the association to assess member insurers ~~in amounts based on each insurer's market share~~ if the claims paid after a climate disaster ~~or extreme weather or other events attributable to climate change~~ exhaust the association's claims-paying capacity, but would provide for adjusting an assessment amount if the insurer ~~does or does not exercise its right of subrogation~~ *has or has not filed a subrogation lawsuit in response to a climate change disaster for which the association has also filed a lawsuit* against a responsible party.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. *The Legislature finds and declares all of the following:*

(a) Climate disasters threaten the health, safety, and security of all residents of, and visitors to, California.

(b) Climate disasters pose many costly risks to California residents, including loss of life and property, injury, and the destabilization and potential collapse of the regular insurance marketplace and the California FAIR Plan Association.

(c) The costs of climate disasters should be borne by those responsible in whole or in part for causing climate disasters, rather than taxpayers, insurance policyholders, and those harmed economically and personally by climate disasters.

(d) Major fossil fuel companies have known for decades that their products cause global warming and increase the frequency and severity of climate disasters. Despite this knowledge, they have not disclosed, have attempted to conceal, and have failed to warn of the climate dangers their products cause and have caused.

(e) Fossil fuel companies' products, acts, and omissions have contributed to concrete and particularized injuries in this state from climate disasters. Fossil fuel companies' products, acts, and omissions continue to pose a threat to the health, safety, and security of the residents, citizens, businesses, and visitors to this state.

(f) (1) Responsible parties are large companies in the fossil fuel industry. Large fossil fuel companies have known since at least the 1960s that fossil fuel products produce carbon dioxide and other greenhouse gas pollution that warm the planet and change our climate in potentially catastrophic ways. Responsible parties knew they were producing harmful products. The large fossil fuel companies' own scientists knew as early as the 1950s that these climate impacts would be catastrophic, and that there was only a narrow window of time in which action could be taken before the consequences became catastrophic.

(2) Responsible parties concealed their knowledge about the dangers of fossil fuel products, discredited the burgeoning scientific consensus on climate change, created doubt in the minds of consumers about the impacts of burning fossil fuels, and ultimately delayed the transition to a lower carbon, lower harm future.

(3) While responsible parties have promoted and profited from fossil fuel products, the state and its residents have spent, and will spend in the future, billions of dollars to recover from past and future climate disasters and extreme weather.

(g) Scientists, through the use of scientific methods generally accepted by the scientific community, have and can determine when anthropogenic climate change altered the severity, likelihood, or risk of an extreme weather event.

(h) California has a compelling state interest in empowering those harmed, economically and otherwise, by climate disasters to recover from losses attributable to or exacerbated by anthropogenic climate change.

(i) California has a compelling state interest in empowering the California FAIR Plan Association and insurers to recover from responsible parties for money paid out for events attributable to or exacerbated by anthropogenic climate change.

(j) Therefore, it is the intent of this state to provide a cause of action for the efficient and just resolution of claims for damages stemming from climate disasters, as defined in this act, against responsible parties.

SECTION 1. SEC. 2. Part 3.5 (commencing with Section 3508.5) is added to Division 4 of the Civil Code, to read:

PART 3.5. CLIMATE DISASTER ACTIONS

3508.5. For purposes of this part:

~~(a) "Climate disaster" means an event that meets any of the following threshold qualifications and is determined by impact attribution science or extreme event attribution science to be substantially worsened or caused by climate change from responsible parties' fossil fuel products, or extreme weather or other events attributable to climate change from responsible parties' fossil fuel products:~~

~~(1) A natural catastrophe, including a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, a fire, flood, or explosion, that, in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant major disaster assistance under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Public Law 93-288) to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by the catastrophe;~~

~~(2) A catastrophic incident that is a natural or manmade incident that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions. A catastrophic incident could result in sustained national impacts over a prolonged period of time, almost immediately exceeds resources normally available to local, state, tribal, and private sector authorities in the impacted area, and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. A catastrophic incident does not include an event linked to terrorism;~~

~~(3) An event that qualifies, or would have qualified, for inclusion on the federal National Centers for Environmental Information's "Billion-Dollar Weather and Climate Disasters" program and data list as it existed in December 2024;~~

~~(4) A state of emergency or local emergency as defined in Section 8558 of the Government Code;~~

~~(5) An event or occurrence linked to extreme weather or other events attributable to climate change for which insurer losses in the aggregate across carriers in this state exceed one hundred million dollars (\$100,000,000);~~

~~(b) "Extreme event attribution science" means research aimed at understanding how human-induced changes in the global climate system affect the probability, severity, and other characteristics of extreme weather events, such as wildfires and flooding. Often, this is done by determining the likelihood of the particular event happening today compared to how it might have unfolded without human-caused increase in concentration of greenhouse gasses in the atmosphere;~~

~~(c) "Extreme weather or other events attributable to climate change" means weather, climate, or environmental conditions, including temperature, precipitation, drought, flooding, or wildfires, that are consistent with impacts or events that are attributable to climate change and in which the intensity, magnitude, location, timing, or extent of the event are shown by peer-reviewed studies or assessments using peer-reviewed methods, to be attributable in part to climate change. These events include those that extreme event attribution science determines were made more likely or severe by climate change;~~

(a) "Climate disaster" means any of the following, provided that climate change was a contributing factor in the event's frequency, severity, location, timing, or extent:

(1) An extreme weather event, including a wildfire, heatwave, drought, windstorm, hurricane, tornado, or other storm.

(2) An event attributable to climate change, including a consequence connected to an extreme weather event, such as fire, flood, landslide, extreme temperature, precipitation, or air pollution.

(3) An event triggering the declaration of a state of emergency or local emergency, as defined in Section 8558 of the Government Code.

~~(d)~~

(b) "Fossil fuel product" includes crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form by ordinary production methods, natural, manufactured, mixed, and byproduct hydrocarbon gas, refined crude oil, crude tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural-gas gasoline, kerosene, benzene, wash oil, waste oil, blended gasoline, lubricating oil, and blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas.

~~(e)"Impact attribution science" means research aimed at understanding how global climate change affects human and natural systems, including localized physical impacts, such as floods, droughts, and sea level rise, and the corresponding effects on infrastructure, public health, ecosystems, agriculture, and economies.~~

(c) "Person" means a natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, association, or other entity.

~~(f)~~

(d) (1) "Responsible party" means a firm, corporation, company, partnership, society, joint stock company, or any other entity or association ~~that engaged in misleading and deceptive practices, including intentional lies, or the provision of misinformation or disinformation about the connection between its fossil fuel products and climate change and extreme weather or other events attributable to climate change.~~ "Responsible that meets all of the following criteria:

(A) Has an aggregate market capitalization or worldwide annual revenue across the parent entity and all affiliated entities of at least five hundred million dollars (\$500,000,000), determined by an average capitalization or revenue over the preceding three years. For purposes of this subparagraph, "affiliated entities" include a parent or subsidiary corporation, as well as any other business entities that are related through common ownership or control, if the relationships are established for financial purposes, including consolidated financial reporting or the enhancement of profitability for the parent entity.

(B) Engaged in the extraction, production, manufacture, marketing, or sale of fossil fuel products.

(C) Did business in the state, was registered to do business in the state, was appointed an agent of the state, or otherwise had sufficient contacts with the state to be subject to the state's jurisdiction.

(2) "Responsible party" does not include the federal government, tribal governments, the state, a political subdivision of the federal, tribal, or state government, or an employee of the federal, tribal, or state government on the basis of acts or omissions in the course of official duties.

~~3508.5.1.(a)A person, other than an officer or employee of a state or local governmental entity, may bring a civil action against a responsible party when the following conditions are met:~~

~~(1)The person has damages of at least ten thousand dollars (\$10,000) as a result of a climate disaster or extreme weather or other events attributable to climate change. Multiple plaintiffs, regardless of association in a class action, may aggregate claims with a common injury and connection to a climate disaster or extreme weather or other events attributable to climate change to reach this amount in controversy threshold.~~

~~(2)During any time since the year 1965, the responsible party did business in the state, was registered to do business in the state, was appointed an agent of the state, or otherwise had sufficient contacts with the state to give the state jurisdiction over the responsible party.~~

~~(3)Notwithstanding any other applicable statute of limitations, the action is filed within three years of the date that the injury was or should have been discovered.~~

~~(b)A person may bring a civil action pursuant to subdivision (a) in any of the following:~~

~~(1)The county in which all or a substantial part of the events giving rise to the action occurred.~~

~~(2)The county of residence for any one of the natural person defendants at the time the cause of action accrued.~~

~~(3)The county of the principal office in this state of any one of the defendants that is not a natural person.~~

~~(4)The county of residence for a plaintiff if the plaintiff is a natural person residing in this state.~~

~~(c)Responsible parties are jointly, severally, and strictly liable to a plaintiff for the climate disaster or extreme weather or other events attributable to climate change.~~

~~(d)The connection of a climate disaster, extreme weather or other events attributable to climate change, or harms resulting from long-term changes to the climate system to alleged injuries shall be deemed an injury in fact for all residents of this state who are harmed by that event. Those persons shall have standing to bring a civil action pursuant to this section.~~

~~(e)Notwithstanding any other law, none of the following is a defense to an action brought pursuant to this section:~~

~~(1)A defendant's ignorance or mistake of law.~~

~~(2)A defendant's belief that the requirements of this act are unconstitutional or were unconstitutional.~~

~~(3)A defendant's reliance on a court decision that has been overruled on appeal or by a subsequent court, even if that court decision had not been overruled when the defendant engaged in conduct that gave rise to an action brought pursuant to this section.~~

~~(4)A defendant's reliance on a state or federal court decision that is not binding on the court in which the action has been brought.~~

~~(5)Nonmutual issue preclusion or nonmutual claim preclusion.~~

~~(6)A claim that the enforcement of this section or the imposition of civil liability against the defendant will violate a constitutional right of a third party.~~

~~(7)A defendant's assertion that this section proscribes conduct that is separately prohibited by any other law of this state.~~

~~(8)A claim that defendant's fossil fuel products were not misused, or were not intended to be misused, in an unlawful manner.~~

~~(9)A defendant's assertion that state or federal laws relating to fossil fuel products and a responsible party's operations displace, abrogate, or supersede the actions authorized by this section, the authority of the courts of this state to provide a forum for the action, or the authority of the courts of this state to provide a remedy to plaintiffs.~~

~~(10)A defendant's assertion that a choice of law or choice of forum clause governs the action, regardless of whether the clause applies to a plaintiff on the basis of consumer transactions.~~

~~(11)A defendant's assertion that the plaintiff assumed a risk of harm through the use of their products.~~

~~(12)A defendant's assertion that the forum is inconvenient, if the jurisdictional requirements of this section are satisfied.~~

~~(f)(1)The state, a political subdivision, a district attorney, a county or city counsel, or an executive or administrative officer or employee of the state or a political subdivision shall not bring a civil action pursuant to this section or take action to enforce this part.~~

~~(2)Notwithstanding any other law, the state, a state official, or a public prosecutor shall not intervene in a civil action brought pursuant to this section. However, this paragraph does not prohibit the state, a state official, or a public prosecutor from filing an amicus curiae brief in the action.~~

~~3508.5.2.(a)If appropriate, the court is encouraged to process actions brought pursuant to Section 3508.5.1 in limited civil cases with simplified procedural rules and streamlined enforcement and remedial mechanisms. Allegations of the amount in controversy at the pleading stage shall be afforded judicial deference.~~

~~(b)(1)If a plaintiff prevails in an action brought pursuant to Section 3508.5.1, the court shall award all of the following:~~

~~(A)The full extent of noneconomic, compensatory, and punitive damages allowable.~~

~~(B)Compensatory damages in an amount of not less than the fair market value of recovering, recouping, rebuilding, or remediating the value of lost, damaged, and destroyed property.~~

~~(C)Compensatory damages in an amount not less than the cost of the natural person's injuries, including medical care, mental and behavioral health care, past and present pain and suffering, or emotional distress.~~

~~(2)Notwithstanding any other law, a court shall not award attorney's fees or costs to a defendant in an action brought pursuant to this section, unless the plaintiff was represented by counsel in the action and plaintiff's counsel is found by the court or the State Bar to be in violation of applicable rules of professional conduct or rules of civil procedure.~~

~~(c)Damages awarded pursuant to this section may be offset by any of the following:~~

~~(1)Payments made to a harmed party pursuant to a contract of insurance. In addition to an action brought pursuant to Section 3508.5.1, an insurer may bring a subrogation action against a responsible party for recovery of payments made to insureds harmed by the responsible party pursuant to a contract of insurance, regardless of whether or not the insured has been made whole.~~

~~(2)Evidence that a plaintiff fully recovered from a public body for their alleged injuries.~~

~~3508.5.3.(a)Notwithstanding any other law, a person, including an entity, attorney, or law firm, who seeks declaratory or injunctive relief to prevent this state, a political subdivision of this state, a governmental entity or public official in this state, or a person in this state from enforcing any portion of this part, state rules of civil procedure, or any other related law that promotes consumer protection and remedies for injuries from climate disasters, extreme weather or other events attributable to climate change, or harms resulting from long term changes to the climate system, or that represents any litigant seeking that relief, is jointly and severally liable to pay the attorney's fees and costs of the prevailing party.~~

~~(b)Regardless of whether or not a prevailing party sought to recover attorney's fees or costs in the underlying civil action, a prevailing party may bring a civil action to recover attorney's fees and costs against a person, including an entity, attorney, or law firm, that sought declaratory or injunctive relief described by subdivision (a) no later than three years after the date that either of the following occurs:~~

~~(1)The action is dismissed or the judgment becomes final after appellate review.~~

~~(2)The time for seeking appellate review expires.~~

~~(c)None of the following are a defense to an action brought by a prevailing party:~~

~~(1)The prevailing party failed to seek recovery of attorney's fees or costs in the underlying action.~~

~~(2)The court in the underlying action declined to recognize or enforce the requirements of this section.~~

~~(3)The court in the underlying action held that a provision of this section is invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrines of issue or claim preclusion.~~

~~(d)(1)For purposes of this section, a party is considered a prevailing party if a court does either of the following:~~

~~(A)Dismisses a claim or cause of action brought by the party seeking the declaratory or injunctive relief described in subdivision (a), regardless of the reason for the dismissal.~~

~~(B)Enters judgment in favor of the party that opposed the declaratory or injunctive relief described in subdivision (a) on a claim or cause of action.~~

~~(2)A person, including an entity, attorney, or law firm, who seeks declaratory or injunctive relief as described in subdivision (a), shall not be deemed a prevailing party pursuant to this section or this part.~~

~~3508.5.4.The existence of a civil action against a responsible party pursuant to Section 3508.5.1 is not an independent basis for enforcement of any other law, the denial, revocation, suspension, or withholding of a right or privilege conferred by the state or a political subdivision, or a threat of the denial, revocation, suspension, or withholding of a right or privilege conferred by the state, a political subdivision, a district attorney, a county or city counsel, an executive or administrative officer or employee of the state or a political subdivision, or a board, commission, or similar body with relevant authority.~~

3508.5.1. (a) A person who suffered physical harm to their person or property alleged to be of at least ten thousand dollars (\$10,000) in damages as a result of a climate disaster may bring a civil action against a responsible party to recover or obtain all of the following:

(1) All damages to the person or property sustained in connection to the climate disaster.

(2) Restitution.

(3) Court costs, litigation expenses, and reasonable attorney's fees.

(4) Any other relief that the court or jury deems proper.

(b) Responsible parties shall be strictly and jointly and severally liable for the damages or restitution afforded under this section.

(c) A person entitled to bring an action under this section may bring an action on behalf of themselves and other persons to recover damages or obtain other relief as provided for in this section.

(d) A person entitled to bring an action under this section has the right to request a jury trial.

(e) None of the rights assigned by this section may be waived.

(f) Notwithstanding any other applicable statute of limitations, the action shall be filed within three years of the date that the physical harm to the person or property was or should have been discovered.

3508.5.5. This part does not do any of the following:

(a) Limit the enforceability of existing laws concerning consumer protection, climate, environment, energy, or natural resources.

(b) Limit the enforceability of existing laws that regulate or prohibit conduct relating to climate disasters, extreme weather, greenhouse gas emissions, or consumer protection.

(c) Replace legally mandated disaster recovery funds, designated disaster recovery funds established via legislation or administrative rule, or contractually obligated or court-ordered insurance claim payouts.

(d) Relieve the liability of an entity for damages resulting from climate change, as provided by any other law.

~~(e) Preempt, displace, or restrict any rights or remedies of a person, the state, local government entities, or a tribal government pursuant to law relating to a past, present, or future allegation of any of the following:~~

~~(1) Deception concerning the effect of fossil fuels on climate change.~~

~~(2) Damage or injury resulting from the role of fossil fuels in contributing to climate change.~~

~~(3) Failure to avoid damage or injury related to climate change, including claims for nuisance, trespass, design defect, negligence, failure to warn, or deceptive or unfair practices or claims for injunctive, declaratory, monetary, or other relief.~~

~~(f) Preempt, supersede, or displace any state law or local ordinance, regulation, policy, or program that does any of the following:~~

~~(1) Limit, set, or enforce standards for emissions of greenhouse gases.~~

~~(2) Monitor, report, or keep records of emissions of greenhouse gases.~~

~~(3) Collect revenue through fees or levy taxes.~~

~~(4) Conduct or support investigations.~~

~~(g)~~

(e) Impose liability on speech or conduct protected by the First Amendment to the United States Constitution, as made applicable to the states through the Fourteenth Amendment to the United States Constitution, or by Section 2 of Article I of the California Constitution.

SEC. 2. SEC. 3. Section 540 is added to the Insurance Code, immediately following Section 533.7, to read:

540. *An insurer has a right of subrogation against a responsible party, regardless of whether or not the insured has been made whole.* In addition to its right of subrogation, an insurer may seek damages against a responsible party for a climate disaster ~~or extreme weather or other events attributable to climate change~~ pursuant to Part 3.5 (commencing with Section 3508.5) of Division 4 of the Civil ~~Code.~~ *Code to recover money paid for claims of a person resulting from a covered event. For purposes of this section, "climate disaster" and "responsible party" have the same meanings as defined in Section 3508.5 of the Civil Code.*

SEC. 3.~~SEC. 4.~~ Section 10100.3 is added to the Insurance Code, immediately following Section 10100.2, to read:

10100.3. (a) If claims are paid by the association, it shall exercise its right of subrogation ~~against a responsible party if the independent advisory body established pursuant to subdivision (c) determines that the benefits of subrogation outweigh the costs. Subrogation shall be pursued in good faith and with a fiduciary's level of care.~~ pursuant to Section 540 upon receipt of a policyholder petition, a copy of which shall be sent to the commissioner, that contains all of the following information:

(1) A written request for the association to subrogate signed by at least 25 policyholders.

(2) Evidence of a rate increase or assessment by the association against policyholders following a climate disaster.

(3) Evidence that claims paid exceed the minimum amount in controversy pursuant to Part 3.5 (commencing with Section 3508.5) of Division 4 of the Civil Code.

(4) Identification of potentially responsible parties pursuant to Part 3.5 (commencing with Section 3508.5) of Division 4 of the Civil Code.

(5) Evidence that the event causing the damage for which the association paid claims was a climate disaster pursuant to Part 3.5 (commencing with Section 3508.5) of Division 4 of the Civil Code.

(b) The association shall notify the petitioners of a deficiency in the petition within 30 days of receipt. The petitioners may respond to a notice of deficiency by amending the petition to provide additional information or by filing a lawsuit in state court seeking a declaratory judgment that the petition satisfies this section. If the association does not notify the petitioners of a deficiency within 30 days of receipt of an original or amended petition, the petition shall be determined complete and any objection to the contrary shall be waived.

(c) The association shall file a lawsuit within 90 days of a court-ordered or statutory determination of completeness unless the petitioners agree to an extension in writing. The petitioners may file a lawsuit in state court to compel the action if the association does not meet this deadline. The association shall litigate subrogation claims in good faith and with a fiduciary's level of care. If the association prevails in a subrogation action initiated pursuant to this section, the association shall request, and the court shall award, reasonable attorney's fees for the attorney submitting the underlying petition.

~~(b)~~

(d) If the claims paid after a climate disaster ~~or extreme weather or other events attributable to climate change~~ exhaust the association's claims-paying capacity, the association shall assess member insurers based on each insurer's market share and pursuant to subdivision (c) of Section 10094. A member insurer's share of the assessment shall be reduced by 10 percent if the insurer ~~exercises its right of subrogation~~ has filed a subrogation lawsuit in response to a climate disaster for which the association has also filed a lawsuit against a responsible party. A member insurer's share of the assessment shall be increased by 10 percent if the insurer ~~does not exercise its right of subrogation~~ has not filed a subrogation lawsuit in response to a climate disaster for which the association has also filed a lawsuit against a responsible party. ~~Assessment reductions for insurers utilizing subrogation shall be covered by remaining insurers who do not utilize their right of subrogation.~~

~~(c) Within 90 calendar days of the operative date of this section, the commissioner shall establish an independent advisory body of industry experts to conduct cost-benefit analyses of the effect of a climate disaster, or extreme weather or other events attributable to climate change, on the association.~~

~~(d)~~

(e) For purposes of this section, "climate ~~disaster,~~" ~~"extreme weather or other events attributable to climate change,"~~ "disaster" and "responsible party" have the same meanings as defined in Section 3508.5 of the Civil Code.

SEC. 4.~~SEC. 5.~~ The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 5.~~SEC. 6.~~ This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

(a) The deaths of at least 24 people, with many more unaccounted for or missing, in the January 2025 fires.

(b) Estimated losses of at least twenty billion dollars (\$20,000,000,000) across the insured marketplace, at least fifty billion dollars (\$50,000,000,000) in economic damages, and up to one hundred fifty billion dollars (\$150,000,000,000) in total damages as a result of numerous fires in January 2025.

(c) The destruction of at least 12,000 structures in the greater Los Angeles metropolitan region as of January 13, 2025.

(d) More than 10,000 homes, businesses, and other buildings that have been destroyed by fire since 2020, according to data from the Department of Forestry and Fire Protection.

(e) Growing nonrenewal rates for property and casualty insurance across the state.

(f) Increasing premiums for property and casualty insurance across the state.

(g) Sharp increases in the price of reinsurance for insurers operating in the state.

(h) The number of FAIR Plan policies has grown by more than 40 percent since late 2023, and the value of the residential properties insured by the FAIR Plan Association is 300 percent higher than in 2020.