

Senate Bill No. 1915

CHAPTER 543

An act to add Section 354.4 to the Code of Civil Procedure, relating to insurance for Armenian Genocide victims, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 20, 2000. Approved
by Governor September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1915, Poochigian. Insurance: Armenian Genocide victims.

Existing law authorizes any Holocaust victim, as defined, or an heir or beneficiary of a Holocaust victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe before 1945 from a specified insurer to bring a legal action to recover on that claim in any superior court of the state for the county in which the plaintiff or one of the plaintiffs resides, which shall be vested with jurisdiction over that action until its completion or resolution. Existing law also provides that any claim of this type shall not be dismissed for failure to comply with the applicable statute of limitation if the action is commenced on or before December 31, 2010.

This bill would enact similar provisions applicable to any Armenian Genocide victim, as defined, or an heir or beneficiary of that victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe or Asia between 1875 and 1923.

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

DIGEST KEY

BILL TEXT

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

SECTION 1.

(a) The Legislature recognizes that during the period from 1915 to 1923, many persons of Armenian ancestry residing in the historic Armenian homeland then situated in the Ottoman Empire were victims of massacre, torture, starvation, death marches, and exile. This period is known as the Armenian Genocide.

(b) The Legislature further recognizes that thousands of Armenian Genocide survivors and the heirs of Armenian Genocide victims are residents or citizens of the State of California. The Legislature further recognizes and finds that these people have, too often, been deprived of their entitlement to benefits under insurance policies issued in Europe and Asia by insurance companies prior to, and during the period of time of, the Armenian Genocide. California has an overwhelming public policy interest in ensuring that its residents and citizens who are claiming entitlement to benefits under policies issued to Armenian Genocide victims are treated reasonably and fairly and that those legal obligations are honored.

(c) It is the specific intent of the Legislature to ensure that Armenian Genocide victims and their heirs be permitted to have an expeditious, inexpensive, and fair forum in which to resolve their claims for benefits under these policies by allowing actions to be brought in California irrespective of any contrary forum selection provision contained in the policies themselves. It is the finding of the Legislature that enforcement of forum selection provisions in those policies would work an undue, unreasonable, and unjust hardship on Armenian Genocide victims and their heirs who are residents of California and that those provisions are against public policy and are hereby made unenforceable with respect to the policies as to which this act applies.

(d) To the extent that the statute of limitations regarding contractual or tort claims arising from the denial of benefits under the policies is extended by this act, that extension of the limitations period is intended to be applied retroactively, irrespective of whether the claims were otherwise barred by any applicable statute of limitations under any other provision of law prior to the enactment of this act.

SEC. 2.

Section 354.4 is added to the Code of Civil Procedure, to read:

354.4.

(a) The following definitions govern the construction of this section:

(1) "Armenian Genocide victim" means any person of Armenian or other ancestry living in the Ottoman Empire during the period of 1915 to 1923, inclusive, who died, was deported, or escaped to avoid persecution during that period.

(2) "Insurer" means an insurance provider doing business in the state, or whose contacts in the state satisfy the constitutional requirements for jurisdiction, that sold life, property, liability, health, annuities, dowry, educational, casualty, or any other insurance covering persons or property to persons in Europe or Asia at any time between 1875 and 1923.

(b) Notwithstanding any other provision of law, any Armenian Genocide victim, or heir or beneficiary of an Armenian Genocide victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe or Asia between 1875 and 1923 from an insurer described in paragraph (2) of subdivision (a), may bring a legal action or may continue a pending legal action to recover on that claim in any court of competent jurisdiction in this state, which court shall be deemed the proper forum for that action until its completion or resolution.

(c) Any action, including any pending action brought by an Armenian Genocide victim or the heir or beneficiary of an Armenian Genocide victim, whether a resident or nonresident of this state, seeking benefits under the insurance policies issued or in effect between 1875 and 1923 shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is filed on or before December 31, 2010.

(d) The provisions of this section are severable. If any provision of this section 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. 3.

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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide just compensation to aging Armenian Genocide victims and their heirs, it is necessary that this act take effect immediately.