

House Bill 716 (AS PASSED HOUSE AND SENATE)

By: Representatives Blackmon of the 146th and Smith of the 134th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-24-59.23 of the Official Code of Georgia Annotated, relating to
2 carrier issuing health benefit plans to pay insurance agent's commissions and regulation
3 authority, so as to provide that carriers issuing a health benefit plan in this state through an
4 agent shall file proposed commission rates with the department; to provide that carriers that
5 do not pay commission during special enrollments shall upon policy renewals pay such
6 commission along with renewal commission; to provide for related matters; to provide for
7 an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 33-24-59.23 of the Official Code of Georgia Annotated, relating to carrier
11 issuing health benefit plans to pay insurance agent's commissions and regulation authority,
12 is amended by revising subsection (b) as follows:

13 "(b) Any carrier that issues a health benefit plan in this state through an agent shall pay a
14 commission to such agent; Such carrier shall file with the department its proposed
15 commission rates relevant to all such agents. The commission paid to such agents shall
16 be consistent with the amount proposed in the rates filed with the department, as required
17 by the Commissioner. Such commission shall be structured to compensate the agent for
18 the first term and for each renewal term thereafter, so long as such agent reviews coverage
19 and provides ongoing customer service for such plan; provided, however, that no such first
20 term compensation to such agent shall be required for any individual health benefit plan
21 sold during a special enrollment period. Notwithstanding the above, any carrier that does
22 not provide such first term commission during a special enrollment period shall, upon
23 policy renewal, provide the agent with the renewal commission and any first term
24 commission that was not paid because such policy was sold during a special enrollment
25 period. Nothing in this Code section is intended or shall be construed to require a carrier
26 to pay a commission to an agent who is employed by such carrier."

27 **SECTION 2.**

28 This Act shall become effective on January 1, 2021.

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.