

House Bill 221 (AS PASSED HOUSE AND SENATE)

By: Representatives Lumsden of the 12th, Tarvin of the 2nd, Hawkins of the 27th, Jasperse of the 11th, Taylor of the 173rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to
2 maintenance and filing rates, rating plans, rating systems, or underwriting rules and
3 examination of claim reserve practices by the Commissioner, so as to revise the filing review
4 process for private passenger motor vehicle liability coverage; to provide for the filing
5 review process for private passenger motor vehicle coverage above or in addition to the
6 statutory mandatory minimum limits; to provide for related matters; to provide for an
7 effective date and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to maintenance
11 and filing rates, rating plans, rating systems, or underwriting rules and examination of claim
12 reserve practices by the Commissioner, is amended by revising subsection (b) as follows:

13 "(b) Any domestic, foreign, or alien insurer that is authorized to write insurance in this
14 state must file with the Commissioner any rate, rating plan, rating system, or underwriting
15 rule for all personal private passenger motor vehicle insurance:

16 (1) For private passenger motor vehicle insurance providing only the mandatory
17 minimum limits required by Code Section 33-34-4 and subsection (a) of Code
18 Section 40-9-37, no such rate, rating plan, rating system, or underwriting rule shall
19 become effective, nor may any premium be collected by any insurer thereunder, unless
20 the filing has been received by the Commissioner in his or her office and such filing has
21 been approved by the Commissioner or a period of 45 days has elapsed from the date
22 such filing was received by the Commissioner during which time such filing has not been
23 disapproved by the Commissioner. The Commissioner shall be authorized to extend such
24 45 day period by no more than 55 days at his or her discretion. If a filing is disapproved,
25 notice of such disapproval order shall be given within 100 days of receipt of filing by the
26 Commissioner, specifying in what respects such filing fails to meet the requirements of
27 this chapter. The filer shall be given a hearing upon written request made within 30 days
28 after the issuance of the disapproval order, and such hearing shall commence within 30
29 days after such request unless postponed by mutual consent. Such hearing, once
30 commenced, may be postponed or recessed by the Commissioner only for weekends,
31 holidays, or after normal working hours or at any time by mutual consent of all parties
32 to the hearing. The Commissioner may also, at his or her discretion, recess any hearing
33 for not more than two recess periods of up to 15 consecutive days each. In connection
34 with any hearing or judicial review with respect to the approval or disapproval of such
35 rates, the burden of persuasion shall fall upon the affected insurer or insurers to establish
36 that the challenged rates are adequate, not excessive, and not unfairly discriminatory.
37 After such a hearing, the Commissioner must affirm, modify, or reverse his or her
38 previous action within the time period provided in subsection (a) of Code Section 33-2-23
39 relative to orders of the Commissioner. The requirement of approval or disapproval of
40 a rate filing by the Commissioner under this subsection shall not prohibit actions by the
41 Commissioner regarding compliance of such rate filing with the requirements of Code
42 Section 33-9-4 brought after such approval or disapproval.

43 (2) For personal private passenger motor vehicle insurance other than that described in
44 paragraph (1) of this subsection, such rate, rating plan, rating system, or underwriting rule
45 for all such personal private passenger motor vehicle insurance shall be effective ~~upon~~
46 60 days after such filing and shall be implemented without approval of the
47 Commissioner, unless an earlier effective date is authorized by the Commissioner or a
48 later effective date is specified by the insurer. This ~~subsection~~ paragraph shall apply to
49 the entire personal private passenger motor vehicle insurance policy with limits above the
50 mandatory minimum required by Code Section 33-34-4 and subsection (a) of Code
51 Section 40-9-37 and shall apply to the entire personal private passenger motor vehicle
52 policy with minimum limits if such policy has any additional nonmandatory coverage or
53 coverages

54 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, an
55 insurer may, but shall not be required to, file its rate, rating plan, rating system, or
56 underwriting rule for all such personal private passenger motor vehicle insurance
57 provided for in paragraphs (1) and (2) of this subsection under the filing process of
58 paragraph (1) of this subsection."

59 **SECTION 2.**

60 This Act shall become effective on July 1, 2023, and shall apply to all policies issued,
61 delivered, issued for delivery, or renewed in this state on or after such date.

62 **SECTION 3.**

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