

House Bill 568

By: Representatives Wilson of the 80th, Kausche of the 50th, Douglas of the 78th, Allen of the 40th, and Schofield of the 60th

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 change the filing
4 scheme for private passenger motor vehicle insurance rates from file and use to prior
5 approval; to provide for related matters; to provide for effective date and applicability; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to maintenance
10 and filing rates, rating plans, rating systems, or underwriting rules and examination of claim
11 reserve practices by the Commissioner, is amended by revising subsections (b) and (c), as
12 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 Section~~
18 ~~40-9-37, no~~ No such rate, rating plan, rating system, or underwriting rule shall become
19 effective, nor may any premium be collected by any insurer thereunder, unless the filing
20 has been received by the Commissioner in his or her office and such filing has been
21 approved by the Commissioner or a period of 45 days has elapsed from the date such
22 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
24 such 45 day period by no more than 55 days at his or her discretion. If a filing is
25 disapproved, notice of such disapproval order shall be given within 100 days of receipt
26 of filing by the Commissioner, specifying in what respects such filing fails to meet the
27 requirements of this chapter. The filer shall be given a hearing upon written request made
28 within 30 days after the issuance of the disapproval order, and such hearing shall
29 commence within 30 days after such request unless postponed by mutual consent. Such
30 hearing, once commenced, may be postponed or recessed by the Commissioner only for
31 weekends, holidays, or after normal working hours or at any time by mutual consent of
32 all parties to the hearing. The Commissioner may also, at his or her discretion, recess any
33 hearing for not more than two recess periods of up to 15 consecutive days each. In
34 connection with any hearing or judicial review with respect to the approval or disapproval
35 of such rates, the burden of persuasion shall fall upon the affected insurer or insurers to
36 establish that the challenged rates are adequate, not excessive, and not unfairly
37 discriminatory. After such a hearing, the Commissioner must affirm, modify, or reverse
38 his or her previous action within the time period provided in subsection (a) of Code
39 Section 33-2-23 relative to orders of the Commissioner. The requirement of approval or
40 disapproval of a rate filing by the Commissioner under this subsection shall not prohibit
41 actions by the Commissioner regarding compliance of such rate filing with the
42 requirements of Code 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 ~~this subsection, such rate, rating plan, rating system, or underwriting rule for all such~~
45 ~~personal private passenger motor vehicle insurance shall be effective upon filing and shall~~
46 ~~be implemented without approval of the Commissioner. This subsection shall apply to~~
47 ~~the entire personal private passenger motor vehicle insurance policy with limits above the~~
48 ~~mandatory minimum required by Code Section 33-34-4 and subsection (a) of Code~~
49 ~~Section 40-9-37 and shall apply to the entire personal private passenger motor vehicle~~
50 ~~policy with minimum limits if such policy has any additional nonmandatory coverage or~~
51 ~~coverages.~~

52 (c) When a rate filing of an insurer required under ~~paragraph (1)~~ of subsection (b) of this
53 Code section is not accompanied by the information upon which the insurer supports the
54 filing and the Commissioner does not have sufficient information to determine whether the
55 filing meets the requirements of this chapter, then the Commissioner shall request in
56 writing, within 20 days of the date he or she receives the filing, the specifics of such
57 additional information as he or she requires, and the insurer shall be required to furnish
58 such information, and in such event the 45 day period provided for in ~~paragraph (1)~~ of
59 subsection (b) of this Code section shall commence as of the date such information is
60 furnished."

61 **SECTION 2.**

62 This Act shall become effective on January 1, 2022, and shall apply to all policies issued,
63 delivered, issued for delivery, or renewed in this state on or after such date.

64 **SECTION 3.**

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