

House Bill 779

By: Representative Bentley of the 139<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding insurance, so as to require life insurers to provide certain policy  
3 information to funeral homes within 24 hours of receipt of the funeral home's notification of  
4 an insured's death; to provide for a definition; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general  
9 provisions regarding insurance, is amended by revising Code Section 33-1-11 as follows:  
10 "33-1-11.

11 (a) As used in this Code section, the term 'funeral director' means a funeral director,  
12 undertaker, or employee of a funeral director or undertaker.

13 (b) It shall be unlawful for any insurer writing any type of life insurance, by whatever term  
14 described, upon the lives of citizens of this state to enter into any contract with any funeral  
15 director, providing that such funeral director shall conduct the funeral of persons insured  
16 by such insurer.

H. B. 779

17 (c) Any insurer writing any type of life insurance upon the lives of citizens of this state  
18 shall provide verification of the following within 24 hours of receipt of notification of the  
19 death of the deceased from a duly authorized representative of a funeral home licensed with  
20 the Secretary of State:

21 (1) Confirmation or denial of the existence of any policy insuring the life of the decedent  
22 issued by the contacted insurer;

23 (2) Confirmation or denial that any existing insuring policy on the decedent is legally  
24 valid and in good standing;

25 (3) The identity of any beneficiaries on record under any life insurance policy insuring  
26 the life of the decedent issued by the contacted insurer;

27 (4) Confirmation or denial that the proceeds of the life insurance policy would be  
28 sufficient to cover the decedent's funeral expenses; and

29 (5) Confirmation from the contacted insurer that it will accept an assignment from any  
30 lawful beneficiary assigning his or her interest in the policy to a funeral director.

31 (d) Prior to a beneficiary's selection of financial arrangements for the funeral, the funeral  
32 director shall notify the beneficiary verbally and in writing that the beneficiary has no legal  
33 obligation to spend any money on the funeral, debts, or obligations of the deceased.

34 (e) Following the provision of the notification required in subsection (d) of this Code  
35 section, the beneficiary may choose to assign his or her interests in the decedent's life  
36 insurance policy to the funeral home or funeral director. Such an assignment may not be  
37 withdrawn once the agreed upon funeral services have been provided.

38 (f) All insurers contacted pursuant to this Code section shall verify the funeral home's  
39 license number with the Secretary of State prior to the release of any of the requested  
40 information. Any funeral home failing to provide such license number shall not receive  
41 the requested information.

42 (g) The notification of death of the decedent provided by the funeral home to the life  
43 insurer shall be done through telephone, fax, or email contact and may be submitted by

44 either the funeral director or any individual with a good faith belief that he or she is a  
45 beneficiary of the policy at issue.

46 (h) Any funeral director that knowingly or willfully makes or aids in the making of any  
47 false or fraudulent statement or representation to a life insurer with the intent of unlawfully  
48 obtaining proceeds from a decedent's insurance policy commits insurance fraud, as defined  
49 in Code Section 33-1-9."

50

**SECTION 2.**

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