

House Bill 893 (AS PASSED HOUSE AND SENATE)

By: Representatives Gambill of the 15th, Taylor of the 173rd, Hawkins of the 27th, Williamson of the 115th, and Lumsden of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-1-17 of the Official Code of Georgia Annotated, relating to the
2 Special Insurance Fraud Fund, so as to reduce the frequency of assessments; to repeal
3 conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 33-1-17 of the Official Code of Georgia Annotated, relating to the Special
7 Insurance Fraud Fund, is amended by revising paragraph (2) of subsection (c) as follows:

8 "(2) There is imposed upon each foreign, alien, and domestic insurance company doing
9 business in the state an annual assessment under a formula to be established by regulation
10 promulgated by the Commissioner. The formula shall be calculated such that the total
11 proceeds paid or collected from such assessments for any year shall not exceed the
12 amounts appropriated by the General Assembly pursuant to paragraph (3) of this
13 subsection, which appropriation shall be based upon the budget request setting forth the
14 applicable annual cost and expense of the investigation and prosecution of insurance
15 fraud in Georgia submitted by the Commissioner. Such assessments may be measured
16 by kind of company, kind of insurance, income, volume of transactions, or such other
17 factors as the Commissioner determines appropriate. ~~Assessments shall be due and~~
18 ~~payable for each calendar quarter at the times specified in subsection (b) of Code Section~~
19 ~~33-8-6. Assessments based on the annual appropriation shall be due on September 1 of~~
20 ~~the year of the assessment.~~ Any insurance company which fails to report and pay any
21 ~~installment~~ of such assessment shall be subject to penalties and interest as provided by
22 subsection (d) of Code Section 33-8-6. The Commissioner shall provide by regulation
23 for such other terms and conditions for the payment or collection of such assessments as
24 may be necessary to ensure the proper payment and collection thereof. Notwithstanding
25 the foregoing, the provisions of this Code section shall not apply to an agency captive
26 insurance company, dormant captive insurance company, industrial insured captive

27 insurance company, sponsored captive insurance company (including a protected cell
28 thereof), or pure captive insurance company. Foreign and alien captive insurance
29 companies doing business in Georgia shall, however, pay a fixed amount of \$100.00 per
30 year into the Special Insurance Fraud Fund without regard to the amount of the Georgia
31 premium written by such foreign or alien captive. No additional amount shall be assessed
32 against the foreign or alien captive insurance company."

33 **SECTION 2.**

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