

House Bill 916

By: Representatives Wallace of the 119<sup>th</sup>, Gonzalez of the 117<sup>th</sup>, Park of the 101<sup>st</sup>, Schofield of the 60<sup>th</sup>, Henson of the 86<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to  
2 change certain standards applicable to the making and use of rates; to change file and use to  
3 prior approval; to provide for related matters; to provide for an effective date; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code  
8 Section 33-9-4, relating to standards applicable to making and use of rates, by revising  
9 paragraph (2) as follows:

10 "(2) No rate shall be held to be excessive unless such rate is unreasonably high for the  
11 insurance provided and a reasonable degree of competition does not exist in the area with  
12 respect to the classification to which such rate is applicable; provided, however, with  
13 respect to rate filings involving an increase in rates, no rate for personal private passenger  
14 motor vehicle insurance shall be held to be excessive unless such rate is unreasonably  
15 high for the insurance provided ~~and a reasonable degree of competition does not exist,"~~

16 style="text-align:center">**SECTION 2.**

17 Said title is further amended in Code Section 33-9-21, relating to maintenance and filing  
18 rates, rating plans, rating systems, or underwriting rules and examination of claim reserve  
19 practices by the Commissioner, by revising subsections (b) and (c) as follows:

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

23 ~~(1) For private passenger motor vehicle insurance providing only the mandatory~~  
24 ~~minimum limits required by Code Section 33-34-4 and subsection (a) of Code Section~~  
25 ~~40-9-37, no~~ No such rate, rating plan, rating system, or underwriting rule shall become

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

50 ~~(2) For private passenger motor vehicle insurance other than that described in~~  
 51 ~~paragraph (1) of subsection (b) of Code Section 33-9-21, such rate, rating plan, rating~~  
 52 ~~system, or underwriting rule for all such private passenger motor vehicle insurance shall~~  
 53 ~~be effective upon filing and shall be implemented without approval of the Commissioner.~~  
 54 ~~This subsection shall apply to the entire private passenger motor vehicle insurance policy~~  
 55 ~~with limits above the mandatory minimum required by Code Section 33-34-4 and~~  
 56 ~~subsection (a) of Code Section 40-9-37 and shall apply to the entire private passenger~~  
 57 ~~motor vehicle policy with minimum limits if such policy has any additional~~  
 58 ~~nonmandatory coverage or coverages.~~

59 (c) When a rate filing of an insurer required under ~~paragraph (1) of subsection (b) of this~~  
 60 Code section is not accompanied by the information upon which the insurer supports the  
 61 filing and the Commissioner does not have sufficient information to determine whether the  
 62 filing meets the requirements of this chapter, then the Commissioner shall request in

63 writing, within 20 days of the date he or she receives the filing, the specifics of such  
64 additional information as he or she requires, and the insurer shall be required to furnish  
65 such information, and in such event the 45 day period provided for in ~~paragraph (1) of~~  
66 subsection (b) of this Code section shall commence as of the date such information is  
67 furnished."

68 **SECTION 3.**

69 This Act shall become effective October 1, 2018.

70 **SECTION 4.**

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