

Senate Bill 158

By: Senators Robertson of the 29th, Harbin of the 16th, Dugan of the 30th, Walker III of the 20th and Dixon of the 45th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 32 of Title 33 of the Official Code of Georgia Annotated, relating to
2 property insurance, so as to provide for an insurance premium discount or rate reduction for
3 property owners who build a new residential or commercial property or who retrofit an
4 existing residential or commercial property located in this state that better resists tornado,
5 hurricane, or other catastrophic windstorm events; to provide for applicability; to provide for
6 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 32 of Title 33 of the Official Code of Georgia Annotated, relating to property
10 insurance, is amended by designating Code Sections 33-32-1 through 33-32-6 as Article 1.

11 **SECTION 2.**

12 Said chapter is further amended by adding a new article to read as follows:

13 "ARTICLE 2

14 33-32-10.

15 (a) This article shall apply to all insurers offering or providing insurance coverage in this
16 state on single-family residential property, commercial property, or modular homes, as
17 provided for in Code Section 33-32-11.

18 (b) As used in this article, the term:

19 (1) 'Insurable property' means a single-family residential property, commercial property,
20 or modular home located in this state that satisfies the codes, standards, or techniques
21 provided for in Code Section 33-32-11. Such term shall not include a manufactured
22 home or mobile home located in this state, except where expressly provided for in
23 subsection (c) of Code Section 33-32-11.

24 (2) 'Insurer' means any property and casualty insurance company offering or providing
25 insurance coverage on one or more types of insurable property.

26 33-32-11.

27 (a) Not later than March 1, 2024, insurers shall provide a premium discount or insurance
28 rate reduction for new or retrofitted residential insurable property in an amount and manner
29 as established in subsection (e) of this Code section and in accordance with Code
30 Section 33-32-10. In addition, insurers may offer additional adjustments in deductible or
31 other credit rate differentials or a combination thereof. Such adjustments shall be available
32 under the terms specified in this Code section to any owner who builds or locates a new
33 residential insurable property or who retrofits an existing residential insurable property to
34 resist loss due to tornado, hurricane, or other catastrophic windstorm events.

35 (b) Not later than March 1, 2024, insurers shall provide a premium discount or insurance
36 rate reduction for new or retrofitted commercial insurable property in an amount and
37 manner as established in subsection (e) of this Code section and in accordance with Code

38 Section 33-32-10. In addition, insurers may offer additional adjustments in deductible or
39 other credit rate differentials or a combination thereof. Such adjustments shall be available
40 under the terms specified in this Code section to any owner who builds or locates a new
41 commercial insurable property or who retrofits an existing commercial insurable property
42 to resist loss due to tornado, hurricane, or other catastrophic windstorm events.

43 (c) To be considered for any adjustment provided for in subsection (a) or (b) of this Code
44 section, an insurable property shall be certified as constructed in accordance with the
45 applicable Fortified Programs standards adopted by the Insurance Institute for Business and
46 Home Safety as of January 1, 2023, or any other mitigation program standards approved
47 by the Commissioner. An insurable property shall be certified as conforming to the
48 applicable Fortified Programs standards by an Insurance Institute for Business and Home
49 Safety certified evaluator. Zone 3 HUD code manufactured homes installed to
50 specifications and regulations promulgated by the Commissioner shall also be considered
51 for approval.

52 (d) An owner of insurable property claiming any adjustment under this Code section shall
53 maintain sufficient certification records and construction records, including, but not limited
54 to, a valid certification from the Insurance Institute for Business and Home Safety for
55 compliance with the applicable Fortified Programs standards or other such records as the
56 Commissioner shall determine by rule.

57 (e) Insurers required to submit rates and rating plans to the Commissioner shall submit an
58 actuarially justified rating plan for any person who builds, locates, or retrofits an insurable
59 property to comply with the requirements of subsection (c) of this Code section. An
60 insurer is not required to provide the same amount of adjustment for a building code
61 insurable property as such insurer would to an insurable property compliant with the
62 applicable Fortified Programs standards or other standards provided for by rule. An
63 adjustment shall only apply to policies that provide wind coverage and may apply to that
64 portion of the premium for wind coverage or to the total premium if the insurer does not

65 separate out its premium for wind coverage in its rate filing. The adjustment shall apply
66 exclusively to the premium designated for the new or retrofitted insurable property. In
67 addition to the requirements of this Code section, an insurer may voluntarily offer any other
68 mitigation adjustment that the insurer deems appropriate."

69

SECTION 3.

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