

The Senate Insurance and Labor Committee offered the following substitute to HB 24:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-6-4 of the Official Code of Georgia Annotated, relating to unfair
2 methods of competition and unfair or deceptive acts or practices in the business of insurance,
3 so as to prohibit additional discriminatory practices based on race, color, or national or ethnic
4 origin; to provide for remedies for violations; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7
8 Code Section 33-6-4 of the Official Code of Georgia Annotated, relating to unfair methods
9 of competition and unfair or deceptive acts or practices in the business of insurance, is
10 amended by inserting a new division (b)(8)(A)(iv) and a new subsection (d) to read as
11 follows:

12 "(iv) Unfair discrimination prohibited by the provisions of this subparagraph includes
13 discrimination based on race, color, and national or ethnic origin. In addition, in
14 connection with any kind of insurance, it shall be an unfair and deceptive act or
15 practice to refuse to insure or to refuse to continue to insure an individual; to limit the
16 amount, extent, or kind of coverage available to an individual; or to charge an
17 individual a different rate for the same coverage because of the race, color, or national
18 or ethnic origin of that individual or to base such refusal, limitation, or rates on
19 criteria which have the effect of discriminating on the basis of race, color, or national
20 or ethnic origin. The prohibitions of this division are in addition to and supplement
21 any and all other provisions of Georgia law prohibiting such discrimination which
22 were previously enacted and currently exist, or which may be enacted subsequently,
23 and shall not be a limitation on such other provisions of law."

24 "(d) A violation of this Code section shall give rise to a civil cause of action for damages
25 resulting from such violation including, but not limited to, all damages recoverable for
26 breach of insuring agreements under Georgia law including damages for bad faith and

1 attorney's fees and costs of litigation. A violation of this Code section shall also give rise
2 to the awarding of punitive or exemplary damages in an amount as may be determined by
3 the trier of fact if such violation is found to be intentional. The remedies provided herein
4 are in addition to and cumulative of all other remedies that may now or hereafter be
5 provided by law."

6 **SECTION 2.**

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