

House Bill 358

By: Representative Scott of the 165th

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 change certain provisions relating to amount of insurance in
3 certain fire policies deemed conclusive as to value of property covered; to provide for
4 applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 32 of Title 33 of the Official Code of Georgia Annotated, relating to property
8 insurance, is amended by striking Code Section 33-32-5, relating to amount of insurance in
9 certain fire policies deemed conclusive as to value of property covered, and inserting in lieu
10 thereof the following:

11 "33-32-5.

12 (a) Whenever any policy of insurance is issued to a natural person or persons insuring a
13 specifically described one or two family residential building or structure located in this
14 state, including without limitation a manufactured home or mobile home as defined in
15 Code Section 8-2-131, against loss ~~by fire~~ and the building or structure is wholly destroyed
16 ~~by fire~~ without fraudulent or criminal fault on the part of the insured or one acting in his
17 or her behalf, the amount of insurance set forth in the policy relative to the building or
18 structure shall be taken conclusively to be the value of the property, ~~except to the extent~~
19 ~~of any depreciation in value occurring between the date of the policy or its renewal and the~~
20 ~~loss~~; provided that, if loss occurs within 30 days of the original effective date of the policy,
21 the insured shall be entitled to the actual loss sustained not exceeding the sum insured.
22 Nothing in this Code section shall be construed as prohibiting the use of coinsurance or as
23 preventing the insurer from repairing or replacing damaged property at its own expense
24 without contribution on the part of the insured.

25 (b) Subsection (a) of this Code section shall not apply where:

