

House Bill 576

By: Representatives Dodson of the 84th, Post 1, Shaw of the 143rd and Harbin of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to
2 maintenance and filing rates, rating plans, rating systems, or underwriting rules, so as to
3 provide for the effectiveness of certain rate filings upon filing with the Commissioner of
4 Insurance; to provide for suspension of such filings under certain circumstances; to provide
5 for the burden of proof of demonstrating such filings are not proper; to provide for appeals;
6 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 Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to maintenance
10 and filing rates, rating plans, rating systems, or underwriting rules, is amended by striking
11 subsection (g) and inserting in lieu thereof new subsections (g) and (h) to read as follows:

12 "(g) Notwithstanding the provisions of subsections (b) and (d) of this Code section, if a
13 rate filing does not result in an overall increase or decrease of 5 percent or more, on a
14 state-wide average basis, and the insurer has not filed any rate filing within the preceding
15 12 months or if a rate filing combined with any other rate filing by the insurer within the
16 preceding 12 months does not result in an overall increase or decrease of 5 percent or more,
17 on a state-wide average basis, the rate filing shall become effective upon filing. The
18 Commissioner may suspend such rate filing if the Commissioner, upon notice to the insurer
19 and after a hearing, finds that such rate filing is unfairly discriminatory, is not actuarially
20 supported, is based upon fictitious groupings, or is excessive. The burden of demonstrating
21 that such rate filing is unfairly discriminatory, is not actuarially supported, is based upon
22 fictitious groupings, or is excessive shall be on the Commissioner. The insurer may appeal
23 any such finding in the same manner as for other administrative hearings.

24 (h) Filings required pursuant to this Code section shall be accompanied by a fee or fees as
25 provided in Code Section 33-8-1."

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.