

Senate Bill 238

By: Senators Thompson of the 33rd, Meyer von Bremen of the 12th, Jackson of the 50th, Reed of the 35th, Stokes of the 43rd and Butler of the 55th

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 require the approval by the Commissioner of Insurance of all rates, rating plans, rating
4 systems, and underwriting rules prior to such rates, rating plans, rating systems, and
5 underwriting rules becoming effective; to provide for related matters; to repeal conflicting
6 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 subsections (b) and (d) and inserting in lieu thereof new subsections (b) and (d) to read as
12 follows:

13 "(b) Any domestic, foreign, or alien insurer that is authorized to write insurance in this
14 state must file with the Commissioner any rate, rating plan, rating system, or underwriting
15 rule ~~for all personal private passenger motor vehicle insurance~~. No such rate, rating plan,
16 rating system, or underwriting rule will become effective, nor may any premium be
17 collected by any insurer thereunder, unless the filing has been received by the
18 Commissioner in his or her office and such filing has been approved by the Commissioner
19 ~~or a period of within 45 days has elapsed~~ from the date such filing was received by the
20 Commissioner ~~during which time such filing has not been disapproved by the~~
21 ~~Commissioner~~. The Commissioner shall be authorized to extend such 45 day period by no
22 more than 55 days at his or her discretion. The Commissioner shall either approve or
23 disapprove the filing on or before the conclusion of such period. If a filing is disapproved,
24 notice of such disapproval order shall be given within 100 days of receipt of filing by the
25 Commissioner, specifying in what respects such filing fails to meet the requirements of this
26 chapter. The filer shall be given a hearing upon written request made within 30 days after

1 the issuance of the disapproval order, and such hearing shall commence within 30 days
2 after such request unless postponed by mutual consent. Such hearing, once commenced,
3 may be postponed or recessed by the Commissioner only for weekends, holidays, or after
4 normal working hours or at any time by mutual consent of all parties to the hearing. The
5 Commissioner may also, at his or her discretion, recess any hearing for not more than two
6 recess periods of up to 15 consecutive days each. In connection with any hearing or judicial
7 review with respect to the approval or disapproval of such rates, the burden of persuasion
8 shall fall upon the affected insurer or insurers to establish that the challenged rates are
9 adequate, not excessive, and not unfairly discriminatory. After such a hearing, the
10 Commissioner must affirm, modify, or reverse his or her previous action within the time
11 period provided in subsection (a) of Code Section 33-2-23 relative to orders of the
12 Commissioner. The requirement of approval or disapproval of a rate filing by the
13 Commissioner under this subsection shall not prohibit actions by the Commissioner
14 regarding compliance of such rate filing with the requirements of Code Section 33-9-4
15 brought after such approval or disapproval."

16 ~~"(d) Any domestic, foreign, or alien insurer that is authorized to write insurance in this~~
17 ~~state must file with the Commissioner any rate, rating plan, rating system, or underwriting~~
18 ~~rule at least 45 days prior to any indicated effective date for all insurance other than~~
19 ~~personal private passenger motor vehicle insurance. No rate, rating plan, rating system, or~~
20 ~~underwriting rule required to be filed under this subsection will become effective, nor may~~
21 ~~any premium be collected by any insurer thereunder, unless the filing has been received by~~
22 ~~the Commissioner in his office not less than 45 days prior to its effective date Reserved."~~

23 SECTION 2.

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