

House Bill 1043

By: Representatives Murphy of the 14<sup>th</sup>, Post 2, Wilkinson of the 41<sup>st</sup>, Knox of the 14<sup>th</sup>, Post 1, Mobley of the 58<sup>th</sup>, Reece of the 21<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to insurance, so as to require certain notices to be sent  
3 via United States mail or statutory overnight delivery, return receipt requested; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
8 general provisions relative to insurance, is amended by striking subsection (b) of Code  
9 Section 33-24-44, relating to cancellation of policies generally, and inserting in lieu thereof  
10 the following:

11 "(b) Written notice stating the time when the cancellation will be effective, which shall not  
12 be less than 30 days from the date of mailing or delivery in person of such notice of  
13 cancellation or such other specific longer period as may be provided in the contract or by  
14 statute, shall be delivered in person or by depositing the notice in the United States mails  
15 to be dispatched by ~~at least first-class mail~~ certified mail or statutory overnight delivery,  
16 return receipt requested, to the last address of record of the insured and of any lienholder,  
17 where applicable, and receiving the receipt provided by the United States Postal Service  
18 or such other evidence of mailing as prescribed or accepted by the United States Postal  
19 Service."

20 **SECTION 2.**

21 Said article is further amended by striking subsection (b) of Code Section 33-24-44.1,  
22 relating to procedure for cancellation by insured and notice, and inserting in lieu thereof the  
23 following:

24 "(b) Notices required by this Code section shall be delivered in person or by depositing the  
25 notice in the United States mail to be dispatched by ~~at least first-class mail~~ certified mail

1 or statutory overnight delivery, return receipt requested, to the last address of record of the  
 2 named insured, governmental agency, mortgagee, or other third party, where applicable,  
 3 and receiving the receipt provided by the United States Postal Service or such other  
 4 evidence of mailing as prescribed or accepted by the United States Postal Service."

### 5 SECTION 3.

6 Said article is further amended by striking subsection (b) of Code Section 33-24-47, relating  
 7 to notice required on termination or nonrenewal, increase in premium rates, or change  
 8 restricting coverage and failure of insurer to comply, and inserting in lieu thereof the  
 9 following:

10 "(b) A notice of termination, including a notice of cancellation or nonrenewal, by the  
 11 insurer, a notice of an increase in premiums, other than an increase in premiums due to a  
 12 change in risk or exposure, including a change in experience modification or resulting from  
 13 an audit of auditable coverages, which exceeds 15 percent of the current policy's premium,  
 14 or a notice of change in any policy provision which limits or restricts coverage shall be  
 15 delivered to the insured in person or by depositing the notice in the United States mail, to  
 16 be dispatched by ~~at least first-class mail~~ certified mail or statutory overnight delivery,  
 17 return receipt requested, to the last address of record of the insured, at least 45 days prior  
 18 to the termination date of such policy; provided, however, that a notice of cancellation or  
 19 nonrenewal of a policy of workers' compensation insurance shall be controlled by the  
 20 provisions of subsection (f) of this Code section. In those instances where an increase in  
 21 premium exceeds 15 percent, the notice to the insured shall indicate the dollar amount of  
 22 the increase. The insurer may obtain a receipt provided by the United States Postal Service  
 23 as evidence of mailing such notice or such other evidence of mailing as prescribed or  
 24 accepted by the United States Postal Service."

### 25 SECTION 4.

26 Said article is further amended by striking subsection (b) of Code Section 33-24-47.1,  
 27 relating to notice prior to cancellation or nonrenewal of individual or group accident and  
 28 sickness policies, and inserting in lieu thereof the following:

29 "(b) No insurer shall refuse to renew a policy to which this Code section applies unless a  
 30 written notice of nonrenewal is mailed or delivered in person to the group policyholder.  
 31 Such notice stating the time when nonrenewal will be effective, which shall not be less than  
 32 60 days from the date of mailing or delivery of such notice of nonrenewal or such longer  
 33 period as may be provided in the contract or by statute, shall be delivered in person or by  
 34 depositing the notice in the United States mails to be dispatched by ~~at least first-class mail~~  
 35 certified mail or statutory overnight delivery, return receipt requested, to the last address

1 of record of the group policyholder and receiving the receipt provided by the United States  
2 Postal Service or such other evidence of mailing as prescribed or accepted by the United  
3 States Postal Service."

4 **SECTION 5.**

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