

House Bill 1402

By: Representatives Porter of the 119th, Bordeaux of the 125th, Parrish of the 102nd, Skipper of the 116th, Campbell of the 39th, and others

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 of rates, rating plans, and related organizations with regard to
3 insurance, so as to require medical malpractice insurers to file rates, rating plans, rating
4 systems, and underwriting rules; to provide for the effective date of such rates; to provide for
5 the approval or disapproval of such rates, rating plans, rating systems, and underwriting rules
6 by the Commissioner of Insurance; to provide for extensions of time for reviewing filings;
7 to provide for hearings and appeals; to provide for public hearings in connection with certain
8 medical malpractice insurance filings; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to maintenance
13 and filing of rates, rating plans, and related organizations with regard to insurance, is
14 amended by striking subsection (b) and inserting in lieu thereof new subsections (b) and (h)
15 to read as follows:

16 "(b) 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 for all personal private passenger motor vehicle insurance and medical malpractice
19 insurance. No such rate, rating plan, rating system, or underwriting rule will become
20 effective, nor may any premium be collected by any insurer thereunder, unless the filing
21 has been received by the Commissioner in his or her office and such filing has been
22 approved by the Commissioner or a period of 45 days has elapsed from the date such filing
23 was received by the Commissioner during which time such filing has not been disapproved
24 by the Commissioner. The Commissioner shall be authorized to extend such 45 day period
25 by no more than 55 days at his or her discretion. If a filing is disapproved, notice of such
26 disapproval order shall be given within 100 days of receipt of filing by the Commissioner,

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

18 "(h) When a rate filing of a medical malpractice insurer submitted under subsection (b) of
19 this Code section will result in an increase of more than 10 percent, the Commissioner shall
20 notify the public of the rate increase and shall hold a public hearing as to the
21 appropriateness of the rate increase. The hearing shall be conducted in accordance with
22 the provisions of Chapter 2 of this title. Any interested person or group may participate in
23 any hearing held pursuant to this subsection."

24 SECTION 2.

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