

House Bill 1539

By: Representative Coan of the 101st

A BILL TO BE ENTITLED
AN ACT

1 Code Section 33-1-9 of the Official Code of Georgia Annotated, relating to insurance fraud,
2 venue, penalty, and exemption, so as to provide that issuing, with the intent to defraud, any
3 certificate of insurance which alters or represents any policy coverage, exclusion, provision,
4 or condition in any form other than actually contained in the policy shall constitute a crime
5 of insurance fraud; provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 33-1-9 of the Official Code of Georgia Annotated, relating to insurance fraud,
10 venue, penalty, and exemption, is amended by striking subsections (d), (e), and (f) and
11 inserting in their place new subsections (d) through (g) to read as follows:

12 "(d) Any natural person who knowingly and willfully with intent to defraud issues any
13 certificate of insurance or other evidence of coverage which alters or purports to alter any
14 policy coverage, exclusion, provision, or condition, or represents that any policy coverage,
15 exclusion, provision, or condition is applicable in any form other than that actually
16 contained in the policy commits the crime of insurance fraud.

17 (e) In any prosecution under this Code section, the crime shall be considered as having
18 been committed in the county of the purported loss, in the county in which the insurer or
19 the insurer's agent received the fraudulent or false claim or application, in the county in
20 which money was received for the fraudulent application, or in any county where any act
21 in furtherance of the criminal scheme was committed.

22 ~~(e)~~(f) A natural person convicted of a violation of this Code section shall be guilty of a
23 felony and shall be punished by imprisonment for not less than two nor more than ten
24 years, or by a fine of not more than \$10,000.00, or both.

25 ~~(f)~~(g) Subsection (b) of this Code section shall not apply to a contract of insurance entered
26 into in accordance with Article 2 of Chapter 5 of this title."

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.