

The House Committee on Insurance offers the following substitute to HB 66:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for certificate of insurance forms to be approved by the commissioner; to provide for definitions; to provide certain provisions of such certificate; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, is amended by adding a new Code section to read as follows:

"33-24-19.1.

(a) As used in this Code section, the term:

(1) 'Certificate' or 'certificate of insurance' means any document or instrument, no matter how titled or described, which is prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. 'Certificate' or 'certificate of insurance' shall not include a policy of insurance or insurance binder, including any policy of insurance which may be referred to as a certificate.

(2) 'Certificate holder' means any person, other than a policyholder, that requests, obtains, or possesses a certificate of insurance.

(3) 'Insurance producer' means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

(4) 'Insurer' means any person engaged as indemnitor, surety, or contractor who issues insurance as defined by Code Sections 33-7-3 and 33-7-6. Nothing in this Code section shall apply to or affect any offering of accident, sickness, or disability insurance by a fraternal benefit society, as provided under Code Section 33-15-60; nonprofit medical service corporations, as provided under Chapters 18 and 19 of this title; health care plans, as provided under Chapter 20 of this title; health maintenance organizations, as provided under Chapter 21 of this title; any provisions of accident and sickness insurance policies

generally, as provided under Code Sections 33-24-20 through 33-24-31; individual accident and sickness insurance, as provided under Chapter 29 of this title; or group or blanket accident and sickness insurance, as provided under Chapter 30 of this title.

(5) 'Person' means any individual, partnership, corporation, association, or other legal entity, including any government or governmental subdivision or agency.

(6) 'Policyholder' means a person who has contracted with a property or casualty insurer for insurance coverage.

(b) No person, wherever located, may prepare, issue, or request the issuance of a certificate of insurance unless the form has been filed with and approved by the Commissioner of Insurance. No person, wherever located, may alter or modify an approved certificate of insurance form.

(c) The Commissioner of Insurance shall disapprove a form filed under this Code section, or withdraw approval of a form, if the form:

(1) Is unjust, unfair, misleading, or deceptive, or violates public policy;

(2) Fails to comply with the requirements of subsection (d) of this Code section; or

(3) Violates any law, including any regulation adopted by the Commissioner of Insurance.

(d) Each certificate of insurance must contain the following or similar statement: 'This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policies referenced herein.' However, the Commissioner of Insurance may approve a form filed under this Code section that does not state that the form is provided for information purposes only, if such form states that the certificate of insurance does not confer any rights or obligations other than those conveyed by the policy and that the terms of the policy control.

(e) Standard certificate of insurance forms promulgated by the Association for Cooperative Operations Research and Development or the Insurance Services Office are deemed approved by the Commissioner of Insurance and are not required to be filed if the forms otherwise comply with the requirements of this Code section.

(f) No person, wherever located, shall demand or request the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning the policy of insurance to which the certificate makes reference.

(g) No person, wherever located, may knowingly prepare or issue a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate makes reference.

64 (h) No person may prepare, issue, or request, either in addition to or in lieu of a certificate
65 of insurance, an opinion letter or other document or correspondence that is inconsistent
66 with this Code section.

67 (i) The provisions of this Code section shall apply to all certificate holders, policyholders,
68 insurers, insurance producers, and certificate of insurance forms issued as evidence of
69 insurance coverages on property, operations, or risks located in this state, regardless of
70 where the certificate holder, policyholder, insurer, or insurance producer is located.

71 (j) A certificate of insurance is not a policy of insurance and does not affirmatively or
72 negatively amend, extend, or alter the coverage afforded by the policy to which the
73 certificate of insurance makes reference. A certificate of insurance shall not confer to a
74 certificate holder new or additional rights beyond what the referenced policy of insurance
75 expressly provides.

76 (k) No certificate of insurance shall contain references to contracts, including construction
77 or service contracts, other than the referenced contract of insurance. Notwithstanding any
78 requirement, term, or condition of any contract or other document with respect to which
79 a certificate of insurance may be issued or may pertain, the insurance afforded by the
80 referenced policy of insurance is subject to all the terms, exclusions, and conditions of the
81 policy itself.

82 (l) A certificate holder shall have a legal right to notice of cancellation, nonrenewal, or any
83 material change, or any similar notice concerning a policy of insurance only if the person
84 is named within the policy or any endorsement and the policy or endorsement requires
85 notice to be provided. The terms and conditions of the notice, including the required
86 timing of the notice, are governed by the policy of insurance and cannot be altered by a
87 certificate of insurance.

88 (m) Any certificate of insurance or any other document or correspondence prepared,
89 issued, or requested in violation of this Code section shall be null and void and of no force
90 and effect.

91 (n) Any person who violates this Code section may be fined up to \$5,000.00 per violation.

92 (o) The Commissioner of Insurance shall have the power to examine and investigate the
93 activities of any person that the Commissioner reasonably believes has been or is engaged
94 in an act or practice prohibited by this Code section. The Commissioner of Insurance shall
95 have the power to enforce the provisions of this Code section and to impose any authorized
96 penalty or remedy against any person who violates this Code section.

97 (p) The Commissioner of Insurance may adopt reasonable rules and regulations as are
98 necessary or proper to carry out the provisions of this Code section."

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SECTION 2.

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