

House Bill 463

By: Representatives Dollar of the 45<sup>th</sup>, Black of the 174<sup>th</sup>, Harbin of the 118<sup>th</sup>, Rogers of the 26<sup>th</sup>, Roberts of the 154<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 33-23-12 of the Official Code of Georgia Annotated, relating to  
2 limited licenses, so as to provide for the sale of individual insurance coverage by limited  
3 licensees on personal property stored in self-service storage facilities; to provide for  
4 definitions; to provide for related matters; to provide an effective date; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 33-23-12 of the Official Code of Georgia Annotated, relating to limited  
9 licenses, is amended by adding a new subsection to read as follows:

10 "(e)(1) As used in this subsection, the term:

11 (A) 'Limited licensee' means an owner authorized to act as an agent of an insurance  
12 provider for purposes of selling certain insurance coverages for personal property  
13 maintained in self-service storage facilities pursuant to the provisions of this subsection.

14 (B) 'Occupant' means a person, his or her sublessee, successor, or assign entitled to the  
15 use of the storage space at a self-service storage facility under a rental agreement, to the  
16 exclusion of others.

17 (C) 'Owner' means the owner, operator, lessor, or sublessor of a self-service storage  
18 facility, his or her agent, or any other person authorized by him or her to manage the  
19 self-service storage facility or to receive rent from an occupant under a rental  
20 agreement.

21 (D) 'Personal property' means movable property not affixed to land and includes, but  
22 is not limited to, goods, wares, merchandise, motor vehicles, watercraft, and household  
23 items and furnishings.

24 (E) 'Rental agreement' means any agreement or lease, written or oral, that establishes  
25 or modifies the terms, conditions, rules, or any other provisions concerning the use and  
26 occupancy of a self-service storage facility.

27 (F) 'Self-service storage facility' means any real property designed and used for the  
28 purpose of renting or leasing individual storage space to occupants who are to have  
29 access to such for the purpose of storing and removing personal property. No occupant  
30 shall use a self-service storage facility for residential purposes. A self-service storage  
31 facility is not a warehouse within the meaning of Article 1 of Chapter 4 of Title 10, the  
32 'Georgia State Warehouse Act.' A self-service storage facility is not a safe-deposit box  
33 or vault maintained by banks, trust companies, or other financial entities.

34 (2) The Commissioner shall be authorized to issue to an owner that is in compliance with  
35 the requirements of this subsection a limited license to act as an insurance agent of an  
36 insurer authorized to provide insurance in this state for self-service storage facilities as  
37 provided in this subsection.

38 (3) A limited licensee shall be authorized to act as an agent for an insurer only in  
39 connection with a rental agreement and only for either an individual policy issued to an  
40 individual occupant or as a group policy for occupants for personal property insurance.  
41 A limited licensee shall only be authorized to provide to occupants insurance coverage  
42 for:

43 (A) The loss of or damage to personal property stored at a self-service storage facility  
44 where the loss or damage occurs at such self-service storage facility during the  
45 occupant's rental agreement; or

46 (B) Such other loss directly related to an occupant's rental agreement.

47 (4) No insurance shall be issued pursuant to this subsection unless the limited licensee  
48 provides to a prospective occupant written material that:

49 (A) Provides a summary of the terms of insurance coverage, including the identity of  
50 the insurer;

51 (B) Discloses that the policy of insurance may provide a duplication of coverage  
52 already provided by an occupant's homeowner's insurance policy, personal liability  
53 insurance policy, or other existing policy of insurance;

54 (C) Describes the process for filing a claim in the event the occupant elects to purchase  
55 coverage and experiences a covered loss;

56 (D) Provides information regarding the price, deductible, benefits, exclusions,  
57 conditions, and any other limitations of such policy;

58 (E) States that the limited licensee is not authorized to evaluate the adequacy of the  
59 occupant's existing insurance coverages, unless such limited licensee is otherwise  
60 licensed; and

61 (F) States that the occupant may cancel the insurance at any time, and any unearned  
62 premium will be refunded in accordance with applicable law.

63 (5) Notwithstanding any other provision of this subsection or any rule adopted by the  
 64 Commissioner, a limited licensee licensed pursuant to this subsection shall not be  
 65 required to treat moneys collected from occupants under rental agreements as funds  
 66 received in a fiduciary capacity, provided that the charges for coverage shall be itemized  
 67 and be ancillary to a rental agreement. The sale of insurance not in conjunction with a  
 68 rental agreement shall not be permitted.

69 (6) Any limited license issued under this subsection shall also authorize any employee  
 70 of the limited licensee to act individually on behalf and under the supervision of the  
 71 limited licensee with respect to the kinds of coverage specified in this subsection.

72 (7) Each owner licensed pursuant to this subsection shall provide a training program in  
 73 which employees and authorized representatives of such owner shall be trained by a  
 74 licensed instructor and receive basic insurance instruction about the kind of coverage  
 75 authorized in this subsection and offered for purchase by prospective occupants.

76 (8) As a prerequisite for issuance of a limited license under this subsection, there shall  
 77 be filed with the Commissioner an application for a limited license in such form or forms,  
 78 and supplements thereto, and containing such information as the Commissioner may  
 79 prescribe.

80 (9) In the event that any provision of this subsection is violated by a limited licensee, the  
 81 Commissioner shall be authorized to:

82 (A) After notice and a hearing, revoke or suspend a limited license issued under this  
 83 subsection in accordance with the provisions of Code Sections 33-23-21 and 33-23-22;  
 84 or

85 (B) After notice and a hearing, impose such other penalties, including suspending the  
 86 transaction of insurance at specific rental locations where violations of this subsection  
 87 have occurred, as the Commissioner deems to be necessary or convenient to carry out  
 88 the purposes of this subsection.

89 (10) No prelicensing examination shall be required for issuance of a limited license  
 90 pursuant to this subsection."

91 **SECTION 2.**

92 This Act shall become effective on July 1, 2011.

93 **SECTION 3.**

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