

House Bill 477

By: Representatives Shaw of the 176<sup>th</sup>, Meadows of the 5<sup>th</sup>, Maxwell of the 17<sup>th</sup>, Hembree of the 67<sup>th</sup>, James of the 135<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to  
2 provide for the transition from an annual renewal to a biennial renewal of licenses of agents,  
3 agencies, subagents, counselors, and adjusters; to provide for adjustment of licensing fees  
4 as necessary to accommodate biennial licensing; to provide for promulgation of rules and  
5 regulations by the Commissioner; to provide for related matters; to repeal conflicting laws;  
6 and for other purposes.

7 **SECTION 1.**

8 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
9 revising Code Section 33-8-1, relating to fees and taxes, as follows:

10 "33-8-1.

11 The Commissioner is authorized to assess and collect in advance, and persons so assessed  
12 shall pay in advance to the Commissioner, fees and charges under this title as follows:

13	(1) Unless specifically provided otherwise, for each certificate of authority,	
14	original license, renewal of a certificate of authority, or renewal of a license:	
15	(A) Agent, subagent, counselor, adjuster, or principal office of an insurance	
16	agency (new license) . . . . .	\$ <del>50.00</del> <u>100.00</u>
17	(B) Agent, subagent, counselor, adjuster, or principal office of an insurance	
18	agency ( <u>biennial</u> license renewal) . . . . .	<del>50.00</del> <u>100.00</u>
19	(B.1) Each branch office of an insurance agency other than the principal	
20	office (new license) . . . . .	<del>10.00</del> <u>20.00</u>
21	(B.2) Each branch office of an insurance agency other than the principal	
22	office ( <u>biennial</u> license renewal) . . . . .	10.00
23	(C) Agent certificate of authority for subagent . . . . .	5.00

24	(D) Automobile self-insurance .....	100.00
25	(E) Captive insurance company:	
26	Original license or certificate .....	600.00
27	Renewal license or certificate .....	500.00
28	(F) Continuing care provider .....	75.00
29	(G) Duplicate certificate of authority, license, or permit .....	25.00
30	(H) Farmers mutual fire insurance company:	
31	Original license or certificate .....	500.00
32	Renewal license or certificate .....	25.00
33	(I) Fraternal benefit society:	
34	Original license or certificate .....	600.00
35	Renewal license or certificate .....	500.00
36	(I.1) Health care corporations:	
37	Original license or certificate .....	600.00
38	Renewal license or certificate .....	500.00
39	(J) Health maintenance organization:	
40	Original license or certificate .....	600.00
41	Renewal license or certificate .....	500.00
42	(K) Insurer certificate of authority for agent .....	10.00
43	(L) Life, accident, and sickness insurance company:	
44	Original license or certificate .....	600.00
45	Renewal license or certificate .....	500.00
46	(M) Managing general agent:	
47	Original license or certificate .....	600.00
48	Renewal license or certificate .....	500.00
49	(N) Multiple employer self-insurance plan .....	400.00
50	(O) Premium finance company (full power) .....	500.00
51	(P) Premium finance company (limited power) .....	300.00
52	(Q) Reserved	
53	(R) Prepaid legal services plans .....	500.00
54	(S) Private review agents:	
55	Original license or certificate .....	1,000.00
56	Renewal license or certificate .....	500.00
57	(T) Property and casualty insurance company:	

58	Original license or certificate .....	600.00
59	Renewal license or certificate .....	500.00
60	(U) Nonprofit organizations (medical service or hospital service	
61	corporation):	
62	Original license or certificate .....	600.00
63	Renewal license or certificate .....	500.00
64	(V) Rating or advisory organization .....	100.00
65	(W) Reinsurance intermediary .....	50.00
66	(X) Surplus lines broker .....	<del>300.00</del>
		<u>600.00</u>
67	(Y) Third-party administrators:	
68	Original license or certificate .....	500.00
69	Renewal license or certificate .....	400.00
70	(Z) Title insurance company:	
71	Original license or certificate .....	600.00
72	Renewal license or certificate .....	500.00
73	(AA) Utilization review agent .....	200.00
74	(BB) Each vending machine licensed under Chapter 23 of this title ....	25.00
75	(CC) Workers' compensation group self-insurance fund:	
76	Original license or certificate .....	600.00
77	Renewal license or certificate .....	500.00
78	(2) Bond or security deposits:	
79	(A) Not over \$5,000.00 .....	4.00
80	(B) Not over \$10,000.00 .....	8.00
81	(C) Not over \$25,000.00 .....	15.00
82	(D) Not over \$50,000.00 .....	25.00
83	(E) Over \$50,000.00 but less than \$100,000.00 .....	40.00
84	(F) \$100,000.00 or more .....	50.00
85	(3) Examination fee for agent's, subagent's, counselor's, or adjuster's license	25.00
86	(4) Application fee for agent's, subagent's, adjuster's, or counselor's license	15.00
87	(5) Status letter for agent, subagent, counselor, or adjuster .....	10.00
88	(6) For the following filings:	
89	(A) Bylaws amendments .....	25.00
90	(B) Certification of annual statement .....	10.00
91	(C) Certification of examination report .....	10.00

92	(D) Certification of other documents . . . . .	5.00
93	(E) Charter amendments . . . . .	25.00
94	(F) Education course provider (original filing) . . . . .	<del>100.00</del> <u>200.00</u>
95	(G) Education course provider ( <u>biennial</u> renewal filing) . . . . .	<del>50.00</del> <u>100.00</u>
96	(H) Education course or program . . . . .	<del>10.00</del> <u>20.00</u>
97	(I) Education course instructor . . . . .	<del>10.00</del> <u>20.00</u>
98	(J) Financial statement . . . . .	50.00
99	(K) Form A . . . . .	5,000.00
100	(L) Form A exemption . . . . .	1,000.00
101	(M) Form B . . . . .	500.00
102	(N) Form B exemption . . . . .	100.00
103	(O) Individual risk rate or form . . . . .	10.00
104	(P) Insurance policy form . . . . .	25.00
105	(Q) Insurance rate filing . . . . .	75.00
106	(R) Listing of licensed agents, subagents, counselors, or adjusters . . . . .	1,000.00
107	(S) Listing of insurer's certificates of authority filed for agents . . . . .	5.00
108	(T) Listing of agent's certificates of authority filed for subagents . . . . .	5.00
109	(U) List of licensees or permit or certificate holders other than agents, 110 subagents, counselors, or adjusters . . . . .	40.00
111	(V) License, permit, or certificate of authority amendment . . . . .	25.00
112	(W) Late fee for filings . . . . .	15.00
113	(X) Registration of risk retention groups . . . . .	100.00
114	(Y) Registration of purchasing groups . . . . .	100.00
115	(Z) Filing of other documents . . . . .	50.00
116	(AA) Amendment of filings . . . . .	25.00
117	Provided, however, that the Commissioner, in his or her discretion, may	
118	exempt from such fee change of address filings done off line by agents,	
119	subagents, counselors, and adjusters.	
120	(AA.1) Change of address filings done on line by agents, subagents, 121 counselors, and adjusters . . . . .	No charge
122	(BB) Service of process . . . . .	15.00

123 (7) For refiling of corrected documents under this Code section, provided that  
124 fees were paid with original filing . . . . . No charge"

125 **SECTION 2.**

126 Said title is further amended by revising Code Section 33-23-3, relating to agency licensing  
127 and annual renewals, as follows:

128 "33-23-3.

129 (a) Each principal office and each branch office of an agency as defined in paragraph (2)  
130 of subsection (a) of Code Section 33-23-1 must obtain an agency license prior to  
131 commencement of operations and renew such license ~~annually~~ biennially by filing  
132 application forms prescribed by the Commissioner.

133 (b) An agency shall be subject to all penalties, fines, criminal sanctions, and other actions  
134 authorized for agents under this chapter.

135 (c) No person shall be an owner of an agency or, if the agency is a corporation, no person  
136 shall be an officer or director of such corporation or own 10 percent or more of the  
137 corporation if such person has had his or her license under this chapter refused, revoked,  
138 or suspended."

139 **SECTION 3.**

140 Said title is further amended by revising Code Section 33-23-17, relating to registration of  
141 nonresident representatives to represent life insurers in military installations in foreign  
142 countries, as follows:

143 "33-23-17.

144 An individual who is not a resident of this state may be registered to represent an  
145 authorized life insurer domiciled in this state, provided such individual only represents the  
146 insurer exclusively at a United States military installation located in a foreign country. The  
147 Commissioner may, upon request of the insurer on application forms prescribed by the  
148 department and upon payment of ~~an annual~~ a biennial registration fee of \$25.00, issue a  
149 certificate of registration to the individual. An official of the insurer shall certify to the  
150 Commissioner that the applicant has the necessary training to hold himself or herself out  
151 as a foreign life or accident and sickness insurance representative; and the official of the  
152 insurer shall further certify on behalf of his or her insurer that it is willing to be bound by  
153 the acts of such applicant within the scope of his or her employment and that such applicant  
154 has not had his or her privileges to solicit on or enter any United States military installation  
155 revoked, suspended, or restricted in any manner. Such certificate shall expire as of  
156 December 31 succeeding the date of its issuance unless it is terminated at an earlier time  
157 in accordance with this chapter and Chapter 2 of this title."

158 **SECTION 4.**

159 Said title is further amended by revising paragraph (3) of subsection (b) of Code Section  
160 33-23-37, relating to licensing of a surplus lines broker, as follows:

161 "(3) Each license shall be issued for a term expiring on December 31 next following the  
162 date of issuance and may be renewed ~~annually~~ biennially by filing an application and  
163 paying the prescribed fee in accordance with this Code section;"

164 **SECTION 5.**

165 Said title is further amended by adding a new Code section to read as follows:

166 "33-23-47.

167 (a) Any agent, agency, subagent, counselor, or adjuster license shall continue in force until  
168 expired, suspended, revoked, or otherwise terminated, but subject to payment to the  
169 Commissioner biennially, on or before December 31 of the renewal year of the  
170 continuation fee stated in Code Section 33-8-1, accompanied by written request for  
171 continuation.

172 (b) Any license as to which the fee and request for continuation is not received by the  
173 Commissioner as required in subsection (a) of this Code section shall be deemed to have  
174 expired at midnight on December 31 of the renewal year. Request for a continuation fee  
175 therefor which is received by the Commissioner after December 31 of the renewal year, but  
176 before the next following February 15, may be accepted and effectuated by the  
177 Commissioner, in his or her discretion, if accompanied by a continuation fee of one and  
178 one-half times the continuation fee otherwise required by Code Section 33-8-1.

179 (c) The Commissioner shall, by regulation or rule, provide for the transition from annual  
180 renewal to biennial renewal of licenses for agents, agencies, subagents, counselors, and  
181 adjusters by staggering the renewal periods in 2011 and 2012. Certain licensees may be  
182 required to renew for one year at one-half the biennial fee otherwise required by this  
183 article. The Commissioner may further promulgate rules and regulations concerning the  
184 timing of continuing education requirements on an annual or biennial basis to ensure the  
185 proper continuing education requirements of the licensees under this article."

186 **SECTION 6.**

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