

Senate Bill 199

By: Senators Shafer of the 48th, Goggans of the 7th, Rogers of the 21st, Ginn of the 47th and Golden of the 8th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 2 of Title 33 of the Official Code of Georgia Annotated, relating to the  
2 Department and Commissioner of Insurance, so as to provide that the Commissioner shall  
3 have the authority to impose penalties on persons who are or should have been licensed  
4 under Title 33 for certain violations; to provide for orders of restitution; to provide for related  
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 2 of Title 33 of the Official Code of Georgia Annotated, relating to the Department  
9 and Commissioner of Insurance, is amended by revising subsection (g) of Code  
10 Section 33-2-24, relating to enforcement of title and rules, regulations, and orders, issuance  
11 of orders without hearings, civil actions, criminal violations, and penalties, and adding a new  
12 subsection to read as follows:

13 "(g) In addition to all other penalties provided for under this title, the Commissioner shall  
14 have the authority to place any insurer, agent, broker, counselor, solicitor, administrator,  
15 or adjuster on probation for a period of time not to exceed one year for each and every act  
16 in violation of this title or of the rules and regulations or orders of the Commissioner and  
17 may subject such insurer, agent, broker, counselor, solicitor, administrator, ~~or adjuster, or~~  
18 any person that is or should have been licensed under this title to a monetary penalty of up  
19 to \$2,000.00 for each and every act in violation of this title or of the rules, regulations, or  
20 orders of the Commissioner, unless the insurer, agent, broker, counselor, solicitor,  
21 administrator, ~~or adjuster, or any person that is or should have been licensed under this title~~  
22 knew or reasonably should have known he or she was in violation of this title or of the  
23 rules and regulations or orders of the Commissioner, in which case the monetary penalty  
24 provided for in this subsection may be increased to an amount up to \$5,000.00 for each and  
25 every act in violation.

26 (h) The Commissioner shall have the authority to require a person found to have engaged  
27 in any act, practice, or transaction which is prohibited by this title or by any rule,  
28 regulation, or order of the Commissioner to make complete restitution to each person  
29 harmed by such act, practice, or transaction, and such person shall make the restitution in  
30 the form and amount and within the time period required by the Commissioner."

31 **SECTION 2.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law  
33 without such approval.

34 **SECTION 3.**

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