

The Senate Insurance and Labor Committee offered the following substitute to HB 347:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the
2 examination of applicants, so as to provide that the Commissioner shall not exempt himself
3 or herself from any written examinations set forth in the Code section; to amend Part 1 of
4 Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to
5 general provisions for conflicts of interest, so as to prohibit public officials from granting
6 themselves licenses by waiving certain requirements; to provide for penalties; to provide for
7 renewal of such licenses; to provide for related matters; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the
12 examination of applicants, is amended as follows:

13 "33-23-10.

14 (a) Each individual applicant for a license as agent, limited subagent, counselor, adjuster,
15 or surplus line broker shall submit to a personal examination in writing as to his or her
16 competence to act in such capacity. The examination shall be prepared and given by the
17 Commissioner or a designee of the Commissioner and shall be given and graded in a fair
18 and impartial manner and without unfair discrimination as between individuals examined.
19 Any required examination may be supplemented by an oral examination at the discretion
20 of the Commissioner. The Commissioner shall provide by rule or regulation for a
21 reasonable waiting period before giving a reexamination to an applicant who failed to pass
22 a previous similar examination.

23 (b) The Commissioner shall by rule or regulation establish criteria and procedures for:

24 (1) The scope of any examination; and

25 (2) Exemptions, if any, to examinations, provided that the Commissioner shall not,
 26 under any circumstances, exempt himself or herself from any written examination
 27 requirements set forth in this Code section.

28 (c) An applicant for a license to act as an agent, limited subagent, surplus line broker,
 29 counselor, or adjuster who held a valid license to act as such which lapsed while the
 30 applicant was a member of any branch of the armed forces of the United States shall be
 31 granted a new license if application is made within a period of five years from the date of
 32 the expiration of the old license and proof satisfactory to the Commissioner is furnished
 33 that:

34 (1) The individual was a member of the armed forces of the United States at the time the
 35 previous license lapsed; and

36 (2) The individual's service in the armed forces of the United States was not terminated
 37 more than one year prior to the date of application for a new license."

38 SECTION 2.

39 Part 1 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,
 40 relating to general provisions for conflicts of interest, is amended by revising subsection (a)
 41 of Code Section 45-10-28, relating to penalties for violation of the part, as follows:

42 "(a)(1) Any appointed public official or employee who violates Code Section 45-10-22,
 43 45-10-23, 45-10-24, ~~or~~ 45-10-26, or 45-10-29 shall be subject to:

44 (A) Removal from office or employment;

45 (B) A civil fine not to exceed \$10,000.00; and

46 (C) Restitution to the state of any pecuniary benefit received as a result of such
 47 violation.

48 (2) Any elected public official who violates Code Section 45-10-22, 45-10-23, 45-10-24,
 49 ~~or~~ 45-10-26, or 45-10-29 shall be subject to:

50 (A) A civil fine not to exceed \$10,000.00; and

51 (B) Restitution to the state of any pecuniary benefit received as a result of such
 52 violation.

53 (3) Any business which violates Code Section 45-10-22, 45-10-23, 45-10-24, ~~or~~
 54 45-10-26, or 45-10-29 shall be subject to:

55 (A) A civil fine not to exceed \$10,000.00; and

56 (B) Restitution to the state of any pecuniary benefit received as a result of such
 57 violation."

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SECTION 3.

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

"45-10-29.

(a) Notwithstanding any law, rule, or regulation to the contrary, a public official shall not be authorized to waive any legal, educational, or testing requirement for himself or herself relative to the issuance of any license to himself, herself, or to his or her business.

(b) Any license that has been issued by a public official by waiving any legal, educational, or testing requirement for himself or herself relative to the issuance of any license to himself, herself, or to his or her business shall not be renewed until and unless the license holder has satisfied all of the requirements for securing a renewal license as well as any requirement that had been waived for the issuance of the original license.

(c) Any person who knowingly violates subsection (a) or (b) of this Code section shall be subject to the penalties provided for in Code Section 45-10-28."

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SECTION 4.

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