

House Bill 645

By: Representatives Dollar of the 45th, Taylor of the 173rd, Shaw of the 176th, Rogers of the 29th, Murphy of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to general provisions relating to insurance, so as to define certain terms; to provide
3 for the electronic transmission of notices and documents from an insurer to a party to an
4 insurance transaction; to provide for consent; to provide for applicability; to provide for
5 verification and acknowledgment of receipt; to provide for notarized, acknowledged, verified
6 documents and documents made under oath; to provide for oral statements; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
11 general provisions relating to insurance, is amended by adding a new Code section to read
12 as follows:

13 "33-24-59.16.

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

15 (1) 'Delivered by electronic means' means:

16 (A) Delivery to an e-mail address at which a party has consented to receive notices or
17 documents; or

18 (B) Posting on an electronic network or website accessible via the internet, mobile
19 application, computer, mobile device, tablet, or any other electronic device, together
20 with separate notice to a party directed to the e-mail address at which the party has
21 consented to receive notice of the posting.

22 (2) 'Electronic signature' shall have the same meaning as provided in Code Section
23 10-12-2.

24 (3) 'Party' means any recipient of any notice or document required as part of an insurance
25 transaction, including but not limited to an applicant, an insured, a policyholder, or an
26 annuity contract holder.

27 (b) Except as provided in subsection (d) of this Code section, any notice to a party or any
28 other document required under applicable law in an insurance transaction may be delivered
29 by electronic means as provided in this Code section and shall be considered equivalent to
30 any delivery method required by law, including, without limitation, registered or certified
31 mail or statutory overnight delivery.

32 (c)(1) A notice or document may be delivered by electronic means by an insurer to a
33 party as provided in subsection (b) of this Code section only if the party has affirmatively
34 consented to that method of delivery and has not withdrawn the consent; provided,
35 however, that the withdrawal of consent by a party shall be effective within five business
36 days after receipt of the withdrawal by the insurer. Withdrawal of consent shall not affect
37 the legal effectiveness, validity, or enforceability of a notice or document delivered
38 before the withdrawal of consent is effective.

39 (2) The consent of a party to receive certain notices or documents in an electronic form
40 on file with an insurer before July 1, 2014, shall be effective for purposes of this Code
41 section; provided, however, that before delivering notices or documents in electronic
42 form outside the scope of such consent, the insurer shall notify the party of:

43 (A) The notices or documents that may be delivered by electronic means under this
44 Code section that were not previously delivered electronically; and

45 (B) The party's right to withdraw consent to have notices or documents delivered by
46 electronic means.

47 (d) This Code section shall not apply to or affect:

48 (1) A notice or document delivered by an insurer in an electronic form before July 1,
49 2014, to a party who, before such date, has consented to receive such notice or document
50 in an electronic form otherwise allowed by law; or

51 (2) Any requirement related to content or timing of any notice or document otherwise
52 provided by law.

53 (e) If a provision of law requiring a notice or document to a party expressly requires
54 verification or acknowledgment of receipt of the notice or document, the notice or
55 document may be delivered by electronic means only if the method used provides for
56 verification or acknowledgment of receipt.

57 (f) The legal effectiveness, validity, or enforceability of any contract or policy of insurance
58 executed by a party shall not be denied solely because of the failure to obtain electronic
59 consent or confirmation of consent of the party.

60 (g)(1) Except as otherwise provided by law, if an oral communication or a recording of
61 an oral communication from a party can be reliably stored and reproduced by an insurer,
62 the oral communication or recording shall qualify as a notice or document delivered by
63 electronic means for purposes of this Code section.

64 (2) If any provision of law requires a signature or notice or document to be notarized,
65 acknowledged, verified, or made under oath, such requirement shall be satisfied if the
66 electronic signature of the person authorized to perform those acts, together with all other
67 information required to be included by the provision, is attached to or logically associated
68 with the signature, notice, or document.

69 (h) This Code section shall not be construed to modify, limit, or supersede the provisions
70 of the federal Electronic Signatures in Global and National Commerce Act, Public Law
71 106-229, as amended."

72 **SECTION 2.**

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