

House Bill 240

By: Representatives Golick of the 40th, Smith of the 134th, and Caldwell of the 131st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 33 and Title 34 of the Official Code of Georgia Annotated, relating to
2 insurance and labor and industrial relations, respectively, so as to provide for licensure of a
3 representative of a professional employer organization who engages in counseling, advising,
4 or rendering opinions as to the benefits promised under a contract of insurance or as to its
5 terms, value, effect, advantages, or disadvantages; to provide that rights, powers, and
6 responsibilities of professional employer organizations are not to be construed to exempt any
7 person from the licensure requirements of Chapter 23 of Title 33; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code
12 Section 33-23-1, relating to definitions applicable to agents, agencies, subagents, counselors,
13 and adjusters, by revising paragraph (6) as follows:

14 "(6) 'Counselor' means:

15 (A)(i) Any individual who engages or advertises or holds himself or herself out
16 as engaging in the business of counseling, advising, or rendering opinions as to the
17 benefits promised under any contract of insurance issued or offered by any insurer or
18 as to the terms, value, effect, advantages, or disadvantages under the contract of
19 insurance, other than an actuary or consultant advising insurers. When receiving a
20 fee, commission, or other compensation for this service, such individual shall not
21 receive any compensation from any other source on or relating to the same
22 transaction.; or

23 (ii) A representative of a professional employer organization as defined in
24 subsection (a) of Code Section 34-7-6 who engages in counseling, advising, or
25 rendering opinions as to the benefits promised under any contract of insurance issued
26 or offered by any insurer to such professional employer organization or as to the

terms, value, effect, advantages, or disadvantages under such contract of insurance which covers or is proposed to cover current or prospective coemployers or their employees. However, if such representative does not perform any of these activities and directs any and all questions that would require such representative to be licensed pursuant to this chapter to an agent or counselor who is duly licensed pursuant to this chapter, such representative shall not be considered a counselor and shall not be subject to the licensing requirements of this chapter.

(B) When receiving a fee, commission, or other compensation for services pursuant to subparagraph (A) of this paragraph, a counselor who is duly licensed pursuant to this chapter shall not receive any compensation from any other source on or relating to the same transaction."

SECTION 2.

39 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
40 is amended in Code Section 34-7-6, relating to rights, powers, and responsibilities of
41 professional employer organizations, by revising subparagraph (b) as follows:

42 "(b) A professional employer organization may collect information to evaluate costs; may
43 obtain life, accident and sickness, disability income, workers' compensation, and other
44 types of insurance coverage; may establish retirement plans; may have other types of
45 employee benefits; and may discuss such benefits with prospective coemployers and their
46 employees; provided, however, that nothing in this Code section shall be construed to
47 exempt any person from the provisions and licensure requirements of Chapter 23 of
48 Title 33 or any other applicable requirements of law or regulation."

SECTION 3.

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