

House Bill 984

By: Representatives Lumsden of the 12<sup>th</sup>, Tarvin of the 2<sup>nd</sup>, Taylor of the 173<sup>rd</sup>, Williams of the 148<sup>th</sup>, and Gullett of the 19<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 25 and 33 of the Official Code of Georgia Annotated, relating to fire  
2 protection and safety and insurance, respectively, so as to update the practices of the  
3 Department of Insurance and the office of the Safety Fire Commissioner; to provide for the  
4 off-duty use of motor vehicles by certain law enforcement officers; to repeal a life insurance  
5 reserves requirement for small companies for accreditation purposes; to allow for the  
6 continuation of coverage of a developmentally disabled or physically disabled dependent  
7 child under certain policies; to provide for related matters; to provide for an effective date;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
12 amended in Chapter 2, relating to regulation of fire and other hazards to persons and property  
13 generally, by adding a new Code section to read as follows:

14 "25-2-8.1.

15 (a)(1) Certified law enforcement officers employed by the office of Safety Fire  
16 Commissioner may use an office motor vehicle while working an off-duty job if such job

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17 requires vested police powers as a condition of employment, has been approved by the  
18 Commissioner, and has been determined by the Commissioner to be in furtherance of the  
19 office's mission and service to the state. Office motor vehicles used for off-duty  
20 employment shall not be used at any political function.

21 (2) Except as otherwise provided for in this subsection, office motor vehicles shall be  
22 used only in the discharge of official duties.

23 (3) Any other equipment shall be used only with the express written approval of the  
24 Commissioner.

25 (b) The Commissioner, in his or her sole discretion, in granting approval for such off-duty  
26 job in which an office motor vehicle is used, prior to the use of such vehicle, shall  
27 determine whether the off-duty employer provided for in subsection (a) of this Code  
28 section shall reimburse the office for use of the vehicle. When reimbursement is required,  
29 such off-duty employer shall enter into a written agreement with the office to pay an  
30 amount determined by the Commissioner to be sufficient to reimburse the office for the use  
31 of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to such  
32 agreement, the office shall pay the employee of the office the compensation earned on  
33 off-duty employment whenever such employee performs such service in an office motor  
34 vehicle; provided, however, that such compensation shall not be characterized as direct  
35 employment compensation but shall be paid as services under contract.

36 (c) Employees of the office operating an office motor vehicle pursuant to this Code section  
37 shall be deemed to be acting within the scope of their official duties and employment  
38 within the meaning of Article 2 of Chapter 21 of Title 50, 'The Georgia Tort Claims Act,'  
39 and the commissioner of administrative services shall provide liability coverage for claims  
40 arising out of such use.

41 (d) The Commissioner shall adopt rules and regulations governing the use of office motor  
42 vehicles and equipment by off-duty office employees subject to Code Section 25-2-4."

SECTION 2.

43

44 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
 45 Chapter 2, relating to department and Commissioner, by revising Code Section 33-2-8, which  
 46 is reserved, as follows:

47 "33-2-8.

48 (a)(1) Certified law enforcement officers employed by the department may use a  
 49 department motor vehicle while working an off-duty job if such job requires vested police  
 50 powers as a condition of employment, has been approved by the Commissioner, and has  
 51 been determined by the Commissioner to be in furtherance of the department's mission  
 52 and service to the state. Department motor vehicles used for off-duty employment shall  
 53 not be used at any political function.

54 (2) Except as otherwise provided for in this subsection, department motor vehicles shall  
 55 be used only in the discharge of official duties.

56 (3) Any other equipment shall be used only with the express written approval of the  
 57 Commissioner.

58 (b) The Commissioner, in his or her sole discretion, in granting approval for such off-duty  
 59 job in which a department motor vehicle is used, prior to the use of such vehicle, shall  
 60 determine whether the off-duty employer provided for in subsection (a) of this Code  
 61 section shall reimburse the department for use of the vehicle. When reimbursement is  
 62 required, such off-duty employer shall enter into a written agreement with the department  
 63 to pay an amount determined by the Commissioner to be sufficient to reimburse the  
 64 department for the use of the vehicle and to pay the off-duty employee sufficient  
 65 compensation. Pursuant to such agreement, the department shall pay the employee of the  
 66 department the compensation earned on off-duty employment whenever such employee  
 67 performs such service in a department motor vehicle; provided, however, that such  
 68 compensation shall not be characterized as direct employment compensation but shall be  
 69 paid as services under contract.

70 (c) Employees of the department operating a department motor vehicle pursuant to this  
71 Code section shall be deemed to be acting within the scope of their official duties and  
72 employment within the meaning of Article 2 of Chapter 21 of Title 50, 'The Georgia Tort  
73 Claims Act,' and the commissioner of administrative services shall provide liability  
74 coverage for claims arising out of such use.  
75 (d) The Commissioner shall adopt rules and regulations governing the use of department  
76 motor vehicles and equipment by off-duty department employees. Reserved."

77 **SECTION 3.**

78 Said title is further amended by repealing subsection (t) of Code Section 33-10-13, relating  
79 to standard valuation.

80 **SECTION 4.**

81 Said title is further amended by revising Code Section 33-24-28, relating to termination of  
82 coverage of dependent child upon attainment of specified age, as follows:

83 "33-24-28.

84 (a) An individual hospital or medical expense insurance policy or hospital contract which  
85 provides that coverage of a dependent child shall terminate upon attainment of the limiting  
86 age for dependent children specified in the policy or contract shall also provide in  
87 substance that attainment of the limiting age shall not operate to terminate the coverage of  
88 the child while the child is and continues to be ~~both incapable of self-sustaining~~  
89 ~~employment by reason of developmental disability or physical disability as determined by~~  
90 ~~the Department of Behavioral Health and Developmental Disabilities and chiefly~~  
91 ~~dependent upon the policyholder or subscriber for support and maintenance, provided proof~~  
92 ~~of incapacity~~ developmentally disabled or physically disabled, provided that proof of  
93 disability and dependency is furnished to the insurer or hospital by the policyholder or  
94 subscriber within 31 days of the child's attainment of the limiting age and subsequently as

95 may be required by the insurer or corporation but not more frequently than annually after  
96 the two-year period following the child's attainment of the limiting age.

97 (b) A group hospital or medical expense insurance policy or hospital contract which  
98 provides that coverage of a dependent child of an employee or other member of the covered  
99 group shall terminate upon attainment of the limiting age for dependent children specified  
100 in the policy or contract shall also provide in substance that attainment of such limiting age  
101 shall not operate to terminate the coverage of the child while the child is and continues to  
102 be both incapable of self-sustaining employment by reason of developmental disability or  
103 physical disability as determined by the Department of Behavioral Health and  
104 Developmental Disabilities and chiefly dependent upon the employee or member for  
105 support and maintenance, provided proof of incapacity developmentally disabled or  
106 physically disabled, provided that proof of disability and dependency is furnished to the  
107 insurer or hospital by the employee or member within 31 days of the child's attainment of  
108 the limiting age and subsequently as may be required by the insurer or corporation but not  
109 more frequently than annually after the two-year period following the child's attainment  
110 of the limiting age.

111 (c) This Code section shall apply equally to health insurance policies issued pursuant to  
112 Chapters 29 and 30 of this title, coverage by health maintenance organizations under  
113 Chapter 21 of this title, and health care plans under Chapter 20 of this title."

114 **SECTION 5.**

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

117 **SECTION 6.**

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