

House Bill 786

By: Representatives Hembree of the 67th and Geisinger of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 57 of Title 33 of the Official Code of Georgia Annotated, relating to the
2 consumers' insurance advocate, so as to provide that, until such time as the consumers'
3 insurance advocate is appropriately funded, it shall not be necessary to file copies of
4 insurance rate filings with the consumers' insurance advocate; to provide for related matters;
5 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 57 of Title 33 of the Official Code of Georgia Annotated, relating to the consumers'
9 insurance advocate, is amended by revising subsection (a) of Code Section 33-57-5, relating
10 to additional service and notice requirements for rate increases and depositions and
11 discovery, as follows:

12 "(a) In addition to other requirements of service and notice imposed by law, a copy of any
13 request for insurance or health benefit plan rate filing:

14 (1) Which alone or in combination with any previous rate filing would result in a rate
15 increase of:

16 (A) Any amount, but no decrease shall be subject to such provisions; provided,
17 however, that

18 (B) Rate information, including information submitted, requested for submission, or
19 required to be submitted to the Commissioner or department for purposes of
20 determining whether insurance rates are excessive, inadequate, or unfairly
21 discriminatory, and any correspondence or paper filed with or issued by the department
22 or by the Commissioner in connection with such rate information shall be served by
23 copy upon the advocate, and the Office of Consumer Affairs shall require by rule or
24 regulation that financial information of insurers, including a summary of products
25 offered, basic rates applicable to such products, financial statements, officers' salaries,
26 notifications of rate increases, and, as to health insurers, actuarial summaries and

27 opinions relating to consumer choice options on managed care products shall be
28 submitted to the department and the advocate on a quarterly basis; or
29 (2) Made within 36 months after any rate filing described by paragraph (1) of this
30 subsection
31 shall also be served on the advocate, and the advocate shall be notified of any other
32 correspondence or paper filed with or issued by the department or by the Commissioner in
33 connection with such rate filing. A notice of such filing shall be sent to the advocate
34 certified mail or statutory overnight delivery, return receipt requested. The department or
35 the Commissioner shall not proceed to hear or determine any petition, complaint,
36 proceeding, or request for rate filing in which the advocate is entitled to appear unless it
37 shall affirmatively appear that the advocate was given at least ten days' written notice
38 thereof, unless such notice is affirmatively waived in writing or the advocate appears and
39 specifically waives such notice. The advocate may also request copies of any application,
40 complaint, pleading, notice, or other document filed with or issued by the department or
41 by the Commissioner. Until such time as the General Assembly specifically appropriates
42 funds in an appropriations Act for the consumers' insurance advocate and such funds are
43 available for expenditure, the filings required by this subsection shall not be required and
44 shall not be made."

45 **SECTION 2.**

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

48 **SECTION 3.**

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