

House Bill 221

By: Representatives Lumsden of the 12<sup>th</sup>, Tarvin of the 2<sup>nd</sup>, Hawkins of the 27<sup>th</sup>, Jasperse of the 11<sup>th</sup>, and Taylor of the 173<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to  
2 maintenance and filing rates, rating plans, rating systems, or underwriting rules and  
3 examination of claim reserve practices by the Commissioner, so as to revise the filing review  
4 process for private passenger motor vehicle liability coverage providing the minimum limits  
5 offered by the carrier; to clarify the filing review process for other private passenger motor  
6 vehicle coverage; to provide for related matters; to provide for an effective date and  
7 applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 33-9-21 of the Official Code of Georgia Annotated, relating to maintenance  
11 and filing rates, rating plans, rating systems, or underwriting rules and examination of claim  
12 reserve practices by the Commissioner, is amended by revising subsection (b) as follows:

13 "(b) Any domestic, foreign, or alien insurer that is authorized to write insurance in this  
14 state must file with the Commissioner any rate, rating plan, rating system, or underwriting  
15 rule for all personal private passenger motor vehicle insurance:

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16 (1) For private passenger motor vehicle ~~insurance providing only the mandatory~~  
17 ~~minimum limits required by Code Section 33-34-4 and subsection (a) of Code Section~~  
18 ~~40-9-37 liability coverage providing the minimum limits offered by the carrier~~, no such  
19 rate, rating plan, rating system, or underwriting rule shall become effective, nor may any  
20 premium be collected by any insurer thereunder, unless the filing has been received by  
21 the Commissioner in his or her office and such filing has been approved by the  
22 Commissioner or a period of 45 days has elapsed from the date such filing was received  
23 by the Commissioner during which time such filing has not been disapproved by the  
24 Commissioner. The Commissioner shall be authorized to extend such 45 day period by  
25 no more than 55 days at his or her discretion. If a filing is disapproved, notice of such  
26 disapproval order shall be given within 100 days of receipt of filing by the  
27 Commissioner, specifying in what respects such filing fails to meet the requirements of  
28 this chapter. The filer shall be given a hearing upon written request made within 30 days  
29 after the issuance of the disapproval order, and such hearing shall commence within 30  
30 days after such request unless postponed by mutual consent. Such hearing, once  
31 commenced, may be postponed or recessed by the Commissioner only for weekends,  
32 holidays, or after normal working hours or at any time by mutual consent of all parties  
33 to the hearing. The Commissioner may also, at his or her discretion, recess any hearing  
34 for not more than two recess periods of up to 15 consecutive days each. In connection  
35 with any hearing or judicial review with respect to the approval or disapproval of such  
36 rates, the burden of persuasion shall fall upon the affected insurer or insurers to establish  
37 that the challenged rates are adequate, not excessive, and not unfairly discriminatory.  
38 After such a hearing, the Commissioner must affirm, modify, or reverse his or her  
39 previous action within the time period provided in subsection (a) of Code Section 33-2-23  
40 relative to orders of the Commissioner. The requirement of approval or disapproval of  
41 a rate filing by the Commissioner under this subsection shall not prohibit actions by the

42 Commissioner regarding compliance of such rate filing with the requirements of Code  
43 Section 33-9-4 brought after such approval or disapproval.

44 (2) For personal private passenger motor vehicle insurance other than that described in  
45 paragraph (1) of this subsection, such rate, rating plan, rating system, or underwriting rule  
46 for all such personal private passenger motor vehicle insurance shall be effective upon  
47 filing and shall be implemented without approval of the Commissioner. ~~This subsection  
48 shall apply to the entire personal private passenger motor vehicle insurance policy with  
49 limits above the mandatory minimum required by Code Section 33-34-4 and  
50 subsection (a) of Code Section 40-9-37 and shall apply to the entire personal private  
51 passenger motor vehicle policy with minimum limits if such policy has any additional  
52 nonmandatory coverage or coverages."~~

53 **SECTION 2.**

54 This Act shall become effective on July 1, 2023, and shall apply to all policies issued,  
55 delivered, issued for delivery, or renewed in this state on or after such date.

56 **SECTION 3.**

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