

The Senate Committee on Insurance and Labor offered the following substitute to HB 984:

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 modernize the practices of the
3 Office of Insurance and Safety Fire Commissioner and insurers to promote efficiency; to
4 provide for the off-duty use of motor vehicles by certain law enforcement officers; to repeal
5 a life insurance reserves requirement for small companies for accreditation purposes; to allow
6 a plan sponsor of a health benefit plan to consent on behalf of a covered person to the
7 electronic transmittal or electronic posting of such plan; to allow a covered person to opt out
8 of such electronic transmittal or electronic posting; to allow for the continuation of coverage
9 of a developmentally disabled or physically disabled dependent child under certain policies;
10 to provide for related matters; to provide for effective dates and applicability; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

17 "25-2-8.1.

18 (a)(1) Certified law enforcement officers employed by the office of Safety Fire
19 Commissioner may use an office motor vehicle while working an off-duty job if such job
20 requires vested police powers as a condition of employment, has been approved by the
21 Commissioner, and has been determined by the Commissioner to be in furtherance of the
22 office's mission and service to the state. Office motor vehicles used for off-duty
23 employment shall not be used at any political function.

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

26 (3) Any other office equipment shall be used only with the express written approval of
27 the Commissioner.

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

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

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

46 **SECTION 2.**

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

50 "33-2-8.

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

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

59 (3) Any other department equipment shall be used only with the express written approval
60 of the Commissioner.

61 (b) The Commissioner, in his or her sole discretion, in granting approval for such off-duty
62 job in which a department motor vehicle is used, prior to the use of such vehicle, shall
63 determine whether the off-duty employer provided for in subsection (a) of this Code
64 section shall reimburse the department for use of the vehicle. When reimbursement is
65 required, such off-duty employer shall enter into a written agreement with the department
66 to pay an amount determined by the Commissioner to be sufficient to reimburse the
67 department for the use of the vehicle and to pay the off-duty employee sufficient
68 compensation. Pursuant to such agreement, the department shall pay the employee of the
69 department the compensation earned on off-duty employment whenever such employee

70 performs such service in a department motor vehicle; provided, however, that such
71 compensation shall not be characterized as direct employment compensation but shall be
72 paid as services under contract.

73 (c) Employees of the department operating a department motor vehicle pursuant to this
74 Code section shall be deemed to be acting within the scope of their official duties and
75 employment within the meaning of Article 2 of Chapter 21 of Title 50, 'The Georgia Tort
76 Claims Act,' and the commissioner of administrative services shall provide liability
77 coverage for claims arising out of such use.

78 (d) The Commissioner shall adopt rules and regulations governing the use of department
79 motor vehicles and equipment by off-duty department employees. Reserved."

80

SECTION 3.

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

83

SECTION 4.

84 Said title is further amended by revising Code Section 33-24-14.1, relating to electronic
85 delivery of plan documentation, as follows:

86 "33-24-14.1.

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

88 (1) 'Health benefit plan' means a policy, contract, certificate, or agreement entered into,
89 offered by, or issued by an insurer to provide, deliver, arrange for, pay for, or reimburse
90 any of the costs of healthcare services, including a vision or dental benefit plan.

91 (2) 'Plan sponsor' means a person, other than a regulated entity, who establishes, adopts,
92 or maintains a health benefit plan that covers residents of this state, including a plan
93 established, adopted, or maintained by an employer or jointly by an employer and one or

94 more employee organizations, an association, a committee, a joint board of trustees, or
95 any similar group of representatives who establish, adopt, or maintain a plan.

96 (b) The plan sponsor of a health benefit plan may, on behalf of a ~~party enrolled in the plan,~~
97 ~~provide the consent to the mailing~~ covered person, consent to the delivery of the plan by
98 electronic transmittal or electronic posting, to the delivery of all communications related
99 to the plan by electronic means ~~otherwise required by paragraph (2) of subsection (d) of~~
100 ~~Code Section 33-24-14,~~ and to the electronic delivery of any health insurance identification
101 card required by Code Section 33-24-57.1.

102 (c) Before consenting on behalf of a ~~party~~ covered person, a plan sponsor ~~must~~ shall
103 confirm that the ~~party~~ covered person routinely uses electronic communications during the
104 normal course of employment.

105 (c.1) Before providing delivery of a health benefit plan by electronic transmittal or
106 electronic posting, the insurer for the plan shall:

107 (1) Provide the covered person an opportunity to opt out of the electronic transmittal or
108 electronic posting of the plan; and

109 (2) Document that the remaining conditions under subparagraphs (a)(2)(B) through
110 (a)(2)(E) of Code Section 33-24-14 are satisfied.

111 (d) Before providing delivery of communications related to the plan or a health insurance
112 identification card by electronic means, the insurer for the health benefit plan ~~must~~ shall:

113 (1) Provide the ~~party~~ covered person an opportunity to opt out of delivery by electronic
114 means; and

115 (2) Document that the remaining conditions under paragraphs (4) through (9) of
116 subsection (d) of Code Section 33-24-14 are satisfied."

117

SECTION 5.

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

120 "33-24-28.

121 (a) An individual hospital or medical expense insurance policy or hospital contract which
122 provides that coverage of a dependent child shall terminate upon attainment of the limiting
123 age for dependent children specified in the policy or contract shall also provide in
124 substance that attainment of the limiting age shall not operate to terminate the coverage of
125 the child while the child is and continues to be ~~both incapable of self-sustaining~~
126 ~~employment by reason of developmental disability or physical disability as determined by~~
127 ~~the Department of Behavioral Health and Developmental Disabilities and chiefly~~
128 ~~dependent upon the policyholder or subscriber for support and maintenance, provided proof~~
129 ~~of incapacity~~ developmentally disabled or physically disabled, provided that proof of
130 disability and dependency is furnished to the insurer or hospital by the policyholder or
131 subscriber within 31 days of the child's attainment of the limiting age and subsequently as
132 may be required by the insurer or corporation but not more frequently than annually after
133 the two-year period following the child's attainment of the limiting age.

134 (b) A group hospital or medical expense insurance policy or hospital contract which
135 provides that coverage of a dependent child of an employee or other member of the covered
136 group shall terminate upon attainment of the limiting age for dependent children specified
137 in the policy or contract shall also provide in substance that attainment of such limiting age
138 shall not operate to terminate the coverage of the child while the child is and continues to
139 be ~~both incapable of self-sustaining employment by reason of developmental disability or~~
140 ~~physical disability as determined by the Department of Behavioral Health and~~
141 ~~Developmental Disabilities and chiefly dependent upon the employee or member for~~
142 ~~support and maintenance, provided proof of incapacity~~ developmentally disabled or
143 physically disabled, provided that proof of disability and dependency is furnished to the
144 insurer or hospital by the employee or member within 31 days of the child's attainment of
145 the limiting age and subsequently as may be required by the insurer or corporation but not

146 more frequently than annually after the two-year period following the child's attainment
147 of the limiting age.

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

151

SECTION 6.

152 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
153 law without such approval, except as otherwise provided in subsection (b) of this section.

154 (b) Section 4 of this Act shall become effective on July 1, 2024, and shall apply to all
155 policies, certificates, or contracts issued, delivered, issued for delivery, or renewed in this
156 state on or after such date.

157

SECTION 7.

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