

House Bill 401

By: Representatives Frye of the 122<sup>nd</sup>, Momtahan of the 17<sup>th</sup>, Ridley of the 22<sup>nd</sup>, Bell of the 75<sup>th</sup>, Roberts of the 52<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 regulation of rates, underwriting rules, and related organizations, so as to prohibit insurers  
3 from considering advertising costs when making or using insurance rates; to provide for a  
4 definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to regulation of  
8 rates, underwriting rules, and related organizations, is amended in Code Section 33-9-2,  
9 relating to definitions, by adding a new paragraph to read as follows:

10 "(0.5) 'Advertising costs' means any expenditures an insurer incurs to promote its  
11 products, services, or brand through any media channel."

12 **SECTION 2.**

13 Said chapter is further amended in Code Section 33-9-4, relating to standards applicable to  
14 making and use of rates, by striking "and" at the end of paragraph (9), replacing the period  
15 at the end of paragraph (10) with "; and", and adding a new paragraph to read as follows:

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16 "(11) No insurer shall base any standard or rating plan in whole or in part, directly or  
17 indirectly, upon advertising costs."

18 **SECTION 3.**

19 All laws and parts of laws in conflict with this Act are repealed.