

Senate Bill 155

By: Senators Mallow of the 2nd, Harbison of the 15th, Merritt of the 9th, Islam Parkes of the 7th, Lucas of the 26th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 33-9-4 of the Official Code of Georgia Annotated, relating to  
2 standards applicable to making and use of rates, so as to add census tract to the categories  
3 upon which insurers may not consider when promulgating standards or rating plans; to  
4 amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating  
5 to general insurance provisions, so as to broadly address insurer premium rate increases; to  
6 require certain disclosures; to establish a new state-run database; to require the submission  
7 of certain data in certain situations; to increase penalties; to provide for a short title; to  
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Insurance Premium Reduction  
12 Act."

13 **SECTION 2.**

14 Code Section 33-9-4 of the Official Code of Georgia Annotated, relating to standards  
15 applicable to making and use of rates, is amended by revising paragraph (9) as follows:

16 "(9) No insurer shall base any standard or rating plan on vehicle insurance, in whole or  
17 in part, directly or indirectly, upon race, creed, ~~or ethnic extraction, or census tract~~; and"

18 **SECTION 3.**

19 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
20 general insurance provisions, is amended by adding a new Code section to read as follows:

21 "33-24-59.34.

22 (a) All insurers in this state shall disclose on such insurer's public website all requests  
23 made to the department to increase premium rates by more than 5 percent. All such  
24 disclosures shall be accompanied by a justification report. The term 'justification report'  
25 means a document which describes such insurer's reasoning and the data relied upon which  
26 form the basis for such insurer's request.

27 (b) The department shall establish a state-run online database where consumers can  
28 compare coverage options and insurance rates of all lines of insurance policies filed with  
29 the department. At the discretion of the department, such database may not contain  
30 information already publicly available on the All-Payer Claims Database.

31 (c) Notwithstanding any provision of law to the contrary, all insurers requesting  
32 department approval of premium rate increases of more than 5 percent shall submit detailed  
33 actuarial data to support such request.

34 (d) Notwithstanding any provision of law to the contrary, the Commissioner shall hold  
35 public hearings in accordance with Code Section 33-2-17 and other relevant law on all  
36 premium rate increase requests of more than 10 percent.

37 (e) No insurer shall collude with another insurer with regard to premium rates. Any  
38 insurer found by the Commissioner to have violated this subsection and whose actions are  
39 determined by the Commissioner to have contributed toward premium inflation shall also  
40 be found to have committed an unfair trade practice or act in violation of Code  
41 Section 33-6-4.

42 (f) No insurer shall settle litigation with the primary purpose of manufacturing losses to  
43 justify premium increases. Any insurer determined by the Commissioner to have violated  
44 this subsection shall also be found to have committed an unfair trade practice or act in  
45 violation of Code Section 33-6-4.

46 (g) No insurance policy may be sold to a consumer in this state without such consumer  
47 being represented by an independent insurance broker."

48 **SECTION 4.**

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