

Senate Bill 109

By: Senators Harbison of the 15th, Walker III of the 20th, Payne of the 54th, Anderson of the 43rd, Robertson of the 29th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life
2 insurance, so as to prohibit a policy of group life insurance from excluding or restricting
3 liability for certain deaths occurring while an individual is a service member; to provide for
4 related matters; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance,
9 is amended by revising Code Section 33-25-5, relating to inclusion of provisions excluding
10 or restricting liability for death, as follows:

11 "33-25-5.

12 (a) No policy of life insurance, except as stated in subsection (c) of this Code section, shall
13 be delivered or issued for delivery in this state if it contains a provision which excludes or
14 restricts liability for death caused in a certain specified manner or occurring while the
15 insured has a specified status, except that the policy may contain provisions excluding or

restricting coverage as specified therein in the event of death under any one or more of the following circumstances:

(1) Death as a result, directly or indirectly, of war, declared or undeclared, or of any act or hazard of such war;

(2) Death as the result of aviation or any air travel or flight;

(3) Death as a result of a specified hazardous occupation or occupations;

(4) Death while the insured is a resident outside the continental United States and Canada; or

(5) Death within two years from the date of issue of the policy as a result of suicide, while sane or insane.

(b) A policy which contains any exclusion or restriction pursuant to subsection (a) of this Code section shall also provide that in the event of death under circumstances to which any such exclusion or restriction is applicable, the insurer will pay an amount not less than a reserve determined according to the Commissioner's reserve valuation method upon the basis of the mortality table and interest rate specified in the policy for the calculation of nonforfeiture benefits or, if the policy provides no such benefits, computed according to a mortality table and interest rate determined by the insurer and specified in the policy with adjustment for indebtedness or dividend credit.

(c) This Code section shall not apply to group life insurance, except as stated in subsection (d) of this Code section, reinsurance, annuities, or to any provision of a life insurance policy, or contract supplemental thereto, relating to disability benefits, or to additional benefits in the event of death by accident or accidental means.

(d) No policy of group life insurance shall be delivered or issued for delivery in this state if it contains a provision which excludes or restricts liability for death occurring while the insured is a service member of the regular or reserve component of the armed forces of the United States and such death is not a result, directly or indirectly, of war, declared or undeclared, or any act or hazard of such war.

43 ~~(d)~~(e) Nothing contained in this Code section shall prohibit any provision which in the
44 opinion of the Commissioner is more favorable to the policyholder than a provision
45 permitted by this Code section."

46 **SECTION 2.**

47 This Act shall become effective on the first day of the month following the month in which
48 it is approved by the Governor or becomes law without such approval.

49 **SECTION 3.**

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