

Senate Bill 409

By: Senators Walker III of the 20th, Harbin of the 16th, Robertson of the 29th, Kirkpatrick of the 32nd, Harbison of the 15th 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 provide for
3 homeowner protections with regard to insurance companies' use of aerial or satellite images;
4 to provide for definitions; to provide for certain procedures; to require that homeowners be
5 allowed 60 days to correct; to provide for regulations; to provide for related matters; to
6 provide for a short title; to provide for an effective date and applicability; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Insurers' Use of Aerial or Satellite Images
11 Act."

12 **SECTION 2.**

13 Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to regulation of
14 rates, underwriting rules, and related organizations, is amended by adding a new Code
15 section to read as follows:

16 "33-9-45.

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

18 (1) 'Admitted insurer' means an insurance company authorized or licensed to transact
19 insurance business within this state.

20 (2) 'Adverse underwriting decision' means a declination, cancellation, or nonrenewal of
21 residential property insurance coverage. Such term also means a reduction in coverage
22 or an increase in premium. Such term does not mean placement of coverage with an
23 insurer that is not an admitted insurer or with the Fair Access to Insurance Requirements
24 Plan described in Chapter 33 of this title.

25 (3) 'Aerial images' means photographs or other images, except for satellite images, of a
26 named insured's residential property captured from an aircraft, drone, balloon, or
27 unmanned aerial system.

28 (4) 'Nonrenewal' means a refusal by an insurer or an affiliate of an insurer to renew.
29 Failure of an insured to pay the premium as required of the insured for renewal, a change
30 in policy terms, or a reduction in coverage after the insurer has manifested a willingness
31 to renew by delivering a renewal policy, renewal certificate, or other evidence of renewal
32 to the named insured or his or her representative or has offered to issue a renewal policy,
33 certificate, or other evidence of renewal or has manifested such intention by any other
34 means shall not be considered a nonrenewal.

35 (5) 'Reduction in coverage' means a change made by an insurer which results in a
36 removal of coverage, diminution in the scope of or less coverage, or the addition of an
37 exclusion. Such term shall not include any change, reduction, or elimination of coverage
38 made at the request of the insured. The correction of typographical or scrivener's errors
39 or the application of mandated legislative changes shall not be considered a reduction in
40 coverage.

41 (6)(A) 'Renewal' means:

- 42 (i) Issuance and delivery by an insurer or an affiliate of such insurer of a policy
43 superseding at the end of the policy period or term a policy previously issued and
44 delivered by the same insurer;
- 45 (ii) Issuance and delivery of a certificate or notice extending the term of a policy
46 beyond its policy period or term; or
- 47 (iii) The extension of the term of a policy beyond its policy period or term pursuant
48 to a provision for extending the policy by payment of a continuation premium.
- 49 (B) Any policy with a policy period or term of less than six months shall be considered
50 to have successive policy periods or terms ending each six months following its original
51 date of issuance and, regardless of its wording, any interim termination by its terms or
52 by refusal to accept premiums shall be a cancellation. Any policy written for a period
53 or term longer than one year or any policy with no fixed expiration date shall be
54 considered as if written for successive policy periods or terms of one year and any
55 termination by an insurer effective on an anniversary date of such policy shall be
56 deemed a refusal to renew.
- 57 (7) 'Residential property' means real property used or occupied as the primary residence
58 of a natural person.
- 59 (8) 'Satellite images' means images of a named insured's residential property captured
60 from a satellite.
- 61 (9)(A) 'Unmanned aerial system' means a powered, aerial vehicle that:
- 62 (i) Does not carry a human operator and is operated without the possibility of direct
63 human intervention from within or on the vehicle;
- 64 (ii) Uses aerodynamic forces to provide vehicle lift;
- 65 (iii) Can fly autonomously or be piloted remotely;
- 66 (iv) Can be expendable or recoverable; and
- 67 (v) Has the ability to photograph.
- 68 (B) Such term does not include a satellite.

69 (b) When utilizing aerial images or satellite images produced by an unmanned aerial
70 system or satellite as part of its residential property coverage, underwriting, or pricing
71 determinations, an admitted insurer shall:

72 (1) Ensure that a notice of an adverse underwriting decision by the insurer includes
73 copies of date stamped aerial images or satellite images of the property that show the
74 specific condition or conditions that are out of compliance with the insurer's underwriting
75 guidelines and a description of the steps the property owner may take to reverse the
76 insurer's adverse underwriting decision, including the specific standards that any repairs
77 must adhere to. Such aerial images and satellite images shall have been taken within nine
78 months of the issuance of the adverse underwriting decision;

79 (2) Establish a point of contact at the insurer and a process for currently insured property
80 owners to provide documentation of completion of the required work that the insurer
81 communicates to the property owner under paragraph (1) of this subsection. Such
82 documentation shall be used by the insurer in considering whether to uphold or reverse
83 the adverse underwriting decision. Any aerial images or satellite images submitted by
84 the property owner to the insurer shall be of the same resolution and quality as the aerial
85 images or satellite images otherwise being relied upon by the insurer to make the adverse
86 underwriting decision;

87 (3) Establish an appeal process so that the property owner may correct any errors or
88 misunderstandings related to the adverse underwriting decision;

89 (4) Provide the currently insured property owner a minimum of 60 days to cure the
90 condition or conditions underlying an adverse underwriting decision from the date the
91 insurer identifies the specific condition or conditions, even if the date to cure exceeds the
92 nonrenewal notice period provided for in Code Section 33-24-46. An insurer shall have
93 the right to assess the work used to correct the condition or conditions to ensure that such
94 condition or conditions have been corrected in a manner that meets the standards
95 originally communicated by the insurer under paragraph (1) of this subsection; and

96 (5) Offer a renewal policy or rescission of the insurer's adverse underwriting decision to
97 a property owner who submits proof that he or she has cured the condition or conditions
98 identified in paragraph (1) of this subsection.

99 (c) This Code section is applicable to the Fair Access to Insurance Requirements Plan
100 described in Chapter 33 of this title, as such plan relates to residential properties.

101 (d) The Commissioner shall promulgate rules and regulations to enforce this Code section
102 which shall determine the method or methods by which insured residential property owners
103 shall submit proof of the correction of the condition or conditions identified in
104 paragraph (1) of subsection (b) of this Code section and set forth the minimum and
105 maximum sizes of the aerial images and satellite images provided for in such paragraph."

106 **SECTION 3.**

107 This Act shall become effective on July 1, 2026, and shall apply to all applicable policies,
108 contracts, and certificates executed, delivered, issued for delivery, or renewed in this state
109 on or after October 1, 2026.

110 **SECTION 4.**

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