

House Bill 1344 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 99<sup>th</sup>, Burns of the 159<sup>th</sup>, Lumsden of the 12<sup>th</sup>, Kelley of the 16<sup>th</sup>, Hugley of the 141<sup>st</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 9, 15, 23, 33, and 40 of the Official Code of Georgia Annotated, relating to  
2 civil practice, courts, equity, insurance, and motor vehicles and traffic, respectively, so as to  
3 establish certain protections for individuals, titles, and properties, provide for risk mitigation  
4 against loss, and strengthen the enforcement authority of the Commissioner of Insurance; to  
5 provide for the submission of information on suspected insurance fraud; to provide for  
6 certain entities to pay into the Special Insurance Fraud Fund; to authorize the Commissioner  
7 to use such funds to employ prosecuting attorneys for the prosecution of insurance fraud; to  
8 prohibit the solicitation, release, or sale of automobile accident information; to provide for  
9 the recruitment of insurers to this state; to provide for violation and punishment; to provide  
10 for the retention of insurers in this state; to provide for timely claims processing after a  
11 catastrophic event; to provide for reporting the use of premium tax funds; to provide for  
12 refunds and credits; to provide for homeowner protections with regard to insurance  
13 companies' use of aerial or satellite images; to provide for definitions; to provide for certain  
14 procedures; to require that homeowners be allowed 60 days to correct; to provide for  
15 applicability; to provide for rules and regulations; to provide for contractual limitations; to  
16 provide for exemptions; to provide for storm damage mitigation through the Georgia Storm  
17 Mitigation Program; to provide for funding; to provide for matching and nonmatching grants;  
18 to provide for eligibility; to provide for mitigation contractors; to provide for increased fees

19 for driving without minimum motor vehicle insurance coverage; to increase the amount of  
20 certain monetary penalties; to provide for rental home marketplace guarantees to be excluded  
21 from the definition of property insurance; to revise provisions for judicial sales relative to  
22 acceptable tenders by purchasers; to permit certain purchasers to submit credit bids; to  
23 provide for the protection of personally identifiable data of judges and spouses; to provide  
24 for the restriction from disclosure of certain information; to provide for authorized release  
25 of certain restricted information; to provide penalties; to provide for construction; to provide  
26 for the qualification of special masters in certain quiet title actions; to provide for definitions;  
27 to provide for related matters; to provide for short titles; to provide for legislative purposes;  
28 to provide for an effective date and applicability; to repeal conflicting laws; and for other  
29 purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31

**PART I**

32

*Short title and legislative purposes*

33

**SECTION 1-1.**

34 This Act shall be known and may be cited as the "Georgia Insurance Affordability and  
35 Claims Integrity Act."

36

**SECTION 1-2.**

37 (a) The purposes of this Act are to ensure that Georgia consumers, including businesses and  
38 individuals, have access to:

39 (1) Affordable quality insurance coverage without being subjected to unjustified rate  
40 hikes or unfair business practices; and

41 (2) Fair and transparent insurance policies under which claims are processed  
42 expeditiously and in compliance with policy provisions and federal and state law.

43 (b) These purposes shall be accomplished by enhancing the Commissioner of Insurance's  
44 authority; providing homeowner protections with regard to insurance companies' use of aerial  
45 or satellite images; clarifying the regulation of insurance fraud, uninsured motorists,  
46 premium tax, insurance rates, and claims processing; exempting rental home marketplace  
47 guarantees from the definition of property insurance; encouraging cooperation among state  
48 agencies; and protecting personally identifiable information of current and former judges and  
49 their spouses.

50 **PART II**

51 *Insurance fraud*

52 **SECTION 2-1.**

53 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
54 Chapter 1, relating to general provisions, by revising subsection (f) of Code Section 33-1-16,  
55 relating to investigation of fraudulent insurance act, collection of evidence, immunity from  
56 liability, public inspection, and enforcement, as follows:

57 "(f) Any person, other than an insurer, agent, or other person licensed under this title, or  
58 an employee thereof, having knowledge of or who believes that a fraudulent insurance act  
59 is being or has been committed may send to the Commissioner a report of information  
60 pertinent to such knowledge of or belief and such additional information relative thereto  
61 as the Commissioner may request. Any insurer, agent, or other person licensed under this  
62 title, or an employee thereof, having knowledge of or who believes that a fraudulent  
63 insurance act is being or has been committed shall send to the Commissioner a report or  
64 information pertinent to such knowledge or belief and such additional information relative  
65 thereto as the Commissioner or his or her employees or agents may require. Any insurer

66 that conducts an independent investigation of suspected insurance fraud shall not be  
67 required to complete such investigation before sending information pertinent to such  
68 investigation to the Commissioner. The Commissioner or his or her employees or agents  
69 shall review such information or reports as, in the judgment of the Commissioner or such  
70 employees or agents, may require further investigation. The Commissioner shall then  
71 cause an investigation of the facts surrounding such information or report to be made to  
72 determine the extent, if any, to which a fraudulent insurance act is being committed and  
73 shall report any alleged violations of law which the investigations disclose to the  
74 appropriate prosecuting attorney having jurisdiction with respect to any such violation. If  
75 prosecution by the prosecuting attorney is not begun within 90 days of the report, the  
76 prosecuting attorney shall inform the Commissioner of the reasons for the lack of  
77 prosecution."

#### 78 SECTION 2-2.

79 Said title is further amended in said chapter by revising subsection (c) of Code Section  
80 33-1-17, relating to Special Insurance Fraud Fund, as follows:

81 "(c)(1) The Commissioner shall prepare, on an annual basis, a separate budget request  
82 to the General Assembly which sets forth the anticipated cost and expense of funding the  
83 investigation and prosecution of insurance fraud in this state for the ensuing 12 months.  
84 Such budget request shall set forth the annual cost and expense of the investigation and  
85 prosecution of insurance fraud in ~~Georgia~~ this state for the preceding 12 months.

86 (2) There is imposed upon each foreign, alien, and domestic insurance company doing  
87 business in the state an annual assessment under a formula to be established by regulation  
88 promulgated by the Commissioner. The formula shall be calculated such that the total  
89 proceeds paid or collected from such assessments for any year shall not exceed the  
90 amounts appropriated by the General Assembly pursuant to paragraph (3) of this  
91 subsection, which appropriation shall be based upon the budget request setting forth the

92 applicable annual cost and expense of the investigation and prosecution of insurance  
93 fraud in ~~Georgia~~ this state submitted by the Commissioner. Such assessments may be  
94 measured by kind of company, kind of insurance, income, volume of transactions, or such  
95 other factors as the Commissioner ~~determines~~ deems appropriate. Assessments based on  
96 the annual appropriation shall be due on September 1 of the year of the assessment. Any  
97 insurance company which fails to report and pay any such assessment shall be subject to  
98 penalties and interest as provided by subsection (d) of Code Section 33-8-6. The  
99 Commissioner shall provide by regulation for such other terms and conditions for the  
100 payment or collection of such assessments as may be necessary to ensure the proper  
101 payment and collection thereof. Notwithstanding the foregoing, the provisions of this  
102 Code section shall not apply to ~~an agency captive insurance company~~, any certified  
103 dormant captive insurance company. Any agency captive insurance company, industrial  
104 insured captive insurance company, sponsored captive insurance company (including a  
105 protected cell thereof), or pure captive insurance company. ~~Foreign and~~ shall pay a fixed  
106 amount of \$100.00 per year into the Special Insurance Fraud Fund, and any foreign or  
107 alien captive insurance companies company doing business in ~~Georgia~~ this state shall;  
108 ~~however~~, pay a fixed amount of ~~\$100.00~~ \$200.00 per year into the Special Insurance  
109 Fraud Fund, without regard to the amount of the Georgia premium written by such  
110 ~~foreign or alien~~ captive insurance company. No additional amount shall be assessed  
111 against ~~the foreign or alien~~ any captive insurance company for the purpose of funding the  
112 investigation and prosecution of insurance fraud.

113 (3) The General Assembly may appropriate funds to the department for the investigation  
114 ~~of insurance fraud and for the funding of the~~ prosecution of insurance fraud. The  
115 Commissioner is authorized to use such funds for the investigation of insurance fraud and  
116 to reimburse prosecuting attorneys for some or all of the costs of retaining assistant  
117 prosecuting attorneys to prosecute insurance fraud cases. The Commissioner is further  
118 authorized to use such funds to employ prosecuting attorneys for the prosecution of

119 insurance fraud, which the district attorney in each judicial circuit may appoint in the  
120 manner as provided in Code Section 15-18-20. The Commissioner shall provide by  
121 regulation for such other terms and conditions for the use of the funds for the  
122 investigation, reimbursement, and prosecution contemplated by the terms of this  
123 paragraph."

124 **SECTION 2-3.**

125 Said title is further amended in said chapter by adding a new Code section to read as follows:  
126 "33-1-9.2.

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

128 (1) 'Capper,' 'runner,' or 'steerer' means a person who receives a pecuniary benefit from  
129 a practitioner or healthcare service provider, whether directly or indirectly, to solicit,  
130 procure, or attempt to procure a client, patient, or customer at the direction or request of,  
131 or in cooperation with, a practitioner or healthcare service provider whose purpose is to  
132 obtain benefits under a contract of insurance or to assert a claim against an insured or an  
133 insurer for providing services to the client, patient, or customer. Such terms shall not  
134 include:

135 (A) Any insurance company or agent or employee thereof that provides referrals or  
136 recommendations to its insureds; or

137 (B) A practitioner or healthcare service provider that procures clients, patients, or  
138 customers through the use of public media or by referrals or recommendations from  
139 other practitioners or healthcare service providers.

140 (2) 'Practitioner' means an attorney, healthcare professional, owner or partial owner of  
141 a healthcare practice or facility, or any person employed or acting on behalf of any of the  
142 individuals listed in this paragraph.

143 (3) 'Public media' means telephone directories, professional directories, newspapers and  
144 other periodicals, radio and television, billboards, and mailed or electronically transmitted

145 written communications that do not involve in-person contact with a specific prospective  
146 client, patient, or customer.

147 (b) Except as provided for in paragraph (5) of subsection (a) of Code Section 50-18-72,  
148 it is unlawful for any person in an individual capacity or in a capacity as a law enforcement  
149 officer, law enforcement records staff member, wrecker services staff member, emergency  
150 staff member, physician, hospital employee, or attorney to solicit, release, or sell any  
151 information relating to the parties of a motor vehicle collision for personal financial gain.  
152 This subsection shall not apply to public media advertisement and solicitation.

153 (c) It is unlawful for:

154 (1) Any person in an individual capacity or in a capacity as a public or private employee  
155 or any firm, corporation, partnership, or association to act as a capper, runner, or steerer  
156 for any practitioner or healthcare service provider. This paragraph shall not prohibit an  
157 attorney or healthcare provider from making a referral and receiving compensation as is  
158 permitted under applicable professional rules of conduct; and

159 (2) Any practitioner or healthcare service provider to compensate or give anything of  
160 value to a person acting as a capper, runner, or steerer. It is also unlawful for any capper,  
161 runner, or steerer to recommend or secure a practitioner's or healthcare service provider's  
162 employment by a client, patient, or customer if such practitioner or healthcare service  
163 provider obtains or intends to obtain benefits under a contract of insurance or asserts a  
164 claim against an insured or an insurer for providing services to the client, patient, or  
165 customer.

166 (d) Any person convicted of a violation of this Code section shall be guilty of a felony and,  
167 upon conviction thereof, shall be punished by imprisonment of not more than ten years and  
168 by a fine of not more than \$200,000.00 per violation."

169 **SECTION 2-4.**

170 Said title is further amended in Chapter 24, relating to insurance generally, by repealing and  
 171 reserving Code Section 33-24-53, relating to solicitation, release, or sale of automobile  
 172 accident information prohibited, definitions, exceptions, and penalties.

173 **PART III**

174 *Recruitment and retention of insurers*

175 **SECTION 3-1.**

176 Said title is further amended in Chapter 1, relating to general provisions, by adding a new  
 177 Code section to read as follows:

178 "33-1-28.

179 The Commissioner, in coordination with the Department of Economic Development, is  
 180 authorized to pursue the recruitment and retention of insurers to keep or change domiciles  
 181 in or to this state and to locate local, regional, national, and international headquarters and  
 182 major offices in this state."

183 **PART IV**

184 *Timely claims processing and payment*

185 **SECTION 4-1.**

186 Title 33 of the Official Code of Georgia Annotated is further amended in Chapter 3, relating  
 187 to authorization and general requirements for transaction of insurance, by adding a new Code  
 188 section to read as follows:

189 "33-3-28.1.

190 (a) As used in this Code section, the term 'catastrophic event' means a major natural or  
 191 human caused event, including, but not limited to, windstorms, cyclones, earthquakes,

192 hurricanes, ice storms, tornadoes, high winds, floods, hail storms, or any other weather  
193 events or occurrences, provided that any such event or occurrence has been declared as a  
194 disaster or emergency by the President of the United States or the Governor.

195 (b) After a catastrophic event occurs in this state, the Commissioner is authorized to  
196 extend the time period during which insurers require receipt of claims from insureds when,  
197 at the sole determination of the Commissioner, a lack of qualified resources are available  
198 for insureds to file an accurate claim.

199 (c) After a catastrophic event occurs in this state, the Commissioner is authorized to issue  
200 a directive requiring every insurer to comply with the following requirements relating to  
201 processing property claims arising from the catastrophic event:

202 (1) Within 15 calendar days of receiving notification of a claim, the insurer shall  
203 acknowledge the claim and provide necessary claims forms and reasonable instructions  
204 to the insured. Notification of a claim provided to an insurer's agent shall constitute  
205 notification to the insurer. Acknowledgment of the claim made by any means other than  
206 writing shall be noted and dated in the insurer's claim file on the insured. Payment within  
207 15 calendar days of receiving notification of a claim shall satisfy the requirements of this  
208 paragraph;

209 (2) The insurer shall affirm or deny liability on claims for losses arising from  
210 catastrophic events within 15 calendar days of receiving the completed proof of loss from  
211 the insured under a motor vehicle policy and within 60 calendar days of receiving the  
212 completed proof of loss from the insured under all other property insurance policies. If  
213 the insurer does not require proof of loss to be completed, a coverage investigation shall  
214 take place within 30 calendar days from the day notification the claim was received;

215 (3) Payment shall be tendered to the insured within ten calendar days after coverage is  
216 accepted and the full amount of the claim is determined and not in dispute. In claims  
217 where multiple coverages are involved, payment for individual coverages that are not in

218 dispute shall be tendered within ten calendar days after coverage is confirmed if such  
219 payment would terminate the insurer's known liability under that individual coverage;  
220 (4) If the insurer needs more time than specified in paragraph (3) of this subsection to  
221 determine liability, such insurer shall notify the claimant within five business days after  
222 the time limitation has elapsed that more time is needed, the reason more time is needed,  
223 and an estimate of additional time needed to establish liability. Notification by any other  
224 means than writing shall be noted and dated in the insurer's claim file on the insured; and  
225 (5) The total time the insurer has to affirm or deny liability shall not exceed 60 days from  
226 the time the insurer is notified of the claim, unless the insurer has documented in the  
227 claim file that reasonable and necessary information to determine liability has been  
228 requested and not been provided by the insured."

229

**PART V**

230

*Reporting use of insurance premium tax*

231

**SECTION 5-1.**

232 Title 33 of the Official Code of Georgia Annotated is further amended in Chapter 8, relating  
233 to fees and taxes, in Code Section 33-8-8.2, relating to county and municipal corporation  
234 taxes on other than life insurance companies, by adding a new subsection to read as follows:  
235 "(f) On or before January 1, 2027, and annually thereafter, any county or municipal  
236 corporation receiving allocated taxes collected pursuant to this Code section shall file with  
237 the Commissioner an annual report on a form prescribed by the Commissioner  
238 demonstrating how funds were expended for purposes authorized by law or, as an  
239 alternative for a county, a copy of the budget report required of counties pursuant to Code  
240 Section 33-8-8.3."

241

**PART VI**

242

*Refunds and credits*

243

**SECTION 6-1.**

244 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
245 Chapter 8, relating to fees and taxes regarding insurance, by revising Code Section 33-8-9,  
246 relating to granting of refunds and credits by Commissioner, as follows:

247 "33-8-9.

248 Refunds and credits of license fees and taxes levied by this chapter shall be made by the  
249 Commissioner in accordance with the provisions of Code Sections 33-2-29 through  
250 33-2-31; provided, however, that any claim for a refund of a fee or tax erroneously or  
251 illegally assessed and collected under this chapter shall be made by the insurer in writing  
252 within three years after the date of payment of such fee or tax to the Commissioner."

253

**PART VII**

254

*Insurer use of aerial images*

255

**SECTION 7-1.**

256 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
257 Chapter 9, relating to regulation of rates, underwriting rules, and related organizations, by  
258 adding a new Code section to read as follows:

259 "33-9-45.260 (a) As used in this Code section, the term:

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

263 (2) 'Adverse underwriting decision' means a cancellation or nonrenewal of an owner  
264 occupied residential property insurance coverage in which the basis for such cancellation

265 or nonrenewal relies on the use of aerial images. Such term does not mean placement of  
266 coverage with an insurer that is not an admitted insurer or with the Fair Access to  
267 Insurance Requirements Plan described in Chapter 33 of this title.

268 (3) 'Aerial images' means photographs or other images, except for satellite images, of a  
269 named insured's owner occupied residential property captured from an aircraft, drone,  
270 balloon, or unmanned aerial system.

271 (4) 'Nonrenewal' means a refusal by an insurer or an affiliate of an insurer to renew.  
272 Failure of an insured to pay the premium as required of the insured for renewal, a change  
273 in policy terms, or a reduction in coverage after the insurer has manifested a willingness  
274 to renew by delivering a renewal policy, renewal certificate, or other evidence of renewal  
275 to the named insured or his or her representative or has offered to issue a renewal policy,  
276 certificate, or other evidence of renewal or has manifested such intention by any other  
277 means shall not be considered a nonrenewal.

278 (5) Owner-occupied residential property means a home where the title holder lives as his  
279 or her primary residence.

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

281 (i) Issuance and delivery by an insurer or an affiliate of such insurer of a policy  
282 superseding at the end of the policy period or term a policy previously issued and  
283 delivered by the same insurer;

284 (ii) Issuance and delivery of a certificate or notice extending the term of a policy  
285 beyond its policy period or term; or

286 (iii) The extension of the term of a policy beyond its policy period or term pursuant  
287 to a provision for extending the policy by payment of a continuation premium.

288 (B) Any policy with a policy period or term of less than six months shall be considered  
289 to have successive policy periods or terms ending each six months following its original  
290 date of issuance and, regardless of its wording, any interim termination by its terms or  
291 by refusal to accept premiums shall be a cancellation. Any policy written for a period

292 or term longer than one year or any policy with no fixed expiration date shall be  
293 considered as if written for successive policy periods or terms of one year and any  
294 termination by an insurer effective on an anniversary date of such policy shall be  
295 deemed a refusal to renew.

296 (7) 'Residential property' means real property occupied as the primary residence of a  
297 natural person.

298 (8) 'Satellite images' means images of a named insured's owner occupied residential  
299 property captured from a satellite.

300 (9)(A) 'Unmanned aerial system' means a powered, aerial vehicle that:

301 (i) Does not carry a human operator and is operated without the possibility of direct  
302 human intervention from within or on the vehicle;

303 (ii) Uses aerodynamic forces to provide vehicle lift;

304 (iii) Can fly autonomously or be piloted remotely;

305 (iv) Can be expendable or recoverable; and

306 (v) Has the ability to photograph.

307 (B) Such term does not include a satellite.

308 (b) When utilizing aerial images or satellite images produced by an unmanned aerial  
309 system or satellite as a basis for the cancellation or nonrenewal of the insurance on an  
310 owner occupied residential property, an admitted insurer shall:

311 (1) Ensure that the notice of an adverse underwriting decision by the insurer includes  
312 copies, or instructions as to how to access copies, of the date stamped aerial images or  
313 satellite images used as the basis of the adverse underwriting decision and a description  
314 of the steps the owner occupied residential property owner may take to reverse the  
315 insurer's adverse underwriting decision on such owner's property, including the specific  
316 standards that any repairs must adhere to. Such aerial images and satellite images shall  
317 have been taken within 12 months of the issuance of the adverse underwriting decision;

318 (2) Establish a point of contact at the insurer and a process for currently insured property  
319 owners to provide documentation of completion of the required work that the insurer  
320 communicates to the property owner under paragraph (1) of this subsection. Such  
321 documentation shall be used by the insurer in considering whether to uphold or reverse  
322 the adverse underwriting decision. Except in circumstances as shall be described in rules  
323 and regulations which shall be promulgated by the Commissioner, any images submitted  
324 by the property owner to the insurer shall be of equal or greater resolution and quality as  
325 the aerial images or satellite images otherwise being relied upon by the insurer to make  
326 the adverse underwriting decision;

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

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

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

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

341 (d) The Commissioner shall promulgate rules and regulations to enforce this Code section  
342 which shall determine the method or methods by which owner occupied residential  
343 property owners shall submit proof of the correction of the condition or conditions  
344 identified in paragraph (1) of subsection (b) of this Code section and set forth the minimum

345 and maximum resolution of the aerial images or satellite images that may be required  
346 related to such proof."

347 **PART VIII**

348 *Contractual limitations*

349 **SECTION 8-1.**

350 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
351 Chapter 24, relating to insurance generally, by repealing and reserving Code Section  
352 33-24-53, relating to solicitation, release, or sale of automobile accident information  
353 prohibited, definitions, exceptions, and penalties.

354 **SECTION 8-2.**

355 Said title is further amended in said chapter by adding a new Code section to read as follows:

356 "33-24-59.37.

357 (a) No property, casualty, credit, marine and transportation, or vehicle insurance policy  
358 providing first-party insurance coverage for loss or damage to any type of real or personal  
359 property in this state, or any related contract or instrument to such policy, shall contain a  
360 contractual limitation requiring commencement of any suit or action within a specified  
361 period of time of less than two years from the date of loss; provided, however, that such  
362 limitation shall apply only to the portion or portions of such policies providing first-party  
363 property insurance coverage. This subsection shall apply to all such policies issued,  
364 delivered, issued for delivery, or renewed in this state on and after July 1, 2027.

365 (b) Liability coverage and workers' compensation coverage are expressly exempted from  
366 the requirements of subsection (a) of this Code section."

367

**PART IX**

368

*Georgia Storm Damage Mitigation Program*

369

**SECTION 9-1.**

370 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in

371 Chapter 32, relating to property insurance, by adding a new article to read as follows:

372

"ARTICLE 3373 33-32-20.374 This article shall be known and may be cited as the 'Georgia Storm Damage Mitigation375 Program Act.'376 33-32-21.377 As used in this article, the term:378 (1) 'Program' means the Georgia Storm Damage Mitigation Program.379 (2) 'Residential property' means real property used or occupied as the primary residence380 of a natural person.381 33-32-22.382 (a) There is established the Georgia Storm Damage Mitigation Program within the383 department for the purpose of reducing the financial impact of property insurance claims384 in this state by mitigating losses and lowering repair costs through a comprehensive and385 coordinated approach to remedy damages due to tornadoes, hurricanes, and windstorms.386 (b) The Commissioner shall administer the program and is authorized to appoint a program387 administrator.

388 (c) The program shall not create an entitlement for residential property owners or obligate  
389 the state in any way to fund the inspection or retrofitting of residential property.

390 33-32-23.

391 (a) Implementation of the Georgia Storm Damage Mitigation Program is subject to  
392 sufficient funds provided through annual legislative appropriations and other funds as  
393 provided for in this Code section.

394 (b) The program shall be funded through the use of all premium taxes collected from the  
395 underwriting association established pursuant to Chapter 33 of this title and through  
396 one-tenth of 1 percent of state insurance premium taxes collected annually and remitted to  
397 the department pursuant to Code Section 33-8-4.

398 (c) The Commissioner or the program administrator is authorized to solicit and accept  
399 federal funding in support of the program as well as private funding, public grants, in-kind  
400 gifts, or any other funding or donations from individuals, private organizations, or  
401 foundations.

402 33-32-24.

403 (a) The department is authorized to award grants under the program subject to the  
404 availability of funds.

405 (b) Grants may be used for the following improvements to residential property:

406 (1) Roof deck attachments;

407 (2) Secondary water barriers;

408 (3) Roof coverings;

409 (4) Brace gable ends;

410 (5) Reinforcement of roof-to-wall connections;

411 (6) Opening protections;

412 (7) Exterior doors, including, but not limited to, garage doors;

- 413 (8) Tie downs;  
414 (9) Fixing problems associated with weakened trusses, studs, and other structural  
415 components;  
416 (10) Inspection and repair or replacement of manufactured home piers, anchors, and  
417 tie-down straps; and  
418 (11) Any other mitigation techniques recommended by the Commissioner or the program  
419 administrator, as provided in rules and regulations promulgated by the Commissioner.

420 33-32-25.

421 (a) Any grants issued pursuant to this Code section shall be used to assist owners of a  
422 single-family dwelling or site-built, manufactured, or modular, owner occupied, residential  
423 property to retrofit such property to be less vulnerable to hurricanes, tornadoes, hail,  
424 windstorms, or flooding damage.

425 (b) To be eligible for a grant, a residential property shall be:

426 (1) A single-family dwelling or a site-built, manufactured, or modular residential  
427 property owned and occupied by the applicant;

428 (2) The legal residence of the applicant; and

429 (3) Covered by a current homeowners or dwelling insurance policy that:

430 (A) Is issued by an insurer authorized to write insurance in this state, issued by a  
431 surplus lines insurer when lawfully placed by a surplus lines broker authorized to do  
432 business in this state, or is covered through the underwriting association established  
433 pursuant to Chapter 33 of this title;

434 (B) Provides insurance coverage of the residential property equal to or greater than the  
435 fair market value of property as such term is defined in Code Section 48-5-2; and

436 (C) Has undergone an acceptable wind certification and hurricane mitigation inspection  
437 in accordance with program requirements.

438 (c) The type and amount of grants shall be awarded as follows:

439 (1) A resilient mitigation award for roof retrofits meeting industry standards and  
440 guidelines, such as Georgia Strong Home retrofit guidelines only, and Institute for  
441 Business and Home Safety Fortified Roof retrofit guidelines for a residential property,  
442 as may be provided for by rules. Such award shall not exceed \$6,000.00 for matching  
443 grants or \$7,500.00 for nonmatching grants;

444 (2) A sustainable mitigation award for roof retrofits meeting industry standards and  
445 guidelines, such as Georgia Strong Home retrofit guidelines, or for window replacement  
446 and opening protection retrofits meeting industry standards and guidelines, such as  
447 Georgia Strong Home opening protection guidelines for residential property, as may be  
448 provided for by rules. Such award shall not exceed \$4,000.00 for matching grants or  
449 \$5,000.00 for nonmatching grants awards; or

450 (3) A sustainable mitigation award for hurricane shuttering and protective barrier  
451 systems meeting industry standards and guidelines, such as Georgia Strong Home  
452 opening protection guidelines, as may be provided for by rules. Such award shall not  
453 exceed \$4,000.00 for either matching or nonmatching grants.

454 (d) The amount of any nonmatching grant shall be determined based on the cost of the  
455 mitigation project and a percentage of the total adjusted household income of the applicant  
456 according to their most recent federal income tax return. Applicants for nonmatching  
457 grants with a total annual adjusted gross household income that does not exceed the median  
458 annual adjusted gross income for households within the county in which the applicant  
459 resides may be eligible for the maximum amount of such grant. Applicants for  
460 nonmatching grants with a total annual adjusted household income above the median for  
461 households within the county in which the applicant resides may be awarded a lower grant  
462 amount.

463 33-32-26.

464 Matching grants may be made available to local governments and nonprofit entities for  
465 projects that reduce storm and hurricane damage to single-family dwelling or a site-built,  
466 manufactured, or modular owner occupied, residential property, provided that:

467 (1) No matching grant for any one local government or nonprofit entity shall exceed  
468 \$25,000.00 in any fiscal year;

469 (2) The total amount of matching grants awarded to all local governments and nonprofit  
470 entities combined shall not exceed \$200,000.00 in any fiscal year;

471 (3) The difference between \$250,000.00 and the total amount of grants awarded to all  
472 local governments and nonprofit entities combined in any fiscal year shall be applied to  
473 grants to individual residential property owners as provided in Code Section 33-32-25;  
474 and

475 (4) For any project funded, in whole or in part, by a grant pursuant to this Code section,  
476 the local government or nonprofit entity shall employ multimedia public education,  
477 awareness, and advertising efforts designed to specifically address mitigation techniques,  
478 as well as a component to support ongoing consumer resources and referral services.

479 33-32-27.

480 (a) The department shall create a process in which mitigation contractors agree to  
481 participate and seek reimbursement under the program and homeowners agree to select  
482 from a list of participating contractors.

483 (b) Any mitigation projects shall be based upon the securing of all required local permits  
484 and inspections and shall be subject to random reinspection. The Commissioner or the  
485 program administrator may reinspect up to 10 percent of all mitigation projects.

486 33-32-28.

487 The Commissioner shall promulgate rules and regulations necessary to implement the  
 488 provisions of this article."

489

**PART X**

490

*Uninsured motorists lapse fees*

491

**SECTION 10-1.**

492 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 493 amended in Chapter 2, relating to registration and licensing of motor vehicles, by revising  
 494 subsection (e) of Code Section 40-2-137, relating to notice of insurance coverage and  
 495 termination, lapses in insurance coverage, and insurance coverage for active duty military  
 496 personnel, as follows:

497 "(e)(1) When proof of minimum motor vehicle insurance coverage is provided within the  
 498 time period specified in this Code section, but there has been a lapse of coverage for a  
 499 period of more than ten days, the owner shall remit a ~~\$25.00~~ \$50.00 lapse fee to the  
 500 department. Failure to remit ~~the lapse such~~ fee to the department within 30 days of the  
 501 date of such notice ~~will~~ shall result in the immediate suspension of ~~the~~ such owner's  
 502 motor vehicle registration by operation of law. If any lapse fee provided for in this Code  
 503 section is paid to the county tax commissioner, the county shall retain ~~\$5.00~~ \$10.00  
 504 thereof as a collection fee.

505 (2) If proof is not provided within the time period specified in this Code section that  
 506 minimum motor vehicle insurance coverage is in effect, the owner's motor vehicle  
 507 registration shall be suspended immediately by operation of law ~~by the department~~.  
 508 When such proof is provided and the owner pays a ~~\$25.00~~ \$50.00 lapse fee and pays a  
 509 ~~\$60.00~~ \$125.00 restoration fee, the suspension shall terminate; provided, however, that  
 510 the commissioner may waive the lapse fee and restoration fee for any owner whose

511 vehicle registration has been suspended pursuant to this paragraph who provides proof  
 512 of continuous minimum motor vehicle insurance coverage. If any restoration fee  
 513 provided for in this Code section is paid to the county tax commissioner, the county shall  
 514 retain ~~\$10.00~~ \$15.00 thereof as a collection fee.

515 (3) In the event of a second suspension of the owner's registration under this Code  
 516 section; within a five-year period of a prior suspension, ~~the department by operation of~~  
 517 ~~law shall suspend the~~ such owner's motor vehicle registration shall be suspended  
 518 immediately by operation of law. When proof is provided that minimum motor vehicle  
 519 insurance coverage is in effect and the owner pays a ~~\$25.00~~ \$125.00 lapse fee and pays  
 520 a ~~\$60.00~~ \$150.00 restoration fee, the suspension shall terminate.

521 (4) In the event of a third or subsequent suspension of the owner's registration under this  
 522 Code section; within the previous five-year period from the date of the third or  
 523 subsequent suspension, ~~the department by operation of law shall revoke the~~ such owner's  
 524 motor vehicle registration shall be revoked immediately by operation of law. When proof  
 525 is provided that minimum motor vehicle insurance coverage is in effect and the owner  
 526 pays a ~~\$25.00~~ \$150.00 lapse fee and pays a ~~\$160.00~~ \$500.00 restoration fee, the owner  
 527 may apply for registration of the motor vehicle."

528

## PART XI

529

### *Monetary penalties*

530

#### SECTION 11-1.

531 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is further amended  
 532 in Chapter 1, relating to general provisions, by revising subsection (e) of Code Section  
 533 33-1-9, relating to insurance fraud, venue, penalty, and exemption, as follows:

534 "(e) A natural person convicted of a violation of this Code section shall be guilty of a  
 535 felony and shall be punished by imprisonment for not less than two nor more than ten

536 years; or by a fine of up to \$100,000.00 for each and every act in violation of this Code  
537 section not more than \$10,000.00, or both."

538 **SECTION 11-2.**

539 Said title is further amended in said chapter by revising subsection (c) of Code Section  
540 33-1-9.1, relating to crimes of staging a collision or filing a fraudulent claim and penalty, as  
541 follows:

542 "(c) A person shall be guilty of the crime of making a fraudulent claim related to a staged  
543 collision when such person makes, or assists in making, a claim for insurance benefits of  
544 any type or brings, or assists in bringing, a civil lawsuit against another seeking monetary  
545 damages with knowledge that the injuries for which insurance benefits or monetary  
546 damages are sought resulted from a staged collision, or seeks to obtain any benefit to which  
547 such claimant is not legally entitled. Making a fraudulent claim related to a staged  
548 collision shall constitute a felony and shall be punishable by no less than one year nor more  
549 than five years' imprisonment or by a fine of up to \$100,000.00 for each and every act in  
550 violation of this subsection, or both."

551 **SECTION 11-3.**

552 Said title is further amended in said chapter by revising subsection (c) of Code Section  
553 33-1-15, relating to affidavit that insured's motor vehicle stolen, as follows:

554 "(c) Any person who violates subsection (b) of this Code section shall be guilty of a felony  
555 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor  
556 more than five years or by a fine of not more than ~~\$10,000.00~~ \$20,000.00, or both."

557 **SECTION 11-4.**

558 Said title is further amended in said chapter by revising subsection (d) of Code Section  
559 33-1-16.1, relating to excessive, fraudulent, or high-tech drug testing of certain individuals  
560 as fraudulent insurance act, as follows:

561 "(d) A natural person convicted of a violation of this Code section shall be guilty of a  
562 misdemeanor and shall be punished by ~~imprisonment~~ confinement for not more than 12  
563 months, by a fine of not more than ~~\$1,000.00~~ \$2,500.00 per violation, or both."

564 **SECTION 11-5.**

565 Said title is further amended in said Chapter 6, relating to unfair trade practices, by revising  
566 subsection (a) of Code Section 33-6-8, relating to issuance of cease and desist orders,  
567 issuance of orders providing for other relief, change in orders, and date on which orders  
568 appealable, as follows:

569 "(a) If, after the hearing provided for in Code Section 33-6-7, the Commissioner shall  
570 determine that the person charged has engaged in an unfair method of competition or an  
571 unfair or deceptive act or practice, he or she shall reduce his or her findings to writing and  
572 shall issue and cause to be served upon the person charged with the violation a copy of the  
573 findings and an order requiring such person to cease and desist from engaging in the  
574 method of competition, act, or practice; and, if the act or practice is a violation of Code  
575 Sections 33-6-4 and 33-6-5, the Commissioner may at his or her discretion order any one  
576 or more of the following:

577 (1) Payment of a monetary penalty of not more than ~~\$1,000.00~~ \$5,000.00 for each and  
578 every act or violation, unless the person knew or reasonably should have known he or she  
579 was in violation of this article, in which case the penalty shall be not more than ~~\$5,000.00~~  
580 \$25,000.00 for each and every act or violation;

581 (2) Suspension or revocation of the person's license, if he or she knew or reasonably  
582 should have known he or she was in violation of this article; or

583 (3) Any other relief as is reasonable and appropriate."

584 **SECTION 11-6.**

585 Said title is further amended in said chapter by revising Code Section 33-6-9, relating to  
586 penalties for violations of cease and desist orders, as follows:

587 "33-6-9.

588 After notice and hearing and upon order of the Commissioner, any person who violates a  
589 cease and desist order under Code Section 33-6-8, while the order is in effect may, at the  
590 discretion of the Commissioner, be subject to any one or more of the following:

591 (1) A monetary penalty of not more than ~~\$10,000.00~~ \$15,000.00 for each and every act  
592 or violation;

593 (2) Suspension or revocation of such person's license; or

594 (3) Any other relief as is reasonable and appropriate."

595 **SECTION 11-7.**

596 Said title is further amended in Chapter 9, relating to regulation of rates, underwriting rules,  
597 and related organizations, by revising Code Section 33-9-38, relating to penalty for failure  
598 to comply with final order of Commissioner and penalty for willful violation of provision of  
599 chapter, as follows:

600 "33-9-38.

601 (a) Any person, insurer, organization, group, or association who fails to comply with a  
602 final order of the Commissioner under this chapter shall be liable to the state in an amount  
603 not exceeding ~~\$50.00~~ \$1,000.00; but, if such failure is willful, the person, insurer,  
604 organization, group, or association shall be liable to the state in an amount not exceeding  
605 ~~\$5,000.00~~ \$10,000.00. The Commissioner shall collect the amount so payable and may  
606 bring an action in the name of the people of the State of Georgia to enforce collection.  
607 Such penalties may be in addition to any other penalties provided by law.

608 (b) Any person who willfully violates this chapter shall be guilty of a misdemeanor."

609 **SECTION 11-8.**

610 Said title is further amended in Chapter 15, relating to fraternal benefit societies, by revising  
611 Code Section 33-15-122, relating to violations and penalties, as follows:

612 "33-15-122.

613 (a) Any person, officer, member, or examining physician of any society doing business  
614 under this chapter who shall knowingly or willfully make any false or fraudulent statement  
615 or representation in or relating to any application for membership or for the purpose of  
616 obtaining money from or a benefit in any society shall be guilty of a misdemeanor and shall  
617 be punishable by a fine not to exceed \$2,000.00.

618 (b) Any person who willfully makes a false or fraudulent statement in any verified report  
619 or declaration under oath required or authorized by this chapter or of any material fact or  
620 thing contained in a sworn statement concerning the death or disability of an insured for  
621 the purpose of procuring payment of a benefit named in the certificate shall be guilty of  
622 false swearing and shall be subject to the penalties therefor prescribed by Code Section  
623 16-10-71.

624 (c) Any person who solicits membership for, or in any manner assists in procuring  
625 membership in, any society not licensed to do business in this state shall, upon conviction  
626 thereof, be fined not less than \$50.00 nor more than \$200.00.

627 (d) Any person guilty of a willful violation of, or neglect or refusal to comply with, the  
628 provisions of this chapter for which a penalty is not otherwise prescribed shall, upon  
629 conviction thereof, be subject to a fine not to exceed ~~\$200.00~~ \$2,000.00."

630 **SECTION 11-9.**

631 Said title is further amended in Chapter 22, relating to insurance premium finance  
632 companies, by revising subsection (e) of Code Section 33-22-3, relating to requirement of  
633 license for transaction of business, fees, change of address, and examination of applicants,  
634 as follows:

635 "(e) Any person who shall engage in the business of financing insurance premiums in this  
636 state without obtaining a license as provided in this Code section shall, upon conviction,  
637 be subject to a fine of not more than ~~\$1,000.00~~ \$2,000.00."

638 **SECTION 11-10.**

639 Said title is further amended in said chapter by revising subsections (c) and (d) of Code  
640 Section 33-22-6, relating to grounds and procedure for revocation, suspension, or nonrenewal  
641 of license or imposition of probation or fine, as follows:

642 "(c) In lieu of revoking or suspending the license for any of the causes enumerated in  
643 subsection (a) of this Code section, the Commissioner shall have the authority after a  
644 hearing to place the premium finance company on probation for a period of time not to  
645 exceed one year and may subject such company to a penalty of not more than ~~\$1,000.00~~  
646 \$2,000.00 for each offense when, in his or her judgment, he or she finds that the public  
647 interest would not be harmed by the continued operation of the company.

648 (d) The Commissioner shall ~~also~~ have the authority after a hearing to subject any person  
649 or entity who is acting as a premium finance company in this state without a license, as  
650 provided for by this chapter, to a penalty of not more than ~~\$1,000.00~~ \$2,000.00 for each  
651 violation of this chapter. The amount of any such penalty shall be paid by the company,  
652 person, or entity to the Commissioner for the use of the state."

653 **SECTION 11-11.**

654 Said title is further amended in said chapter by revising subsection (b) of Code Section  
655 33-22-14, relating to disposition of unearned premiums upon cancellation of insurance  
656 policy, as follows:

657 "(b)(1) In the event that the crediting of return premiums to the account of the insured  
658 results in a surplus over the amount due from the insured, the premium finance company  
659 shall refund the excess within ten working days of receipt of the return premium or tender  
660 of return premium to the insured via the agent, agency, or broker placing the insurance  
661 and shall furnish such agent, agency, or broker, upon a written request, a report setting  
662 forth an itemization of the unearned finance charge and other charges under the premium  
663 finance agreement; provided, however, there shall be no refund required when the excess  
664 due the insured is less than \$5.00.

665 (2) Any insurance premium finance company failing to tender refunds or to furnish any  
666 report requested by the agent, agency, or broker as required in paragraph (1) of this  
667 subsection shall pay to the insured via the agent, agency, or broker a penalty equal to 25  
668 50 percent of the amount of the refund and interest equal to 18 percent per annum until  
669 such time as the refund is made; ~~provided, however, the maximum amount of such~~  
670 ~~penalty and interest shall not exceed 50 percent of the amount of the refund due."~~

671 **SECTION 11-12.**

672 Said title is further amended in Chapter 23, relating to licensing, by revising paragraph (14)  
673 of subsection (d) of Code Section 33-23-12, relating to limited licenses, as follows:

674 "(14) If a vendor or its employee or authorized representative violates any provision of  
675 this subsection, the Commissioner may impose any of the following penalties:

676 (A) After notice and hearing, fines not to exceed ~~\$500.00~~ \$1,000.00 per violation or  
677 ~~\$5,000.00~~ \$10,000.00 in the aggregate for such conduct; and

678 (B) After notice and hearing, other penalties that the Commissioner deems necessary  
679 and reasonable to carry out the purpose of this article, including:

680 (i) Suspending the privilege of transacting portable electronics insurance pursuant to  
681 this subsection at specific business locations where violations have occurred; and

682 (ii) Suspending or revoking the ability of individual employees or authorized  
683 representatives to act under the license;"

684 **SECTION 11-13.**

685 Said title is further amended in Chapter 24, relating to insurance generally, by revising  
686 subsection (n) of Code Section 33-24-19.1, relating to certificate of insurance forms to be  
687 approved by Commissioner, definitions, and required provisions of certificate, as follows:

688 "(n) Any person ~~who~~ that violates this Code section may be fined up to ~~\$5,000.00~~  
689 \$10,000.00 per violation."

690 **SECTION 11-14.**

691 Said title is further amended in said chapter by revising subsection (c) of Code Section  
692 33-24-44, relating to cancellation of policies generally, as follows:

693 "(c)(1) Any unearned premium which has been paid by the insured shall be refunded to  
694 the insured on a pro rata basis as provided in this Code section. If the return does not  
695 accompany notice of cancellation, then such return shall be made on or before the  
696 cancellation date either directly to the named insured or to the insured's agent of record.  
697 In the event the insurer elects to return such unearned premium to the insured via the  
698 insured's agent of record, such agent shall return the unearned premium to the insured  
699 either in person or by depositing such return in the mail within ten working days of  
700 receipt of the unearned premium, or within ten working days of notification from the  
701 insurer of the amount of return of unearned premium due, or on the effective date of  
702 cancellation, whichever is later. If the insured has an open account with the agent, such

703 return of unearned premium may be applied to any outstanding balance and any  
 704 remaining unearned premium shall be returned to the insured either in person or by  
 705 depositing such return in the mail within ten working days of receipt of the unearned  
 706 premium, or within ten working days of notification from the insurer of the amount of  
 707 return of unearned premium due, or on the effective date of cancellation, whichever is  
 708 later.

709 (2) Paragraph (1) of this subsection shall not apply if an audit or rate investigation is  
 710 required or if the premiums are financed by a premium finance company. If an audit or  
 711 rate investigation is required, then the refund of unearned premium shall be made within  
 712 30 days after the conclusion of the audit or rate investigation. If the premiums are  
 713 financed by a premium finance company, any unearned premiums shall be tendered to  
 714 the premium finance company within ten working days after cancellation.

715 (3) Any insurer or agent failing to return any unearned premium as prescribed in  
 716 paragraphs (1) and (2) of this subsection shall pay to the insured a penalty equal to ~~25~~ 50  
 717 percent of the amount of the return of the unearned premium and interest equal to 18  
 718 percent per annum until such time that proper return has been made, which penalty and  
 719 interest ~~must~~ shall be paid at the time the return is made; ~~provided, however, that the~~  
 720 ~~maximum amount of such penalty and interest shall not exceed 50 percent of the amount~~  
 721 ~~of the refund due.~~ Failure to return any unearned premium shall not invalidate a notice  
 722 of cancellation given in accordance with subsection (b) of this Code section."

723 **SECTION 11-15.**

724 Said title is further amended in Chapter 31, relating to credit life insurance and credit  
 725 accident and sickness insurance, by revising subsection (b) of Code Section 33-31-12,  
 726 relating to promulgation of rules and regulations, enforcement of provisions, and penalties  
 727 for violations, as follows:

728 "(b) In addition to any other penalty provided by law, any person who violates an order of  
 729 the Commissioner after it has become final and while the order is in effect, upon proof of  
 730 the violation to the satisfaction of the court, shall forfeit and pay to ~~this~~ the state a sum not  
 731 to exceed ~~\$250.00~~ \$500.00, which may be recovered in a civil action, except that if such  
 732 violation is found to be willful, the amount of such penalty shall be a sum not to exceed  
 733 ~~\$1,000.00~~ \$2,000.00. The Commissioner, in his or her discretion, may revoke or suspend  
 734 the license or certificate of authority of the person guilty of such violation. The order for  
 735 suspension or revocation shall be subject to judicial review as provided in Chapter 2 of this  
 736 title."

737 **SECTION 11-16.**

738 Said title is further amended in Chapter 34A, relating to vehicle protection product  
 739 warranties, by revising subsection (g) of Code Section 33-34A-11, relating to examinations  
 740 by Commissioner, enforcement, opportunity for a hearing, burden on Commissioner to show  
 741 justification, and penalty for violations, as follows:

742 "(g) A person ~~who is~~ found to have violated this chapter or orders or rules of the  
 743 Commissioner may be ordered to pay to the Commissioner a civil penalty in an amount,  
 744 determined by the Commissioner, of not more than ~~\$500.00~~ \$1,000.00 per violation and  
 745 not more than ~~\$10,000.00~~ \$20,000.00 in the aggregate for all violations of a similar nature.  
 746 For purposes of this Code section, violations shall be of a similar nature if the violation  
 747 consists of the same or similar course of conduct, action, or practice, irrespective of the  
 748 number of times the conduct, action, or practice ~~that is~~ determined to be a violation of this  
 749 chapter occurred."

750 **SECTION 11-17.**

751 Said title is further amended in Chapter 36, relating to Georgia Insurers Insolvency Pool, by  
 752 revising subsection (b) of Code Section 33-36-19, relating to advertisements,  
 753 announcements, or statements using insolvency pool for purpose of sales, as follows:

754 "(b) Any person who violates subsection (a) of this Code section may, after notice and  
 755 hearing and upon order of the Commissioner, be subject to one or both of the following:

- 756 (1) A monetary penalty of not more than ~~\$1,000.00~~ \$2,000.00 for each act or violation,  
 757 but not to exceed an aggregate penalty of ~~\$10,000.00~~ \$20,000.00; or  
 758 (2) Suspension or revocation of his or her license or certificate of authority."

759 **SECTION 11-18.**

760 Said title is further amended in Chapter 37, relating to insurers rehabilitation and liquidation,  
 761 by revising subsection (d) of Code Section 33-37-6, relating to cooperation with  
 762 Commissioner mandated and penalties for failure to cooperate, as follows:

763 "(d) Any person included within subsection (a) of this Code section who fails to cooperate  
 764 with the Commissioner, or any person who obstructs or interferes with the Commissioner  
 765 in the conduct of any delinquency proceeding or any investigation preliminary or incidental  
 766 thereto, or who violates any order the Commissioner issued validly under this chapter may:

- 767 (1) Be sentenced to pay a fine not exceeding ~~\$10,000.00~~ \$20,000.00 or to undergo  
 768 ~~imprisonment~~ confinement for a term of not more than one year, or both; or  
 769 (2) After a hearing, be subject to the imposition by the Commissioner of a civil penalty  
 770 not to exceed ~~\$10,000.00~~ \$20,000.00 and shall be subject further to the revocation or  
 771 suspension of any insurance licenses issued by the Commissioner."

772 **SECTION 11-19.**

773 Said title is further amended in said chapter by revising subsection (b) of Code Section  
774 33-37-22, relating to responsibility of agent to provide information and penalty for violation,  
775 as follows:

776 "(b) Any agent failing to provide information to the liquidator as required in subsection (a)  
777 of this Code section may be subject to payment of a penalty of not more than ~~\$1,000.00~~  
778 \$2,000.00 and may have his or her licenses suspended, said penalty to be imposed after a  
779 hearing held by the Commissioner."

780 **SECTION 11-20.**

781 Said title is further amended in said chapter by revising subsection (b) of Code Section  
782 33-37-32, relating to premiums due during pendency of liquidation action, penalties for  
783 violation, notice, and right to appeal, as follows:

784 "(b) Upon satisfactory evidence of a violation of this Code section, the Commissioner may  
785 pursue either one or both of the following courses of action:

786 (1) Suspend, revoke, or refuse to renew the licenses of such offending party or parties;

787 or

788 (2) Impose a penalty of not more than ~~\$5,000.00~~ \$10,000.00 for each and every act in  
789 violation of this Code section by said party or parties."

790 **SECTION 11-21.**

791 Said title is further amended in Chapter 38, relating to Georgia Life and Health Insurance  
792 Guaranty Association, by revising subsection (b) of Code Section 33-38-21, relating to  
793 references to the association in advertisements for insurance, as follows:

794 "(b) Any person who violates subsection (a) of this Code section may, after notice and  
795 hearing and upon order of the Commissioner, be subject to one or more of the following:

- 796 (1) A monetary penalty of not more than ~~\$1,000.00~~ \$2,000.00 for each act or violation,  
797 but not to exceed an aggregate penalty of ~~\$10,000.00~~ \$20,000.00; or  
798 (2) Suspension or revocation of his or her license or certificate of authority."

799 **SECTION 11-22.**

800 Said title is further amended in Chapter 39, relating to collection, use, and disclosure of  
801 information gathered by insurance institutions, by revising Code Section 33-39-19, relating  
802 to monetary penalty for knowing violations of chapter and monetary penalty for violation of  
803 cease and desist order, as follows:

804 "33-39-19.

805 (a) In any case where a hearing pursuant to Code Section 33-39-16 results in the finding  
806 of a knowing violation of this chapter, the Commissioner may, in addition to the issuance  
807 of a cease and desist order as prescribed in Code Section 33-39-18, order payment of a  
808 monetary penalty of not more than ~~\$500.00~~ \$1,000.00 for each violation but not to exceed  
809 ~~\$10,000.00~~ \$20,000.00 in the aggregate for multiple violations.

810 (b) Any person who violates a cease and desist order of the Commissioner under Code  
811 Section 33-39-18 may, after notice and hearing and upon order of the Commissioner, be  
812 subject to one or more of the following penalties, at the discretion of the Commissioner:

813 (1) A monetary fine of not more than ~~\$10,000.00~~ \$20,000.00 for each violation;

814 (2) A monetary fine of not more than ~~\$50,000.00~~ \$100,000.00 if the Commissioner finds  
815 that violations have occurred with such frequency as to constitute a general business  
816 practice; or

817 (3) Suspension or revocation of an insurance institution's or agent's license."

818 **SECTION 11-23.**

819 Said title is further amended in Chapter 47, relating to managing general agents, by revising  
820 subsection (a) of Code Section 33-47-7, relating to violation of chapter and penalties, as  
821 follows:

822 "(a) If the Commissioner finds, after a hearing conducted in accordance with Chapter 2 of  
823 this title, that any person has violated any provision of this chapter, the Commissioner may  
824 order:

825 (1) For each separate violation, a penalty in an amount not to exceed ~~\$10,000.00~~  
826 \$20,000.00;

827 (2) Revocation or suspension of the producer's license; and

828 (3) The managing general agent to reimburse the insurer or the rehabilitator or liquidator  
829 of the insurer for any losses incurred by the insurer caused by a violation of this chapter  
830 committed by the managing general agent."

831 **SECTION 11-24.**

832 Said title is further amended in Chapter 59, relating to life settlements, by revising subsection  
833 (a) of Code Section 33-59-6, relating to filing of annual statement with the Commissioner  
834 and confidential information, as follows:

835 "(a)(1) Each provider shall file with the Commissioner on or before May 1 of each year  
836 an annual statement containing such information as the Commissioner may prescribe by  
837 rule or regulation in addition to any other requirements for any policy settled within five  
838 years of policy issuance. In addition to any other requirements, the annual statement shall  
839 specify the total number, aggregate face amount, and life settlement proceeds of policies  
840 settled during the immediately preceding calendar year, together with a breakdown of the  
841 information by policy issue year. The annual statement shall also include the names of  
842 the insurance companies whose policies have been settled and the life settlement brokers  
843 that have settled said policies.

844 (2) Such information shall be limited to only those transactions where the insured is a  
 845 resident of this state and shall not include individual transaction data regarding the  
 846 business of life settlements or information that there is a reasonable basis to believe could  
 847 be used to identify the owner or the insured.

848 (3) Every provider that willfully fails to file an annual statement as required ~~in~~ by this  
 849 Code section or willfully fails to reply within 30 days to a written inquiry by the  
 850 Commissioner in connection therewith, shall, in addition to other penalties provided by  
 851 this chapter, be subject, upon due notice and opportunity to be heard, to a penalty of up  
 852 to ~~\$250.00~~ \$500.00 per day of delay, not to exceed ~~\$25,000.00~~ \$50,000.00 in the  
 853 aggregate, for each such failure."

854 **SECTION 11-25.**

855 Said title is further amended in said chapter by revising subsections (b) and (c) of Code  
 856 Section 33-59-16, relating to fraudulent life settlement acts prohibited, criminal and civil  
 857 penalties, and revocation of license, as follows:

858 "(b) For criminal liability purposes, a person that commits a fraudulent life settlement act  
 859 shall be guilty of committing insurance fraud and shall be guilty of a felony and, upon  
 860 conviction, shall be punished by imprisonment for not less than two nor more than ten  
 861 years, or by a fine of not more than ~~\$10,000.00~~ \$20,000.00, or both.

862 (c) The Commissioner shall be empowered to levy a civil penalty:

863 (1) Not exceeding ~~\$1,000.00~~ \$2,000.00 for each and every act in violation of this chapter  
 864 or, if the person knew or reasonably should have known the acts that he or she committed  
 865 were in violation of this chapter, the monetary penalty provided for in this subsection  
 866 may be increased to an amount up to ~~\$5,000.00~~ \$10,000.00 for each and every act in  
 867 violation; and

868 (2) The amount of the claim for each violation upon any person, including those persons  
869 and their employees licensed pursuant to this chapter, who is found to have committed  
870 a fraudulent life settlement act or violated any other provision of this chapter."

871 **SECTION 11-26.**

872 Said title is further amended in Chapter 63, relating to guaranteed asset protection waivers,  
873 by revising Code Section 33-63-9, relating to Commissioner to enforce provisions and  
874 penalty for violations, as follows:

875 "33-63-9.

876 The Commissioner may take action which is necessary or appropriate to enforce the  
877 provisions of this chapter and to protect guaranteed asset protection waiver holders in this  
878 state. After proper notice and opportunity for hearing, the Commissioner may:

879 (1) Order the creditor, administrator, or any other person not in compliance with this  
880 chapter to cease and desist from further guaranteed asset protection waiver related  
881 operations which are in violation of this chapter; and

882 (2) Impose a penalty of not more than ~~\$500.00~~ \$1,000.00 per violation and not more than  
883 ~~\$10,000.00~~ \$20,000.00 in the aggregate for all violations of a similar nature. For  
884 purposes of this paragraph, violations ~~must~~ shall be of a similar nature if the violation  
885 consists of the same or similar course of conduct, action, or practice, irrespective of the  
886 number of times the conduct, action, or practice which is determined to be a violation of  
887 this chapter occurred."

888 **SECTION 11-27.**

889 Said title is further amended in Chapter 64, relating to regulation and licensure of pharmacy  
890 benefits managers, by revising subsections (i) and (k) of Code Section 33-64-2, relating to  
891 license requirements and filing fees, as follows:

892 "(i) In addition to all other penalties provided for under this title, the Commissioner shall  
 893 have the authority to assess a monetary penalty against any person, business entity, or other  
 894 entity acting as a pharmacy benefits manager without a license of up to ~~\$2,000.00~~  
 895 \$4,000.00 for each transaction in violation of this chapter, unless such person, business  
 896 entity, or other entity knew or reasonably should have known it was in violation of this  
 897 chapter, in which case the monetary penalty provided for in this subsection may be  
 898 increased to an amount of up to ~~\$10,000.00~~ \$20,000.00 for each and every act in violation."

899 "(k) In addition to all other penalties provided for under this title, the Commissioner shall  
 900 have the authority to place any pharmacy benefits manager on probation for a period of  
 901 time not to exceed one year for each and every act in violation of this chapter and shall  
 902 subject such pharmacy benefits manager to a monetary penalty of up to ~~\$2,000.00~~  
 903 \$4,000.00 for each and every act in violation of this chapter, unless the pharmacy benefits  
 904 manager knew or reasonably should have known he or she was in violation of this chapter,  
 905 in which case the monetary penalty provided for in this subsection shall be increased to an  
 906 amount of up to ~~\$10,000.00~~ \$20,000.00 for each and every act in violation. In the event  
 907 a pharmacy benefits manager violates any provision of this chapter while on probation, the  
 908 Commissioner shall have the authority to suspend ~~the~~ such pharmacy benefits manager's  
 909 license. For purposes of this subsection, a violation shall be considered to have occurred  
 910 each time an act in violation of this chapter is committed."

911 **SECTION 11-28.**

912 Said title is further amended in Chapter 65, relating to the "Corporate Governance Annual  
 913 Disclosure Act," by revising Code Section 33-65-8, relating to failure to file corporate  
 914 governance annual disclosures and penalty, as follows:

915 "33-65-8.

916 Any insurer failing, without just cause, to timely file the corporate governance annual  
 917 disclosure as required in this chapter shall be required, after notice and hearing, to pay a

918 penalty of ~~\$100.00~~ \$200.00 for each day's delay, to be recovered by the Commissioner, and  
 919 the penalty so recovered shall be paid into the general fund of the state treasury. The  
 920 maximum penalty under this Code section is ~~\$10,000.00~~ \$20,000.00. The Commissioner  
 921 may reduce the penalty if the insurer demonstrates to the Commissioner that the imposition  
 922 of the penalty would constitute a financial hardship to ~~the~~ such insurer."

## 923 PART XII

### 924 *Rental home marketplace guarantees*

#### 925 SECTION 12-1.

926 Title 33 of the Official Code of Georgia Annotated, relating insurance, is amended in Code  
 927 Section 33-7-6, relating to property insurance, contract requirements, rules and regulations,  
 928 and exemptions, by adding a new subsection to read as follows:

929 "(g)(1) Property insurance does not include rental home marketplace guarantees,  
 930 provided that a person, firm, or corporation providing and administering such rental home  
 931 marketplace guarantees:

932 (A) Insures rental home marketplace guarantees under a reimbursement insurance  
 933 policy issued and underwritten by an insurer authorized to transact insurance in this  
 934 state or a surplus lines insurer, pursuant to which the insurer agrees, for the benefit of  
 935 rental home marketplace guarantee beneficiaries, to discharge all of the obligations and  
 936 liabilities of the provider of the rental home marketplace guarantee under the terms of  
 937 the rental home marketplace guarantee in the event of nonperformance by such  
 938 provider;

939 (B) Includes a statement in substantially the following form: 'This agreement is not an  
 940 insurance contract' within the rental home marketplace guarantee terms;

941 (C) Clearly specifies the terms and any limitations, exceptions, or exclusions within  
 942 the rental home marketplace guarantee terms; and

943 (D) Complies with any registration requirement prescribed by the Commissioner  
944 through regulation.

945 (2) As used in this subsection, the term 'rental home marketplace' means a person, firm  
946 or corporation that:

947 (A) Provides an online application, software, website, system, or other medium  
948 through which a property is advertised or is offered to the public as available in this  
949 state and that connects platform users to enable them to share property;

950 (B) Provides, directly or indirectly, or maintains a platform for services by transmitting  
951 or otherwise communicating the offer or acceptance of a transaction between two  
952 platform users or owning or operating the electronic infrastructure or technology that  
953 brings two or more platform users together;

954 (C) Engages in the sale or offering of a rental home marketplace guarantee only in a  
955 manner that is ancillary to the conduct of its primary legitimate business or activity; and

956 (D) Is not a local or state governmental entity or vendor.

957 (3) As used in this subsection, the term 'rental home marketplace guarantee' means a  
958 contract or agreement issued in connection with a rental home marketplace, whether or  
959 not for a separate consideration, to reimburse a user sharing property for any damages for  
960 which the renter is responsible under the rental home marketplace's terms of service, with  
961 or without an additional provision for incidental payment of indemnity.

962 (4) As used in this subsection, the term 'provider' means:

963 (A) A rental home marketplace; or

964 (B) An affiliate or representative of a rental home marketplace who issues or offers as  
965 well as administers, either directly or through a third party, a rental home marketplace  
966 guarantee.

967 (5) In accordance with this subsection, a rental home marketplace guarantee as described  
968 herein shall not constitute any other kind of insurance described in this chapter or  
969 elsewhere in law."

970

**PART XIII**

971

*Judicial sales and clear title*

972

**SECTION 13-1.**

973 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended in  
 974 Part 2 of Article 7 of Chapter 13, relating to conduct and effect relative to judicial sales, by  
 975 revising Code Section 9-13-166, relating to form of tender, as follows:

976 "9-13-166.

977 Purchasers at judicial sales need not tender cash but, as an alternative, may tender a  
 978 cashier's ~~or certified~~ check or certified funds which is drawn for the amount of the purchase  
 979 price and which is issued by or certified by any financial institution insured by the Federal  
 980 Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or the  
 981 Federal Savings and Loan Insurance Corporation; provided, however, that the holder of the  
 982 security instrument being foreclosed or its designated representative shall be authorized to  
 983 submit a credit bid for the purchase price in lieu of cash, a cashier's check, or certified  
 984 funds."

985

**PART XIV**

986

*Personally identifiable information*

987

**SECTION 14-1.**

988 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Article  
 989 8 of Chapter 5, relating to protection of personally identifiable data of judges and spouses,  
 990 by revising Code Section 15-5-110, relating to definitions, as follows:

991 "15-5-110.

992 As used in this article, the term:

993 (1) 'Personally identifiable information' means ~~any personal phone number, each home~~  
 994 ~~address, or property or tax records~~ the parcel number of each such address, and each  
 995 personal telephone number of a protected person.

996 (2) 'Protected person' means any ~~current or former~~:

997 (A) Current or former judge Judge or justice of this state ~~and his or her spouse~~;

998 (B) Current or former judge Judge of any county or municipality of this state ~~and his~~  
 999 ~~or her spouse~~; and

1000 (C) Current or former judge Judge or justice of the United States ~~and his or her spouse~~;  
 1001 and

1002 (D) Spouse of any person who qualifies as a protected person under subparagraph (A),  
 1003 (B), or (C) of this paragraph.

1004 (3) 'Publicly available content' means any written or electronic document or record that  
 1005 provides information or that serves as a document or record maintained, controlled, or in  
 1006 the possession of a state or local government entity that may be obtained by any person  
 1007 from the state or local government entity's ~~public~~ website or from such state or local  
 1008 government agency upon request whether free of charge or for a fee.

1009 (4) 'State or local government entity' means any:

1010 (A) Agency of the executive branch of this state; or

1011 (B) ~~Any county~~ County or municipality of this state, including, but not limited to, any  
 1012 county or municipal court clerk's office, board of elections, board of tax assessors, or  
 1013 board of ethics."

1014 **SECTION 14-2.**

1015 Said title is further amended in said article by revising Code Section 15-5-112, relating to  
 1016 restriction of judicial personally identifiable information from public disclosure and  
 1017 enforcement, as follows:

1018 "15-5-112.

1019 (a) As used in this Code section, the term 'restrict from public disclosure' means to conceal  
1020 from a copy of an original public record or to conceal from an electronic image available  
1021 for public viewing the personally identifiable information of a protected person contained  
1022 within such record or image.

1023 (b) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary,  
1024 a state or local government entity shall restrict from public disclosure any personally  
1025 identifiable information that specifically identifies a protected person as a judge, justice,  
1026 or spouse thereof. The provisions of this subsection shall include, but shall not be limited  
1027 to, records or filings in the office of the Secretary of State and the State Ethics  
1028 Commission.

1029 ~~(b)~~(c) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary,  
1030 a state or local government entity that possesses records, filings, or other publicly available  
1031 content that does not specifically identify a person as a judge, justice, or spouse thereof but  
1032 that includes personally identifiable information of such a protected person shall, upon  
1033 request of the protected person, restrict from public disclosure any personally identifiable  
1034 information. A protected person may request that his or her personally identifiable  
1035 information be restricted from public disclosure pursuant to this subsection by submitting  
1036 a request in writing to the state or local government entity on the form provided for in Code  
1037 Section 15-5-111. A state or local government entity receiving such request shall restrict  
1038 from public disclosure the personally identifiable information within 30 days of receiving  
1039 a valid request and shall reflect on any official records index entries affected under this  
1040 Code section, including, but not limited to, any indices related to the recordation of any  
1041 instrument or document regarding the conveyance of real property, that personally  
1042 identifiable information contained within the record has been restricted from public  
1043 disclosure pursuant to this Code section.

1044 ~~(c)~~(d) Any protected person may bring an action in a court of competent jurisdiction  
1045 against any officer or employee of the state or local government entity in his or her  
1046 individual capacity for failure to comply with subsection ~~(a)~~ or (b) or (c) of this Code  
1047 section. Any relief granted by such action shall be limited to injunctive relief.

1048 (e) Any protected person may request access to information restricted from public  
1049 disclosure within publicly available content maintained by a state or local government  
1050 entity by submitting to such entity a signed authorization form developed by the  
1051 Administrative Office of the Courts. Upon receipt of such signed authorization form, the  
1052 state or local government entity shall provide the authorized protected person access to an  
1053 unrestricted copy of the documents listed in such signed authorization form.

1054 (f) Any protected person may authorize a third-party individual or entity to access  
1055 information restricted from public disclosure within publicly available content maintained  
1056 by a state or local government entity by submitting to such entity a signed authorization  
1057 form developed by the Administrative Office of the Courts. Upon receipt of such signed  
1058 authorization form, the state or local government entity shall provide the authorized  
1059 third-party individual or entity access to an unrestricted copy of the documents listed in  
1060 such signed authorization form.

1061 (g) A protected person, or his or her attorney in fact or legal representative acting on  
1062 behalf of such protected person, may submit a written request to release the restriction on  
1063 publication of such protected person's personally identifiable information. Within 45 days  
1064 of receipt of a request under this subsection, the state or local government entity shall  
1065 remove such restriction.

1066 (h) Upon proof of death of a protected person, as verified by a certified copy of a death  
1067 certificate, the attorney in fact or legal representative of the deceased protected person may  
1068 request a state or local government entity to release the restriction on publication of such  
1069 protected person's personally identifiable information unless such release is otherwise

1070 prohibited by statute or court order. Such written request shall include a certified copy of  
 1071 the protected person's death certificate.

1072 (i) Any person making a false attestation under this Code section is subject to the penalty  
 1073 of perjury under Code Section 16-10-70.

1074 (j) The provisions of this Code section shall not prohibit any county clerk, register of  
 1075 deeds, tax assessor, treasurer, or any other state or local government office or agency from  
 1076 providing unrestricted copies of recorded instruments affecting title to real property or  
 1077 property tax records that contain protected personally identifiable information to:

1078 (1) A title insurer or title insurance agent;

1079 (2) A licensed attorney representing such title insurer or title insurance agent; or

1080 (3) An agent of such a licensed attorney,

1081 in furtherance of providing title insurance, as described in Code Section 33-7-8, provided  
 1082 that such insurer, agent, attorney, or attorney's agent makes an affirmative representation  
 1083 that they are seeking such information in furtherance of providing title insurance."

1084

## PART XV

1085

### *Special master qualifications in quia timet proceedings*

1086

#### SECTION 15-1.

1087 Title 23 of the Official Code of Georgia Annotated, relating to equity, is amended in Part 2  
 1088 of Article 3 of Chapter 3, relating to quia timet against all the world, by revising Code  
 1089 Section 23-3-63, relating to submission to special master, as follows:

1090 "23-3-63.

1091 The court, upon receipt of the petition together with the plat and instruments filed  
 1092 therewith, shall submit the same to a special master who shall:

1093 (1) Be an individual ~~be a person~~ who is authorized to practice law in this state and;

- 1094 (2) Be is a resident of the judicial circuit of the United States wherein the action is  
1095 brought;
- 1096 (3) Be a citizen of this state for not less than three years; and
- 1097 (4) Have not less than five years of experience litigating or providing opinions on title  
1098 to land in this state."

1099 **PART XVI**

1100 *Effective dates, applicability, and repealer*

1101 **SECTION 16-1.**

- 1102 (a) This Act shall become effective on January 1, 2027, and shall apply to all applicable  
1103 policies, contracts, and certificates executed, delivered, issued for delivery, or renewed in this  
1104 state on or after such date.
- 1105 (b) This Act shall be applicable to all taxable years beginning on or after January 1, 2027.

1106 **SECTION 16-2.**

- 1107 All laws and parts of laws in conflict with this Act are repealed.