

House Bill 1297 (COMMITTEE SUBSTITUTE)

By: Representatives Gambill of the 15<sup>th</sup>, Frye of the 118<sup>th</sup>, Wiedower of the 119<sup>th</sup>, Washburn of the 141<sup>st</sup>, Barr of the 103<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 32 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 property insurance, so as to provide an insurance premium discount or rate reduction for  
3 property owners who build a new residential or commercial property or who retrofit an  
4 existing residential or commercial property that better resists tornado, hurricane, or other  
5 catastrophic windstorm events; to provide for applicability; to provide for definitions; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 32 of Title 33 of the Official Code of Georgia Annotated, relating to property  
10 insurance, is amended by designating Code Sections 33-32-1 through 33-32-6 as Article 1.

11 **SECTION 2.**

12 Said chapter is further amended by adding a new Article 2 to read as follows:

13 "ARTICLE 214 33-32-10.

15 (a) This article shall apply to all insurers offering or providing insurance coverage in this  
16 state on single-family residential property, commercial property, or modular homes, as  
17 provided in Code Section 33-32-11.

18 (b) As used in this article, the term:

19 (1) 'Insurable property' means single-family residential property, commercial property,  
20 or modular homes satisfying the codes, standards, or techniques as provided in Code  
21 Section 33-32-11. Such term shall not include manufactured homes or mobile homes,  
22 except where expressly provided in subsection (c) of Code Section 33-32-11.

23 (2) 'Insurer' means all property and casualty insurance companies offering or providing  
24 insurance coverage on one or more of the types of properties described in paragraph (1)  
25 of this subsection.

26 33-32-11.

27 (a) Not later than March 1, 2023, insurers shall provide a premium discount or insurance  
28 rate reduction for new or retrofitted residential insurable property in an amount and manner  
29 as established in subsection (e) of this Code section and in accordance with Code Section  
30 33-32-10. In addition, insurers may also offer additional adjustments in deductible, other  
31 credit rate differentials, or a combination thereof, collectively referred to as 'adjustments.'  
32 These adjustments shall be available under the terms specified in this Code section to any  
33 owner who builds or locates a new residential insurable property in or who retrofits an  
34 existing residential insurable property in any county located in this state to resist loss due  
35 to tornado, hurricane, or other catastrophic windstorm events.

36 (b) Not later than March 1, 2023, insurers shall provide a premium discount or insurance  
37 rate reduction for new or retrofitted commercial insurable property in an amount and

38 manner as established in subsection (e) of this Code section and in accordance with Code  
39 Section 33-32-10. In addition, insurers may also offer additional adjustments in deductible,  
40 other credit rate differentials, or a combination thereof, collectively referred to as  
41 'adjustments.' These adjustments shall be available under the terms specified in this Code  
42 section to any owner who builds or locates a new or retrofitted commercial insurable  
43 property to resist loss due to tornado, hurricane, or other catastrophic windstorm events in  
44 any county located in this state.

45 (c) To obtain the adjustment provided in this Code section, an insurable property located  
46 in this state shall be certified as constructed in accordance with the applicable Fortified  
47 Programs standards adopted by the Insurance Institute for Business and Home Safety as  
48 of January 1, 2022, or any other mitigation program standards approved by the  
49 Commissioner. An insurable property shall be certified as conforming to the applicable  
50 Fortified Programs standards by an Insurance Institute for Business and Home Safety  
51 certified evaluator. Zone 3 HUD code manufactured homes installed to specifications and  
52 regulations promulgated by the Commissioner shall also be considered for approval.

53 (d) An owner of insurable property claiming an adjustment under this Code section shall  
54 maintain sufficient certification records and construction records, including, but not limited  
55 to, a valid certification from the Insurance Institute for Business and Home Safety for  
56 compliance with the applicable Fortified Programs standards or other such records as the  
57 Commissioner may determine by rule sufficient.

58 (e) Insurers required to submit rates and rating plans to the Commissioner shall submit an  
59 actuarially justified rating plan for any person who builds an insurable property to comply  
60 with the sets of requirements of subsection (c) of this Code section. An insurer is not  
61 required to provide the same amount of adjustment for a building code insurable property  
62 as such insurer would to a Fortified designated insurable property. An adjustment shall  
63 only apply to policies that provide wind coverage and may apply to that portion of the  
64 premium for wind coverage or to the total premium if the insurer does not separate out its

65 premium for wind coverage in its rate filing. The adjustment shall apply exclusively to the  
66 premium designated for the improved insurable property. In addition to the requirements  
67 of this Code section, an insurer may voluntarily offer any other mitigation adjustment that  
68 the insurer deems appropriate."

69

**SECTION 3.**

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