

House Bill 585

By: Representatives Jones of the 47th, Jones of the 25th, Martin of the 49th, Thomas of the 21st,
and Gaines of the 120th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 33 and 40 of the Official Code of Georgia Annotated, relating to insurance
2 and motor vehicles and traffic, respectively, so as to provide for an excluded driver under a
3 motor vehicle insurance policy; to provide for definitions; to require an insurer to identify
4 any excluded drivers in proof or evidence of required minimum insurance coverage; to
5 provide for rules; to provide a penalty for an excluded driver operating a motor vehicle
6 without proof of insurance; to provide for a penalty for an excluded driver operating a
7 vehicle without insurance; to provide for related matters; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in
12 Chapter 7, relating to kinds of insurance, limits of risks, and reinsurance, by adding a new
13 Code section to read as follows:

14 "33-7-16.

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

16 (1) 'Excluded driver' means any named individual expressly excluded from coverage
17 under a motor vehicle insurance policy.

18 (2) 'Motor vehicle insurance policy' means an automobile liability policy or motor
19 vehicle liability policy issued, delivered, or issued for delivery in this state to the owner
20 of a vehicle which provides at least the minimum bodily injury, death, and property
21 damage liability coverage as required by Code Section 33-7-11.

22 (b) An insurer may exclude a named individual from coverage under a motor vehicle
23 insurance policy, provided that such insurer includes a designation that identifies such
24 named individual as an excluded driver in the proof of required minimum insurance
25 coverage under Code Section 40-6-10.

26 (c) The Commissioner shall promulgate rules and regulations necessary to implement the
27 provisions of this Code section."

28 **SECTION 2.**

29 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
30 amended in Chapter 6, relating to uniform rules of the road, by revising paragraph (6) of
31 subsection (a) and subsection (b) of Code Section 40-6-10, relating to insurance requirements
32 for operation of motor vehicles generally, as follows:

33 "(6) If a law enforcement officer of this state determines that the owner or operator of a
34 motor vehicle subject to the provisions of this Code section does not have proof or
35 evidence of required minimum insurance coverage or that the operator of such motor
36 vehicle is an excluded driver under the motor vehicle insurance policy for such vehicle
37 and does not have other proof of insurance, the arresting officer shall issue a uniform
38 traffic citation for operating a motor vehicle without proof of insurance. If the court or
39 arresting officer determines that the operator is not the owner, then a uniform traffic
40 citation may be issued to the owner for authorizing the operation of a motor vehicle
41 without proof of insurance."

42 "(b) An owner or any other person who knowingly operates or knowingly authorizes
43 another to operate a motor vehicle without effective insurance on such vehicle or without
44 an approved plan of self-insurance or an operator of a motor vehicle who is an excluded
45 driver under the motor vehicle insurance policy for such vehicle and who does not have
46 other effective insurance shall be guilty of a misdemeanor and, upon conviction thereof,
47 shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment
48 for not more than 12 months, or both. An operator of a motor vehicle shall not be guilty
49 of a violation of this Code section if such operator maintains a policy of motor vehicle
50 insurance which extends coverage to any vehicle the operator may drive. An owner or
51 operator of a motor vehicle shall not be issued a citation by a law enforcement officer for
52 a violation of this Code section if the sole basis for issuance of such a citation is that the
53 law enforcement officer is unable to obtain insurance coverage information from the
54 records of the Department of Revenue."

55

SECTION 3.

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