

Senate Bill 433

By: Senator Tillery of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds
2 of insurance, limits of risks, and reinsurance, so as to require occupational accident insurance
3 policies to provide notice of certain matters; to provide for a definition; to provide certain
4 coverages under occupational accident insurance policies if the required notice is not
5 provided; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "33-7-16.

12 (a) As used in this Code section, the term 'occupational accident insurance' means any
13 insurance that provides benefits to employees or the families of employees who are injured
14 or killed in job-related accidents. Such term shall not include workers' compensation
15 insurance as provided in Chapter 9 of Title 34.

16 (b) No occupational accident insurance policy shall be sold, issued, or delivered in this
17 state unless it contains the following statement in all capital letters in at least 14 point
18 boldface type on the declaration sheet of said policy or on a substantially similar form
19 approved by the Commissioner:

20 NOTICE

21 THIS IS NOT A WORKERS' COMPENSATION POLICY. THIS POLICY DOES NOT
22 ALLOW AN INJURED WORKER ACCESS TO THE EXPEDITED REMEDY
23 PROCESS OF WORKERS' COMPENSATION. THIS POLICY LIKELY ENTITLES AN
24 INJURED WORKER TO LESS BENEFITS THAN HE OR SHE WOULD BE DUE
25 UNDER A WORKERS' COMPENSATION POLICY. IT IS POSSIBLE, DEPENDING
26 ON ITS TERMS, THAT THIS POLICY MAY AFFORD AN INJURED WORKER NO

27 BENEFIT IF HE OR SHE ALSO HAS A KNOWN OR UNKNOWN PREEXISTING
 28 CONDITION. YOU ARE LIKELY ELIGIBLE TO PURCHASE WORKERS'
 29 COMPENSATION COVERAGE. GEORGIA LAW DOES NOT PROHIBIT A PERSON
 30 FROM OBTAINING WORKERS' COMPENSATION COVERAGE REGARDLESS OF
 31 THE NUMBER OF EMPLOYEES EMPLOYED BY SUCH PERSON.
 32 BY SIGNING THIS PAGE I ACKNOWLEDGE I HAVE READ AND UNDERSTOOD
 33 THE ABOVE NOTICE.

34 _____

35 Name'

36 (c) Any occupational accident insurance policy sold, issued, or delivered in this state that
 37 does not contain the statement required under subsection (b) of this Code section shall:

38 (1) Be converted to a workers' compensation policy for the treatment of the injured
 39 worker, if the insurance company sells, issues, or delivers workers' compensation
 40 insurance in this state; or

41 (2) Provide any insured who is injured or killed in a qualifying event under such policy
 42 with the same benefit amounts provided to employees covered under Chapter 9 of Title
 43 34 who are injured or killed on the job, if the insurance company does not sell, issue, or
 44 deliver workers' compensation insurance in this state."

45 **SECTION 2.**

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