

BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF:

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OPTIONAL COVERAGE

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DOCKET NUMBER

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I-07-R-04

ORDER

On September 21, 2007, notice of intent to adopt rule changes and notice of hearing were given regarding the proposal of the Insurance Commissioner to amend the Rules and Regulations of the Office of Commissioner of Insurance by amending Regulation Section 120-2-28-.06 entitled "Optional Coverage."

The proposal has been approved as to legality by the Attorney General and is evidenced by a letter dated October 29, 2007, from Amy Burns, Assistant Attorney General, Department of Law, State of Georgia. It was the opinion of the Attorney General's Office that Chapter 120-2-28-.06 is legally sufficient, however, Ms. Burns suggested we change the authorities cited to O.C.G.A. §§ 33-2-9, 33-7-11, and 33-6-4(b)(2). The proposed amendment also was transmitted to Sewell Brumby, Legislative Counsel, pursuant to O.C.G.A. § 50-13-4(e), for assignment to the appropriate standing committees of the Senate and House of Representatives.

Opportunity was given to interested persons to participate in the proposed rulemaking by submitting their written data, views, or arguments by October 29, 2007, and opportunity was given to persons to participate in the proposed rulemaking by submitting oral views, data, or arguments at a hearing held on October 31, 2007. M. Joseph Termini, Jr., Senior Counsel, GEICO, made the only written comment that was received prior to the hearing and entered into the record. Two oral presentations were made at the hearing, and the recommendations made by

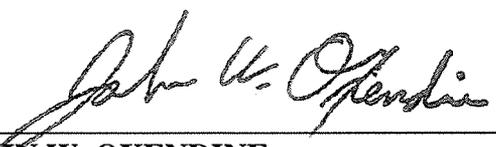
the participants have been considered. Several small changes have been adopted based on the written and oral comments. These changes include: making the effective date of the Notice requirement January 15, 2008 for new policies and April 1, 2008 for renewals; and, changing the first words in the required Notice from "You have chosen" to "If you have chosen."

A suggestion was made that the Notice requirement not include commercial policies. This suggestion has been considered, however, it has not been adopted in the final Rule.

Pursuant to O.C.G.A. § 33-2-9 and as recommended by the Administrative Procedure Attorney, the Commissioner of Insurance hereby adopts and promulgates the proposed amendments to the Rules and Regulations of the Office of Commissioner of Insurance, a copy of Regulation Chapter 120-2-28-.06 as modified is attached hereto and made a part hereof by reference.

It is hereby ORDERED that the current Rule 120-2-28-.06, entitled "Optional Coverage," be amended by adopting paragraphs (2) and (3).

Given under my Hand and Official Seal this 6th day of December, 2007.



JOHN W. OXENDINE
COMMISSIONER OF INSURANCE
STATE OF GEORGIA

