Georgia Rules and Regulations
Administrative Bulletin for August 2025

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
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470-312-2725

Final rules filed with the Georgia Secretary of State during the month of *August 2025:*

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Final rules filed with the Georgia Secretary of State that became effective *August 2025:*

Department	Rules List	Action	Filed	Effective
120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER	120-2-40-.01 --- 120-2-40-.16	amended	Aug. 4, 2025	Aug. 24
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Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-40. PUBLIC SELF-INSURANCE FUNDS

120-2-40-.01 Statutory Authority

This regulation is made and promulgated by the Commissioner of Insurance, pursuant to the authority set forth in O.C.G.A. §§ 20-2-2016 and 36-85-16.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.01

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Statutory Authority" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.02 Purpose

(1) To provide for the establishment and regulation of county, municipality, or school board self-insurance programs.

(2) To provide for an alternative mechanism by which accident, disability, supplemental medical, general liability, motor vehicle liability and property damage insurance protection can be provided for qualified counties, municipalities, or school boards.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.02

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Purpose" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.03 Definitions

(1) "Interlocal Risk Management Agency" or "Agency" means an association formed exclusively among counties or municipalities or boards of education by the execution of an intergovernmental contract for the development and administration of an interlocal risk management program and one or more group self-insurance funds as approved and as granted a certificate of authority under applicable Georgia statutes and this Chapter.

(2) "Commissioner" means the Commissioner of Insurance of the State of Georgia.

(3) "Group Self-Insurance Fund" or "Fund" means an entity that may be established by an Interlocal Risk Management Agency, the creation of which shall be authorized in writing by the Commissioner in order to pool the separate insurance risks of Members for accident, disability, supplemental medical, general liability, motor vehicle liability, property damage or any combination of such risks.

(4) "Member" means a county or municipality or board of education that has qualified to participate in one or more authorized Funds established by an Interlocal Risk Management Agency. Counties, municipalities, and boards of education shall be deemed to constitute separate classes and no member of any one such class shall join with a member of another class for the purpose of creating an Interlocal Risk Management Agency.

(5) All other terms as defined in O.C.G.A. §§ 20-2-2001 and 36-85-1 which are used in this Regulation shall have the same meaning as in those Sections.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.03

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Definitions" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.04 Application for Certificate of Authority; Renewal

(1) Each application for an original certificate of authority shall be made on Form RMA-1, entitled "Application for Original Certificate of Authority for Risk Management Agency," attached hereto and incorporated herein as "Exhibit A" of this Regulation. It shall be accompanied by all required documents. The application and related documents are subject to review and written approval by the Commissioner.

(2) Each request for renewal of a certificate of authority shall be made on or before the first (1st) day of March of each year. Such request shall be accompanied by all required documents. The certificate of authority, issued pursuant to this Chapter, shall continue in full force and effect until specifically refused or revoked by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.04

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Application for Certificate of Authority; Renewal" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.05 Application to Serve as Administrator; Officer Director or Trustee

(1) Each Agency shall submit to the Commissioner, for any prospective Administrator, a completed application on form RMA-2, entitled "Application to Serve as Administrator of Public Self-Insurance Fund," attached hereto and incorporated herein as "Exhibit B" of this Regulation.

(2) Each Agency shall submit to the Commissioner, for any prospective Officer, Director or Trustee, a completed application on Form RMA-3 or GID-401-RS, entitled "Application to Serve as Officer, Director or Trustee of Risk Management Agency," attached hereto and incorporated herein as "Exhibit C" of this Regulation.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.05

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 50-13-21**.**

HISTORY: Original Rule entitled "Application to Serve as Administrator; Officer Director or Trustee" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.06 Request for Additional Information

(1) In connection with any application which pertains to the licensing of an Agency, any letter of request to renew an Agency's certificate of authority, submission of any financial information, any request to terminate or submission of other documentation required by this Regulation, the Commissioner may obtain such additional information as is requested in writing of that Agency or applicant.

(2) No application for a certificate of authority nor any request to renew an Agency's certificate of authority shall be deemed complete until all information requested, whether of any Member, trustee, administrator or of any proposed Agency, is provided to the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.06

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Request for Additional Information" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.07 Financial Reporting; Annual Statements; Quarterly Statements

(1) Each Agency shall annually, on or before the first day of March, file with the Commissioner a completed annual statement on forms as prescribed and provided by the Commissioner which relates the financial condition of the Agency and its authorized Fund(s) as of December 31 of the preceding year, certified by at least two (2) principal officers. The Commissioner may, for good cause, grant an extension of up to sixty (60) days for filing the annual statement required under this paragraph.

(2) Each Agency shall, within forty-five (45) days after the close of the calendar quarter which ends the last day of March, June and September of each year, file with the Commissioner a completed quarterly statement on forms prescribed and provided by the Commissioner which relates the financial condition of the Agency and its authorized Funds. The requirements of this paragraph may be waived upon written request of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.07

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Financial Reporting; Annual Statements; Quarterly Statements" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.08 Books and Records; Examination

(1) Each Agency shall maintain separate records for each individual Fund as to Members, administrative expenses, claim payments, claim reserves, premiums, premium reserves, surplus, and any other items as the Board of Trustees or the Commissioner may deem necessary which will produce accurate financial statements and management reports.

(2) The Commissioner, or his representative, may, either before granting a certificate of authority or at any time thereafter, but at least once every five (5) years, examine the Agency or any of its authorized Funds. The examination will include all affairs that relate to the business operated by an Agency or any of its authorized Funds. All related accounts, books, publications, records, and vouchers of any Agency or any of its authorized Funds shall be held for a term of at least seven (7) years and maintained at the principal address shown on its certificate of authority, except that a Fund's records currently in use by the Administrator may be maintained at the Administrator's office. All materials pertaining to an active claim for which benefits are being paid shall be maintained until the claim is settled or otherwise terminated and then held for one year after the file is closed or until such file has been subject to a quinquennial Insurance Department examination, whichever period is longer.

(3) For the purpose of ascertaining their compliance with Chapter 2 of Title 20, Chapter 85 of Title 36, and this Regulation Subject, when he deems it necessary in the public interest, the Commissioner may examine the affairs, accounts, documents, and transactions of an Agency or any of its authorized Funds. The Commissioner may employ such experts or personnel as necessary at the expense of the certificate of authority holder to rewrite, post, complete or correct such documents or records within sixty (60) days after the Commissioner has given the licensee written notice to do so. If warranted by the examination's findings, the Commissioner shall require changes in the Agency's reserving, accounting and recordkeeping practices. These examinations are in addition to the Commissioner's authority to examine an Agency or any of its authorized Funds as authorized in O.C.G.A. Section 20-2-2014 and Section 36-85-14, and as related in this Rule.

(4) The Commissioner, or his representative, shall have free access to all Agency or Fund accounts, records, books, publications, and vouchers. The administrators, officers, trustees, employees and representatives of the Agency or Fund shall aid the Commissioner, or his representative, as far as it is in their power in making the examination.

(5) The costs of any examination performed by the Commissioner, or his designated representative, under this Section shall be borne by the Agency or Fund being examined in accordance with O.C.G.A. § 33-2-15.

(6) The examination report shall be processed in accordance with O.C.G.A. § 33-2-14.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.08

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Books and Records; Examination" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.09 Membership

(1) Membership in an Agency is available to political subdivisions and boards of education as authorized in O.C.G.A. Chapters 20-2 and 36-85. An Agency may establish other nondiscriminatory criteria for membership.

(2) New Members must be admitted according to the standards and procedures specified in the Agency's bylaws. Membership is not effective until the applicant has signed a membership agreement (provided by the Agency) affirming its commitment to comply with the Agency's bylaws, O.C.G.A. Chapter 20-2 or 36-85, as applicable, and this Regulation, including joint and several liability. The membership agreement must disclose that under the rules governing the Agency, the board of trustees or the Commissioner may order that an assessment be levied against the Members, if necessary, to maintain the Agency's or any of its Fund's' sound financial condition.

(3) The membership agreement must state all conditions and procedures necessary for a Member to voluntarily terminate its membership in an Agency or any of its Funds. A Member must notify the Agency of its desire to terminate not less than ninety (90) days before the date upon which it desires to effectuate such termination. If the board of trustees determines that the termination would cause the Agency or any of its Funds to be in violation of the minimum annual premium requirement or would compromise the Agency's or any of its Fund's' financial integrity, the Agency shall promptly notify the Commissioner. Voluntary termination is prohibited and void unless:

(a) the Member has participated in the Fund continuously for a minimum period of two complete Fund years, or such longer period as the Agency may require; and

(b) all outstanding premiums and assessments owed by the Member have been paid.

(4) The Agency Board of Trustees may terminate the membership of any Member who fails to abide by the Agency bylaws, the membership agreement, O.C.G.A. Chapter 20-2, O.C.G.A. Chapter 36-85, or these Regulations.

(a) A Member may be involuntarily terminated for failure to pay its proportionate share or any premiums or installments thereof due to the Agency or any of its authorized Funds or for failure otherwise to discharge its obligations to the Agency or any of its authorized Funds when due. Written notice stating the time when the termination will be effective, which shall not be less than fifteen (15) days from the date of the notice or such other longer period as may be provided in the Agency bylaws or by statute, may be delivered in person or by registered mail to the last address such Member has on file with the Agency. Such notice may or may not be accompanied by a tender of the unearned premium paid by the Member, calculated on a pro rata basis. If such tender is not made simultaneously with such notice, it shall be made within fifteen (15) days of notice of termination, unless an audit or rate investigation is required, in which case such tender shall be made as soon as practicable.

(b) Other reasons for involuntary termination require forty-five (45) days written notice from the Agency to the Member. Such notice shall be delivered in person to the affected Member or be sent by registered mail to the last address such Member has on file with the Agency.

(c) The Commissioner shall be sent, via registered mail, a copy of each and every involuntary termination notice sent by the Agency to any of its Members. Such notice to the Member and to the Commissioner shall be mailed at the same time.

(d) Annually, an Agency must compare the status and experience of each Fund Member with the criteria for expulsion as related in the Agency bylaws. Such review shall occur at least annually or as required by the board of trustees.

(5) Any Member who either voluntarily terminates its membership or is involuntarily terminated from membership in an Agency or any of its Funds, shall remain jointly and severally liable for all obligations of the Agency of any of its Funds to which that Member belonged as of the date of such termination.

(6) An updated membership listing shall be enclosed with each Fund's quarterly and annual financial statement.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.09

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Membership" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See **Editor's Note**, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.10 Specific and Aggregate Excess Insurance

(1) The Agency shall maintain for each of its authorized Funds a specific and aggregate excess loss funding program acceptable to the Commissioner. If a Fund assumes no risk and is fully insured with an insurer licensed in Georgia or upon approval by the Commissioner with an eligible surplus lines insurer, the Commissioner may waive this requirement of a Fund operating for purposes of jointly purchasing group accident, disability, or supplemental medical insurance coverage for the benefit of the Fund's Members.

(2) The individual Fund retention for specific and aggregate excess coverage shall be as specified by the Agency Board of Trustees.

(3) The specific excess coverage limit for each Fund shall be at least $1,000,000.

(4) The aggregate excess coverage limit for each Fund shall be at least $1,000,000. At the discretion of the Commissioner, this requirement may be satisfied through alternative funding techniques including pledging of a Fund's unobligated surplus, spread loss programs or other programs which shall not unduly jeopardize the Fund's stability.

(5) The Commissioner may require an Agency to maintain such higher limits for specific and aggregate excess coverage as he deems necessary to afford adequate protection to the Fund members. Upon application, the Commissioner may approve such lower limits as he may determine would not endanger the stability of a Fund.

(6) Any policy written in accordance with this Rule shall be for a term of at least one year and shall contain provisions that: (a) cancellation or termination of the policy is not effective except upon sixty (60) days written notice by registered mail to the other party to the policy and to the Commissioner; and (b) the policy is automatically

renewable at the expiration of the policy period except upon sixty (60) days written notice by registered mail by the party not renewing the policy, to the other party to the policy and to the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.10

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Specific and Aggregate Excess Insurance" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See **Editor's Note**, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.11 Surplus

An Agency shall possess and thereafter maintain a minimum surplus of not less than $150,000 in cash or cash equivalent per class of insurance, i.e., accident, disability, supplemental medical, general liability, motor vehicle liability and property damage. The Commissioner may, for the protection of the Members, require higher amounts of surplus in relationship to a Fund's premium volume or liability. Such surplus may be met by a surety bond written by an insurer authorized to transact surety insurance in Georgia or upon approval by the Commissioner by an eligible surplus lines insurer. The bond must be submitted on Form RMA-4 entitled "Risk Management Agency Bond," attached hereto and incorporated herein as "Exhibit D" of this Regulation. A surety bond must be replaced by cash or cash equivalent within sixty (60) months of the date said bond was submitted to the Commissioner to satisfy the requirements of this Rule. At the Commissioner's discretion, the $150,000 minimum surplus requirement may be waived for any Fund operating for purposes of jointly purchasing group accident, disability or supplemental medical insurance coverage from an insurer licensed in Georgia or upon approval by the Commissioner from an eligible surplus lines insurer for the benefit of the Fund's Members.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.11

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Surplus" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See **Editor's Note**, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.12 Administrator's Bond and Insurance

(1) Each administrator shall have and maintain a fidelity bond in the amount of $100,000 written by an insurer authorized to transact insurance in this State and submitted on Form RMA-5 entitled "Administrator's Fidelity Bond for Public Self-Insurance Fund," attached hereto and incorporated herein as "Exhibit E" of this Regulation.

(2) Each administrator shall obtain errors and omissions insurance coverage or other appropriate liability insurance written by an insurer authorized to transact insurance in this State, in an amount of at least $100,000.

(3) Any policy written in accordance with paragraph (2) of this Rule shall be for a term of at least one year and shall contain provisions that: (a) cancellation or termination of the policy is not effective except upon sixty (60) days written notice by registered mail to the other party to the policy and to the Commissioner and; (b) the policy is automatically renewable at the expiration of the policy period except upon sixty (60) days written notice by registered mail by the party not renewing the policy to the other party to the policy and to the Commissioner.

(4) Compliance by the administrator with paragraphs (1) and (2) of this Rule is a prerequisite to approval of its application by the Commissioner.

(5) Upon approval by the Commissioner, bonds or policies may be written by an eligible surplus lines insurer.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.12

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Administrator's Bond and Insurance" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.13 Compensation of Administrator or Trustee

(1) Each Agency shall submit to the Commissioner, at least thirty (30) days prior to their use, a copy of any proposed agreement or contract or amendment thereto, entitling any administrator or any trustee or officer of an Agency to direct or indirect compensation from the Agency or any of its Funds for services performed or sales or purchases made to or for the Agency or any of its Funds.

(2) The Commissioner shall determine whether the compensation is reasonable and equitable under the circumstances and consistent with the provisions of the laws of Georgia and this Regulation. The Commissioner may accept, modify, or reject the proposed contract. If the Commissioner modifies the proposed contract, the trustee, officer, or administrator may withdraw the application prior to its effective date.

(3) Any form of direct or indirect compensation to a trustee, officer, or administrator or to a corporation or firm in which a trustee, officer or administrator is in any way financially interested, other than that provided by this Regulation or the Georgia Insurance Code, shall be a violation of the trustee's, officer's, or administrator's fiduciary responsibility. In such event, the Commissioner may, in addition, suspend, revoke, or refuse to renew the certificate of authority of the Agency.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.13

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Compensation of Administrator or Trustee" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.14 Premiums

(1) During the initial year of operation of a Fund providing general liability, motor vehicle liability or property damage insurance protection, each Member shall pay into a designated depository within this State, a minimum of thirty-five percent (35%) of the Member's estimated annual Fund premium or such higher amount as may be specified in the Agency bylaws. Proof of compliance with this paragraph is a prerequisite to approval by the Commissioner of the Agency's application for a certificate of authority.

(2) During the initial year of operation of a Fund providing general liability, motor vehicle liability or property damage insurance protection, each Member shall pay the balance of the Member's first year estimated Fund premium within six (6) months after the commencement of operation of the applicable Fund, via regular equal monthly or quarterly payments, or sooner if authorized by the Agency bylaws.

(3) For each subsequent year of operation of a Fund providing general liability, motor vehicle liability or property damage insurance protection, each Fund Member shall pay at least twenty-five percent (25%) of the Member's annual Fund premium within thirty (30) days of the beginning of the Fund year and shall pay the balance of the premium within the first six (6) months of the insurance year, via regular equal monthly or quarterly payments, or sooner if authorized by the Agency bylaws.

(4) The Agency shall not allow advance premium discounts.

(5) Funds operating for purposes of jointly purchasing group accident, disability or supplemental medical insurance coverage from an insurer licensed in Georgia or upon approval by the Commissioner from an eligible surplus lines insurer for the benefit of the Funds' Members and where the Fund assumes no risk, premium payments collected from Members and remitted to the insurer shall be in accordance with instructions from the insurer. For Funds providing accident, disability, or supplemental medical insurance coverage, and meeting minimum surplus requirements as established by the Commissioner, Fund Members may pay on installment schedules established by the Agency Board of Trustees or the Administrator.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.14

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Premiums" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.15 Reserves

An Agency shall establish reserves for each of its Funds to cover all incurred losses, both reported and unreported, and for unearned premiums. If the loss experience shows that a Fund's loss reserves are inadequate, the Commissioner shall require the Agency to increase such loss reserves as are needed to make them adequate. All reserves shall be maintained in accordance with the requirements of Chapter 10 of Title 33.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.15

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Reserves" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See Editor's Note, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.16 Rate Filings

(1) Agencies shall file with the Commissioner rates, rating systems and rules for approval prior to their use pursuant to O.C.G.A. §§ 20-2-2005(c)(13) and 36-85-5(c)(13). Such rates, rating systems and rules shall be determined by a qualified rating organization as defined in O.C.G.A. § 33-9-2(3) or by a qualified casualty actuary, a person who is a member in good standing of the American Academy of Actuaries, or by a person approved by the Commissioner who has sufficient expertise in that particular class or line of insurance.

(2) Funds operating for purposes of jointly purchasing group accident, disability, or supplemental medical insurance coverage from an insurer licensed in Georgia for the benefit of the Funds' Members, shall apply rates filed by the licensed insurer with the Commissioner and shall not be required to make a separate rate filing. The Fund may bill additional fees as necessary to cover operating expenses and maintain minimum surplus requirements.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.16

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 50-13-21**.**

HISTORY: Original Rule entitled "Rate Filings" was filed on April 10, 1987; effective April 30, 1987.

Editor's Note: In accordance with Ga. Laws 1967, p. 618, (Ga. Code Ann., Section 3A-124), the contents of the following Rules are not filed with or published by the Secretary of State; only the name and designation is filed, printed, and distributed. These Regulations are on file in the office of the Comptroller General and are open for public examination and copying. (See **Editor's Note**, p. 88.03.)

Amended: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.17 Penalties

In addition to suspension or revocation of a certificate of authority, after a hearing held under Title 33, Chapter 2, the Commissioner shall have the authority to place any Agency or Administrator on probation for a period of time not to exceed one year for each act or violation of Title 33, or this Subject or any order of the Commissioner issued pursuant thereto.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.17

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Penalties" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.18 Severability

If any provisions of this Regulation or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the Regulation or the applicability of such provision to other persons or circumstances shall not be affected.

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.18

AUTHORITY: O.C.G.A. §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Original Rule entitled "Severability" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.19 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.19

AUTHORITY: O.C.G.A §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Repealed: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.20 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.20

AUTHORITY: O.C.G.A §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Repealed: F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-2-40-.21 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 120-2-40-.21

AUTHORITY: O.C.G.A §§ 20-2-2016**,** 33-2-9**;** 36-85-16**,** 50-13-21**.**

HISTORY: Repealed: F. Aug. 4, 2025; eff. Aug. 24, 2025.

Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

Subject 120-3-29. OFF-DUTY POLICE EMPLOYMENT

120-3-29-.01 Definitions

For the purposes of this chapter, the term:

(a) "Commissioner" shall mean the Safety Fire Commissioner.

(b) "Department" shall mean the Safety Fire Division of the Office of the Commissioner of Insurance.

(c) "Sworn member" shall mean any person employed by the Commissioner of Insurance in a sworn law enforcement capacity.

(d) "Off-duty police employment" shall mean employment with an entity other than the Office of Commissioner of Insurance which entails actual or potential use of police authority and requires vested police powers as a condition of employment. Off-duty employment may be either by private or public entities.

(e) "Large off-duty police detail" shall mean a police detail requiring more than twelve sworn members.

(f) "Off-duty employment coordinator" shall mean any individual designated by the Commissioner of Insurance to coordinate requests to work off-duty employment, to maintain employer information, and to oversee the approval process for use of Departmental vehicles for off-duty police employment.

Cite as Ga. Comp. R. & Regs. R. 120-3-29-.01

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-3-29-.02 Approval

(1) Prior to accepting off-duty police employment, a sworn member must obtain permission from the Commissioner or the Commissioner's designee. Requests for permission must be made on a form prescribed by the Commissioner and must be sent to the Commissioner or off-duty employment coordinator for approval. If the proposed employment conflicts with the sworn member's state employment or with any policy, rule, or regulation; of the Commissioner or the State Personnel Board, the request shall be disapproved. Approval will only be granted if there is no conflict of interest, the proposed employment does not interfere with the sworn member's primary duties, and the proposed employment is within the duties and responsibilities a sworn member performs or is reasonably expected to perform as part of his or her job duties and responsibilities. The Commissioner or his designee has the discretion to approve or disapprove any request.

(2) If approval is granted, a copy of the request form marked "approved" shall be maintained by the off-duty employment coordinator. The off-duty employment coordinator shall provide notice to each approved employer.

(3) In the event a request is made for emergency approval to work off-duty police employment, oral authorization may be granted by the Commissioner or his designee. Emergency approval will only be considered when the request from the employer is made 72 hours or less prior to the date of the off-duty police employment. If oral approval is granted, a written request, as provided above, must be prepared and forwarded on the form prescribed by the Department, through the chain of command, within 72 hours of the approval being granted.

(4) Approval for off-duty police employment may be suspended at any time that a conflict is found to exist, the employment interferes with the sworn member's primary duties, departmental procedures are violated, or otherwise in the discretion of the Special Agent in Charge or above, in consultation with the State Fire Marshal, Criminal Investigator Supervisor, or Commissioner. The Department may make reasonable inquiries of a sworn member to ensure that no conflict or violation of the Department's policy exists.

(5) Approval for off-duty police employment may be revoked at any time at the discretion of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-3-29-.02

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Approval" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-3-29-.03 Eligibility

The following sworn members shall not be approved for off-duty police employment:

(a) Sworn members on suspension with or without pay;

(b) Sworn members assigned administrative duties for the purpose of investigation;

(c) Sworn members with an overall performance management assessment of "Does Not Meet Expectations";

(d) Sworn members approved for modified duty due to being physically or mentally incapable of performing his or her job duties;

(e) Sworn members on worker's compensation, sick leave, or FMLA leave; and

(f) Sworn members on any type of leave due to their own personal illness or injury.

Cite as Ga. Comp. R. & Regs. R. 120-3-29-.03

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Eligibility" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-3-29-.04 General Provisions

(1) Sworn members desiring to work off-duty police employment shall arrange such employment with the understanding that all matters related to the off-duty police employment shall be conducted at a time when the sworn member is not on duty.

(2) No scheduling, arranging employment, replacements, delivering paychecks, or any other off-duty police employment-related matters shall be performed while the sworn member is on duty with the Office of Commissioner of Insurance and Safety Fire; provided, however, that for off-duty police employment for which the sworn member receives his pay through the Department, the prohibition against the delivery of paychecks shall not apply.

(3) Sworn members are prohibited from leaving their assigned duty work zone for the purpose of off-duty police employment.

(4) Sworn members are prohibited from visiting off-duty work sites while on regularly assigned patrol shifts.

(5) Sworn members are prohibited from adjusting work schedules in order to accommodate off-duty police employment opportunities except when personally approved by the Special Agent in Charge or immediate supervisor.

(6) Sworn members working off-duty police employment shall be governed by the Commissioner's Policy regarding outside employment.

(7) Off-duty police employment is prohibited with a private employer when the employer is involved in a labor strike. In cases where a private employer becomes involved in a labor strike subsequent to approval by the Commissioner, the approval shall be considered immediately withdrawn.

(8) All law enforcement decisions will be made by the sworn member and not by the off-duty police employer.

(9) Use of a department vehicle for off-duty police employment requires written approval in advance by the Commissioner, or his designee and the vehicle shall be used only in the manner and for the purpose approved.

(10) A sworn member may work a maximum of 64 hours of employment per workweek, whether the work is exclusively regular duty hours, or exclusively off-duty police employment, or a combination of regular duty hours and off-duty police employment. A maximum of 72 hours during one week may be approved by a sworn member's immediate supervisor. The Director has authority to determine that an overage of the 64 hours was unavoidable. Any deliberate omission or misrepresentation by the sworn member of hours worked on off-duty police employment shall result in disciplinary action, up to and including termination of employment. Exceptions will be made in the event of a riot, natural disaster, emergency situation, or other exigent circumstances, as determined by the Commissioner. A sworn member working off-duty police employment shall provide a minimum of six hours for rest between off-duty employment and regular on-duty assignments.

(11) A sworn member engaged in off-duty police employment is expected to take appropriate law enforcement action when a serious violation or life-threatening situation occurs (such as the commission of a felony). A sworn member responding under these conditions is considered "on-duty" and shall be afforded all protection consistent with the position of a sworn member. Law enforcement decisions must be made in accordance with Office of Commissioner of Insurance and Safety Fire policies, procedures, training, rules and regulations.

(12) The off-duty police employer may make general assignment of duties but, has no authority to control law enforcement activities of sworn members. Sworn members engaged in off-duty police employment will be subject to the same policies, rules and regulations as on-duty sworn member. While wearing any uniform of the Office of Commissioner of Insurance and Safety Fire, sworn members shall conduct themselves as professional law enforcement officers and are held to the same high standard and code of conduct as while on duty.

(13) The following rules apply to the use of state equipment in the course of Off-Duty Police Employment:

(a) When off-duty police employment is approved, the sworn member shall wear the Office of Commissioner of Insurance and Safety Fire, to include body armor, and may use Office of Commissioner of Insurance and Safety Fire equipment issued to the sworn member.

(b) Sworn members are permitted to use the department vehicle as authorized by O.C.G.A. § 25-2-8.1, in the manner and for the purpose approved by the Commissioner prior to the use of the vehicle, and only in accordance with the Commissioner's policies and procedures.

(c) The Commissioner may require reimbursement for the use of the vehicle by the off-duty employer pursuant to a Department-approved, written agreement between the Department and the off-duty police employer. The

Commissioner's determination shall be made before the off-duty employment begins. The off-duty employer shall be responsible for furnishing lodging and meals to the sworn member if the assignment requires an overnight stay.

(14) A sworn member engaged in an off-duty police employment assignment must be available to be recalled to on-duty status. Notice of this requirement shall be given to the employer in accordance with departmental policy.

(15) Large off-duty police details shall require sufficient sworn off-duty Office of Commissioner of Insurance and Safety Fire supervisors to supervise the detail.

(16) Sworn members who have an agreement with a property owner or manager to pay a reduced amount of rent or no rent for merely residing at an apartment complex, house, or mobile home park are considered to be engaged in off-duty police employment.

(17) If any type of regularly scheduled service such as security checks are part of the agreement, sworn members are considered to be engaged in off-duty police employment. Each member with such an agreement, either written or oral, shall request approval as stated in this chapter.

(18) The request for off-duty police employment in a rental agreement situation must clearly state the conditions of the agreement.

Cite as Ga. Comp. R. & Regs. R. 120-3-29-.04

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "General Provisions" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-3-29-.05 Unacceptable Employment

Off-duty police employment which is not acceptable to the Office of Commissioner of Insurance and Safety Fire includes, but is not limited to:

(a) Employment involving wrecker companies, bail bonding companies, private investigation services, security company, paralegal services, pawn brokers, nightclubs, bars, adult entertainment establishments, employment in which the primary source of revenue is the sale of alcoholic beverages, precious metal dealers, any licensed agent, subagent, or person licensed through the Department of Safet generally, employers known to have a lawsuit or administrative hearing pending involving the State of Georgia, and any employment that would require a sworn member to testify in court in opposition to another law enforcement agency. Approval may be granted on an individual basis when the sale and consumption of alcohol beverages is incidental to the primary function or purpose of the enterprise such as sports facilities and civic centers. The Commissioner may make reasonable inquiries of the member to ensure that the continued outside employment does not constitute a conflict of interest.

(b) Any other off-duty police employment determined by the Commissioner, in his or her discretion, to be inconsistent, incompatible, in conflict with or that would bring discredit upon the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-3-29-.05

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Unacceptable Employment" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

120-3-29-.06 Off-Duty-Employer Responsibilities

(1) The Department will not be responsible for a sworn member's actions if the sworn member is acting in the scope of employment for the outside employer. Except as provided in this rule, state benefits and protection, including

liability insurance coverage and workers compensation benefits for related injuries and disability, will not apply while the sworn member is performing off-duty police employment.

(2) If such employment is by another state department, that agency, rather than the Office of Commissioner of Insurance and Safety Fire, will be responsible for such coverage.

(3) If use of the department vehicle has been approved for use in off-duty police employment in accordance with O.C.G.A. § 25-2-8.1, the sworn member is deemed to be acting within the scope of his/her official duties and employment and shall be afforded liability coverage for claims arising out of such approved use of the vehicle.

(4) Requests for employment by another state agency shall be in writing and shall conform to the requirements for Off-Duty Police Employment. In addition to the requirement stated in this policy, a release shall be provided by the sworn member which states:

(a) In the event that the hours worked for the Department and another state agency result in the sworn member being eligible for overtime, the overtime shall be the responsibility of the other agency up to the maximum hours worked by the other agency, and

(b) In the event the sworn member requests or becomes entitled to overtime pay as a result of working outside the Department for another agency, the outside employer or other state agency shall bear the expense or liability and must agree to such in writing.

Cite as Ga. Comp. R. & Regs. R. 120-3-29-.06

AUTHORITY: O.C.G.A. §§ 33-2-8**,** 33-2-9**.**

HISTORY: Original Rule entitled "Off-Duty-Employer Responsibilities" adopted. F. Aug. 4, 2025; eff. Aug. 24, 2025.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-3. REVOCATION AND SUSPENSION

375-3-3-.02 Proof of Financial Responsibility

(1) Proof of financial responsibility must be made by an authorized insurance company filing a Form SR-22 certifying that the violator has in effect a valid liability insurance policy covering the required future time span or, by the owner of a motor vehicle filing a Form DS-266 showing that the owner has provided insurance on the vehicle to be operated by the driver. Such proof of financial responsibility must include full name, license number and date of birth of operator.

(2) The Department will accept a "premium financed" SR-22 provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of policy for non-payment of premium is not allowable under the expiration of 90 days from effective date of policy. The policy may be cancelled prior to expiration of 90 days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22 form not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutory required length of time.

(4) The Department must be given 20 days' notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least 20 days before effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premium in addition to those originally assessed by the Company.

(6) If an SR-22 form filed on a premium financed policy is cancelled for non-payment of premium, another premium financed SR-22 will not be accepted by the Department for a period of 12 months from the date that the original SR-22 was accepted.

(7) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer, (DS-266). If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(8) For an insurance requirement violation, the liability insurance policy shall provide for payment of not less than $25,000 for bodily injury to or death of one person in any one crash, and not less than $50,000 for bodily injury to or death of two or more persons in any one crash, and to a limit of not less than $25,000 for injury to or destruction of property of others in any one crash.

(9) For a first conviction of driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances, the minimum liability insurance policy shall provide:

(a) Bodily injury to or death of one person in any one crash, not less than $50,000;

(b) Bodily injury to or death of all persons in any one crash, not less than $100,000; and

(c) Loss of, damage to, or destruction of property in any one crash, not less than $50,000.

(10) For a second or subsequence conviction of driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances, the minimum liability insurance policy shall provide:

(a) Bodily injury to or death of one person in any one crash, not less than $100,000;

(b) Bodily injury to or death of all persons in any one crash, not less than $300,000; and

(c) Loss of, damage to, or destruction of property in any one crash, not less than $100,000.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.02

AUTHORITY: O.C.G.A. §§ 40-5-4**,** 33-7-16**.**

HISTORY: Original Rule entitled "Proof of Financial Responsibility for Probationary License" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

Amended: F. May 10, 2023; eff. May 30, 2023.

Amended: F. Aug. 15, 2025; eff. Sept. 4, 2025.

375-3-3-.23 Pauper's Affidavit for Reinstatement or Restoration Fees

(1) (a) A customer who is a current Georgia resident may file a Pauper's Affidavit (DDS-355) with the Department in lieu of paying the required driver's license reinstatement or restoration fee.

(b) The Pauper's Affidavit (DDS-355) may be submitted via mail if the customer submits a sworn statement that they are incarcerated or has a physical disability preventing him/her from traveling to a customer service center.

(c) Upon the submission and approval of the Pauper's Affidavit (DDS-355), the driver's license reinstatement or restoration fee shall be waived.

(d) Reinstatement or restoration fees for the following suspensions or withdrawals are not eligible for reduction under this provision:

1. Super Speeder (40-6-189)

2. Safety Responsibility (40-9-3)

3. Any other reinstatement or restoration fee not required by provisions contained in Chapter 5 of Title 40

(2) (a) A customer seeking a waiver of the required reinstatement or restoration fee must do so by utilizing form DDS-355, "Pauper's Affidavit."

(b) The customer must provide proof of inability to pay along with the Pauper's Affidavit (DDS-355). Sufficient proof may be shown by a copy of the customer's eligibility for TANF, SNAP, WIC, or Medicaid, or a copy of his or her detention documentation dated within the previous six months. In the alternative, the customer may provide other documentation approved by the Department.

(c) The form will contain an oath for the customer to affirm his or her poverty and his or her resulting inability to pay the required driver's license reinstatement or restoration fee. The form will also contain the following notice: "WARNING: Any person knowingly making a false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

(d) The Pauper's Affidavit (DDS-355) must be signed by the customer seeking the discounted fee and notarized by a duly authorized notary. For minors, a parent, legal guardian, or responsible adult will be required to complete and sign the Pauper's Affidavit (DDS-355). Verification of the identity of the parent, legal guardian, or responsible adult will be required.

(3) (a) If the information on the customer's Pauper's Affidavit (DDS-355) is not adequate to prove eligibility, the waiver will be denied.

(b) After a denial, the customer will not be allowed to reapply in that same visit. A customer may be reconsidered after completion of a new Pauper's Affidavit (DDS-355) no sooner than 30 days from submission of the previous Pauper's Affidavit (DDS-355).

(4) Provisions contained in this regulation only apply to reinstatement or restoration fees, and do not affect or eliminate other non-financial reinstatement requirements such as required courses or time required to be served on a suspension or withdrawal.

(5) A Pauper's Affidavit (DDS-355) does not waive fees associated with other DDS services or transactions, and no additional services may be combined with or waived under this Pauper's Affidavit (DDS-355).

(6) Pauper's Affidavits (DDS-355) submitted to the Department are subject to audit by the State of Georgia and Investigative Services Division of the Department of Driver Services. Such forms are not subject to Open Records.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.23

AUTHORITY: O.C.G.A. §§ 40-16-2**,** 40-16-3**,** 40-5-4**,** 40-5-9**.**

HISTORY: Original Rule entitled "Pauper's Affidavit for Reinstatement or Restoration Fees" adopted. F. Dec. 21, 2016; eff. Jan. 10, 2017.

Amended: F. Feb. 12, 2025; eff. Mar. 4, 2025.

Amended: F. Aug. 15, 2025; eff. Sept. 4, 2025.

375-3-3-.24 Reinstatement Procedures for Suspensions Based on Convictions for Driving Under the Influence

Reinstatement of driver's licenses suspended for convictions under O.C.G.A. § 40-6-391 will require an SR-22 to be filed and maintained for three years from the date of conviction.

(1) Proof of liability insurance must be made by certification from an authorized insurance company that the violator has in effect a valid liability insurance policy covering the required time span, said certification to be filed on form SR-22 as specified below.

(a) Each SR-22 form shall be printed so that it is substantially similar to the one shown below. Each item of information contained on each form shall be set forth in the order in which they are printed on the form. All information must be machine printed or typed. The form must be green in color.

1. Front:

SR-22

GEORGIA SAFETY RESPONSIBILITY INSURANCE CERTIFICATE INSURED:

Name _____

Address _____

Case Number _____

Driver's License Number _____

Social Security Number _____

Current Policy Number _____

Effective From _____

This certification is effective from _____ and continues until cancelled or terminated in accordance with the financial responsibility laws and regulations of this state.

The company signatory hereto certifies that there is in effect on the effective date of the certificate a Motor Vehicle Liability Policy affording limits of $50,000/$100,000 for bodily injury/death and $50,000 for property damage upon a first conviction of driving under the influence, or $100,000/$300,000 for bodily injury/death and $100,000 for property damage upon a second or subsequent conviction of driving under the influence.

Year of Model _____ Trade Name _____

Model _____ Body Type _____

Serial Number _____

Motor Number _____

If the space above is insufficient to contain all motor vehicles covered, prepare a list on paper of identical width and attach.

Name of Insurance Company _____

Date _____

By _____

Authorized Representative

2. Back:

Georgia Laws 1951, Act 386, Section 7-A, Subsection (a) as amended by Georgia Laws 1956, Act 362; "It is further provided that upon an insurance company filing a certification of an insurance policy or a surety company filing a surety bond with the Director in order for the operator to show the proof required herein, such bond or certification cannot be cancelled within a period of twelve (12) months from the effective date of such certification or bond except for subsequent conviction for some revocable offense as set forth in subsection (a) of this section with the provision that the Director shall be given at least twenty (20) days prior notice of such cancellation. The Director may, in his discretion, permit the cancellation of such certificate or bond for other cause made known to and approved by him."

(NOTE: Full information as to reason for cancellation or request for cancellation of such certification or bond must be attached to the notice of cancellation, Form SR-26.)

Name and Address of Insurance Company:

<Name>

<Address>

<City, State, Zip Code>

(2) After the initial SR-22 filing marked "Paid in Full" for a period of six months, the Department will accept a premium financed SR-22 provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of the policy for non-payment of premium is not allowable before the expiration of 180 days from the effective date of the policy. The policy may be canceled prior to the expiration of 180 days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22 form that is not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutorily required length of time.

(4) The Department must be given 30 days' notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least 30 days before the effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premiums in addition to those originally assessed by the Company.

(6) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer. If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(7) Upon a first conviction for driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances in violation of O.C.G.A. § 40-6-391, the liability insurance policy shall provide for payment of:

(a) Not less than $50,000 for bodily injury to or death of one person in any one accident;

(b) Not less than $100,000 for bodily injury to or death of all persons in any one accident; and

(c) Not less than $50,000 for loss of, damage to, or destruction of property in any one accident.

(8) Upon a second or subsequent conviction for driving under the influence of alcohol with a blood alcohol concentration of 0.08 grams or higher, of drugs, or of other intoxicating substances in violation of O.C.G.A. § 40-6-391, the liability insurance policy shall provide for payment of:

(a) Not less than $100,000 for bodily injury to or death of one person in any one accident;

(b) Not less than $300,000 for bodily injury to or death of all persons in any one accident; and

(c) Not less than $100,000 for loss of, damage to, or destruction of property in any one accident.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.24

AUTHORITY: O.C.G.A. §§ 40-5-4**,** 40-5-63**,** 33-7-16**.**

HISTORY: Original Rule entitled "Reinstatement Procedures for Suspensions Based on Convictions for Driving Under the Influence" adopted. F. Aug. 15, 2025; eff. Sept 4, 2025.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-12. SALES AND USE TAX DIVISION

Subject 560-12-2. SUBSTANTIVE RULES AND REGULATIONS

560-12-2-.107 Computer Equipment

(1) **Exemption.** In accordance with O.C.G.A. § 48-8-3(68) and subject to this Regulation, sales of Computer Equipment are exempt from sales and use tax.

(a) "Computer Equipment" means any individual computer or organized assembly of hardware or software, including, but not limited to, a server farm, mainframe or midrange computer, mainframe driven high-speed print and mailing devices, and workstations connected to those devices via high bandwidth connectivity such as a local area network, wide area network, or any other data transport technology which performs one of the following functions: storage or management of production data, hosting of production applications, hosting of application systems development activities, or hosting of applications systems testing.

1. Beginning January 1, 2001, "Computer Equipment" excludes:

(i) Telephone central office equipment or other voice data transport technology, including any wireline or wireless telecommunication system; and

(ii) Equipment with imbedded computer hardware or software which is primarily used for training, product testing, or in a manufacturing process.

2. Beginning January 1, 2024, "Computer Equipment" also excludes:

(i) Computers or devices issued to employees, including, but not limited to, smartphones, tablets, wearables, personal computers, and laptops; and

(ii) Prewritten computer software.

3. Examples of items that do not qualify as Computer Equipment include, but, are not limited to: cable; telephone central office equipment; voice data transmission equipment; equipment with imbedded hardware or software used primarily for training, product testing or in manufacturing; scanners; printers and paper; ink and toner; wrist and mouse pads; tools; all removable storage media such as, diskettes, compact disks or tapes; and parts for maintenance or repair of computer system hardware.

(2) **Exemption limitation.** Pursuant to O.C.G.A. § 48-8-3(68)(A)(ii), beginning January 1, 2024, each taxpayer claiming the exemption must pay ten percent of all state and local sales and use taxes imposed under the laws of this state on the first $15 million of Computer Equipment purchased each year for which this exemption is claimed.

(a) Persons making a tax-free purchase under this exemption must report and remit to the Department the tax imposed under O.C.G.A. § 48-8-3(68)(A)(ii) on the sales and use tax return that is next due after the purchase.

(b) Persons claiming this exemption by refund will receive a refund of ninety percent of tax imposed on the first $15 million of eligible purchases for which exemption is claimed under O.C.G.A. § 48-8-3(68).

(3) **Exemption requirements.** To qualify for the exemption,

(a) The Computer Equipment must be purchased or leased exclusively for operational use in this state at a High-Technology Company. For purposes of this Regulation,

1. "High-Technology Company" means a business entity or Company Facility classified under the North American Industrial Classification System codes ("NAICS code") specified in O.C.G.A. § 48-8-3(68).

(i) For taxpayers other than those applying on a Company Facility basis, the NAICS code on a taxpayer's income tax return determines whether the taxpayer is a High-Technology Company, unless the commissioner, in his or her sole discretion, determines that the NAICS code does not accurately reflect the taxpayer's business activity.

2. "Company Facility" means a single physical establishment in this state, as defined in the North American Industrial Classification System (NAICS) United States Manual, where the primary business activity is designated within the NAICS codes as specified in O.C.G.A. § 48-8-3(68)(A) and approved by the commissioner.

(i) For taxpayers applying on a Company Facility basis, the NAICS code designated on the Application for Certificate of Exemption (Form ST-CE1) determines whether the facility is a High-Technology Company, unless the commissioner, in his or her sole discretion, determines that the NAICS code does not accurately reflect the facility's business activity.

(b) The total combined value of all Computer Equipment purchased or leased during any calendar year must meet the following thresholds:

1. From January 1, 2001 through December 31, 2023, the total fair market value of Computer Equipment purchased or leased during any calendar year must exceed $15 million.

2. Beginning January 1, 2024, the total fair market value of taxable Computer Equipment purchased or leased during any calendar year must equal or exceed $15 million.

3. For calculating the $15 million threshold, the fair market value of leased Computer Equipment is the book value of the Computer Equipment at the time of lease's inception. The book value of leased Computer Equipment counts toward the exemption threshold for the initial calendar year of the lease and does not count toward the threshold in subsequent years. In addition, the exercise of any option to purchase such Computer Equipment under a qualifying lease must not be used in subsequent years to meet the $15 million requirement.

(c) For entities qualifying for the exemption on a Company Facility basis, only Computer Equipment purchased or leased exclusively for operational use at the Company Facility are eligible for the exemption and count toward the threshold.

(d) Beginning July 1, 2021, each taxpayer claiming the exemption must comply with the reporting requirement in paragraph (6) of this Regulation.

(e) The eligible purchasers or lessees of such Computer Equipment must obtain a Certificate of Exemption from the commissioner as provided in paragraph (4) of this Regulation. The application for such Certificate must contain a specific schedule of planned purchases or leases, or both, of qualified Computer Equipment for the calendar year for which the application is filed.

(f) The Computer Equipment must be purchased or leased exclusively for operational use in this state by a High-Technology Company.

(g) A High-Technology Company, other than a Company Facility, that is affiliated in any manner with a nonqualified corporation, partnership, limited liability company, or other similar entity, must derive more than fifty (50) percent of its gross revenues from the activities designated by its NAICS code in arms-length transactions with entities with which it has no affiliation.

(4) **Certificates of exemption.**

(a) Any purchaser or lessee desiring to secure the benefits of the exemption provided by O.C.G.A. § 48-8-3(68) must file an Application for Certificate of Exemption (Form ST-CE1). The application must include disclosure of

business name, address, specific Company Facility location (if applicable), NAICS code as indicated on the federal income tax return for the High-Technology Company, NAICS code for a specific Company Facility (if applicable), whether equipment is purchased, leased or both, anticipated dates of purchase or lease, and a schedule of the Computer Equipment to be purchased or leased for the entire calendar year including purchase price, or in the case of a lease, the book value. In addition, the commissioner may require such other information as deemed necessary for the determination of the claim for exemption. These requirements are applicable to all purchasers and lessees, including holders of direct pay permits.

(b) Upon approval of an application, the commissioner will issue a certificate of exemption (Form ST-CE2) to the company. The certificate of exemption relieves the Computer Equipment supplier from the collection of the sales and use tax on Computer Equipment if the supplier accepts the certificate in accordance with O.C.G.A. § 48-8-38, from a High-Technology Company.

(c) Where the certificate of exemption (Form ST-CE2) has not previously been obtained and tax is collected on the purchase or lease of Computer Equipment that may be qualified for exemption, the purchaser or lessee may apply for a refund of such tax. The Claim for Refund (Form ST-12) must be accompanied by an Application for Exemption (Form ST-CE1). As provided by O.C.G.A. § 48-2-35.1, refunds issued pursuant to this exemption do not bear interest.

(5) **Tax, penalty, and interest.** If any purchases or leases fail to meet the requirements of this exemption, the High-Technology Company will be liable for tax, penalty, and interest on the purchases or leases.

(6) **Reporting.**

(a) Beginning July 1, 2021, each High-Technology Company that has been issued a certificate of exemption must report to the Department a list of the facilities into which Computer Equipment exempted under O.C.G.A. § 48-8-3(68) during the preceding calendar year was incorporated, as well as the amount of taxes exempted under O.C.G.A. § 48-8-3(68) during the preceding calendar year.

(b) The report is due by March 31st of each year following the year the High-Technology Company utilized a certificate of exemption pursuant to O.C.G.A. § 48-8-3(68).

(c) The report is subject to the confidentiality provisions of O.C.G.A. § 48-2-15.

(d) The Department will not issue a certificate of exemption under O.C.G.A. § 48-8-3(68) for the calendar year following the reporting year to any High-Technology Company that has failed to comply with the reporting required by O.C.G.A. § 48-8-3(68).

(e) The report must be submitted by email to the Department's Tax Policy Division at tax.policy@dor.ga.gov.

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AUTHORITY: O.C.G.A. Secs. §§ 48-2-12**,** 48-8-3**.**

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