



BULLETIN 24-EX-4

TO: ALL INSURANCE AGENTS WRITING BUSINESS IN THE STATE OF
GEORGIA

FROM: JOHN F. KING
INSURANCE AND SAFETY FIRE COMMISSIONER

DATE: MARCH 14, 2024

RE: FREQUENTLY ASKED QUESTIONS REGARDING CERTIFICATES OF
INSURANCE IN GEORGIA

This Bulletin is issued by the Office of the Commissioner of Insurance and Safety-Fire to stand in place of and supersede Bulletin 23-EX-9.

This document is designed to provide the public with information regarding certificates of insurance. Basic questions about certificates are addressed and the process for filing complaints is explained. All information contained herein is merely informal persuasive authority, is not law, and is not binding on OCI. Nothing contained herein shall be construed by any person or entity as an approval of any certificate of insurance by OCI.

What is a certificate of insurance?

A certificate of insurance provides a synopsis of coverage under an insurance policy as it exists at the time the certificate is issued. A certificate is not an insurance policy and cannot be used to alter or expand coverage. The statutory definition of “certificate of insurance” is: “‘Certificate’ or ‘certificate of insurance’ means any document or instrument, no matter how titled or described, which is prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. ‘Certificate’ or ‘certificate of insurance’ shall not include a policy of insurance or insurance binder, including any policy of insurance which may be referred to as a certificate, or any insurance information card of identification card issued in conjunction with a motor vehicle insurance policy.”

What are the requirements for the certificate forms?

Certificates must be issued on ACORD or ISO forms or on other forms specifically approved by the Insurance Commissioner’s Office. Certificate forms cannot be altered. They must contain the following or similar disclaimer language: “This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage, terms exclusions and conditions afforded by the policies referenced herein.”

What is the Insurance Commissioner's regulatory authority?

The Insurance Commissioner's regulatory authority applies not only to insurance agents and insurance companies but also to entities requesting certificates of insurance, certificate monitoring companies, certificate compliance companies, certificate holders, individuals, partnerships, corporations, associations, or other legal entities, including any government or governmental subdivision or agency.

Applicability Status

The certificates law and regulations apply to all certificate holders, those who request that certificates be issued, policyholders, insurers, insurance producers, certificate monitoring companies, certificate compliance companies, anyone acting on behalf of a certificate holder, and certificate of insurance forms issued as evidence of insurance coverage on property, operations, or risks located in this state, regardless of where the person requesting the issuance of a certificate, the certificate holder, policyholder, insurer, or insurance producer is located.

Prohibited Practices and Violations

It is a violation of the law to provide a certificate on an unapproved or altered form or to include information on a certificate that purports to alter or expand coverage. It is also a violation of the law to request such a certificate.

Examples of improper requests and improper completion of certificates include (but are not limited to) the following:

1. Use of a Form that has not been filed with and approved by the Insurance Commissioner's Office;
2. Use of an edition of an ACORD or ISO form other than the current approved editions;
3. Use of a form called something other than a "Certificate of insurance" as a means of evading the requirements of the law (the same rules apply however the form is titled);
4. Use of a form that certifies that insurance coverage complies with the provisions of the insured's contract with the certificate holder;
5. Alteration of an approved form;
6. Language on a certificate that purports to, affirmatively or negatively amend, extend, modify or alter coverage in any way;
7. Language on a certificate that purports to affirmatively or negatively determine an outcome;
8. Utilizing a third party website or non-approved form to answer coverage questions;
9. Requiring that a summary of a policy provision be added to the certificate which varies from the precise and complete language of the provision;
10. Use of the description of operations box on the ACORD25 form in any manner inconsistent with the provisions of statute or regulation. In particular, the prohibition against summarizing policy language (see bullet point above) applies to the description of operations box as well as other sections of the certificate. Reference to policy provisions in the operations box are permitted (by the form's exact title, form number, and edition date) and copies of the provisions can be attached.
11. Requesting or issuing a certificate which appears to convey or substantiate insurance coverage which does not exist under the policy for which the certificate is being issued.

12. Requesting or issuing a certificate to include construction or service contract language other than project identifying information.
13. Requesting an agent to issue an opinion or document in addition to or in lieu of a certificate other than an actual copy of the insurance policy, insurance binder, or relevant policy provisions to demonstrate contractual compliance.

Frequently Asked Questions

1. What are the penalties for violating Georgia certificate of insurance requirements?

The possible penalties for noncompliance include cease and desist orders, injunctive relief, administrative penalties, civil penalties of up to \$5,000 for each infraction, or any combination of these actions. *See generally*, O.C.G.A. §§ 33-24-19.1(n); (o); 33-2-24. These penalties can apply to certificate holders, certificate monitoring companies, agents, insurers, those who request certificates on a holders' behalf, and any entities defined under O.C.G.A. § 33-24-19.1(a)(5).

2. May any party request language be placed on a Certificate of Insurance that affirmatively or negatively purports to amend, extend, or alter the coverage afforded by the policy to which the Certificate of Insurance makes reference?

No, language may not be requested or included on a certificate that expresses a coverage determination. A certificate of insurance shall not confer to a certificate holder new or additional rights beyond what the referenced policy expressly provides. Examples of language violations that express a coverage determination include, but are not limited to:

- “The policy **WILL BE** Primary Non-Contributory”
- “Subcontracted work **IS NOT** Excluded.”
- “Umbrella Liability Coverage **IS** follow form”
- “Company XYZ, their employees, clients and any other related parties **ARE** additional insureds and coverage **WILL BE** extended.”

See Rules and Regulations, Rule 120-2-103.07 “Prohibited Practices” as set forth in 33-24-19.1(f), (g), (k)

3. May a certificate holder require that a certificate of insurance include a broad statement that there are no limitations or exclusions for a specific exposure?

No. A certificate cannot say anything that is not the same as what is stated in the insurance policy. A statement such as “there are no limitations or exclusions for residential construction exposure” would have to be stated exactly like that in the policy to be added to certificate.

No certificate filed with OCI can say more than what's in the related policy, pursuant to O.C.G.A. § 33-24-19.1(j). However, a certificate holder may ask the agent whether the policy contains specific language or a specific exclusion or may request a copy of the policy.

4. In addition to providing a Certificate of Insurance, what other documents and/or forms is an agent allowed to provide to a certificate holder?

In addition to a certificate of insurance or any other form that is approved by the Commissioner of Insurance, an agent may provide copies of the actual policy coverage forms or endorsements in order for a certificate holder to verify coverage. However, it is a violation for any party to request

or provide any form, document, or other method that is not filed and approved by the Commissioner of Insurance.

Examples violations include:

- An Affidavit, whether physical or electronic, attesting to coverage.
- A Supplemental Questionnaire, whether physical or electronic, attesting to coverage.
- Utilizing a third-party website or electronic form to answer questions on coverage.
- Providing a summary or interpretation of coverage whether written or oral.

See Rules and Regulations, Rule 120-2-103.07 “Prohibited Practices” (3) as set forth in 33-24-19.1(p), (3)

5. May the Acord 101 form be used to include additional information that is not permitted on the Acord 25 form, such as reference to insurance requirements of another contract, additional parties to be included as Additional Insured, specific exclusions, etc.?

No. The Acord 101 is considered a Schedule to the Acord 25 and cannot say anything that is not the same as what is stated in the insurance policy.

6. Does Georgia law apply to all certificate holders including certificate monitoring companies, certificate compliance companies, or any other person or entity engaging on behalf of a certificate holder?

Yes, the certificate law and all applicable penalties apply to all parties involved with Georgia insurance consumers including certificate monitoring companies and certificate compliance companies. O.C.G.A § 33-24-19.1(a)(2) defines “Certificate Holder” as any person other than the policy holder that requests, obtains, or possesses a certificate of insurance.

7. When is the Georgia Certificate of Insurance statute applicable?

The Georgia certificate of insurance law is applicable when a certificate or evidence of insurance is in reference to coverages on property, operations, or risks located in the state of Georgia. *See O.C.G.A. § 33-24-19.1(i)*

Complaints

Any complaints regarding violations of Georgia’s Certificate of Insurance law can be made through the [Consumer Portal](#) on the Insurance Commissioner’s website.



JOHN F. KING
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA