

Code of Georgia Annotated

Title 33. Insurance (Refs & Annos)

Chapter 7. Kinds of Insurance; Limits of Risks; Reinsurance (Refs & Annos)

Ga. Code Ann., § 33-7-15

§ 33-7-15. Motor vehicle liability insurance policies to require insured
to send insurer copies of summons or other process relating to coverage

Currentness

(a) No motor vehicle liability insurance policy covering a motor vehicle principally garaged or principally used in this state shall be issued, delivered or issued for delivery, or renewed in this state unless such policy contains provisions or has an endorsement thereto which specifically requires the insured to send his insurer, as soon as practicable after the receipt thereof, a copy of every summons or other process relating to the coverage under the policy and to cooperate otherwise with the insurer in connection with the defense of any action or threatened action covered under the policy.

(b) Noncompliance by the insured with this required provision or endorsement shall constitute a breach of the insurance contract which, if prejudicial to the insurer, shall relieve the insurer of its obligation to defend its insureds under the policy and of any liability to pay any judgment or other sum on behalf of its insureds.

(b.1) In the event the insurer denies coverage and it is determined by declaratory judgment or other civil process that there is in fact coverage, the insurer shall be liable to the insured for legal cost and attorney's fees as may be awarded by the court.

(c) Subsections (a) and (b) of this Code section shall not operate to deny coverage for failure to send a copy of a summons or other process relating to policy coverage if such documents are sent by a third party to the insurer or to the insurer's agent by certified mail or statutory overnight delivery within ten days of the filing of such documents with the clerk of the court. If the name of the insurer or the insurer's agent is unknown, the third party shall have a period of 30 days from the date the insurer or agent becomes known in which to send these required documents. Such documents must be sent to the insurer or agent at least 30 days prior to the entry of any judgment against the insured.

Credits

Laws 1982, p. 1624, § 1; Laws 1982, p. 1624, § 3; Laws 1983, p. 3, § 24; Laws 1984, p. 22, § 33; Laws 2000, p. 1589, § 3.

Formerly Code 1933, § 56-414.

Notes of Decisions (44)

Ga. Code Ann., § 33-7-15, GA ST § 33-7-15

The Constitution and Statutes are current through the 2015 Legislative year. The Statutes are subject to changes provided by the Georgia Code Commission.