



## OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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### BULLETIN 11-EX-2

**TO:** ALL REGULATED PERSONS

**FROM:** RALPH T. HUDGENS  
INSURANCE AND SAFETY FIRE COMMISSIONER

**DATE:** JULY 19, 2011

**RE:** USE OF CREDIT CARDS TO PAY FOR INSURANCE PREMIUMS

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It has come to my attention that Bulletin 87-EX-1, previously issued by this Office as guidance for the use of credit cards to pay insurance premiums, contains a legal reference which is no longer accurate. Specifically, the reference to 15 U.S.C. § 1666f(a) as prohibiting the imposition of fees by Regulated Persons to cover interchange fees incurred in association with the use of a credit card to purchase insurance is no longer accurate. That subsection was amended such that it no longer includes a prohibition on such surcharges. Additionally, O.C.G.A. § 33-6-5 does not prohibit Persons from passing on interchange fees to consumers paying for insurance with a credit card. All such fees, however, must be prominently disclosed to the consumer in writing.

Regulated Persons are cautioned, however, that it is a violation of the law, including specifically O.C.G.A. § 33-6-5, to charge consumers other fees unless those fees are expressly allowed under the Insurance Code or other applicable rules and regulations. Regulated Persons are also reminded that it is an unfair trade practice to charge more or less than the applicable premium rate for an insurance policy. Finally, Regulated Persons are warned that a consumer's right to use any other available payment method to avoid interchange fees cannot be abridged.

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RALPH T. HUDGENS  
INSURANCE AND SAFETY FIRE COMMISSIONER  
STATE OF GEORGIA