

Georgia's New DUI Insurance Law: What Every Agent Needs to Know About O.C.G.A. § 33-7-16

SB 121 doubles and quadruples liability minimums for DUI-convicted drivers — but the enforcement question remains wide open.

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The Georgia State Capitol in Atlanta, where SB 121 passed with overwhelming bipartisan support before being signed into law by Governor Brian Kemp on May 14, 2025.

On May 14, 2025, Governor Brian Kemp signed Senate Bill 121 into law, creating **O.C.G.A. § 33-7-16** — a new statute that fundamentally changes what auto insurance means for any Georgia driver convicted of DUI. For the first time in Georgia history, the state now mandates **enhanced liability minimums tied directly to DUI convictions**. If you write auto insurance in Georgia, this law affects your clients, your quoting process, and your E&O exposure.

Here's what you need to know.

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1. The Law in Plain English

Georgia already requires every driver to carry minimum auto liability insurance of **25/50/25** — that’s \$25,000 per person, \$50,000 per accident for bodily injury, and \$25,000 for property damage. O.C.G.A. § 33-7-16 says: **if you get convicted of DUI, those minimums are no longer sufficient.** You must carry significantly more coverage.

Three critical points every agent must understand:

- **“Conviction” is defined broadly.** It includes a guilty verdict, a guilty plea, *and* a nolo contendere (no contest) plea. Pleading nolo does **NOT** exempt your client from the enhanced minimums.
- **Out-of-state DUI convictions count.** If a Georgia resident gets a DUI conviction in any other state under that state’s equivalent DUI law, this Georgia insurance requirement still applies.
- **The enhanced minimums last for a full 3-year period** from the date of conviction, and coverage must be maintained uninterrupted during that time.

2. The Two Tiers: Before vs. After a DUI Conviction

Here's the core of SB 121 in one table. Print this. Tape it to your monitor. Share it with every CSR in your office.

Coverage	Standard GA Minimum	After 1st DUI Conviction	After 2nd+ DUI Conviction
Bodily Injury (per person)	\$25,000	\$50,000 (2×)	\$100,000 (4×)
Bodily Injury (per accident)	\$50,000	\$100,000 (2×)	\$300,000 (6×)
Property Damage	\$25,000	\$50,000 (2×)	\$100,000 (4×)
Duration	Ongoing	3 years from conviction	3 years from conviction

Key Takeaway

A first DUI conviction doubles the standard minimums. A second or subsequent conviction quadruples bodily injury per person and property damage, and increases per-accident bodily injury by **6 times**. These are *minimums* — the law does not cap what a client can or should carry.

3. What This Actually Costs Your Client

Meet David — a 38-year-old Georgia driver with a clean record paying **\$1,609/year** (the Georgia state average) for standard 25/50/25 liability coverage. David gets his first DUI.

The DUI Surcharge Alone

Georgia drivers see an average **77% increase** in auto insurance premiums after a DUI conviction. David's annual cost jumps from \$1,609 to approximately **\$2,846** — an increase of roughly **\$1,236 per year**. And that's based on standard 25/50/25 minimums.

Now Add the Enhanced Minimums

Under O.C.G.A. § 33-7-16, David now needs **50/100/50** — double the standard minimums. The higher limits add additional premium on top of the DUI surcharge. Depending on the carrier:

- **State Farm** (cheapest for DUI in GA): approximately \$1,586/year at standard minimums with DUI — would be higher at 50/100/50.
- **GEICO** (most expensive for DUI in GA): 55% above the state average.
- **Georgia average with DUI**: \$2,846/year at standard minimums — estimated **\$3,300–\$3,800+** at the new enhanced 50/100/50 minimums.

The Full Three-Year Financial Picture

Over 3 years of mandatory enhanced coverage, David could pay **\$5,000 to \$10,000+ more** in insurance costs than he would have before this law existed. But insurance is only part of the story:

Cost Category	Estimated Range
Insurance premium increase (3 years, enhanced minimums)	\$5,000 – \$10,000+
Court fines	\$300 – \$1,000
DUI Risk Reduction Program	\$350+
Probation fees (36 months × \$40–\$50/month)	\$1,440 – \$1,800
Ignition interlock device (installation + monthly fees)	\$70 – \$150/month + installation
License reinstatement fee (1st DUI)	\$210
Total estimated 3-year impact (1st DUI)	\$15,000 – \$25,000+

For a Second DUI

A second conviction requires **100/300/100** limits. The insurance costs alone at those enhanced minimums — on top of the dramatically higher DUI surcharge for a repeat offense — could be staggering. Agents should be prepared to walk clients through these numbers clearly and document the conversation.

4. The Big Question: How Does Georgia Plan to Enforce This?

This is where things get complicated — and where every agent needs to pay close attention.

The **only enforcement mechanism** written into the statute (Section 2 of SB 121, adding paragraph (1.3) to O.C.G.A. § 40-6-10) says:

Any individual required to maintain increased coverage under §33-7-16 shall keep proof or evidence of such coverage during the operation of any motor vehicle. That proof can be paper or electronic (including a phone screen).

That is the entire enforcement provision.

Here is what the statute does *not* specify:

What You'd Expect to See	What the Statute Actually Says
An SR-22 or SR-22A filing requirement tied to the enhanced minimums	Not mentioned — the statute never uses the term “SR-22”
A process for courts to notify DDS that a driver requires enhanced coverage	Not specified
A mechanism for DDS to flag these drivers in their system	Not specified
A way for police to know at a traffic stop that a driver needs enhanced coverage	Not specified
A specific penalty for carrying standard 25/50/25 instead of the required 50/100/50	Not specified beyond existing “no proof of insurance” penalties
A requirement that insurers certify the enhanced limits to DDS	Not specified

In practical terms: A police officer pulling over a DUI-convicted driver has no way of knowing from a license check or insurance database that this person needs 50/100/50 instead of 25/50/25. The driver could show a valid insurance card at standard minimums and appear fully compliant. The gap between the law’s requirements and the state’s ability to verify compliance is significant.

SIDEBAR: How Georgia's SR-22 System Actually Works

What is an SR-22? An SR-22 is not insurance — it is a *certificate of financial responsibility* that your insurance company files electronically with the Georgia Department of Driver Services (DDS). It certifies that the driver carries at least the state's minimum liability coverage.

How it works in Georgia:

1. A DUI conviction triggers license suspension.
2. To reinstate, the driver must pay a reinstatement fee (**\$210** for 1st DUI, **\$310** for 2nd, **\$410** for 3rd+).
3. The driver must obtain an insurance policy and have the insurer file an SR-22 with DDS.
4. DDS monitors: if the policy lapses, the insurer notifies DDS, and the license is **automatically suspended again**.
5. The SR-22 must be maintained for **3 years from license reinstatement** (not the conviction date — important distinction).
6. If coverage lapses even for one day, the **3-year clock resets**.

The connection to SB 121: Most DUI attorneys and insurance professionals *assume* O.C.G.A. § 33-7-16 will be enforced through this existing SR-22 system — meaning insurers would file SR-22s certifying the *enhanced* limits (50/100/50 or 100/300/100) instead of standard minimums. This makes logical sense because DUI convictions already trigger the SR-22 process.

But the statute itself never connects these dots. It does not say “file an SR-22 at enhanced limits.” It simply says “have proof of coverage on you.”

This gap likely means DDS, the Georgia Office of Insurance and Safety Fire Commissioner, or both agencies will need to issue administrative guidance or rules to operationalize this law. **Until that happens, enforcement remains ambiguous.**

5. How Does Georgia Compare to Other States?

Only two other states — **Florida** and **Virginia** — have similar laws requiring enhanced liability minimums after DUI convictions. Both use a specialized form called the **FR-44** (not the standard SR-22).

Feature	Georgia (SB 121)	Florida (FR-44)	Virginia (FR-44)
Standard State Minimums	25/50/25	10/20/10	30/60/20
DUI Enhanced Minimums	50/100/50 (1st) 100/300/100 (2nd+)	100/300/50	50/100/40
Multiplier vs. Standard	2× (1st); 4–6× (2nd+)	10× BI	~1.7×
Filing Form	Not specified (assumed SR-22)	FR-44 (specific DUI form)	FR-44 (specific DUI form)
Duration	3 years from conviction	3 years	3 years
Enforcement Mechanism	Proof of coverage only	FR-44 filed by insurer with DHSMV; automatic suspension on lapse	FR-44 filed by insurer with DMV; automatic suspension on lapse
Nolo Plea Included?	Yes	N/A (different plea system)	N/A

Key Insight

Florida and Virginia both created a **dedicated filing form (FR-44)** specifically for DUI-enhanced coverage — separate from the SR-22. Georgia did **NOT** create an equivalent form or process. This is arguably the biggest gap in SB 121. Florida’s system works because the FR-44 is a distinct filing that insurers submit to the DHSMV, and the DHSMV actively monitors for lapses. Georgia’s law lacks this infrastructure.

Georgia is now the **third state** to mandate enhanced liability minimums for DUI convictions — and the first to do so **without creating a dedicated enforcement mechanism**.

6. Carrier Readiness: Questions Agents Should Be Asking Right Now

Don't wait for guidance to come to you. Here are the questions you should be asking your carriers, MGAs, and underwriters **this week**:

1. **System updates:** Are your systems updated to flag Georgia DUI-convicted policyholders who need 50/100/50 or 100/300/100 minimums?
2. **SR-22 filing at enhanced limits:** Will you file SR-22s at the enhanced limits, or are you waiting for DDS guidance?
3. **Minimum limit safeguards:** If a DUI-convicted client requests standard 25/50/25 limits, will your system prevent the policy from issuing below the statutory minimum?
4. **Nolo contendere provisions:** How are you handling the nolo contendere provision? Your underwriting questionnaires may need updating — many currently ask about “convictions” but not nolo pleas specifically.
5. **Multi-state coordination:** For multi-state drivers, how are you coordinating when a Georgia resident has an out-of-state DUI?
6. **Pricing:** What is your pricing for the enhanced limits on top of the DUI surcharge?
7. **E&O exposure:** Are you prepared for increased E&O exposure if an agent issues a policy at standard minimums for a DUI-convicted driver who should be at enhanced minimums?

E&O Alert for Agents

That last point is critical. If you write a policy at 25/50/25 for a client you know (or *should* know) was convicted of DUI, and they get into an accident with damages exceeding those limits, there may be E&O implications. The law says they were *required* to carry more.

Document your conversations with DUI-convicted clients about their coverage requirements.

☑ Agent Action Checklist — What You Should Do This Week

1. **READ THE STATUTE.** Review O.C.G.A. § 33-7-16 directly. It's short (one page). Know what it says *and what it doesn't say*.
2. **UPDATE YOUR QUOTING WORKFLOW.** Add a question to your intake process: *"Have you been convicted of DUI, including nolo contendere pleas, in any state within the past 3 years?"* If yes, quote at enhanced minimums.
3. **CONTACT YOUR CARRIERS.** Ask the questions in Section 6 above. Find out which of your carriers are ready to write at enhanced limits with SR-22 filing.
4. **KNOW YOUR HIGH-RISK MARKETS.** If your standard carriers won't write DUI policies at enhanced limits, identify non-standard/high-risk carriers that will. This is a growing market segment.
5. **PREPARE CLIENT TALKING POINTS.** Have a clear, plain-English explanation ready for DUI-convicted clients about why their minimums are higher and what happens if they don't comply.
6. **DOCUMENT EVERYTHING.** If a DUI-convicted client refuses enhanced limits, document the conversation in writing. Protect yourself from E&O exposure.
7. **WATCH FOR DDS/COMMISSIONER GUIDANCE.** The Georgia Department of Driver Services and/or the Office of Insurance and Safety Fire Commissioner will likely need to issue guidance on how this law connects to the SR-22 system. Stay alert for bulletins.
8. **EDUCATE YOUR STAFF.** Make sure every CSR and producer in your office understands SB 121. One missed conversation with a DUI client could create liability.

7. Legislative Backstory

Senate Bill 121 was introduced by **Senator Marty Harbin (R-District 16)** and co-sponsored by 19 additional Republican legislators, including Senator Randy Robertson, Senator Bo Hatchett, Senator Clint Dixon, Senator Max Burns, and Representative Eddie Lumsden.

The bill moved through the legislature with overwhelming bipartisan support:

Milestone	Date	Result
Senate passage	March 6, 2025	53–2
House passage	March 31, 2025	157–11
Senate agreed to House substitute	March 31, 2025	51–2
Sent to Governor	April 7, 2025	—
Signed by Governor Kemp	May 14, 2025	Act 287
Effective date	May 14, 2025	Immediately upon signing

The bill’s stated purpose: To increase the minimum motor vehicle liability coverage for individuals convicted of DUI, ensuring they carry higher financial responsibility to protect the public from potential future incidents.

Note: While no public statements from Senator Harbin specifically explaining the enforcement design have been located, the legislative intent is clear from the bill structure — it aims to shift the financial burden of DUI risk from victims to offenders by requiring offenders to carry substantially more insurance coverage.

8. The Bottom Line

O.C.G.A. § 33-7-16 creates real consequences for DUI-convicted drivers — doubled and quadrupled liability minimums that will cost them thousands more over three years. For agents, this means:

- **A larger high-risk auto market in Georgia.** More clients will need specialized quoting at enhanced limits.
- **New E&O considerations** when writing policies for DUI-convicted clients. If you don’t ask the right questions, you’re exposed.

- **A need to update quoting workflows, intake questions, and staff training** — immediately, not eventually.
- **An opportunity** to position yourself as the knowledgeable professional who understands this law when competitors don't. Clients will remember who explained it clearly.

The enforcement question remains the elephant in the room. The statute mandates enhanced coverage but provides no clear mechanism for verification beyond “carry proof.” Until DDS or the Insurance Commissioner issues guidance connecting this law to the SR-22 filing system, there's a gap between what the law requires and how anyone checks compliance.

We'll continue covering this as guidance develops. If you hear anything from your carriers, MGAs, or DDS, send it our way — eddie@fyiexpress.com.

Special thanks to Chris Beeler for his contributions to this article.

Special thanks to Chris Beeler of Beeler Insurance in Cedartown, Georgia, for bringing O.C.G.A. § 33-7-16 to my attention. This is exactly how our industry works best — when professionals share knowledge and look out for one another. Because Chris took the time to flag this law, I was able to dig into it and share it with every FYI Express reader. That's the power of community. Thank you, Chris.

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