

House Bill 377

By: Representatives Brooks of the 54<sup>th</sup>, Walker of the 141<sup>st</sup>, Skipper of the 137<sup>th</sup>, Mobley of the 69<sup>th</sup>, Seay of the 93<sup>rd</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling  
2 and other trade practices, so as to provide for disclosure of adjustment rates for tires; to  
3 provide for definitions and notice to consumers that adjustment rates are available for  
4 inspection; to prohibit sale of tires where adjustment rates are not published; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other  
9 trade practices, is amended by inserting a new article to be designated Article 34 to read as  
10 follows:

11 "ARTICLE 34

12 10-1-900.

13 (a) As used in this Code section, the term:

14 (1) 'Adjusted tire' means a tire returned to a retailer or seller, distributor, wholesaler, or  
15 manufacturer by the buyer or user of said tire because of defects in workmanship or  
16 materials or because of any other reason for which the buyer or user of said tire receives  
17 a free replacement tire or a credit in whole or in part towards the purchase price of a new  
18 replacement tire.

19 (2) 'Adjustment rates of tires' means the percentage rate of tires taken back by a  
20 manufacturer, wholesaler, distributor, retailer, or seller as adjusted tires in relation to the  
21 total number of manufactured tires which are the same or similar in design and  
22 manufacture to the adjusted tire. The adjustment rates to be published to consumers in  
23 compliance with subsection (b) of this Code section shall be national adjustment rates in  
24 conformity with records kept for the same or comparable time periods which the

1 manufacturer, wholesaler, distributor, retailer, or seller used to determine adjustment rates  
2 for said tires on January 1, 2001.

3 (b) In order to protect the health and safety of the motoring public and others who may be  
4 injured because of the failure of defective tires sold in this state to the consuming public,  
5 each and every manufacturer, distributor, wholesaler, retailer, or seller of tires shall  
6 disclose to the public, through the retailer or seller of such tires, the national adjustment  
7 rates of all tires, as defined in subsection (a) of this Code section, which they manufacture,  
8 distribute, wholesale, or retail and which are sold in this state. The adjustment rates for all  
9 tires sold in this state shall be classified by each such manufacturer, distributor, wholesaler,  
10 retailer, or seller of tires according to their specific failures in conformity with records as  
11 kept by the manufacturer, distributor, wholesaler, retailer, or seller on January 1, 2001.  
12 These national adjustment rates shall be published for the benefit of consumers at each  
13 location in this state where such tires are sold. Purchasers of tires in this state shall be  
14 informed that adjustment records are available for their review and that they have the right  
15 to inspect the national adjustment rates for each of the brands or models of tires sold at said  
16 location.

17 (c) No tires may be sold to any consumer at any retail location in this state where national  
18 adjustment rates are not published and available for inspection as set forth in subsection (b)  
19 of this Code section."

20

## **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.