

House Bill 701

By: Representatives Stokes of the 92nd, Martin of the 47th, Dix of the 76th, Ragas of the 64th and Sims of the 167th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, known as the "Fair Business Practices Act of 1975," so as to change the definition
3 of a career consulting firm; to clarify the administrator's authority to issue orders; to allow
4 the administrator to take action in all courts of appropriate jurisdiction; to provide for related
5 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
9 known as the "Fair Business Practices Act of 1975," is amended by striking in its entirety
10 paragraph (1.3) of subsection (a) of Code Section 10-1-392, relating to definitions, and
11 inserting in its place a new paragraph (1.3) to read as follows:

12 "(1.3) 'Career consulting firm' means any person providing services to an individual in
13 conjunction with a career search and consulting program for the individual, including, but
14 not limited to, counseling as to the individual's career potential, counseling as to
15 interview techniques, and the identification of prospective employers. A 'career
16 consulting firm' ~~does~~ shall not guarantee actual job placement as one of its services. A
17 'career consulting firm' shall not include any person who provides these services without
18 charging a fee to applicants for those services or any employment agent or agency
19 regulated under Chapter 10 of Title 34."

20 **SECTION 2.**

21 Said part is further amended by striking subsection (a) of Code Section 10-1-397, relating
22 to the administrator's authority, in its entirety and inserting in lieu thereof a new subsection
23 (a) to read as follows:

24 "(a) Whenever it may appear to the administrator that any person is using, has used, or is
25 about to use any method, act, or practice declared by Code Section 10-1-393, 10-1-393.1,

1 10-1-393.2, 10-1-393.3, ~~or~~ 10-1-393.4, 10-1-393.5, or 10-1-393.6 or by regulations made
 2 under Code Section 10-1-394 to be unlawful and that proceedings would be in the public
 3 interest, whether or not any person has actually been misled, he or she may:

4 (1) Subject to notice and opportunity for hearing in accordance with Code Section
 5 10-1-398, unless the right to notice is waived by the person against whom the sanction
 6 is imposed, take any or all of the following actions:

7 (A) Issue a cease and desist order prohibiting any unfair or deceptive act or practice
 8 against any person; or

9 (B) Issue an order against a person who willfully violates this part, imposing a civil
 10 penalty up to a maximum of \$2,000.00 per violation; or

11 (2) Without regard as to whether the administrator has issued any orders under this Code
 12 section, upon ~~Upon~~ a showing by the administrator in any ~~superior~~ court of competent
 13 jurisdiction that a person has violated or is about to violate this part, a rule promulgated
 14 under this part, or an order of the administrator, the court may enter or grant any or all of
 15 the following relief:

16 (A) A temporary restraining order or temporary or permanent injunction;

17 (B) A civil penalty up to a maximum of \$5,000.00 per violation of this part;

18 (C) A declaratory judgment;

19 (D) Restitution to any person or persons adversely affected by a defendant's actions
 20 in violation of this part;

21 (E) The appointment of a receiver, auditor, or conservator for the defendant or the
 22 defendant's assets; or

23 (F) Other relief as the court deems just and equitable."

24 SECTION 3.

25 This Act shall become effective on July 1, 2001.

26 SECTION 4.

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