

Senate Bill 31

By: Senators Brown of the 26<sup>th</sup>, Cheeks of the 23<sup>rd</sup>, Hooks of the 14<sup>th</sup>, Thomas of the 10<sup>th</sup>  
and Fort of the 39<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 7-5-4 of the Official Code of Georgia Annotated, relating to credit  
2 card charges and fees, so as to prohibit the charging and collecting of fees for transactions  
3 involving the payment of one credit card account with another credit card account; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 7-5-4 of the Official Code of Georgia Annotated, relating to credit card charges  
8 and fees, is amended by striking in its entirety subsection (a) and inserting in lieu thereof the  
9 following:

10 "(a)(1) Notwithstanding the provisions of any other law prescribing, regulating, or  
11 limiting interest rates, any domestic lender or credit card bank may charge and collect in  
12 connection with a credit card account:

13 (A) Finance charges at such periodic interest rate or rates computed or imposed on the  
14 outstanding balances on the credit card account in any manner as provided in the  
15 written agreement governing such credit card account, and such periodic interest rate  
16 or rates may vary from time to time in accordance with a schedule or formula contained  
17 in such agreement; and

18 (B) Such other fees and charges as the domestic lender or credit card bank and the  
19 debtor may agree upon in the written agreement governing the credit card account,  
20 including, but not limited to, cash advance charges, charges for exceeding  
21 preestablished credit limits, late fees, delinquency or default charges, returned payment  
22 charges, stop payment charges, automated teller machine charges or similar electronic  
23 or interchange fees or charges, annual or membership fees, application fees, transaction  
24 fees and minimum charges for each scheduled billing period, premiums for credit life,  
25 accident, health, or loss of income insurance, documentary evidence fees, fees or

1 charges for services rendered or for reimbursement of expenses incurred by any  
2 domestic lender or credit card bank or their respective agents in connection with the  
3 credit card account, and other fees incident to the application for or the opening,  
4 administration, and termination of the credit card account, including, without limitation,  
5 commitment, application, and processing fees, official fees and taxes, and costs  
6 incurred by reason of examination of title, title insurance, inspection, appraisal,  
7 recording, mortgage satisfaction, filing fees, or other formal acts necessary or  
8 appropriate to the security for the credit card account; provided, however, that no  
9 domestic lender or credit card bank shall charge or collect a fee for a transaction in  
10 which a debtor discharges the balance of a credit card account by charging such amount  
11 to another credit card account.

12 (2) For the purposes of this Code section, Section 85 of the National Bank Act (12  
13 U.S.C. Section 85), and Sections 521, 522, and 523 of the Depository Institutions  
14 Deregulation and Monetary Control Act of 1980 (12 U.S.C. Sections 1831d, 1831e, and  
15 1831f), the finance charges under subparagraph (a)(1)(A) of this Code section and the  
16 charges and fees under subparagraph (a)(1)(B) of this Code section shall be deemed to  
17 be, and may be charged and collected as, interest by the domestic lender or credit card  
18 bank."

## 19 SECTION 2.

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