

House Bill 878

By: Representatives Yates of the 106th and Jamieson of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To provide remedies for the imposition of excessive regulatory fees by a county or municipal
2 government; to amend Chapter 13 of Title 48 of the Official Code of Georgia Annotated,
3 relating to specific, business, and occupation taxes, so as to provide for complaints to the
4 Department of Community Affairs and for civil actions; to provide for jurisdiction and
5 remedies; to provide for responses to requests from the Department of Community Affairs
6 for information relating to regulatory fees and for cooperation with such department's
7 investigation of complaints alleging excessive regulatory fees; to amend Article 1 of Chapter
8 8 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions
9 relative to the Department of Community Affairs, so as to provide for authority and duties
10 of the Department of Community Affairs regarding such complaints and actions; to provide
11 for annual reports; to provide for related matters; to repeal conflicting laws; and for other
12 purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific,
16 business, and occupation taxes, is amended in Code Section 48-13-9, relating to authority of
17 local governments to impose regulatory fees, by inserting a new subsection to be designated
18 subsection (e) to read as follows:

19 "(e) Businesses and practitioners subject to regulatory fees may make complaints to the
20 Department of Community Affairs if they believe that a county or municipal corporation
21 is imposing regulatory fees which exceed the limitations set out in subsection (a) of this
22 Code section. Businesses and practitioners subject to regulatory fees may enforce the
23 limitations relating to the amount of regulatory fees set out in subsection (a) of this Code
24 section by filing a civil action in the superior court of the county which is imposing such
25 fees or the county in which the city imposing such fees is located. A judgment against a

1 county or municipal corporation in such an action shall include double recovery of
2 wrongful fees and reasonable attorney's fees."

3 **SECTION 2.**

4 Such chapter is further amended by striking Code Section 48-13-56, relating to annual
5 reports to the Department of Community Affairs by local governments imposing occupation
6 taxes, and inserting in lieu thereof the following:

7 "48-13-56.

8 (a) Each county or municipality imposing a tax as authorized by this article shall, as a
9 condition of continuing authorization to impose the tax, annually file with the Department
10 of Community Affairs a report specifying the rate of taxation and amounts collected and
11 expended pursuant to this article. Such report shall be filed in such form and at such times
12 as may be specified by rule of the Department of Community Affairs.

13 (b) Each county and municipal corporation collecting regulatory fees in accordance with
14 this article shall comply with requests from the Department of Community Affairs for
15 information relating to such fees and shall cooperate with any investigation by the
16 Department of Community Affairs of complaints alleging the imposition of regulatory fees
17 which exceed the limitations set out in subsection (a) of Code Section 48-13-9."

18 **SECTION 3.**

19 Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
20 general provisions relative to the Department of Community Affairs, is amended by inserting
21 a new Code section to be designated Code Section 50-8-7.4 to read as follows:

22 "50-8-7.4.

23 (a) The department is authorized and directed to receive, investigate, and attempt to
24 resolve complaints alleging the imposition of regulatory fees by any county or municipal
25 corporation which exceed the limitations set out in subsection (a) of Code Section 48-13-9.
26 Upon receipt of five complaints involving the same local government within a period of
27 six months, the department shall investigate the allegations. In the course of such an
28 investigation, the department shall request, at a minimum, the following information from
29 the local government for the preceding year: the total amount of regulatory fees collected;
30 the total costs to the local government of regulating the activities of businesses and
31 practitioners of occupations subject to such fees, including but not limited to personnel and
32 administrative costs; and an explanation of how the fees are determined, including any list
33 of fees or formula for calculating fees. The department may request a list of businesses and
34 practitioners who paid such fees, including name and address, and the amount of fees each
35 paid, and other information relevant to the complaints.

1 (b) If the department finds that a county or municipal corporation has imposed one or more
2 regulatory fees exceeding legal limitations, the department shall so inform the parties and
3 attempt to resolve the complaints by suggesting remedies to the local government and the
4 businesses or practitioners who have complained.

5 (c) The department shall report annually to the Governor and the chairpersons of the
6 House Committee on Ways and Means and the Senate Finance and Public Utilities
7 Committee the results of investigations of regulatory fees imposed by local governments.

8 (d) Employees of the department shall not represent a local government or any party but
9 may testify in any court proceeding relating to an allegation of excessive regulatory fees."

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SECTION 4.

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