

House Bill 957

By: Representative Martin of the 47<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
2 relating to deceptive or unfair practices, so as to prohibit certain acts or practices concerning  
3 gas marketers and telephone companies; to amend Code Section 13-8-2 of the Official Code  
4 of Georgia Annotated, relating to contracts contravening public policy generally, so as to  
5 provide that certain contracts are void; to amend Code Section 46-4-153 of the Official Code  
6 of Georgia Annotated, relating to certificates of authority for gas marketers, so as to require  
7 gas marketers and businesses which solicit sales for gas marketers to obtain a bond as a  
8 requirement of the granting of a certificate of authority; to provide for related matters; to  
9 provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to  
13 deceptive or unfair practices, is amended in Code Section 10-1-393, relating to unfair or  
14 deceptive practices in consumer transactions, by striking "or" at the end of paragraph (31)  
15 of subsection (b), striking "." at the end of paragraph (32) and inserting in lieu thereof "; or",  
16 and adding a new paragraph (33) to read as follows:

17 "(33) With respect to gas marketers or independent sales or solicitation entities used by  
18 them, or telephone companies or independent sales or solicitation entities used by them,  
19 for any person or entity to switch a consumer's natural gas supplier or local or long  
20 distance telephone account without proper authorization from the consumer."

21 **SECTION 2.**

22 Said article is further amended in Code Section 10-1-393.5, relating to prohibited  
23 telemarketing, by striking "or" at the end of paragraph (2) of subsection (b), striking "." at  
24 the end of paragraph (3) and inserting in lieu thereof "; or", and adding a new paragraph (4)  
25 to read as follows:



1 the granting of the certificate of authority, with the commission and shall be approved  
2 by the commission as to form and as to the solvency of the surety. The prospective gas  
3 marketer, or any business which is soliciting sales on behalf of the marketer, may file  
4 the required bond with the commission for approval prior to the granting of a certificate  
5 of authority.

6 (C) No gas marketer, or any business which is soliciting sales on behalf of the  
7 marketer, shall cancel, or cause to be canceled, a bond issued pursuant to this paragraph  
8 unless the commission is informed in writing by a certified letter or statutory overnight  
9 delivery at least 30 days prior to the proposed cancellation.

10 (D) If the surety or gas marketer, or any business which is soliciting sales on behalf of  
11 the marketer, cancels the bond and the gas marketer, or any business which is soliciting  
12 sales on behalf of the marketer, fails to submit, within ten days of the effective date of  
13 the cancellation, a new bond, the commission may revoke his or her or its certificate of  
14 authority."

15 **SECTION 6.**

16 This Act shall become effective on July 1, 2002.

17 **SECTION 7.**

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