

House Bill 207

By: Representatives Reichert of the 126th, Murphy of the 18th, Wix of the 33rd, Scheid of the 17th and Hudgens of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 7 of the Official Code of Georgia Annotated, relating to banking and finance,
2 so as to provide that any person who accepts a check in exchange for a cash payment to the
3 maker of the check pursuant to an agreement to defer presentment of the check shall be
4 licensed in this state; to provide for a short title; to define certain terms; to provide for
5 licenses and qualifications and application therefor; to provide for fees; to provide for
6 penalties and hearings; to provide for rules and regulations; to provide for limitations; to
7 provide for annual reports; to provide for related matters; to provide an effective date; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is
12 amended by adding at the end thereof a new chapter to read as follows:

13 style="text-align:center">"CHAPTER 9

14 7-9-1.

15 This chapter shall be known and may be cited as the 'Deferred Presentment Act.'

16 7-9-2.

17 As used in this chapter, the term:

18 (1) 'Affiliate' or 'person affiliated with' means, when used with reference to a specified
19 person, a person who, whether directly, indirectly, or through one or more intermediaries,
20 controls, is controlled by, or is under common control with the person specified. Any
21 beneficial owner of 20 percent or more of the combined voting power of all classes of
22 voting securities of a person or any executive officer, director, trustee, joint venturer, or
23 general partner of a person is an affiliate of such person unless the shareholder, executive

1 officer, director, trustee, joint venturer, or general partner shall prove that he or she in fact
2 does not control, is not controlled by, or is not under common control with such person.

3 (2) 'Check' means a negotiable instrument, as such term is defined in Code Section
4 11-3-104, signed by the maker and made payable to a person licensed under this chapter.

5 (3) 'Commissioner' means the commissioner of banking and finance or his or her
6 designated representative.

7 (4) 'Deferred presentment transaction' means a transaction whereby a check is accepted
8 by a person required to be licensed under this chapter and, for a fee and by mutual
9 agreement between the licensee and the maker of the check, presentment or negotiation
10 of the check is deferred. A transaction meeting this definition shall be considered a
11 deferred payment transaction despite any nomenclature, advertising, disguise, or terms
12 designed to make the transaction appear to be one not covered by this chapter.

13 (5) 'Department' means the Department of Banking and Finance.

14 (6) 'Licensee' means a person licensed to provide deferred presentment services pursuant
15 to this chapter.

16 (7) 'Multiple transactions' means more than one deferred presentment agreement in effect
17 at any one time.

18 (8) 'Person' means an individual, group of individuals, partnership, association,
19 corporation, or any other business unit or legal entity.

20 (9) 'Renewal' means the termination of an existing deferred presentment agreement by
21 the substitution of a new check drawn by the same maker pursuant to a new deferred
22 presentment transaction agreement with additional fees assessed.

23 (10) 'Service fee' and 'fee' means the fee or other form of compensation, however paid,
24 authorized in Code Section 7-9-11 for the deferral of the presentation of a check pursuant
25 to this chapter. Such fee shall not be deemed to be interest for any purpose.

26 7-9-3.

27 (a) No person shall engage in the business of deferred presentment services or in any
28 service substantially similar to such services without having first obtained a license from
29 the department as provided in this chapter.

30 (b) The department shall promulgate rules and regulations providing for application
31 processing and deadlines.

32 (c) A separate license shall be required for each person who engages in the business of
33 deferred presentment services, and if that person desires to transact business at more than
34 one location each location and its manager must be approved by the department before it
35 commences operation. As used in this subsection, the term 'manager' means the individual
36 who is responsible for overseeing the basic operations at any designated location.

1 (d) A deferred presentment transaction that complies with the provisions of this chapter
2 shall not be construed to be a loan for the purpose of Chapter 3 or 4 of this title. A deferred
3 presentment transaction shall not be subject to the provisions of Code Section 16-9-20
4 except as provided in subsection (d) of Code Section 7-9-10.

5 7-9-4.

6 (a) Each application for a license shall be in writing and under oath to the commissioner
7 in a form prescribed by the department and shall include, but shall not be limited to, the
8 following:

9 (1) The legal name, residence address, and business address of the applicant and, if the
10 applicant is a partnership, association, or corporation, the name, residence address, and
11 business address of every member, officer, managing employee, and director thereof;

12 (2) The name and street address of the registered agent for service of process of the
13 applicant, the location at which the deferred presentment services business shall be
14 conducted, and such other data and information as the commissioner may require with
15 respect to the applicant, its directors, trustees, officers, members, managing employees,
16 or agents;

17 (3) The relevant business records of the applicant indicating a minimum net worth,
18 determined in accordance with generally accepted accounting principles by a certified
19 public accountant, of at least \$25,000.00 available for the operation of each location;

20 (4) Any criminal record of the applicant, a manager, or an employee or, if the applicant
21 is a partnership, association, or corporation, any criminal record of any person who is a
22 director, officer, or shareholder of 10 percent or more of the outstanding stock of the
23 applicant or who owns or controls the applicant; any record of fraud or other act of
24 personal dishonesty; any act, omission, or practice that constitutes a breach of a fiduciary
25 duty; or any record of suspension, removal, or administrative action by any agency or
26 department of the United States or any state resulting from participation in the conduct
27 of any business. The department shall be authorized to obtain conviction data, including
28 without limitation information from the Georgia Crime Information Center derived from
29 fingerprints, with respect to any such persons in the same manner as provided in Code
30 Section 7-1-1004. Failure to disclose this information shall be grounds for summary
31 denial or revocation of a license;

32 (5) A corporate surety bond in a form acceptable to the department in favor of the
33 commissioner executed by a corporate surety authorized to transact business in the State
34 of Georgia and approved by the department in the principal sum of \$100,000.00 per
35 location or such greater amount as the department may require. Such bond shall be

1 payable to the commissioner and shall be contingent upon compliance with this chapter
2 and the payment by the licensee of any and all moneys that may become due and owing
3 by the licensee to consumers or the department as a result of the receipt, handling,
4 transmission, and payment of money arising out of the business of the licensee of cashing
5 and retaining checks pursuant to the license issued to the licensee under this chapter. The
6 department may apply to the surety for such sums owing, or any person damaged by
7 noncompliance of a licensee may proceed on the bond;

8 (6) A licensing fee equal to \$500.00 per location, which the department may adjust from
9 time to time, which shall be refunded if the application is denied, and which, if the license
10 is granted, shall satisfy the fee requirement for the first license year. The license period
11 shall begin on July 1 of each year;

12 (7) A copy of the written agreement that the applicant proposes to enter into with
13 customers and a copy of the proposed schedule of fees to be charged to the customers,
14 both of which are to be in conformity with this chapter; and

15 (8) A nonrefundable investigation fee of \$250.00 per location.

16 (b) In order for an applicant to qualify for and to retain a license, the commissioner must
17 find that the applicant's financial responsibility, financial condition, business experience,
18 character, and general fitness reasonably warrant the belief that the applicant's business
19 will be conducted lawfully and fairly.

20 (c) The department may refuse to issue a license, or may revoke an existing license, if it
21 finds that the applicant, or any person who is a director, officer, partner, agent, employee,
22 or ultimate equitable owner of 10 percent or more of the applicant, has been convicted of
23 a felony involving moral turpitude in any jurisdiction or of a crime that, if committed
24 within this state, would constitute a felony involving moral turpitude under the laws of this
25 state. For the purposes of this chapter, a person shall be deemed to have been convicted of
26 a crime if such person has pled guilty to a charge before a court or federal magistrate or has
27 been found guilty of such a charge by the decision or judgment of a court or federal
28 magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the
29 suspension thereof, unless such plea of guilt or such decision, judgment, or verdict has been
30 set aside, reversed, or otherwise abrogated by lawful judicial process, or unless the person
31 convicted of the crime has received a pardon therefor from the President of the United
32 States or the governor or other pardoning authority in the jurisdiction where the conviction
33 was had or has received an official certification or pardon granted by the State Board of
34 Pardons and Paroles that removes the legal disabilities resulting from such conviction and
35 restores civil and political rights in this state.

36 (d) The department may revoke, suspend, or decline to grant a license if a licensee, its
37 employees, or its agents employ any person against whom a final cease and desist order has

1 been issued because of a violation of this chapter or because of such person's own license
2 having been suspended or revoked within the 12 months immediately preceding such
3 person's first becoming so employed.

4 7-9-5.

5 (a) Upon the filing of an application in a form prescribed by the commissioner
6 accompanied by the required fee and documents, the commissioner shall investigate
7 whether the requirements prescribed by this chapter have been satisfied. If the
8 commissioner finds that the requirements have been satisfied and approves the application,
9 the commissioner shall issue to the applicant a license to engage in the deferred
10 presentment services business in Georgia.

11 (b) The license issued pursuant to subsection (a) of this Code section shall be
12 conspicuously posted in each place of business of the licensee.

13 (c) A license issued pursuant to this chapter shall remain in force and effect for a period
14 of one year after its date of issuance unless earlier surrendered, suspended, or revoked. All
15 licenses shall expire on June 30 following issuance. The commissioner is authorized to
16 prorate the initial license fee for applications that will expire in less than 12 calendar
17 months; but if a license is later surrendered, suspended, or revoked, no proration of fees
18 shall be authorized.

19 7-9-6.

20 An application for a license under this chapter shall be denied for the failure of the
21 applicant to comply with the prescribed requirements of this chapter, and such denial shall
22 be subject to notice and a hearing. In any hearing on the denial of a license, the burden of
23 proving entitlement to a license shall be on the applicant. The commissioner may
24 summarily deny without notice or hearing any incomplete or inadequate application or any
25 application that includes any person who:

26 (1) Is a director, officer, or manager;

27 (2) Is a shareholder of 10 percent or more of the applicant's outstanding stock;

28 (3) Is a member of the applicant; or

29 (4) Owns or controls the applicant and who has had a conviction of a felony involving
30 moral turpitude or has had a license for deferred presentment transactions suspended or
31 revoked in any state within one year preceding the date of the application.

32 7-9-7.

33 (a) A license issued pursuant to this chapter is not transferable or assignable.

1 (b)(1) As used in this subsection, the term 'control' means:

2 (A) In the case of a corporation, direct or indirect ownership or the right to control 10
3 percent or more of the voting shares of the corporation or the ability of a person to elect
4 a majority of the directors or otherwise effect a change in policy; and

5 (B) In the case of any other entity, the ability to change the principals of the
6 organization, whether active or passive.

7 (2) The prior written approval of the commissioner is required for the continued
8 operation of a deferred presentment services business whenever a change in control of
9 a licensee is proposed.

10 (3) The commissioner may require information deemed necessary to determine whether
11 a new application is required when a change in control of a licensee is requested.
12 Administrative costs incurred by the commissioner in investigating a change of control
13 request, or where such a request is found to have been required, shall be paid by the
14 person requesting such approval, subject to the limitations set forth in this chapter and the
15 regulations promulgated under this chapter.

16 (c) A licensee shall notify the department in writing five days before making any change
17 in the licensee's business location or name. Each manager of a location must have a
18 background check and be approved by the department before he or she begins employment
19 as a manager.

20 7-9-8.

21 Within 15 days of the occurrence of any one of the following events, a licensee shall file
22 a written report with the commissioner describing such event and its expected impact on
23 the activities of the licensee in this state, any one of which may be grounds for the
24 revocation or suspension of a license:

25 (1) The filing for bankruptcy or reorganization by the licensee;

26 (2) The institution of revocation or suspension proceedings against the licensee by any
27 state or governmental authority;

28 (3) The denial of the opportunity to engage in the deferred presentment services business
29 by any state or governmental authority;

30 (4) Any felony indictment of the licensee or any of its directors, officers, managers, or
31 principals;

32 (5) Any felony conviction of the licensee or any of its directors, officers, or principals;
33 provided, however, that conviction of a felony involving moral turpitude shall constitute
34 grounds for immediate revocation of a license; or

35 (6) Such other events as the commissioner may determine and identify by rule or
36 regulation.

1 7-9-9.

2 A license may be renewed for a period of one year upon the filing of an application
3 conforming to the requirements of this chapter with such modifications as the department
4 may require. No investigation fee shall be payable in connection with such renewal
5 application; but an annual license fee of \$500.00 per location, which the department may
6 increase or decrease by not more than 10 percent in any year, to defray the cost of
7 investigation and supervision shall be paid with each renewal application, which fee shall
8 not be refunded or prorated if the renewal application is approved. If the renewal is denied,
9 one-half of the total fee shall be refunded unless the applicant contests the denial and such
10 denial is upheld after a hearing. Upon a denial becoming final, the applicant may not
11 initiate new deferred presentment transactions, but may continue collection efforts on all
12 outstanding transactions. If a renewal application is filed with the department by the due
13 date established by department regulation, the license sought to be renewed shall continue
14 in force until the issuance by the department of the renewal license or denial.

15 7-9-10.

16 (a) A person licensed pursuant to this chapter shall:

17 (1) Maintain and use in its business any books, accounts, and records the commissioner
18 may require to carry into effect the provisions of this chapter and the administrative
19 regulations issued under this chapter;

20 (2) Preserve its books, accounts, and records for at least two years or such longer period
21 as provided by regulations. The books, accounts, and records must be maintained
22 separately from those relating to any other business or businesses in which the person is
23 engaged;

24 (3) Comply with all applicable provisions of state and federal law regarding cash
25 transactions and cash transaction reporting; and

26 (4) Display its license in a conspicuous location in each place of business and post a
27 notice in a conspicuous location in each place of business containing a description of the
28 charges imposed by the licensee.

29 (b) A separate agreement for the deferred presentment of each check is required. It must
30 be in writing in such form as the department shall prescribe and signed by the maker of the
31 check and shall provide each prospective customer with a written explanation in clear
32 understandable language of the terms and total fees to be charged by the licensee for the
33 deferred presentment transaction expressed both in United States currency and as an annual
34 percentage rate consistent with the format and content of the federal Truth In Lending Act
35 and the date on which the check may be deposited or presented by the licensee. A clear
36 statement must be included which indicates no criminal prosecution under Code Section

1 16-9-20 shall be allowed under such agreement unless the account on which the check was
2 written was closed on the date of the original transaction.

3 (c) If a check is returned to the licensee from a payer financial institution due to
4 insufficient funds, a closed account, or a stop payment order, the licensee shall have the
5 right to all civil means and fees available and allowed by Code Section 13-6-15; provided,
6 however, that double damages shall not be allowed. The provisions of paragraph (3) of
7 subsection (e) of Code Section 13-6-15 shall not apply to this Code section. Any charges
8 permitted by Code Section 13-6-15 may only be recovered through a civil action.

9 (d) If a check is returned to a licensee because the account on which the check was written
10 was closed on the date of the original transaction, the licensee shall have the right to pursue
11 criminal charges against the individual issuing the check in addition to all civil means and
12 fees available under Code Section 13-6-15. No individual who issues a check to a licensee
13 under this chapter shall be convicted of or considered to have violated any other provision
14 of Code Section 16-9-20.

15 (e) Before a licensee presents for payment or deposit a check accepted by a licensee, the
16 check shall be endorsed with the actual name under which the licensee is doing business.

17 (f) The maker of a check shall have the right to redeem the check from the licensee before
18 the agreed date of presentment upon payment to the licensee of the amount of the check in
19 cash or its equivalent. Proceeds to the maker in a deferred presentment transaction may be
20 made in the form of a licensee's business check, money order, or cash.

21 (g) A licensee may carry on other businesses at a location where it engages in deferred
22 presentment transactions unless it carries on such other businesses for the purpose of
23 evasion or violation of this chapter.

24 7-9-11.

25 A person licensed pursuant to this chapter shall not:

26 (1) Require a customer to provide security for the transaction or require the customer to
27 provide guaranty from another person;

28 (2) Allow any customer to have multiple transactions dated on the same day or multiple
29 transactions involving more than four checks total, including the current transaction, or
30 an aggregate face value of all outstanding checks from any one customer exceeding
31 \$500.00. A licensee may rely on a written representation of a customer regarding the
32 existence of any outstanding checks for deferred presentment held by any licensee other
33 than the licensee receiving the representation;

34 (3) Renew a deferred presentment transaction more than once, after which the deferred
35 presentment check must be redeemed in cash or the equivalent of cash by the maker or
36 deposited by the licensee;

1 (4) Charge an additional fee for deferring presentment of a check for a period longer than
2 31 calendar days after the date the check was presented to the licensee; provided,
3 however, that a licensee may extend the term of presentment if no charge is made;

4 (5) Use any device, plan, or agreement, including agreements with affiliated licensees,
5 or use any agreements with any check cashiers, either formal or informal, with the intent
6 to obtain greater charges than otherwise would be authorized by this chapter. Such
7 prohibition shall include, but not be limited to, any fee to cash a check given to a
8 customer by a licensee;

9 (6) Charge a fee in excess of 15 percent of the amount received by the maker of a check
10 whose presentment is deferred pursuant to this chapter; provided, however, that fees
11 payable to a licensee may not exceed \$45.00 for any one transaction;

12 (7) Charge any fees not specifically authorized in this chapter;

13 (8) Alter or delete the date on any check accepted by the licensee, accept an undated
14 check, or accept a check dated on a date other than the date on which the licensee accepts
15 the check; or

16 (9) Engage in unfair or deceptive acts, practices, or advertising or pursue a course of
17 action not in good faith or fair dealing in the conduct of the licensed business.

18 7-9-12.

19 (a) Whenever it appears to the department that any person required to be licensed under
20 this chapter or any person employed by or acting as agent for a licensee has violated any
21 law of this state or any order or regulation of the department, the department may issue an
22 initial written order requiring such person to cease and desist immediately from such
23 unauthorized practices. Such cease and desist order shall be final 20 days after it is issued
24 unless the person to whom it is issued makes a written request within such 20 day period
25 for a hearing. The hearing shall be conducted in accordance with Chapter 13 of Title 50,
26 the 'Georgia Administrative Procedure Act.' A cease and desist order to an unlicensed
27 person that orders such person to cease engaging in a deferred presentment business
28 without a license shall be final 30 days from the date of issuance with no opportunity for
29 an administrative hearing. If the proper license is obtained within the 30 day period, the
30 department shall rescind the order. All final orders of the department are conclusive and
31 subject only to judicial review under Code Section 7-1-90.

32 (b) Whenever a person required to be licensed under this chapter or any such person's
33 employee or agent fails to comply with the terms of an order of the department that has
34 been properly issued under the circumstances, the department, upon notice of three days
35 to such person, may, through the Attorney General, petition the principal court for an order
36 directing such person to obey the order of the department within the period of time as shall

1 be fixed by the court. Upon the filing of such petition, the court shall allow a motion to
2 show cause why such petition should not be granted. Whenever, after a hearing upon the
3 merits or after failure of such person to appear when ordered, it shall appear that the order
4 of the department was properly issued, the court shall grant the petition of the department.

5 (c) Any person required to be licensed under this chapter or any such person's employee
6 or agent who violates the terms of any order issued pursuant to this Code section shall be
7 liable for a civil penalty not to exceed \$1,000.00. Each day during which the violation
8 continues shall constitute a separate offense. In determining the amount of penalty, the
9 department shall take into account the appropriateness of the penalty relative to the size of
10 the financial resources of such person, the good faith efforts of such person to comply with
11 the order, the gravity of the violation, any history of violations by such person, and such
12 other factors or circumstances as shall have contributed to the violation. The department
13 may at its discretion compromise, modify, or refund any penalty that is subject to
14 imposition or has been imposed pursuant to this Code section. Any person assessed as
15 provided in this subsection shall have the right to request a hearing into the matter within
16 ten days after notification of the assessment has been served upon the licensee involved;
17 otherwise, such penalty shall be final except as to judicial review as provided in Code
18 Section 7-1-90.

19 (d) The department may by rule or regulation prescribe administrative fines or penalties
20 for violations of this chapter or of any rules or regulations promulgated by authority of this
21 chapter, which may include requiring refunds of fees to customers if such fees were not in
22 compliance with this chapter.

23 (e) Initial judicial review of the decision of the department entered pursuant to this Code
24 section shall be available solely in the superior court of the county of domicile of the
25 department.

26 7-9-13.

27 The commissioner may enter into consent orders at any time with any authorized person
28 to resolve any matter arising under this chapter. A consent order shall be signed by the
29 person to whom it is issued, or such person's duly authorized representative, and shall
30 indicate agreement to the terms contained therein. A consent order need not constitute an
31 admission by any person that any provision of this chapter or any rule, regulation, or order
32 promulgated or issued under this chapter has been violated, nor need it constitute a finding
33 by the commissioner that such person has violated any provision of this chapter or any rule,
34 regulation, or order promulgated or issued under this chapter. Notwithstanding the issuance
35 of a consent order, the commissioner may seek civil or criminal penalties or administrative
36 fines concerning matters encompassed by the consent order. In cases involving

1 extraordinary circumstances requiring immediate action, the commissioner may take any
2 enforcement action authorized by Code Section 50-13-18. All such actions shall be final
3 when taken except as to judicial review as provided in Code Section 7-1-90.

4 7-9-14.

5 Any person aggrieved by the conduct of a licensee under this chapter in connection with
6 the licensee's regulated activities may file a written complaint with the commissioner, who
7 may investigate the complaint. In the course of the investigation of any complaint or
8 suspected noncompliance with this chapter, the commissioner may subpoena witnesses;
9 administer oaths; examine any individual under oath; and compel the production of records,
10 books, papers, contracts, or other documents relevant to such investigation. If any person
11 fails to comply with a subpoena of the commissioner under this chapter or to testify
12 concerning any matter about which the person may be interrogated under this chapter, the
13 commissioner may petition any principal court of competent jurisdiction for enforcement.
14 If any licensee or its employee or agent fails to comply with a subpoena of the
15 commissioner, its license shall be suspended pending compliance with the subpoena. If the
16 commissioner receives a complaint or otherwise has a reasonable suspicion of
17 noncompliance with this chapter, he or she shall have the administrative power to
18 investigate and take administrative action or refer a situation to law enforcement authorities
19 when appropriate.

20 7-9-15.

21 To assure compliance with the provisions of this chapter, the commissioner may examine
22 the relevant business books and records of any licensee. The commissioner may charge and
23 collect an examination fee as established by rule or regulation for any compliance
24 examination conducted by the commissioner. The commissioner, for the purpose of
25 discovering violations of this chapter and for the purpose of determining whether persons
26 are subject to the provisions of this chapter, is authorized to examine persons licensed
27 under this chapter and persons reasonably suspected by the commissioner of conducting
28 business which requires a license under this chapter, including all relevant books, records,
29 and papers employed by such persons in the transaction of business, and to subpoena
30 witnesses and documents and examine individuals under oath concerning matters relating
31 to the business of such persons, or such other matters as may be relevant to the discovery
32 of violations of this chapter, including without limitation the conduct of business without
33 a license as required by this chapter.

34 7-9-16.

1 (a) Each licensee shall file an annual report together with a license renewal application
2 with the commissioner containing the following information:

3 (1) The names and addresses of persons owning controlling interest in each licensee;

4 (2) The location of all places of business operated by the licensee and the nature of the
5 business conducted at each location;

6 (3) The names and addresses of all affiliated entities regulated under this title doing
7 business in this state;

8 (4) Balance sheets, statements of income and expense, and such other statistical
9 information as may be required by the commissioner, consistent with generally accepted
10 accounting principles, for the purpose of determining the volume and proper accounting
11 for operations under this chapter;

12 (5) If the licensee is a corporation, the names and addresses of its officers and directors
13 and its registered agent for service of process; if the licensee is a partnership, the names
14 and addresses of the partners; or, if the licensee is a limited liability company, the names
15 and addresses of the board of governors of the limited liability company and its registered
16 agent for service of process; and

17 (6) Such other information as the department deems appropriate.

18 (b) If the licensee holds two or more licenses or is affiliated with other licensees, a
19 composite report complying with the requirements of subsection (a) of this Code section
20 may be filed for all licenses.

21 (c) All reports required by this Code section shall be filed in such form as may reasonably
22 be required by the commissioner and shall be sworn to by an officer of the licensee. The
23 information submitted by licensees pursuant to this chapter shall be afforded the same
24 degree of confidentiality by the department and the commissioner as is applicable to all
25 such other reports filed with the commissioner.

26 7-9-17.

27 All penalties and fines recovered by the department shall be paid into the state treasury
28 to the credit of the general fund; provided, however, that the department at its discretion
29 may remit such amounts recovered, net of the cost of recovery, if it makes an accounting
30 of all such costs and expenses of recovery in the same manner as prescribed for judgments
31 received through derivative actions pursuant to the provisions of Code Section 7-1-441.

32 7-9-18.

33 The commissioner may promulgate reasonable rules and regulations in accordance with
34 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and not inconsistent

1 with the laws of this state for the administration and enforcement of this chapter and its
2 intent.

3 7-9-19.

4 Any person who conducts deferred presentment transactions without a license, makes a
5 false statement under oath in an application for a license, does business while his or her
6 license is suspended or revoked, or charges any fee in excess of the fees established by
7 this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine
8 of not more than \$1,000.00 or imprisonment for a period not to exceed 12 months or both.
9 The provisions of this Code section shall apply to corporations as well as natural persons.

10 7-9-20.

11 The consumer protection provisions of this chapter, including without limitation
12 subsections (b), (c), and (d) of Code Section 7-9-10 and Code Section 7-9-11, shall also
13 apply to any person who conducts a transaction substantially equivalent to a deferred
14 presentment transaction under other authority of law or from a state other than this state."

15 **SECTION 2.**

16 This Act shall become effective on September 30, 2001.

17 **SECTION 3.**

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