

House Bill 104 (AS PASSED HOUSE AND SENATE)

By: Representatives Walker of the 115th and Oliver of the 56th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic,
2 capitalization, punctuation, and other errors and omissions in the Official Code of Georgia
3 Annotated and in Acts of the General Assembly amending the Official Code of Georgia
4 Annotated; to reenact the statutory portion of the Official Code of Georgia Annotated, as
5 amended; to provide for necessary or appropriate revisions and modernizations of matters
6 contained in the Official Code of Georgia Annotated; to repeal portions of the Code and Acts
7 amendatory thereof which have become obsolete; to delete portions of the Code which have
8 been superseded by subsequent state laws; to provide for and to correct citations in the
9 Official Code of Georgia Annotated and other codes and laws of the state; to rearrange,
10 renumber, and redesignate provisions of the Official Code of Georgia Annotated; to provide
11 for other matters relating to the Official Code of Georgia Annotated; to provide an effective
12 date; to repeal conflicting laws; and for other purposes.

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

14 **SECTION 1.**

15 Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended
16 as follows:

17 (1) By inserting "of the Constitution" after "Paragraph III" and by deleting "of the Official
18 Code of Georgia Annotated" in Code Section 1-3-4.1, relating to the effective date for certain
19 Acts requiring increases in expenditures by counties.

20 **SECTION 2.**

21 Reserved.

22 **SECTION 3.**

23 Reserved.

SECTION 4.

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2 Reserved.

SECTION 5.

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4 Reserved.

SECTION 6.

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6 Reserved.

SECTION 7.

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8 Reserved.

SECTION 8.

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10 Reserved.

SECTION 9.

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12 Reserved.

SECTION 10.

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14 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
15 amended as follows:

16 (1) By striking "days," and inserting in its place "days'" in paragraph (5) of subsection (a)
17 of Code Section 10-1-677, relating to the termination of a contractual relationship between
18 a dealer and a manufacturer in regard to marine manufacturers.

19 (2) By striking "Reserved." in Code Section 10-15-3, deleting the 10-15-4 designation, and
20 redesignating the text under Code Section 10-15-4 as Code Section 10-15-3, relating to the
21 penalty for violation of Code Section 10-15-2, which relates to the disposal of business
22 records containing personal information.

SECTION 11.

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24 Reserved.

SECTION 12.

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26 Reserved.

- 1 (2) By striking "(c), (d), (e), (f), (g), and (h)" and inserting in its place "(c) through (h)" in
2 subsection (b) of Code Section 16-5-24, relating to aggravated battery.
- 3 (3) By striking "or is derived" and inserting in its place "or derived" in subsection (a) of
4 Code Section 16-6-13.3, relating to proceeds from pimping and their forfeiture and
5 distribution.
- 6 (4) By striking "not-for-profit" and inserting in its place "not for profit" in paragraph (4) of
7 Code Section 16-8-82, relating to definitions regarding motor vehicle chop shops and stolen
8 and altered property.
- 9 (5) By striking paragraph (7) and renumbering it as new paragraph (4) and by renumbering
10 existing paragraphs (4) through (6) as paragraphs (5) through (7), respectively, in
11 subsection (f) of Code Section 16-9-20, relating to deposit account fraud.
- 12 (6) By striking "appointive" and inserting in its place "appointed" and by striking "elective"
13 and inserting in its place "elected" in the introductory language of subsection (b),
14 paragraph (2) of subsection (c), and subparagraph (c)(3)(C) of Code Section 16-10-6, relating
15 to the sale of real or personal property to a political subdivision by a local officer or
16 employee and exceptions in regard to abuse of a government office.
- 17 (7) By striking "punishable by contempt" and inserting in its place "punishable as contempt"
18 in subsection (e) of Code Section 16-11-66.1, relating to the disclosure of stored wire or
19 electronic communications, records, search warrants, issuance of subpoena, and violation in
20 regard to wiretapping, eavesdropping, surveillance, and related offenses.
- 21 (8) By inserting "Georgia" before "Peace Officer" in paragraph (4) of subsection (c) of Code
22 Section 16-11-127.1, relating to carrying weapons within school safety zones, at school
23 functions, or on school property.
- 24 (9) By inserting "Georgia" before "Peace Officer" each time it appears in paragraphs (3)
25 and (4) of subsection (c) of Code Section 16-11-130, relating to exemptions from Code
26 Sections 16-11-126 through 16-11-128.
- 27 (10) By striking "child," and inserting in its place "child" and by striking "indecent;" and
28 inserting in its place "indecent" in paragraph (1) of subsection (d) of Code Section
29 16-12-100.2, relating to computer pornography and child exploitation prevention.
- 30 (11) By striking "sterile water" and inserting in its place "sterile water," and by striking
31 "quantity, use" and inserting in its place "quantity, use," in paragraph (4.2) of Code Section
32 16-13-72, relating to the sale, distribution, or possession of dangerous drugs.

33 SECTION 17.

34 Reserved.

SECTION 18.

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2 Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, is
3 amended as follows:

4 (1) By striking "article:" and inserting in its place "article, the term:" in the introductory
5 language, by striking "vote," and inserting in its place "vote" both times it appears in
6 subparagraph (B) of paragraph (1), by striking "obligation," and inserting in its place
7 "obligation" in paragraph (8), and by striking "asset," and inserting in its place "asset" in
8 paragraph (12) of Code Section 18-2-71, relating to definitions in regard to the "Uniform
9 Fraudulent Transfers Act."

SECTION 19.

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11 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
12 amended as follows:

13 (1) By striking "position;" and inserting in its place "position," in Code Section 19-10A-4,
14 relating to no criminal prosecution for leaving a child in custody of a medical facility.

SECTION 20.

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16 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended as
17 follows:

18 (1) By striking "20-3-751.6" and inserting in its place "20-2-751.6" and by striking
19 "20-3-751.4" and inserting in its place "20-2-751.4" in subparagraph (b)(1)(A) and in
20 paragraph (2) of subsection (b) of Code Section 20-2-751.5, relating to student codes of
21 conduct, safety rules on school buses, and distribution of codes.

22 (2) By striking "however, the" and inserting in its place "however, that the" in subsection (b)
23 of Code Section 20-3-386, relating to distribution of education loan repayment assistance and
24 conditions therefor.

SECTION 21.

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26 Reserved.

SECTION 22.

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28 Reserved.

SECTION 23.

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30 Reserved.

SECTION 24.

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2 Reserved.

SECTION 25.

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4 Title 25 of the Official Code of Georgia Annotated, relating to fire protection, is amended
5 as follows:

6 (1) By designating the first and second paragraphs as subsections (a) and (b), respectively,
7 in Code Section 25-5-12, relating to agreements constituting collective bargaining contracts,
8 required provisions, and engaging in work stoppages by firefighters.

9 (2) By striking "certificates" and inserting in its place "permits" each time it appears and by
10 striking "certificate" and inserting in its place "permit" in subsection (b) and by inserting "as
11 provided" before "by law" in subsection (d) of Code Section 25-12-18, relating to cease and
12 desist orders, period of revocation, civil penalty, and opportunity for hearing in regard to
13 regulation of fire extinguishers and suppression systems.

SECTION 26.

14
15 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
16 is amended as follows:

17 (1) By striking "violates" and inserting in its place "violate" in subparagraph (c)(1)(B) of
18 Code Section 26-2-81, relating to powers of the Commissioner of Agriculture, access to
19 documentary evidence and witnesses, false reports, and failure to file reports in regard to
20 meat inspection standards, labeling, and adulteration of food.

21 (2) By striking "Chapter" and inserting in its place "chapter" in Code Section 26-2-101,
22 relating to inspections and examinations and administration in conjunction with Article 2 of
23 the chapter in regard to inspection of animals, carcasses, meat, and meat food products,
24 adulteration and misbranding in the standards, labeling, and adulteration of food.

25 (3) By striking "Code Sections 26-2-150 through 26-2-154" and inserting in its place "this
26 Code section and Code Sections 26-2-151 through 26-2-154" each time it appears in Code
27 Section 26-2-150, relating to legislative intent in regard to the advertisement and sale of meat
28 generally.

29 (4) By striking "Code Sections 26-2-150 through 26-2-154" and inserting in its place "Code
30 Section 26-2-150, this Code section, and Code Sections 26-2-152 through 26-2-154" in Code
31 Section 26-2-151, relating to promulgation of rules and regulations regarding deceptive
32 advertising of meat.

33 (5) By striking "Code Sections 26-2-157 through 26-2-161" and inserting in its place
34 "26-2-157 and 26-2-158, this Code section, and Code Sections 26-2-160 and 26-2-161" in

1 Code Section 26-2-159, relating to promulgation of regulations in regard to the advertisement
2 and sale of meat generally.

3 (6) By inserting a comma after "animal" in Code Section 26-2-203, relating to power of
4 inspection in regard to meat, poultry, and dairy processing plants.

5 (7) By striking the quotation marks from "Grade A Pasteurized Milk Ordinance" in
6 subsection (b) of Code Section 26-2-231, relating to definitions in regard to milk and milk
7 products.

8 (8) By striking the quotation marks from "Grade A Pasteurized Milk Ordinance" in Code
9 Section 26-2-238, relating to standards and requirements generally in regard to milk and milk
10 products.

11 (9) By striking "301 et seq" and "1040 et seq" and inserting in their respective places "301,
12 et seq" and "1040, et seq" in paragraph (7) and by striking "containers," and inserting in its
13 place "containers" in subparagraph (A) of paragraph (10) of Code Section 26-3-2, relating
14 to definitions in regard to standards, labeling, and adulteration of drugs and cosmetics.

15 (10) By striking "state board of pharmacy" and inserting in its place "State Board of
16 Pharmacy" in the introductory language of subsection (a) of Code Section 26-4-49, relating
17 to drug researcher permits, application for registration, fees, suspension or revocation, and
18 penalty for violations.

19 **SECTION 27.**

20 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended as
21 follows:

22 (1) By striking "tax on" and inserting in its place "taxon" in paragraph (23) of Code Section
23 27-1-2, relating to definitions pertaining to game and fish laws.

24 (2) By striking "cub(s)" and inserting in its place "a cub or cubs" in paragraph (9) of Code
25 Section 27-3-1.1, relating to acts prohibited on wildlife management areas.

26 (3) By striking "of this title" after "27-2-23" in Code Section 27-4-90, relating to commercial
27 fishing license requirements and effective dates pertaining to fresh-water fishing laws.

28 **SECTION 28.**

29 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
30 amended as follows:

31 (1) By striking "chair" and inserting in its place "chairperson" each time it appears in
32 paragraph (6) of subsection (a) and by striking "chairman" and inserting in its place
33 "chairperson" each time it appears in subsection (d) of Code Section 28-1-16, relating to the
34 issuance of subpoenas by the Superior Court of Fulton County on behalf of the Committees
35 on Ethics of the Senate and House of Representatives.

SECTION 29.

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2 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
3 amended as follows:

4 (1) By striking ".5 percent" and inserting in its place "1/2 percent" in subsection (a) of Code
5 Section 29-2-42, relating to compensation for services of guardians and sureties.

6 (2) By striking "will" and inserting in its place "shall" in paragraph (4) of subsection (a) of
7 Code Section 29-6-8, relating to persons and entities who may serve as a guardian, the
8 discharge of a guardian acting in violation of provisions, and final accounting in regard to
9 guardians of beneficiaries of the United States Department of Veterans Affairs.

SECTION 30.

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11 Reserved.

SECTION 31.

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13 Reserved.

SECTION 32.

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15 Reserved.

SECTION 33.

16

17 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended as
18 follows:

19 (1) By striking "section, 'liability insurance policy'" and inserting in its place "section, the
20 term 'liability insurance policy'" in subsection (a) of Code Section 33-7-11.1, relating to the
21 commencement of liability of an insurer to pay benefits to a third party on behalf of the
22 insured and the applicability of this Code section.

23 (2) By striking "post-payment" and inserting in its place "postpayment" in paragraph (7); by
24 renumbering paragraphs (1) through (8) as paragraphs (2) through (9), respectively, in Code
25 Section 33-20A-60, relating to definitions regarding managed health care plans; and by
26 designating as paragraph (1) and inserting the text of subsection (h) of Code Section
27 33-20A-62, relating to the payment of claims in managed health care plans, as paragraph (1)
28 of said Code Section 33-20A-60.

29 (3) By striking "post-payment" and inserting in its place "postpayment" in the introductory
30 language of subsections (a) and (b) and subsection (e) and by striking subsection (h) of Code
31 Section 33-20A-62, relating to the payment of claims in managed health care plans.

1 (4) By striking "his premium" and inserting in its place "his or her premium" in
 2 subsection (d) of Code Section 33-22-9, relating to service charges in regard to insurance
 3 premium finance companies.

4 (5) By striking "commissioner of public safety" and inserting in its place "commissioner of
 5 motor vehicle safety" in Code Section 33-34-5, relating to vehicles not to be licensed until
 6 proof of insurance is furnished.

7 **SECTION 34.**

8 Reserved.

9 **SECTION 35.**

10 Reserved.

11 **SECTION 36.**

12 Reserved.

13 **SECTION 37.**

14 Reserved.

15 **SECTION 38.**

16 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency
 17 management, and veterans affairs, is amended as follows:

18 (1) By striking "'Southern Regional Emergency Management Compact.'" and inserting in
 19 its place "'Emergency Management Assistance Compact.'" in Code Section 38-3-80, relating
 20 to a short title for the Emergency Management Assistance Compact.

21 (2) By striking "Southern Regional Emergency Management Compact" and inserting in its
 22 place "Emergency Management Assistance Compact" in the introductory language, by
 23 striking the title of the compact "SOUTHERN REGIONAL EMERGENCY
 24 MANAGEMENT COMPACT" and inserting in its place "EMERGENCY MANAGEMENT
 25 ASSISTANCE COMPACT", and by inserting a double quotation mark at the end of the
 26 compact following "Code." in Article XIII of Code Section 38-3-81, relating to the enactment
 27 and text of the Emergency Management Assistance Compact.

28 **SECTION 39.**

29 Reserved.

SECTION 40.

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2 Reserved.

SECTION 41.

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4 Reserved.

SECTION 42.

5
6 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
7 as follows:

8 (1) By striking "criminal justice information system" and inserting in its place "Criminal
9 Justice Information System" in subparagraph (b)(3)(B) and each time it appears in
10 paragraph (1) of subsection (c), by striking "U.S.C." and inserting in its place "U.S.C.
11 Section" each time it appears and by striking "Web page" and inserting in its place "Internet
12 website" in paragraph (3) of subsection (c), and by striking "one time" and inserting in its
13 place "one-time" in paragraphs (2) and (3) of subsection (c.1) of Code Section 42-1-12,
14 relating to the State Sexual Offender Registry.

15 (2) By striking "or its successor agency" each time it appears in subsection (c) of Code
16 Section 42-8-111, relating to court ordered installation of ignition interlock devices,
17 completion of alcohol and drug use risk reduction programs, notice of requirements, and fees
18 for a driver's license.

SECTION 42A.

19
20 An Act to amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating
21 to probation, approved April 10, 1995 (Ga. L. 1995, p. 396), is amended by repealing the
22 obsolete Section 1 thereof.

SECTION 43.

23
24 Reserved.

SECTION 44.

25
26 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended as
27 follows:

28 (1) By striking "justice" and inserting in its place "magistrate" in Code Section 44-14-302,
29 relating to levy and sale of property and advertisement in regard to foreclosures of personal
30 property.

31 (2) By deleting "hospital" and by striking "first class" and inserting in its place "first-class"
32 in paragraph (1) of subsection (a) of Code Section 44-14-471, relating to the filing of a

1 verified statement, contents, and notice in regard to hospitals, nursing homes, and traumatic
2 burn care medical practices.

3 (3) By deleting "hospital" before "lien book", by striking "materialman's" and inserting in
4 its place "materialmen's", and by striking "mechanic's" and inserting in its place
5 "mechanics'" in Code Section 44-14-472, relating to duties of the clerk of the superior court,
6 lien book, and fees in regard to hospitals, nursing homes, and traumatic burn care medical
7 practices.

8 **SECTION 45.**

9 Reserved.

10 **SECTION 46.**

11 Reserved.

12 **SECTION 47.**

13 Reserved.

14 **SECTION 48.**

15 Reserved.

16 **SECTION 49.**

17 Reserved.

18 **SECTION 50.**

19 Reserved.

20 **SECTION 51.**

21 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended as follows:

22 (1) By inserting a double quotation mark at the end of the date line in the "NOTICE OF
23 CANCELLATION RIGHTS" in subsection (c) of Code Section 51-12-72, relating to the
24 requirement of a written transfer agreement in regard to damages in tort actions.

25 **SECTION 52.**

26 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, is amended
27 as follows:

1 (1) By striking "paragraphs (1) through (3) of subsection (b)" and inserting in its place
2 "subparagraphs (b)(2)(A) through (b)(2)(C)" in subsection (c) of Code Section 52-7-8.3,
3 relating to the operation of watercraft, identification, and operation by minors.

4 **SECTION 53.**

5 Reserved.

6 **SECTION 54.**

7 Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code
8 section, subsection, paragraph, subparagraph, division, and subdivision numbers and
9 designations as contained in the Official Code of Georgia Annotated published under
10 authority of the state by The Michie Company in 1982 and contained in Volumes 3 through
11 40 of such publication or replacement volumes thereto, as amended by the text and
12 numbering of Code sections as contained in the 2002 supplements to the Official Code of
13 Georgia Annotated published under authority of the state in 2002 by LEXIS Publishing, are
14 reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.
15 Annotations; editorial notes; Code Revision Commission notes; research references; notes
16 on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title,
17 chapter, article, part, and subpart captions or headings, except as otherwise provided in the
18 Code; catchlines of Code sections or portions thereof, except as otherwise provided in the
19 Code; and rules and regulations of state agencies, departments, boards, commissions, or other
20 entities which are contained in the Official Code of Georgia Annotated are not enacted as
21 statutes by the provisions of this Act. Material which has been added in brackets or
22 parentheses and editorial, delayed effective date, effect of amendment, or other similar notes
23 within the text of a Code section by the editorial staff of the publisher in order to explain or
24 to prevent a misapprehension concerning the contents of the Code section and which is
25 explained in an editorial note is not enacted by the provisions of this section and shall not be
26 considered a part of the Official Code of Georgia Annotated. The reenactment of the
27 statutory portion of the Official Code of Georgia Annotated by this Act shall not affect,
28 supersede, or repeal any Act of the General Assembly, or portion thereof, which is not
29 contained in the Official Code of Georgia Annotated and which was not repealed by Code
30 Section 1-1-10, specifically including those Acts which have not yet been included in the text
31 of the Official Code of Georgia Annotated because of effective dates which extend beyond
32 the effective date of the Code or the publication date of the Code or its supplements. The
33 provisions contained in other sections of this Act and in the other Acts enacted at the 2003
34 regular session of the General Assembly of Georgia shall supersede the provisions of the
35 Official Code of Georgia Annotated reenacted by this section.

1 **SECTION 55.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 56.**

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