

Senate Bill 464

By: Senators Clay of the 37th, Hamrick of the 30th and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 10-1-395 of the Official Code of Georgia Annotated, relating to
2 appointment and duties of an administrator for purposes of Part 2 of Article 15 of Chapter
3 1 of Title 10, the "Fair Business Practices Act of 1975," creation of the Consumer Advisory
4 Board, and relations with other regulatory agencies, so as to provide for processing of
5 complaints; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 10-1-395 of the Official Code of Georgia Annotated, relating to appointment
9 and duties of an administrator for purposes of Part 2 of Article 15 of Chapter 1 of Title 10,
10 the "Fair Business Practices Act of 1975," creation of the Consumer Advisory Board, and
11 relations with other regulatory agencies, is amended by striking subsection (c) and inserting
12 in lieu thereof the following:

13 "(c)(1) The administrator shall receive all complaints under this part. ~~He; provided,~~
14 however, that he or she shall not accept, file, or otherwise act upon any such complaint
15 unless it is in writing; submitted by or on behalf of an identified aggrieved consumer; sets
16 forth the problem in a chronological manner; and is accompanied by copies of documents
17 relevant to the complaint such as invoices, contracts, or previous correspondence with the
18 business or person who is the subject of the complaint.

19 (2) If more than 90 days have elapsed since the administrator accepted a complaint and
20 the administrator has not determined that the subject of the complaint is using, has used,
21 or is about to use any method, act, or practice declared to be unlawful under this part or
22 by regulations made under Code Section 10-1-394 to be unlawful, the administrator shall
23 deem the complaint unfounded, dismiss the complaint, and purge the complaint from the
24 files and records of the office of the administrator.

25 (3) The administrator forthwith shall refer all accepted complaints or inquiries
26 concerning conduct specifically approved or prohibited by the Department of Agriculture,

1 Commissioner of Insurance, Public Service Commission, Department of Natural
2 Resources, Department of Banking and Finance, or other appropriate agency or official
3 of this state to that agency or official for initial investigation and corrective action other
4 than litigation."

5 **SECTION 2.**

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