

House Bill 1245 (AS PASSED HOUSE AND SENATE)

By: Representative Skipper of the 116th

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8 been superseded by subsequent state laws; to provide for and to correct citations in the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 Reserved.

16 **SECTION 2.**

17 Reserved.

18 **SECTION 3.**

19 Reserved.

20 **SECTION 4.**

21 Reserved.

SECTION 5.

Reserved.

SECTION 6.

Reserved.

SECTION 7.

Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is amended as follows:

(1) By striking "15 U.S.C. 78o" and inserting in its place "15 U.S.C. Section 78o" in paragraph (5) of subsection (b) and by striking "depositors, to further define," and inserting in its place "depositors, and to further define," in subsection (c) of Code Section 7-1-241, relating to restrictions on engaging in the banking business.

(2) By striking "U.S.C. 80b-3" and inserting in its place "U.S.C. Section 80b-3" in paragraph (6) and by striking "U.S.C. 78o" and inserting in its place "U.S.C. Section 78o" in paragraph (7) of subsection (a) of Code Section 7-1-242, relating to restrictions on corporate fiduciaries.

(3) By striking "Nothing herein contained" and inserting in its place "Nothing in this Code section" in subsection (c) of Code Section 7-1-439, relating to the books and records of shareholders of banks and trust companies.

(4) By striking "Code Sections 7-1-605 et seq." and inserting in its place "Code Sections 7-1-605 through 7-1-608" in Code Section 7-1-620, relating to interstate acquisitions of banks and bank holding companies.

(5) By striking "Section 1841 et seq.," and inserting in its place "Section 1841, et seq.," in Code Section 7-1-628.13, relating to notices of merger consolidation or other transactions involving out-of-state banks.

(6) By striking "Governor" and inserting in its place "governor" in subsection (d) and by striking "roles at a mortgage lender" and inserting in its place "roles as a mortgage lender" in subsection (h) of Code Section 7-1-1004, relating to investigations and audits of an applicant and its officers and education, experience, and other requirements relative to licensees and registrants in the licensing of mortgage lenders and mortgage brokers.

(7) By striking "notice of reinstatement of bond" and inserting in its place "notice of reinstatement of the bond" in subsection (a) of Code Section 7-1-1018, relating to cease and desist orders, enforcement procedures, civil penalties, and fines in regard to the licensing of mortgage lenders and mortgage brokers.

(8) By striking "Code Sections 7-3-19 through 7-3-21" and inserting in its place "Code Section 7-3-19, this Code section, and Code Section 7-3-21" in Code Section 7-3-20, relating to tax on interest and payment, inspection of records, and rules and regulations.

(9) By striking "12 U.S.C. 1735f-7," and inserting in its place "12 U.S.C. Section 1735f-7," in paragraph (1) of subsection (b) of Code Section 7-4-3, relating to finance charge on retail installment contracts for manufactured homes and motor vehicles being subject to federal law and the stating of federal provisions in contracts.

(10) By striking "12 U.S.C. 1735f-7," and inserting in its place "12 U.S.C. Section 1735f-7," in paragraph (1) and by striking "12 U.S.C. 86a," and inserting in its place "12 U.S.C. Section 86a," in paragraph (2) of Code Section 7-4-20, relating to election to forgo application of federal usury laws.

(11) By striking "cost" and inserting in its place "costs" in paragraph (2) of Code Section 7-5-3, relating to the organization of credit card banks.

(12) By striking "high cost home loan" and inserting in its place "high-cost home loan" in subsection (a) of Code Section 7-6A-4, relating to costs and fees in the "flipping" of a home loan.

(13) By striking "provided the change" and inserting in its place "provided that the change" in paragraph (4) of Code Section 7-6A-5, relating to limitations of high-cost home loans.

SECTION 8.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended as follows:

(1) By striking "Safety Standards for Manlifts ANSI A90.1a-1976" and inserting in its place "Safety Standards for Manlifts ANSI A90.1-1976" in subsection (c) of Code Section 8-2-104, relating to the employment of inspectors, inspection fees, and inspection rules and regulations pertaining to elevators, dumbwaiters, escalators, manlifts, and moving walks.

(2) By striking "within or without" and inserting in its place "inside or outside" in subsection (g) of Code Section 8-2-113, relating to the promulgation of rules and regulations by the commissioner, the delegation of inspection authority, rules and regulations continued in full force and effect, advisory committee, powers of the commissioner with respect to state inspectors, and training programs for local enforcement agency personnel regarding factory built buildings and dwelling units.

(3) By striking "certificate of destruction" and inserting in its place "Certificate of Destruction" in subsection (b) of Code Section 8-2-189, relating to requirements for filing for a Certificate of Destruction with the clerk of superior court.

(4) By striking "subparagraphs (a)(3)(A) and (a)(3)(B) of this subsection" and inserting in its place "subparagraphs (A) and (B) of paragraph (3) of this subsection" in paragraph (2) of

subsection (a) of Code Section 8-3-50, relating to the appointment, qualifications, and tenure of the housing authority commissioners and reimbursement for expenses.

SECTION 9.

Reserved.

SECTION 10.

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

(1) By striking "paragraph (4) of subsection (a) of Code Section 16-8-12" and inserting in its place "paragraph (5) of subsection (a) of Code Section 16-8-12" in subsection (c) of Code Section 10-1-393.5, relating to prohibited telemarketing, Internet activities, or home repair under the "Fair Business Practices Act of 1975."

(2) By striking "paragraph (4) of subsection (a) of Code Section 16-8-12" and inserting in its place "paragraph (5) of subsection (a) of Code Section 16-8-12" in subsection (c) of Code Section 10-1-393.6, relating to unlawful telemarketing transactions and criminal penalty under the "Fair Business Practices Act of 1975."

(3) By striking "subparagraph (a)(4)(A) of Code Section 16-8-12" and inserting in its place "subparagraph (a)(5)(A) of Code Section 16-8-12" in subsection (a) of Code Section 10-5B-6, relating to criminal and civil penalties and the right to punish under other laws in regard to deceptive, fraudulent, or abusive telemarketing.

(4) By inserting a quotation mark before "100s," in paragraph (1) of Code Section 10-13A-2 relating to definitions in the tobacco product manufacturers master settlement agreement enhancements.

SECTION 11.

Reserved.

SECTION 12.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended as follows:

(1) By striking the period at the end of paragraph (5) and inserting "; and" in lieu thereof and by reenacting former paragraph (6) as it existed immediately prior to its repeal by Ga. L. 2002, p. 415, Sec. 12, in subsection (b) of Code Section 12-8-95, relating to the hazardous waste trust fund, to read as follows:

"(6) Provided that annual appropriations are made to the Department of Natural Resources in accordance with subsection (b) of Code Section 12-8-91, for transfer on an

1 annual basis to the Georgia Hazardous Waste Management Authority in an amount equal
2 to 10 percent of the previous year's payment into the state treasury by the division of fees
3 and penalties pursuant to subsection (e) of Code Section 12-2-2, subsection (e) of Code
4 Section 12-8-39, and Code Section 12-8-95.1. If in any year the fees cease to be
5 collected due to the unencumbered principal balance exceeding \$25 million in the
6 hazardous waste trust fund, a transfer of funds shall be made to the Georgia Hazardous
7 Waste Management Authority from the principal of the hazardous waste trust fund equal
8 to the average transfer for the three preceding years. Such transferred funds are to be
9 administered by the chief administrative officer of the Georgia Hazardous Waste
10 Management Authority to fund source reduction and project activities as set forth in
11 Article 4 of this chapter and in accordance with the policies of the board."

12 (2) By reenacting former Code Section 12-8-189, relating to transfer of personnel and
13 facilities of the former Georgia Hazardous Waste Management Authority and other state
14 programs to the Pollution Prevention Assistance Division, as it existed immediately prior to
15 its repeal by Ga. L. 2002, p. 415, Sec. 12, to read as follows:

16 "12-8-189.

17 (a) On October 1, 1993, the staff and physical and financial assets, property, records, and
18 programs of the Georgia Hazardous Waste Management Authority shall be transferred to
19 the division for administration and use by the division. Any funding subsequent to October
20 1, 1993, designated for or to such authority shall be directed to the division for
21 administration and use by the division. Upon approval of the commissioner, the staff of
22 the division may serve as staff to such authority for such periods of time as is determined
23 by the commissioner to be necessary.

24 (b) State programs of waste reduction, pollution prevention, and reporting implemented
25 by other agencies, authorities, or divisions may be transferred, along with any financial and
26 physical assets and records which are used in support of said programs, to the division for
27 administration and use by the division."

28 **SECTION 13.**

29 Reserved.

30 **SECTION 14.**

31 Title 14 of the Official Code of Georgia Annotated, relating to corporations, is amended as
32 follows:

33 (1) By striking "Code Section 14-2-1506" and inserting in its place "Code Section
34 14-3-1506" in paragraph (1) of subsection (a) of Code Section 14-3-1503, relating to
35 application for a certificate of authority for a foreign corporation to transact business.

SECTION 15.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended as follows:

(1) By striking "pursuant to subparagraph (a)(4)(E) of Code Section 15-6-61," and inserting in its place "pursuant to subparagraph (a)(4)(C) of Code Section 15-6-61," in subsection (a) of Code Section 15-6-66, relating to the grantor-grantee index to be provided by the clerks of superior courts.

(2) By striking "suntil" and inserting in its place "until" in paragraph (1) of subsection (a) of Code Section 15-12-122, relating to the demand of jury panels from which to select a jury in civil actions in the state courts and the superior courts.

SECTION 16.

Reserved.

SECTION 17.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended as follows:

(1) By striking "the defendant" and inserting in its place "the person" and by striking "his" and inserting in its place "his or her" each time it appears in Code Section 17-7-90, relating to the definition of bench warrants, execution, and matters relating to bail.

(2) By striking the comma following the word "consider" in subsection (d) of Code Section 17-8-31, relating to grounds for granting of continuances; party, leading attorney, or material witness in attendance on active duty as member of National Guard or component of armed forces of the United States; and setting bail in certain cases.

(3) By striking "in the state are represented" and inserting in its place "in the state is represented" in paragraph (2) and by striking "council member" and inserting in its place "councilmember" in paragraph (3) of subsection (b) and by striking "experience, and" and inserting in its place "experience and" in subsection (c) of Code Section 17-12-3, relating to the creation and membership of the Georgia Public Defender Standards Council.

(4) By striking "council," and inserting in its place "council" in paragraph (1) of subsection (c) of Code Section 17-12-5, relating to the Georgia Public Defender Standards Council's director and the director's qualifications, selection, salary, and responsibilities.

(5) By striking "he or she serves" and inserting in its place "they serve" in subsection (a) of Code Section 17-12-20, relating to the public defender selection panel for each circuit, the appointment of a public defender, removal, and vacancies.

(6) By striking "defender," and inserting in its place "defender" in paragraph (2) of subsection (a) of Code Section 17-12-27, relating to the appointment of assistant public defenders, salary, and promotions.

(7) By striking "defender," and inserting in its place "defender" in subsection (a) of Code Section 17-12-28, relating to the appointment of an investigator, role and responsibilities, compensation, and promotions in regard to state funded local indigent defense programs.

(8) By striking "defender," and inserting in its place "defender" in subsection (a) of Code Section 17-12-29, relating to employment of supplemental personnel and compensation in regard to state funded local indigent defense programs.

(9) By striking "defender," and inserting in its place "defender" in subsection (b) of Code Section 17-12-33, relating to the prohibition of assistant public defenders' private practice of law and their admission to the bar in Georgia.

(10) By striking "office of the mental health advocacy" and inserting in its place "office of mental health advocacy" in Code Section 17-12-80, relating to the term "office" being defined.

(11) By designating the third sentence of Code Section 17-12-108, relating to the effective date of the article and the repeal of the article as it relates to Article 5 creating the Office of Multicounty Public Defender, as new Code Section 17-12-127.1 and by striking "this article" and inserting in its place "Article 5 of this chapter" and by striking "Article 6 of this chapter" and inserting in its place "this article" both times it appears in such sentence.

(12) By striking "office, and administering" and inserting in its place "office, administering" in paragraph (4) of Code Section 17-12-123, relating to management of the Office of the Georgia Capital Defender.

(13) By striking "This article may be cited" and inserting in its place "This article shall be known and may be cited" in Code Section 17-13-20, relating to a short title for the "Uniform Criminal Extradition Act."

(14) By striking "Lost Wages" and inserting in its place "Lost wages", by striking "Funeral Expenses" and inserting in its place "Funeral expenses", by striking "Financial Hardship or Loss of Support" and inserting in its place "Financial hardship or loss of support", and by striking "Crime Scene Sanitization" and inserting in its place "Crime scene sanitization" in paragraph (2) of subsection (c) and by striking "crime;" and inserting in its place "crime; and" in paragraph (1) of subsection (f) of Code Section 17-15-8, relating to the required findings, amount of award, rejection of claim, reductions, exemption from garnishment and execution, exemption from treatment as ordinary income, effective date for awards, and psychological counseling for relatives of deceased in regard to victim compensation.

SECTION 18.

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

(1) By striking "violation of the 'Fair Business Practices Act of 1975.'" and inserting in its place "violation of Part 2 of Article 15 of Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975.'" in subsection (d) of Code Section 18-5-4, relating to the penalty for unlawfully engaging in the business of debt adjusting.

SECTION 19.

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

(1) By striking "subsection (c) of this Code section" and inserting in its place "subsection (e) of this Code section" in paragraph (1) of subsection (f) of Code Section 19-8-12, relating to notice to biological father, procedure when identity or location of father is not known, petition, hearing, and order, when rights of biological father terminated, and legitimization of child by father in regard to adoption.

(2) By striking "provisions of the Code section" and inserting in its place "provisions of this Code section" in paragraph (8) of subsection (f) of Code Section 19-8-23, relating to where records of adoption are kept, examination by parties and attorneys, and use of information by agency and department.

(3) By striking "date hereof, however," and inserting in its place "date hereof; however," in the sixth paragraph of the form in subsection (a) of Code Section 19-8-26, relating to how the surrender of parental rights is executed, how and when surrender may be withdrawn, and forms in regard to adoption.

(4) By striking "15 U.S.C. Section 1681 et seq.," and inserting in its place "15 U.S.C. Section 1681, et seq.," in subsection (b) of Code Section 19-11-9.1, relating to duty to furnish information about obligor to department, use of information obtained, and penalty for noncompliance regarding support for a dependent child.

(5) By striking "sent by first class mail" and inserting in its place "sent by first-class mail" in the introductory language of subsection (f) of Code Section 19-11-9.3, relating to suspension or denial of license for noncompliance with a child support order, interagency agreements, and report to the General Assembly.

(6) By striking "Code Sections 19-6-30, 19-6-31, 19-6-32, and 19-6-33" and inserting in its place "Code Sections 19-6-30 through 19-6-33" in subparagraphs (A) and (B) of paragraph (4) of subsection (d) of Code Section 19-11-12, relating to the determination of ability to support, review of procedures, order adjusting support award amount, and no release from liability due to subsequent financial obligation.

(7) By striking "accident and sickness provisions" and inserting in its place "accident and sickness coverage provisions" in subsection (b) of Code Section 19-11-27, relating to

1 accident and sickness insurance coverage for children, the National Medical Support Notice
2 or other notice of enrollment, and the establishment of coverage.

3 (8) By striking "shall contain at a minimum, all information" and inserting in its place "shall
4 contain, at a minimum, all information" in the last sentence of subsection (a) of Code Section
5 19-13-53, relating to standardized forms, timing of transmission of information and data
6 entry, and responsibility of the sheriff's office regarding the family violence and stalking
7 protective order registry.

8 **SECTION 20.**

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

11 (1) By striking "designated files" and inserting in its place "designated fields" in
12 paragraph (3) of subsection (a) and by striking "student; and" and inserting in its place
13 "student." in division (b)(1)(A)(ii) of Code Section 20-3-374, relating to a service cancelable
14 loan fund and authorized types of service cancelable educational loans in regard to the
15 Georgia Student Finance Authority.

16 **SECTION 21.**

17 Reserved.

18 **SECTION 22.**

19 Reserved.

20 **SECTION 23.**

21 Reserved.

22 **SECTION 24.**

23 Reserved.

24 **SECTION 25.**

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

27 (1) By striking "member appointed" and inserting in its place "members appointed" both
28 times it appears in paragraph (2) of subsection (c) of Code Section 25-4-3, relating to the
29 Georgia Firefighter Standards and Training Council and its establishment and organization,
30 advisory committee, and expenses and allowances.

SECTION 26.

Reserved.

SECTION 27.

Reserved.

SECTION 28.

Reserved.

SECTION 29.

Reserved.

SECTION 30.

Reserved.

SECTION 31.

Reserved.

SECTION 32.

Reserved.

SECTION 33.

Reserved.

SECTION 34.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended as follows:

(1) By striking "forego" and inserting in its place "forgo" in subsection (c) of Code Section 34-8-169, relating to the Commissioner of Labor's authority to contract with outside entities to provide debt collection services.

(2) By striking "hereunder" and inserting in its place "under this Code section" in Code Section 34-9-53, relating to directors emeritus of the State Board of Workers' Compensation, their eligibility for appointment, and procedure for appointment.

(3) By striking "as herein provided," and inserting in its place "as provided in this article," in Code Section 34-9-169, relating to revocation and suspension of certificates of authority, probation and fine, and voluntary dissolution or termination of functions in regard to workers' compensation group self-insurance funds.

(4) By striking "any other provisions" and inserting in its place "any other provision" and by striking "of the issuance" and inserting in its place "or the issuance" in paragraph (4) of subsection (c) of Code Section 34-9-203, relating to employer's pecuniary liability for medical charges, liability for medical malpractice, payment of reasonable charges, inclusion of reports and documentation with charges, defense for failure to make payments, and penalties relating to payment for medical attention under workers' compensation.

(5) By striking "as hereinbefore provided;" and inserting in its place "as provided in Code Section 34-9-223;" in subsection (c) of Code Section 34-9-225, relating to effect of written receipt of widow or widower, minor, or guardian upon liability of employer and determination of obligation of employer to rival claimants in regard to the method of workers' compensation payment.

(6) By striking "injury;" and inserting in its place "injury; and" at the end of paragraph (3) of subsection (b) of Code Section 34-9-265, relating to compensation for death resulting from injury and other causes, penalty for death from injury proximately caused by intentional act of employer, and payment of death benefits where no dependents found in regard to workers' compensation.

(7) By striking "general;" and inserting in its place "general; and" at the end of paragraph (1) of subsection (b) of Code Section 34-9-281, relating to prerequisites to compensation for occupational disease under workers' compensation.

(8) By striking "herein provided or inconsistent herewith." and inserting in its place "provided in or inconsistent with this article." in Code Section 34-9-288, relating to applicability of provisions of chapter to article in regard to compensation for occupational disease under workers' compensation.

SECTION 35.

Reserved.

SECTION 36.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended as follows:

(1) By striking "This Act" and inserting in its place "This chapter" in Code Section 36-75-1, relating to a short title for the "War on Terrorism Local Assistance Act."

SECTION 37.

Reserved.

SECTION 38.

Reserved.

SECTION 39.

Reserved.

SECTION 40.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended as follows:

(1) By striking "registration;" and inserting in its place "registration," both times it appears in subparagraph (b)(2)(A) of Code Section 40-2-8, relating to the operation of an unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal, storage of unlicensed vehicle, jurisdiction, display of temporary plate, revision and extension of temporary plate, and disposition of fines in regard to the registration and licensing of motor vehicles.

(2) By striking "they own" and inserting in its place "it owns" in subsection (a) of Code Section 40-2-38, relating to registration and licensing of dealers, manufacturers, and persons transporting motor vehicles and mobile homes.

(3) By striking "Code Section 48-10-2.1" and inserting in its place "Code Section 40-2-152" in subsection (g) of Code Section 40-2-88, relating to reciprocal agreements for registration of commercial vehicles on apportionment basis and waiver of penalties in regard to the registration and licensing of motor vehicles.

(4) By striking "cancelled" and inserting in its place "canceled" in paragraph (1) of subsection (d) of Code Section 40-2-137, relating to definitions, notification of insurance coverage termination, lapse fee, promulgation of rules or regulations, and suspension of vehicle registrations in regard to the registration and licensing of motor vehicles.

(5) By striking "to which" and inserting in its place "at which" in subsection (a) of Code Section 40-5-81, relating to driver improvement programs in regard to the restoration of licenses to persons completing defensive driving course or alcohol or drug program.

(6) By striking "upon conviction, be punished" and inserting in its place "upon conviction be punished" in subsection (c) of Code Section 40-5-100, relating to authorization by the Department of Motor Vehicle Safety to issue identification cards for persons without drivers' licenses, contents, and possession of more than one card prohibited.

(7) By striking "Uniform Citation" and inserting in its place "uniform citation" in paragraph (2) of subsection (b) of Code Section 40-5-121, relating to driving while a license is suspended or revoked.

(8) By striking "school-sponsored" and inserting in its place "school sponsored" in paragraph (21.1) in Code Section 40-5-142, relating to definitions pertaining to commercial drivers' licenses.

(9) By striking "state-administered" and inserting in its place "state administered" in subsection (c) of Code Section 40-5-151, relating to disqualification from driving and action required after suspending, revoking, or canceling license or nonresident privileges in regard to commercial drivers' licenses.

(10) By striking "Code of Federal Regulations," and inserting in its place "Code of Federal Regulations" in subsection (a) of Code Section 40-6-142, relating to certain vehicles having to stop at all railroad crossings in regard to negotiating railroad crossings and entering highways from private driveways and uniform rules of the road.

(11) By striking "Nothing herein" and inserting in its place "Nothing in this subsection" in subsection (a) of Code Section 40-14-3, relating to application for a permit and use of a speed detection device while the application is pending.

SECTION 41.

Reserved.

SECTION 42.

Reserved.

SECTION 43.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended as follows:

(1) By striking "company, partnership" and inserting in its place "company, or partnership" in the first sentence of subsection (b) of Code Section 43-40-10, relating to granting of real estate broker's, associate broker's, salesperson's, or community association manager's license to firm.

SECTION 44.

Reserved.

SECTION 45.

Reserved.

SECTION 46.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended as follows:

(1) By striking "railroad, or in any" and inserting in its place "railroad or in any" in subsection (d) of Code Section 46-1-2, relating to measure of damages for wrongs and injuries by railroad companies generally and venue for actions against railroad companies and electric companies generally.

(2) By striking "toll free" and inserting in its place "toll-free" in subsection (a) of Code Section 46-2-25.2, relating to sixteen-mile toll-free telephone calling, modification of rate schedules, recovery of expenses or lost revenues by telephone companies, and rate-making power of Public Service Commission.

(3) By striking "Ga. L. 1929, p. 219" and inserting in its place "Ga. L. 1929, p. 219," in subsection (e) of Code Section 46-4-57, relating to exercise of right of eminent domain by gas utilities.

(4) By striking "such Act" and inserting in its place "such part" each time it appears in subsection (b) of Code Section 46-4-160.5, relating to retail customer recovery for violations in regard to natural gas competition and deregulation.

(5) By striking "provider, or other" and inserting in its place "provider or other" in paragraph (2) of subsection (b) of Code Section 46-5-27, relating to telephone solicitations to residential, mobile, or wireless subscribers, Public Service Commission to establish and maintain list of certain subscribers, authorization for imposition of administrative fees, confidential nature of data base, and required identification.

(6) By striking "vice-president" and inserting in its place "vice president" in Code Section 46-5-99, relating to extension of telephone service into the state by foreign nonprofit or cooperative corporations, Secretary of State as agent for foreign corporations, and rights and powers of foreign corporations.

(7) By striking "(47 U.S.C. Section 157 et seq.)," and inserting in its place "(47 U.S.C. Section 157, et seq.)," in paragraph (12) of Code Section 46-5-122, relating to definitions regarding the emergency telephone number "911" system.

(8) By striking "as it may deem necessary" and inserting in its place "as he or she may deem necessary" in Code Section 46-7-27, relating to authority of the commissioner of motor vehicle safety to adopt rules and orders necessary for enforcement of article regarding motor common or contract carriers.

(9) By striking "filed with it," and inserting in its place "filed with him or her," in Code Section 46-7-33, relating to proceedings before the commissioner of motor vehicle safety and appeal from orders in regard to motor common or contract carriers.

(10) By striking "by rule and regulation," and inserting in its place "by rule or regulation," in subsection (b) of Code Section 46-7-85.5, relating to safety and mechanical inspections of limousine carriers.

(11) By striking "two-thirds vote" and inserting in its place "two-thirds' vote" in subsection (a) of Code Section 46-8-125, relating to change of general direction and route of railroad.

SECTION 47.

Reserved.

SECTION 48.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended as follows:

(1) By striking "Code Section 48-2-40," and inserting in its place "Code Section 48-2-41," in paragraph (6) of subsection (f) of 48-2-32, relating to forms of payment of taxes and license fees made to the state revenue commissioner.

(2) By striking "Redevelopment Act," and inserting in its place "Redevelopment Act," in subsection (j) of Code Section 48-5-7.6, relating to the definition of brownfield property, qualifying for preferential assessment, disqualification of property receiving preferential assessment, responsibilities of property owners, transfers of property, costs, appeals, and penalty and creation of lien against property.

SECTION 49.

Reserved.

SECTION 50.

Reserved.

SECTION 51.

Reserved.

SECTION 52.

Reserved.

SECTION 53.

Reserved.

SECTION 54.

Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations as contained in the Official Code of Georgia Annotated published under authority of the state by The Michie Company in 1982 and contained in Volumes 3 through 40 of such publication or replacement volumes thereto, as amended by the text and numbering of Code sections as contained in the 2003 supplements to the Official Code of Georgia Annotated published under authority of the state in 2003 by LEXIS Publishing, are reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia. Annotations; editorial notes; Code Revision Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings, except as otherwise provided in the Code; catchlines of Code sections or portions thereof, except as otherwise provided in the Code; and rules and regulations of state agencies, departments, boards, commissions, or other entities which are contained in the Official Code of Georgia Annotated are not enacted as statutes by the provisions of this Act. Material which has been added in brackets or parentheses and editorial, delayed effective date, effect of amendment, or other similar notes within the text of a Code section by the editorial staff of the publisher in order to explain or to prevent a misapprehension concerning the contents of the Code section and which is explained in an editorial note is not enacted by the provisions of this section and shall not be considered a part of the Official Code of Georgia Annotated. The reenactment of the statutory portion of the Official Code of Georgia Annotated by this Act shall not affect, supersede, or repeal any Act of the General Assembly, or portion thereof, which is not contained in the Official Code of Georgia Annotated and which was not repealed by Code Section 1-1-10, specifically including those Acts which have not yet been included in the text of the Official Code of Georgia Annotated because of effective dates which extend beyond the effective date of the Code or the publication date of the Code or its supplements. The provisions contained in other sections of this Act and in the other Acts enacted at the 2004 regular session of the General Assembly of Georgia shall supersede the provisions of the Official Code of Georgia Annotated reenacted by this section.

SECTION 55.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval; except that paragraphs (5) through (9) and paragraph (12) of Section 17 of this Act shall become effective January 1, 2005; paragraph (11) of Section 17 of this Act shall become effective 11:58 P.M. on December 31, 2004; and paragraph (1) of Section 25 of this Act shall become effective July 1, 2004.

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- SECTION 56.
- All laws and parts of laws in conflict with this Act are repealed.