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**SEWELL R. BRUMBY**  
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## FOREWORD

We are pleased to transmit to you the “Summary of General Statutes Enacted at the 2006 Session of the General Assembly of Georgia.” \* This represents one of the services which the Legislative Services Committee and the Office of Legislative Counsel perform for the legislative branch of government. Other services include bill drafting, research, statutory and Code revision, rendering of opinions, counseling, legislative reference, interim committee staffing, and preparation of reports.

This booklet contains a summary of the general statutes of state-wide application which were enacted at the 2006 regular session of the General Assembly of Georgia. No resolutions, local Acts, or uncodified “population Acts” have been included. The booklet also includes a table of Code sections amended and enacted at the 2006 session.

It would be impractical to minutely analyze each statute because to do so would defeat the main purpose which it is hoped that this booklet accomplishes. It is intended to be used as a convenient reference for persons desiring to know which laws were enacted or desiring to ascertain the main features of each Act without the necessity of reading the Act in its entirety.

It should be pointed out that for specific, detailed information on any particular law, the Act itself should be examined. Acts may be readily located in the Georgia Laws by Act number, since the Acts are published in the Georgia Laws in numerical order by Act number. In addition, the Georgia Laws contain a table for converting Act numbers to Georgia Laws page numbers.

This summary is not to be deemed in any manner as an opinion from the Office of Legislative Counsel, and the question of constitutionality has not been considered in any respect.

It is hoped that this booklet will benefit all who have occasion to use it. Comments and suggestions for improvement are welcomed and should be directed to the Office of Legislative Counsel.

Sewell R. Brumby  
Legislative Counsel

\* This summary includes SB 1EX which was enacted at the 2005 special session.

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The Acts in this summary are arranged according to the title of the Official Code of Georgia Annotated which they amend. In those cases in which an Act amends more than one Code title, the Act appears under only one of the affected titles. A table of titles appears below. No Acts are listed for those titles which are indicated by an asterisk.

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TITLE 4	ANIMALS
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TITLE 34	LABOR AND INDUSTRIAL RELATIONS
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TITLE 52	WATERS OF THE STATE
TITLE 53*	WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES



**TITLE 1  
GENERAL PROVISIONS**

***Act 453; SB 465***

This Act makes extensive editorial amendments to the Official Code of Georgia Annotated to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions and reenacts the statutory portion of the Code as so amended.

Effective April 14, 2006, except that certain portions become effective at later dates.

***Act 465; HB 713***

This Act designates February 6 of each year as "Ronald Reagan Day" in Georgia.

The Act enacts O.C.G.A. Section 1-4-15.

Effective July 1, 2006.

***Act 601; HB 1292***

This Act creates a Prison Chaplains Appreciation Day on the fourth Monday in March of each year.

The Act enacts O.C.G.A. Section 1-4-16.

Effective July 1, 2006.

**TITLE 2  
AGRICULTURE**

***Act 652, SB 380***

This Act creates the Agricultural Commodity Commission for Equines. The Act provides for definitions of terms, supervision by the Commissioner over the administration and enforcement of the commission, and other administrative matters of the commission.

The Act amends O.C.G.A. Section 2-8-10 and enacts O.C.G.A. Sections 2-8-120 through 2-8-135.

Effective January 1, 2007, except as specifically detailed in the Act.

***Act 884; HB 1404***

This Act changes certain provisions relating to the authority of the Commissioner of Agriculture to provide for safety and security at farmers' markets. The Act provides for law enforcement on the premises of farmers' markets.

The Act amends O.C.G.A. Section 2-10-57.

Effective May 5, 2006.

**TITLE 3  
ALCOHOL**

***Act 510; HB 1248***

This Act provides for broad changes regarding license or tax stamps, a local government's

**TITLE 3 (continued)**

licensing powers, criminal penalties, and bond requirements relating to manufacturing, distributing, or selling alcoholic beverages.

The Act amends O.C.G.A. Sections 3-1-2, 3-1-3, 3-2-13, 3-2-14, 3-2-33, 3-3-2, 3-4-22, 3-3-23.1, 3-4-23, and 3-6-21.

Effective July 1, 2006.

***Act 836; HB 1501***

This Act restricts the fine imposed for violating local alcoholic beverage ordinances in counties and municipalities issuing more than 300 licenses to \$2,500.00.

The Act enacts O.C.G.A. Section 3-3-2.2.

Effective July 1, 2006.

***Veto No. 9; HB 1436***

This Act authorizes restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a food item and provides that such bottle is not an open alcoholic container for purposes of any state regulation restricting open alcoholic containers in the passenger area of a motor vehicle.

The Act amends O.C.G.A. Section 40-6-253 and enacts O.C.G.A. Section 3-6-4.

***Veto No. 4; HB 1168***

This Act authorizes the sale of wine by a farm winery in tasting rooms at festivals and permits sales of distilled spirits, malt beverages, and wines not produced on the premises at a tasting room of a winery.

The Act amends O.C.G.A. Sections 3-6-21.1 and 3-6-21.3.

**TITLE 4  
ANIMALS**

***Act 513; HB 1213***

This Act provides for the disposal of dead poultry. The Act restricts the location allowable for the slaughter of poultry.

The Act amends O.C.G.A. Section 4-4-82 and enacts O.C.G.A. Section 4-4-82.1.

Effective April 19, 2006.

***Act 596; HB 1497***

This Act provides requirements for the keeping of a vicious dog. The Act provides for the confiscation of vicious dogs under certain conditions. The Act provides penalties for violations.

The Act enacts Article 3 of O.C.G.A. Chapter 4-8.

Effective July 1, 2006.

**TITLE 7  
BANKING AND FINANCE**

*Act 748; SB 505*

This Act exempts independent contractors of licensed mortgage brokers or lenders from the requirement of obtaining a mortgage broker or mortgage lender license.

The Act amends O.C.G.A. Section 7-1-1001.

Effective July 1, 2006.

**TITLE 8  
BUILDINGS**

*Act 615; HB 1385*

This Act changes provisions relating to state building, plumbing, and electrical codes to provide for employment of private professional providers to perform building plan reviews and inspections when the local jurisdiction cannot timely perform such services. The Act provides for qualifications of such persons, the manner of the reviews and inspections, insurance requirements, and the manner for submitting the reports.

The Act provides for the employment of professional providers to perform building plan reviews when the state fire marshal, local fire marshal, state inspector, or designated code official cannot timely perform such services.

The Act amends O.C.G.A. Sections 8-2-26 and 25-2-14.

Effective January 1, 2007.

*Act 643; SB 573*

This Act changes certain provisions relating to condominium sales and repairs, construction defects resolution, and the framework for dispute resolution.

The Act provides that the seller may withdraw escrow funds in excess of 1 percent of the purchase price of a condominium in order to fund construction and development of the condominium property.

The Act amends O.C.G.A. Sections 8-2-35 through 8-2-43 and 44-3-112.

Effective April 28, 2006, except provisions for the withdrawal of escrow funds, which shall become effective July 1, 2006; applicable to claims arising on or after April 28, 2006.

*Act 736; SB 253*

This Act changes provisions relating to requirements for a Certificate of Permanent Location with regard to manufactured or mobile homes. The Act changes the recording of the documents in connection with a Certificate of Permanent Location and provides for an alternative method of obtaining a Certificate of Permanent Location that does not involve a certificate of title.

The Act amends O.C.G.A. Sections 8-2-180 through 8-2-191.

Effective July 1, 2006.



**TITLE 9  
CIVIL PRACTICE**

***Act 608; HB 912***

This Act changes the provisions for continuances for legislators and legislative staff by also allowing a continuance when such person certifies to the court that his or her presence is required elsewhere because of duties with the General Assembly. The Act also changes provisions relating to production of documents involving nonparties and provides for immunity from civil and criminal liability under certain circumstances. The Act also allows access to a deceased patient's health records to certain persons and provides for compliance with the federal Health Insurance Portability and Accountability Act of 1996.

The Act amends O.C.G.A. Sections 9-10-150, 9-11-34, and 31-33-2.

Effective July 1, 2006.

***Act 660; HB 1195***

This Act changes provisions related to the civil case filing form and the civil case disposition form so as to make the filing of these forms more directory than discretionary.

The Act amends O.C.G.A. Sections 9-11-3 and 9-11-58.

Effective July 1, 2006.

***Act 589; HB 239***

This Act changes provisions related to offer of settlement in tort claims and changes provisions relating to when a party declining an offer of settlement may be liable for attorney's fees and costs.

The Act amends O.C.G.A. Section 9-11-68.

Effective April 27, 2006.

**TITLE 10  
COMMERCE**

***Act 642; SB 636***

This Act prohibits the production, offering for sale, or sale of biodiesel fuel for certain purposes unless such fuel meets certain standards. The Act also authorizes and urges the director of the Environmental Protection Division to develop for consideration by the Board of Natural Resources rules and regulations phasing out the use of gasoline containing a certain chemical.

The Act enacts O.C.G.A. Sections 10-1-151.1 and 12-9-70.

Effective July 1, 2006.

***Act 603; SB 588***

This Act prohibits the use or display of social security numbers except in specified circumstances.

This Act enacts O.C.G.A. Section 10-1-393.8.

Effective July 1, 2006.

**TITLE 10 (continued)**

***Act 867; HB 1305***

This Act changes certain provisions relating to the Seed-Capital Fund and investment entities. The Act amends O.C.G.A. Sections 10-10-1, 10-10-3, and 10-10-4. Effective May 5, 2006.

***Act 741; SB 195***

This Act recognizes 2006 as the "Year of the Museum." The Act also regulates loans to and abandoned property of museums and archive repositories and provides for a process for establishing ownership of property loaned to museums and archive repositories.

The Act amends O.C.G.A. Sections 44-12-193 and 44-12-214 and enacts O.C.G.A. Section 1-4-16 and Article 17B of O.C.G.A. Chapter 10-1. Effective July 1, 2006.

***Act 944; HB 910***

This Act provides for certain requirements for preneed cemetery and funeral providers relating to escrow accounts. The Act also provides for certain licensing requirements prior to selling burial rights or merchandise. The Act also provides for the regulation of the cemeterian profession.

The Act amends O.C.G.A. Sections 10-14-3, 10-14-7, 10-14-10, 10-14-14, 10-14-17, and 36-72-2 and enacts O.C.G.A. Section 10-14-3.1 and O.C.G.A. Chapter 43-8B. Effective July 1, 2006.

**TITLE 12  
CONSERVATION**

***Act 525; SB 191***

This Act changes provisions relating to the Environmental Protection Division, the Environmental Advisory Council, duties of the council, its members, and the director of the division. The Act establishes procedures for a permit applicant to retain a qualified professional to review a permit application prior to submittal to the division. The Act amends provisions regarding permits for withdrawal, diversion, or impoundment of surface waters, including the assessment of a nonrefundable application fee, the establishment of a term of years for such permits, and conditions for permit renewals. The Act changes provisions relating to permits for groundwater withdrawals for farm uses, including the assessment of a nonrefundable application fee, the establishment of a term of years for such permits, and conditions for permit renewals. The Act also specifies circumstances under which the director may permanently revoke a permit for groundwater withdrawal for farm uses.

The Act amends O.C.G.A. Sections 12-2-2, 12-5-31, and 12-5-105. Effective April 20, 2006.

***Act 542; HB 1184***

This Act changes provisions relating to the Herty Foundation and changes its name to the

**TITLE 12 (continued)**

Herty Advanced Materials Development Center. The Act modifies the purpose of the center. The Act authorizes the creation of subsidiary corporations for the center. The Act directs the center to produce an annual report on its activities.

The Act amends O.C.G.A. Sections 12-6-131 and 12-6-133 through 12-6-139.  
Effective July 1, 2006.

***Veto No. 17; SB 578***

This Act changes provisions relating to the inspection and permitting of commercial waste tank trucks receiving or disposing of commercial waste. The Act provides that inspections conducted in one county or municipality in the state shall be accepted throughout the state. The Act specifies that inspections performed by local health departments shall satisfy the inspection requirements of O.C.G.A. Titles 12 and 31.

The Act amends O.C.G.A. Section 12-15-21 and enacts O.C.G.A. Section 31-2-7.1.  
Effective July 1, 2006.

**TITLE 14  
CORPORATIONS**

***Act 817; SB 469***

This Act authorizes a corporation to put into effect and carry out orders entered in a federal bankruptcy proceeding. The Act also changes provisions relating to: the indemnification or advancement for expenses to directors of corporations who are a party to a proceeding; the amendment of articles of incorporation; the merger of corporations with another corporation or entity and the plan for such a merger; the share exchange by corporations upon a merger; and other provisions relating to director recommendations. The Act also authorizes: a corporation to become a limited partnership under a plan for conversion; a foreign corporation to convert to a foreign limited liability company upon certain conditions; a foreign corporation, domestic limited partnership, foreign limited partnership, domestic general partnership, foreign general partnership, domestic limited liability company, or foreign limited liability company to become a corporation; a foreign corporation, foreign limited liability company, foreign limited partnership, general partnership, or foreign general partnership to become a limited partnership upon certain conditions; a limited partnership to become a foreign limited liability company, foreign limited partnership, or foreign corporation upon certain conditions; a foreign corporation, foreign limited liability company, limited partnership, foreign limited partnership, general partnership, or foreign general partnership to become a limited liability company upon certain conditions; and a limited liability company to become a foreign limited liability company, foreign limited partnership, or foreign corporation upon certain conditions.

The Act amends O.C.G.A. Sections 14-2-401, 14-2-854, 14-2-859, 14-2-1003, 14-2-1101 through 14-2-1104, 14 -2-1109, 14-2-1109.1, 14-2-1202, 14-2-1302, 14-2-1402, 14-2-1504, 14-2-1506, 14-9-206.2, 14-9-902, 14-9-905, 14-11-212, 14-11-706, 14-11-1002, and 14-11-1101, enacts O.C.G.A. Sections 14-2-104, 14-2-305, 14-2-1109.2, 14-2-1109.3, 14-9-206.8, and 14-11-906, and repeals O.C.G.A. Section 14-2-1008.

Effective July 1, 2006.

**TITLE 15  
COURTS**

***Act 925; HB 1073***

This Act provides for an additional judge of the superior court for the Blue Ridge, Coweta, Houston, and Paulding Judicial Circuits.

The Act amends O.C.G.A. Section 15-6-2.

Effective January 1, 2007, except that all provisions relating to the appointment of the additional judges are effective May 5, 2006.

***Act 878; HB 1423***

This Act changes the terms of court in the Gwinnett Judicial Circuit.

The Act amends O.C.G.A. Section 15-6-3.

Effective August 1, 2006.

***Act 735; SB 264***

This Act changes the terms of court in the Pataula Judicial Circuit.

The Act amends O.C.G.A. Section 15-6-3.

Effective July 1, 2006.

***Act 835; HB 1496***

This Act changes the terms of court in the Waycross Judicial Circuit and the Alapaha Judicial Circuit.

The Act amends O.C.G.A. Section 15-6-3.

Effective July 1, 2006.

***Act 624; HB 989***

This Act changes the sunset dates for real estate or personal property filing fees, the sunset date for the state-wide uniform automated information system, and the sunset date for the collection and remittance of real estate or personal property filing fees to 2012.

The Act amends O.C.G.A. Sections 15-6-77, 15-6-97, and 15-6-98.

Effective July 1, 2006.

***Act 649; SB 450***

This Act changes provisions found throughout the O.C.G.A. to revise the minimum pay salary schedules for sheriffs, tax commissioners, clerks of superior court, magistrates, and judges of the probate court. The Act also provides for longevity pay increases for certain members of county governing authorities, increases the investigation fee for coroners, and provides for the recalculation of minimum salaries in any year in which the Department of Community Affairs publishes a census estimate for a county which is higher than the preceding decennial census.

The Act amends O.C.G.A. Sections 15-6-88, 15-6-89, 15-9-63, 15-9-63.1, 15-9-64, 15-10-23, 15-10-105, 15-16-20, 15-16-20.1, 21-2-213, 36-5-29, 45-16-27, 48-5-137, and 48-5-183.

Effective July 1, 2006.

**TITLE 15 (continued)**

***Act 851; HB 1399***

This Act allows a magistrate to waive his or her minimum monthly salary and contingent expenses.

The Act amends O.C.G.A. Sections 15-10-23 and 15-10-23.1.

Effective July 1, 2006.

***Act 476; SB 136***

This Act allows any person having legal custody, an adult blood relative, or a stepparent to post bail for a juvenile alleged to have committed an unruly or delinquent act.

The Act amends O.C.G.A. Section 15-11-47.

Effective July 1, 2006.

***Act 541; HB 1145***

This Act changes provisions relating to the disposition of juvenile court cases involving mental health issues, changes certain definitions, changes the content of an evaluator's report, and provides for the least restrictive setting for a child alleged to be incompetent. The Act requires a child to be represented by counsel if the child is being evaluated for competency. The Act, in part known as "Amy's Law," allows a delinquent child who commits an act which would be murder if the child was an adult to be committed to the Department of Juvenile Justice until the child's twenty-first birthday.

The Act amends Article 4 of O.C.G.A. Chapter 15-11 and O.C.G.A. Sections 15-11-70 and 49-4A-8 and enacts O.C.G.A. Sections 15-11-153.1 and 15-11-153.2.

Effective July 1, 2006.

***Act 462; HB 376***

This Act provides for an exemption from jury service for a primary caregiver of a child who is six years of age or younger and for a primary teacher of children in a home study program.

The Act amends O.C.G.A. Section 15-12-1.

Effective July 1, 2006.

***Act 880; HB 1417***

This Act allows the Administrative Office of the Courts to assist the board of jury commissioners or clerk of superior court in compiling, maintaining, and revising the lists of trial jurors and grand jurors.

The Act amends O.C.G.A. Sections 15-12-40 and 40-5-2.

Effective July 1, 2006.

***Act 647; SB 462***

This Act requires the sheriff to develop and implement a comprehensive plan for the security of the county courthouse and courthouse annex and provides for review and approval of such plan or modifications to such plan by certain other officials. The Act also provides for certain meetings to be closed to the public if the subject matter is the security plan for the courthouse

**TITLE 15 (continued)**

or courthouse annex.

The Act amends O.C.G.A. Sections 15-16-10, 36-9-8, 36-81-11, and 50-14-3.  
Effective July 1, 2006.

***Act 572; HB 268***

This Act increases the compensation paid to district attorneys, assistant district attorneys, and district attorney investigators. The Act also changes provisions relating to compensation of an assistant district attorney who is performing the duties of a deceased or retired district attorney and allows for additional personnel for district attorney offices through a contract with the Prosecuting Attorneys' Council of the State of Georgia.

The Act amends O.C.G.A. Sections 15-18-14, 15-18-14.1, 15-18-16, 15-18-20.1, and 45-7-4.

Effective July 1, 2006, as it relates to increased compensation; otherwise, the remaining portions of the Act become effective on April 27, 2006.

***Act 575; HB 718***

This Act allows certain courts to create and administer pretrial intervention and diversion programs and provide for court costs.

The Act amends O.C.G.A. Sections 15-18-80 and 15-18-81 and enacts O.C.G.A. Section 15-18-82.

Effective July 1, 2006.

***Act 470; HB 1209***

This Act provides for payment of certain fines generated by motorcycle enforcement to the Department of Public Safety for the maintenance and enhancement of the motorcycle enforcement program.

The Act amends O.C.G.A. Sections 15-21-2 and 40-13-26.

Effective July 1, 2006, and expires on June 30, 2011.

***Act 739; SB 203***

This Act clarifies and changes provisions relating to fees and collection of fees for indigent defense services and requires that certain funds collected be paid directly to certain entities. The Act requires the Criminal Justice Coordinating Council to publish certain reports. The Act allows the court to impose a condition of probation upon a defendant who is represented by a public defender or appointed counsel to repay all or a portion of the cost for providing legal representation if it is not a financial hardship upon the defendant, and the collection of such fees may be retained by the entity which paid for such services. The Act also allows a court to require certain defendants to participate in a work release program as a condition of probation.

The Act amends O.C.G.A. Sections 15-21-132, 15-21A-4, 15-21A-6, 15-21A-7, 17-10-1, and 17-12-23 and enacts O.C.G.A. Sections 17-12-50, 17-12-51, and 17-12-52.

Effective July 1, 2006.

***Act 553; SB 637***

This Act amends "Joshua's Law" to change the membership of the Georgia Driver's Education

**TITLE 15 (continued)**

Commission. The Act repeals Section 1 of Act 401 approved May 10, 2005, to repeal a priority concerning distribution of fines and forfeitures. The Act provides for a definition of "approved driver education course."

The Act amends O.C.G.A. Sections 15-21-173, 40-5-22, and 40-5-24.  
Effective April 21, 2006.

**TITLE 16  
CRIMES AND OFFENSES**

***Act 599; SB 396***

This Act provides that a person who uses threats or force in accordance with law has no duty to retreat. The Act also provides for civil and criminal immunity from prosecution.

The Act amends O.C.G.A. Sections 16-3-24.2 and 51-11-9 and enacts O.C.G.A. Section 16-3-23.1.

Effective July 1, 2006.

***Act 654; SB 77***

This Act revises the definition of feticide and prohibits the voluntary manslaughter, assault, or battery of an unborn child under certain circumstances. The Act removes the requirement that an unborn child be quick in the definition of feticide by vehicle and feticide by vessel. The Act provides for punishment.

The Act amends O.C.G.A. Sections 16-5-20, 16-5-80, 40-6-393.1, and 52-7-12.3 and enacts O.C.G.A. Sections 16-5-28 and 16-5-29.

Effective July 1, 2006, and applies to all offenses committed on and after July 1, 2006.

***Act 571; HB 1059***

This Act changes provisions throughout the O.C.G.A. that deal with sexual offenders, punishment for sexual offenses, and registration and other requirements for sexual offenders. The Act increases the mandatory minimum punishment for certain serious sexual offenses from ten years to 25 years. The Act provides for lesser punishment of certain sexual offenses committed by persons of certain ages. The Act creates a new crime involving withholding information concerning sexual offenders. The Act requires a split sentence for certain sexual offenses. The Act allows the court, prosecuting attorney, or defendant to request a reduced sentence under certain circumstances and provides for appeal of this matter.

The Act reorganizes the State Sexual Offender Registry and changes provisions relating to registration requirements, including a registration fee. The Act provides duties and responsibilities for the sheriffs, Department of Corrections, Georgia Bureau of Investigation, and sexual offenders. The Act increases the duration for registration and provides a procedure for certain sexual offenders to petition to be relieved of registration. The Act requires the Sexual Offender Registration Review Board to classify sexual offenders and provides a review process of such decisions. Sexually dangerous predators are required to wear and pay for an electronic monitoring system for the balance of their lives. The Act provides for residence, employment, and loitering restrictions for sexual offenders.

The Act repeals provisions relating to chemical castration.

**TITLE 16 (continued)**

The Act amends O.C.G.A. Sections 5-6-34, 5-7-1, 16-5-21, 16-5-40, 16-5-41, 16-5-110, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5, 16-6-5.1, 16-6-22, 16-6-22.1, 16-6-22.2, 17-6-1, 17-10-1, 17-10-6.1, 17-10-30, 35-3-30, 42-1-12, 42-1-13, 42-8-35, 42-8-60, 42-9-39; enacts O.C.G.A. Sections 16-6-25, 17-10-6.2, 42-1-14, and 42-1-15; and repeals O.C.G.A. Sections 42-9-44.1 and 42-9-44.2.

Effective July 1, 2006.

***Act 538; HB 1320***

This Act, the "Comprehensive Litter Prevention and Abatement Act of 2006," extensively revises various provisions relating to littering and related environmental offenses. The Act changes provisions relating to littering on public and private property, waste control, and waste management and provides for impoundment of vehicles involved in certain littering offenses. The Act changes provisions relating to prohibited placement of campaign posters, signs, and advertisements. The Act provides certain courts with jurisdiction of littering offenses and provides for criminal procedure for the trial of certain littering offenses. The Act also changes provisions relating to securing loads on vehicles and littering on highways.

The Act amends Parts 2 and 3 of Article 2 of O.C.G.A. Chapter 16-7 and O.C.G.A. Sections 12-8-22, 12-8-31, 12-8-62, 12-8-92, 17-6-9, 32-6-51, and 40-6-249; enacts O.C.G.A. Sections 15-9-30.7, 15-10-2.1, 17-7-73, 36-32-10.3, and 40-6-248.1 and Part 3A of Article 2 of O.C.G.A. Chapter 16-7; and reserves O.C.G.A. Sections 21-2-3 and 32-6-21.

Effective April 21, 2006, for purposes of adopting local ordinances to become effective on or after July 1, 2006; otherwise, effective July 1, 2006.

***Act 545; HB 1275***

This Act provides the additional punishment of revocation of a defendant's commercial driver's license if the defendant is convicted of theft involving property that was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto.

The Act amends O.C.G.A. Sections 16-8-12 and 40-5-151.

Effective July 1, 2006.

***Act 451; HB 804***

This Act repeals the offense of barratry and removes this crime from the list of crimes which may constitute racketeering activity under the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act."

The Act repeals O.C.G.A. Section 16-10-95 and amends O.C.G.A. Section 16-14-3.

Effective July 1, 2006.

***Act 530; SB 606***

This Act creates an offense of engaging in disorderly or disruptive conduct with the intent to impede, disrupt, disturb, or interfere with a funeral or memorial service. The Act provides for misdemeanor punishment for a violation.

The Act enacts O.C.G.A. Section 16-11-34.2.

Effective July 1, 2006, and applies to all offenses committed on and after July 1, 2006.



**TITLE 16 (continued)**

***Act 469; HB 1193***

This Act creates an offense of owning or operating a vehicle containing a false or secret compartment in a vehicle and provides for felony punishment. The Act provides for forfeiture of the vehicle and a temporary license plate under certain circumstances.

The Act enacts O.C.G.A. Section 16-11-112.

Effective April 18, 2006.

***Act 797; SB 532***

This Act authorizes the use of certain weapons by certain personnel operating pursuant to a nuclear security plan approved by the United States Nuclear Regulatory Commission or other federal agency. The Act prohibits the possession or use of certain weapons on federally licensed nuclear plant sites. The Act also allows certain personnel to detain persons reasonably believed to present a danger to a nuclear plant site and it provides civil tort immunity to such personnel under certain circumstances. The Act also allows the Georgia Bureau of Investigation to expedite background checks of persons seeking employment in the field of nuclear security.

The Act amends O.C.G.A. Sections 16-11-124, 17-4-20, and 35-3-34 and enacts O.C.G.A. Sections 16-11-127.2 and 51-1-30.4.

Effective May 3, 2006, and the tort immunity is only applicable to causes of action arising on or after May 3, 2006.

***Act 534; HB 1032***

This Act provides that any person who is prohibited from possessing a firearm pursuant to federal law be prohibited from obtaining a license to carry a pistol or revolver. The Act also provides for a background check using the National Instant Criminal Background Check System and provides for a check of the United States Immigration and Custom Enforcement records for noncitizen applicants.

The Act amends O.C.G.A. Section 16-11-129.

Effective July 1, 2006.

***Act 623; HB 1044***

This Act exempts permanent part-time judges of municipal and city courts from certain state firearm restrictions.

The Act amends O.C.G.A. Section 16-11-130.

Effective July 1, 2006.

***Act 551; SB 545***

This Act defines a "nonprofit, tax-exempt organization" for purposes of definitions regarding bingo games.

The Act amends O.C.G.A. Section 16-12-51.

Effective July 1, 2006.

**TITLE 16 (continued)**

***Act 606; HB 954***

This Act provides for circumstances under which it is unlawful to alter a public transportation fare medium or enter buses, rail vehicles, or stations without payment of the proper fare to the public transportation provider.

The Act amends O.C.G.A. Section 16-12-120.1.  
Effective April 27, 2006.

***Act 516; HB 1054***

This Act makes changes to the list of Schedule I and Schedule IV controlled substances and dangerous drugs.

The Act amends O.C.G.A. Sections 16-13-25, 16-13-28, and 16-13-71.  
Effective April 19, 2006.

***Act 616; HB 1302***

This Act redefines criminal gang activity for purposes of the "Georgia Street Gang Terrorism and Prevention Act," provides for enhanced penalties for violation of the Act, and provides for admission of certain evidence in certain trials. The Act establishes the Criminal Street Gang Reward Fund. The Act changes certain provisions relating to failure to leave school premises after being requested to do so, provisions relating to check-in requirements and exceptions, and disclosure of campus policemen's records. The Act also removes certain limitations with respect to offering rewards for the apprehension of perpetrators of felonies by the governing authority of a county or municipality.

The Act amends O.C.G.A. Sections 16-15-3, 16-15-4, 20-2-1180, and 45-12-35 and enacts O.C.G.A. Sections 16-15-9, 16-15-10, and 20-8-7.

Effective April 28, 2006, as it relates to the reward funds for the apprehension of perpetrators of felonies in Title 45; otherwise, effective July 1, 2006.

**TITLE 17  
CRIMINAL PROCEDURE**

***Act 581; HB 594***

This Act changes the basis of the fees that bondsmen can collect for posting a bond.  
The Act amends O.C.G.A. Section 17-6-30.  
Effective July 1, 2006.

***Act 475; SB 135***

This Act requires certain facilities that are detaining certain children to notify specific officials of the child's detention. The Act also provides a time frame for a detained child who is charged with an offense within the jurisdiction of superior court to have his or her case presented to a grand jury.

The Act enacts O.C.G.A. Sections 17-7-3 and 17-7-50.1.  
Effective July 1, 2006.

**TITLE 17 (continued)**

***Act 754; SB 398***

This Act changes the language of the charge to the jury in cases where the defense of insanity is interposed. The Act also revises the procedure related to psychiatric evaluation of defendants and which department is responsible for conducting an evaluation. The Act also provides a time frame for the Department of Human Resources to forward certain reports to the Department of Corrections.

The Act amends O.C.G.A. Section 17-7-131.  
Effective July 1, 2006.

***Act 879; HB 1421***

This Act changes certain requirements to effectuate a statutory demand for speedy trial. The Act changes the terminology from "Demand for Trial" to "Demand for Speedy Trial" and corrects cross-references.

The Act amends O.C.G.A. Sections 17-7-170, 17-7-171, 17-7-172, 17-8-21, 17-8-31, and 38-3-62.  
Effective July 1, 2006.

***Act 537; HB 57***

This Act protects physicians and medical professionals involved in state ordered executions from challenges to their licensure solely on the basis of their participation in such executions.

The Act enacts O.C.G.A. Section 17-10-42.1.  
Effective July 1, 2006, and applicable to executions carried out on or after July 1, 2006.

***Act 749; SB 503***

This Act allows the \$50.00 application fee for legal defense services to be imposed as a condition of probation. The Act defines "indigent person" in conjunction with the federal poverty level. The Act staggers the terms of the members of the Georgia Public Defender Standards Council. The Act prohibits public defenders from using a badge, shield, or similar item for identification purposes. The Act also changes the provisions for continuances for legislators and legislative staff by also allowing a continuance when such person certifies to the court that his or her presence is required elsewhere because of duties with the General Assembly.

The Act amends O.C.G.A. Sections 15-21A-6, 17-8-26, 17-12-2, 17-12-3, 17-12-8, 17-12-24, 17-12-26, 17-12-27, 17-12-32, and 17-12-124 and enacts O.C.G.A. Section 17-10-8.1.  
Effective May 3, 2006.

**TITLE 18  
DEBTOR AND CREDITOR**

***Act 459; HB 149***

This Act provides that the exemption of certain pension or retirement funds or benefits from garnishment shall be extended to include additional individual retirement account funds or benefits.

**TITLE 18 (continued)**

The Act amends O.C.G.A. Section 18-4-22.  
Effective April 18, 2006.

**TITLE 19  
DOMESTIC RELATIONS**

***Act 650; SB 382***

This Act changes provisions relating to the calculation of child support and sets out the Georgia Schedule of Basic Child Support Obligations. The Act reorganizes and provides more clarity on the calculation of child support and sets forth the types of deviations, including a parenting time adjustment, allowed in calculating child support. The Act allows a jury to determine certain issues relating to calculation of child support. The Act eliminates direct appeal in certain domestic relations cases. The Act also provides for a mechanism for determining the amount of interest chargeable on arrearages in child support. The Act changes some of the powers and duties of the Georgia Child Support Commission. The Act strikes Section 13 of HB 221 (Act 52, approved April 22, 2005) which delays the overall effectiveness of HB 221, except for the provisions creating the Georgia Child Support Commission and providing for its powers and duties.

The Act amends O.C.G.A. Sections 5-6-34, 7-4-12.1, 19-5-12, 19-6-15, 19-6-34, 19-6-53, and 19-7-2.

Effective January 1, 2007, except for the provisions relating 2005 HB 221, which shall become effective on April 28, 2006.

***Act 466; HB 847***

This Act changes provisions relating to juvenile proceedings and marriage and establishes conditions for minors to become emancipated by law. The Act amends provisions relating to the rights of minors and minors' contracts for property, valuable consideration, or necessities. The Act revises provisions relating to voidance and ratification of conveyance to or by minors and to reversion of property set apart for spouse, children, or dependents. The Act changes provisions relating to parental power, parents' obligation to a child born out of wedlock, and abandonment of a dependent child. The Act requires a person to be at least 18 years of age to be able to contract marriage or to obtain parental consent if either applicant for marriage is 16 or 17 years of age. The Act eliminates the exception to parental consent for marriage based upon pregnancy or live birth. The Act changes provisions relating to proof of age for applicants to marry.

The Act enacts O.C.G.A. Sections 15-11-200 through 15-11-208 and amends O.C.G.A. Sections 1-2-8, 13-3-20, 19-7-1, 19-7-24, 19-10-1, 19-3-2, 19-3-36, 19-3-37, 19-3-38, 44-5-41, and 44-13-20.

Effective July 1, 2006.

***Act 602; SB 442***

This Act changes provisions relating to reporting of child abuse.

The Act amends O.C.G.A. Section 19-7-5.

Effective April 27, 2006.

**TITLE 20  
EDUCATION**

***Act 937; SB 618***

This Act changes provisions of the Quality Basic Education Act relating to the eligibility of enrollment in educational programs for children in the custody of the Department of Juvenile Justice or the Department of Human Resources.

The Act amends O.C.G.A. Section 20-2-133.

Effective July 1, 2006.

***Act 523; SB 79***

This Act provides for the offering under the "Quality Basic Education Act" of state funded elective high school courses in the History and Literature of the Old Testament Era and the History and Literature of the New Testament Era. The Act directs the State Board of Education to adopt a curriculum for each course no later than February 1, 2007. The Act establishes certain requirements for employment and assignment of teachers of such courses. The Act provides for the granting of academic credit for the successful completion of such courses. The Act provides that a local board of education may monitor the content and teaching of such courses as it deems appropriate. The Act does not prohibit local boards of education from offering elective courses based upon the books of other religions or societies.

The Act enacts O.C.G.A. Section 20-2-148.

Effective July 1, 2006.

***Act 747; SB 515***

This Act changes provisions under the "Quality Basic Education Act" relating to the remedial education program. The Act modifies provisions relating to the determination of enrollment by institutional program and the determination of enrollment of funds to be appropriated. The Act specifies certain adjustments to be made under certain circumstances in calculating a local school system's equalization grant. The Act revises definitions relating to capital outlay funds for purposes of conformity.

The Act amends O.C.G.A. Sections 20-2-154, 20-2-160, 20-2-165, and 20-2-260.

Effective May 3, 2006.

***Act 446; SB 390***

This Act, known as the "Classrooms First for Georgia Act," requires local school systems to spend a minimum amount of operating funds on direct classroom expenditures. The Act provides for incremental compliance and for waivers under certain circumstances. The Act authorizes the State Board of Education to promulgate rules and regulations concerning the expenditure of operating funds and requires the submission of budget information and expenditure data from local school systems.

The Act enacts O.C.G.A. Sections 20-2-171 and 20-2-172.

Effective July 1, 2006.

***Act 450; HB 1358***

This Act, known as the "Truth in Class Size Act," changes certain provisions relating to maximum class size requirements under the "Quality Basic Education Act" for kindergarten

**TITLE 20 (continued)**

through grade 12. For kindergarten through grade eight, the Act provides specific maximum individual class sizes for each grade. The Act further changes provisions for waiver of maximum class size under certain conditions.

The Act amends O.C.G.A. Section 20-2-182.  
Effective July 1, 2006.

***Act 626; HB 972***

This Act establishes methods for compliance with any requirement of the Professional Standards Commission relating to computer skill competency. The Act provides for certificated personnel to have the opportunity to take a basic computer skill competency test onsite at his or her assigned school. The Act requires onsite proctors for the basic computer skill competency test.

The Act amends O.C.G.A. Section 20-2-200.  
Effective April 28, 2006.

***Act 593; HB 1483***

This Act changes the hearing and notice provisions required prior to decreasing any local salary supplement for certificated personnel in public schools when there has been an increase in the state minimum salary schedule. The Act provides for two public hearings to be held after school hours and requires the published notice of the hearings to include the time, place, agenda, and specific subject matter. The Act also requires written notice within a certain time frame be given to certain employees.

The Act amends O.C.G.A. Section 20-2-212.  
Effective July 1, 2006.

***Act 500; SB 468***

This Act provides for the establishment of a grant program for High Performance Principals under the "Quality Basic Education Act" to attract successful principals to schools in need of improvement. The Act defines terms used in the Act and contains legislative findings. The Act authorizes the State Board of Education to develop rules and regulations to implement the grant program. The Act provides that an individual selected as a High Performance Principal shall be eligible for a one-year salary supplement grant not to exceed \$15,000.00. The Act does not prohibit local boards of education from providing additional salary supplements and bonuses to any principal designated as a High Performance Principal. The local board is required to submit reports quantifying the effectiveness of the High Performance Principal and his or her impact on the improvement of the school in the school year in which he or she was designated as a High Performance Principal.

The Act enacts O.C.G.A. Section 20-2-214.1.  
Effective April 19, 2006.

***Act 625; HB 984***

This Act changes the provisions relating to compulsory attendance for students in elementary and secondary education to provide that a student whose parent or legal guardian is in military service is granted up to a maximum of five school days per school year as excused absences

**TITLE 20 (continued)**

from school to visit with his or her parent or legal guardian prior to deployment or while on leave. The Act specifies that the local school system is not required to revise any policies relating to maximum number of excused and unexcused absences for any purposes.

The Act enacts O.C.G.A. Section 20-2-692.1.

Effective July 1, 2006.

***Act 639; HB 543***

This Act provides for the donation of sick leave from an employee of a local board of education to his or her spouse who is also an employee of the local board of education for purposes of maternity leave, illness, illness of a family member, or death of a family member.

The Act amends O.C.G.A. Section 20-2-850.

Effective July 1, 2006.

***Act 471; HB 1241***

This Act provides that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the athletic association provides that a student shall not lose eligibility to participate as a team member on an interscholastic sports team solely because such student participates during the school year at any time outside of the regular season in a national competitive event.

The Act enacts O.C.G.A. Section 20-2-316.1.

Effective July 1, 2006.

***Act 600; HB 1055***

This Act, known as the "Child Internet Pornography Act," defines terms used in the Act. The Act provides for the adoption and implementation of Internet safety policies in public schools and in public libraries.

The Act enacts O.C.G.A. Section 20-2-324.

Effective July 1, 2006.

***Act 819; SB 413***

This Act clarifies certain provisions relating to mandatory education. The Act provides that an unemancipated minor older than the age of mandatory attendance may not withdraw from enrollment in school without the permission of his or her parent or guardian. The Act requires written permission of a parent or legal guardian prior to the withdrawal of an unemancipated minor who is older than the age of mandatory attendance who has not completed all requirements for a high school diploma. The Act provides for a conference with the principal. The Act directs every local board of education to adopt a policy on the process of voluntary withdrawal of unemancipated minors who are older than the mandatory attendance age. The Act changes the exemption from compulsory attendance. The Act requires that certain information regarding school sponsored clubs and extracurricular activities be included in student codes of conduct. The Act provides an opportunity for parents and legal guardians to decline permission for participation. The Act requires that student codes of conduct encourage parents and guardians to inform their children of the consequences of certain conduct. The Act provides for

**TITLE 20 (continued)**

acknowledgment of receipt of student codes of conduct. The Act provides for school bus pickup schedules.

The Act amends O.C.G.A. Sections 20-2-690.1, 20-2-691, 20-2-693, 20-2-735, 20-2-736, 20-2-751.5, and 20-2-1127 and enacts O.C.G.A. Section 20-2-705.

Effective July 1, 2006.

***Act 604; SB 610***

This Act specifies that as to charter schools nothing shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting.

The Act amends O.C.G.A. Section 20-2-2065.

Effective July 1, 2006.

***Act 866; HB 1316***

This Act creates as a joint committee of the General Assembly the High School Athletics Overview Committee to evaluate the performance of high school athletic associations based on certain criteria by periodically inquiring into and reviewing their operations. The Act requires all high school athletic associations to cooperate with the committee and other agencies and to provide reasonably required reports and data to the committee. The Act prohibits any high school which receives funding under Article 6 of O.C.G.A. Chapter 20-2 from participating in, sponsoring, or providing coaching staff for interscholastic sport events associated with any high school athletics association that is not compliant with the Act.

The Act enacts O.C.G.A. Sections 20-2-2100 through 20-2-2105.

Effective July 1, 2006.

***Act 702; HB 1294***

This Act delays the repeal of an amendment to subsection (b) of O.C.G.A. Section 50-16-18, relating to the writing off of small amounts due to the state, until June 30, 2008. The Act also delays the repeal of O.C.G.A. Section 20-3-86, relating to nonlapsing revenue of institutions in the university system, to June 30, 2008. The Act provides that until automatically repealed on June 30, 2008, revenue collected by institutions under the Department of Technical and Adult Education from departmental sales or services, continuing education fees, technology fees, or indirect cost recoveries shall not lapse.

The Act amends Ga. L. 2003, p. 313 and O.C.G.A. Section 20-3-86 and enacts O.C.G.A. Section 20-4-21.1.

Effective May 1, 2006.

***Act 528; SB 415***

This Act changes the definition of the term "qualifying term of service" as it relates to the Georgia HERO (Helping Educate Reservists and their Offspring) Scholarship so as to provide that a person evacuated from a combat zone due to severe injuries shall be deemed to have completed a qualifying term of service.

The Act amends O.C.G.A. Section 20-3-485.

Effective July 1, 2006.



**TITLE 20 (continued)**

***Act 942; SB 561***

This Act amends provisions relating to HOPE scholarships and grants to provide a definition of "first professional degree program" and to revise the definition of "eligible private postsecondary institution" to correct a scrivener's error. The Act provides criteria for eligibility of students in professional level programs.

The Act amends O.C.G.A. Sections 20-3-519, 20-3-519.2, and 20-3-519.3.  
Effective July 1, 2006.

***Act 550; SB 506***

This Act establishes a set amount for mandatory fees for HOPE scholarships and HOPE grants for eligible public postsecondary institutions created after January 1, 2004.

The Act amends O.C.G.A. Section 20-3-519.2.  
Effective July 1, 2006.

***Act 549; SB 436***

This Act changes provisions relating to the State Board of Technical and Adult Education to provide that the board may suspend up to two monthly meetings per year depending upon the press of business.

The Act amends O.C.G.A. Section 20-4-13.  
Effective April 21, 2006.

***Act 699; HB 1227***

This Act creates the Agricultural Advisory Commission to periodically review the conditions, needs, issues, and problems related to the agricultural education program, issue annually a report on the same to the General Assembly, and recommend any action or legislation which the commission deems necessary or appropriate.

The Act enacts O.C.G.A. Section 20-14-90.  
Effective July 1, 2006.

***Act 914; HB 1228***

This Act creates the Career and Technical Education Advisory Commission to periodically review the conditions, needs, issues, and problems related to the career and technical education program, issue annually a report on the same to the General Assembly, and recommend any action or legislation which the commission deems necessary or appropriate.

The Act enacts O.C.G.A. Section 20-14-90.  
Effective July 1, 2006.

***Act 941; HB 1083***

This Act provides for the comprehensive revision of the chapter relating to the Georgia Medical Center Authority. The Act adds new definitions and revises others. The Act amends the corporate purposes and general nature of the authority, as well as giving it additional powers. The Act provides for the issuance of bonds, refunding bonds, notes, or other instruments. The

**TITLE 20 (continued)**

Act changes provisions regarding the status of certain moneys as trust funds. The Act specifies procedures, conditions, and limitations on bonds of the authority. The Act provides that the bonds of the authority shall be exempt from taxation.

The Act amends O.C.G.A. Sections 20-15-2, 20-15-4, 20-15-7, and 20-15-16 and enacts O.C.G.A. Sections 20-15-5.1 through 20-15-5.7.

Effective July 1, 2006.

***Act 762; SB 562***

This Act, known as the "Georgia Higher Education Facilities Authority Act," creates the Georgia Higher Education Facilities Authority as a body corporate and politic, an instrumentality of the state, and a public corporation. The Act defines terms used in the Act. The Act provides for the members of the authority and their appointment, service, and compensation. The Act establishes the powers, duties, and operations of the authority. The Act grants tax-exempt status to the authority. The Act provides for legislative oversight by a joint committee of the General Assembly, the Georgia Higher Education Facilities Authority Committee, which the Act creates.

The Act enacts O.C.G.A. Section 20-16-1 through 20-16-18.

Effective July 1, 2006.

**TITLE 21  
ELECTIONS**

***Act 874; HB 1435***

This Act authorizes an attendant care giver to assist an elector in casting an absentee ballot. The Act provides for the manner of assistance of disabled electors in voting.

The Act amends O.C.G.A. Sections 21-2-2, 21-2-265, 21-2-384, 21-2-385, 21-2-402, 21-2-409, 21-2-431, and 21-2-451.

Effective January 1, 2007.

***Act 432; SB 84***

This Act authorizes the State Election Board to conduct a voter education program concerning voting procedures. The Act provides for the issuance of Georgia voter identification cards to registered electors who do not have a valid Georgia driver's license or Georgia identification card. The Act provides for the issuance of Georgia identification cards without a fee under certain conditions.

The Act amends O.C.G.A. Sections 21-2-31, 21-2-417, and 40-5-103 and enacts O.C.G.A. Section 21-2-417.1.

Effective January 26, 2006.

***Act 452; SB 467***

This Act corrects typographical, stylistic, and other errors and omissions in Title 21.

The Act amends O.C.G.A. Title 21.

Effective April 14, 2006.

## **TITLE 21 (continued)**

### ***Act 646; SB 500***

This Act provides for a pilot program providing for the use of direct recording electronic voting equipment equipped and configured with an elector verified, permanent paper record of the votes cast. The Act provides for the correction of errors. The Act provides for the secure storage of such paper records and for the opening and counting of such paper records under certain conditions.

The Act enacts O.C.G.A. Section 21-2-379.12.  
Effective April 28, 2006.

## **TITLE 22 EMINENT DOMAIN**

### ***Act 444; HB 1313***

This Act provides for comprehensive changes to the Official Code of Georgia Annotated relating to the use of the power of eminent domain by local governments, redevelopment authorities, housing authorities, and other entities. The Act requires that all use of such eminent domain powers be for a public use and cannot be for purely economic development. The Act also provides for a definition of "public use."

The Act amends O.C.G.A. Sections 22-1-1, 22-1-2, 22-2-100, 22-2-102, 22-2-102.1, 22-2-102.2, 22-2-106, 22-2-110, 22-2-112, 22-2-131, 22-2-132, 22-3-60, 22-3-63, 22-4-3, 36-42-8, 36-44-6, 36-62-6, and 36-82-62. The Act enacts O.C.G.A. Sections 8-3-31.1, 22-1-9, 22-1-10, 22-1-10.1, 22-1-11 through 22-1-14, and 36-61-3.1. The Act repeals O.C.G.A. Sections 22-2-84.1 and 36-42-8.1.

Effective April 4, 2006, and applicable to petitions for condemnation filed on or after that date except that certain provisions shall apply to those condemnation proceedings filed on or after February 9, 2006, where title has not vested in the condemning authority unless constitutionally prohibited.

## **TITLE 26 FOOD**

### ***Act 480; SB 441***

This Act changes provisions relating to standards and requirements to milk and milk products by adopting the May, 2005, amended version of the Grade A Pasteurized Milk Ordinance Recommendations of the United States Public Health Service - Food and Drug Administration and supplements. The Act also provides future changes in and supplements to the milk ordinance may be adopted by the Commissioner as a part of the standards and requirements of the State of Georgia.

The Act amends O.C.G.A. Section 26-2-238.  
Effective July 1, 2006.

**TITLE 26 (continued)**

***Act 588; HB 246***

This Act changes provisions relating to selling, distributing, and delivering prescription drugs by mail or other common carriers. The Act also changes provisions regarding the dispensing of prescription drugs electronically.

The Act amends O.C.G.A. Sections 26-4-60 and 26-4-80.  
Effective July 1, 2006.

***Act 507; HB 1371***

This Act enacts "The Pharmacy Audit Bill of Rights" and provides and sets out a list of rights of pharmacies undergoing audits and provides for an appeal process.

The Act enacts O.C.G.A. Section 26-4-118.  
Effective April 19, 2006.

***Act 468; HB 1178***

This Act provides for the establishment of a program through which unused prescription drugs may be distributed for use by medically indigent persons.

The Act provides that a pharmacist who states in writing an objection to any abortion shall not be required to fill a prescription for a drug if the purpose of the drug is to terminate a pregnancy and such refusal shall not be the basis for any claim for damages. The Act provides that the pharmacist shall make reasonable efforts to locate another pharmacist who is willing to fill such prescription or shall immediately return the prescription to the prescription holder.

The Act changes provisions to give priority to physicians actively practicing or beginning active practice in specialties experiencing shortages or distribution problems in the rural areas of the state.

The Act changes the definition of "rural county" to provide that for counties which contain a military base or installation, the military personnel and their dependents shall be excluded from the total population of that county for the purpose of this definition.

The Act enacts O.C.G.A. Sections 26-4-190 through 26-4-195 and amends O.C.G.A. Sections 16-12-142, 31-7-94.1, 31-34-2, 31-34-4, and 49-4-152.5.

Effective July 1, 2006.

**TITLE 27  
GAME AND FISH**

***Act 520; HB 338***

This Act specifies a date for rules and regulations of the Board of Natural Resources used to establish violations of game and fish criminal violations. The Act changes provisions relating to hunting with primitive weapons. The Act proscribes the use of electronically imitated sounds or calls in hunting. The Act proscribes computer assisted hunting and provides penalties. The Act proscribes the importation of cervids or cervid carcasses or parts into the state.

The Act amends O.C.G.A. Sections 27-1-39, 27-3-4, and 27-3-12 and enacts O.C.G.A. Section 27-5-2.1.

Section 4 of the Act becomes effective on July 1, 2006, for the promulgation of rules and

**TITLE 27 (continued)**

regulations and on January 7, 2007, for all other purposes. All other sections of the Act become effective on July 1, 2006.

***Act 464; HB 695***

This Act provides for the licensing of capuchin monkeys as service animals for certain disabled persons. The Act provides for the humane treatment of such animals.

The Act amends O.C.G.A. Section 27-5-4.

Effective April 18, 2006.

***Act 515; HB 1085***

This Act changes the creel limit for tripletails.

The Act amends O.C.G.A. Section 27-4-130.1.

Effective July 1, 2006.

***Act 613; HB 1424***

This Act provides for a license to hunt deer with the use of dogs. The Act provides for a fee.

The Act amends O.C.G.A. Section 27-3-17.

Effective July 1, 2006.

**TITLE 28  
GENERAL ASSEMBLY**

***Act 435; HB 1137***

This Act provides for the composition of House Districts 5, 12, 46, 48, 50, 51, 167, and 179. The Act provides for elections in these districts and when the elected Representatives shall take office.

Effective March 1, 2006.

***Act 436; SB 386***

This Act provides for the composition of Senate Districts 46, 47, and 49. The Act provides for elections in these districts and when the elected Senators shall take office.

The Act amends O.C.G.A. Section 28-2-2.

Effective March 1, 2006.

***Act 479; SB 260***

This Act repeals O.C.G.A. Section 28-3-21, relating to furnishing and approval of bonds by the Secretary of the Senate and the Clerk of the House of Representatives.

The Act repeals O.C.G.A. Section 28-3-21.

Effective July 1, 2006.

**TITLE 28 (continued)**

***Act 708; HB 1067***

This Act changes the membership and functions of the Georgia Commission on Interstate Cooperation. The Act also redefines the requirements of being a joint governmental agency of the state.

The Act amends O.C.G.A. Sections 28-6-2, 28-6-3, and 28-6-7 and enacts O.C.G.A. Section 28-6-1.1.

Effective July 1, 2006.

**TITLE 29  
GUARDIAN AND WARD**

***Act 766, SB 534***

This Act corrects cross-references from the enactment of Ga. L. 2004, p. 161, and allows temporary petitions for guardianships to be filed in the county where the minor is located if the petitioner is not a domiciliary of this state. The Act provides for distribution of the estate of an intestate minor or adult ward by a conservator. The Act provides for payment of expenses of certain hearings under certain circumstances. The Act further changes the amount of the funds for which a probate judge can be legal custodian, changes provisions relating to satisfaction of requirements of authentication or exemplification, and allows probate court judges to hold certain funds for a missing heir or beneficiary under a decedent's will. The Act changes provisions and specifies that when a trustee's compensation is not specified in the trust instrument, it shall be based on the compensation schedule of conservators.

The Act amends O.C.G.A. Titles 10, 29, and 53.

Effective July 1, 2006.

**TITLE 31  
HEALTH**

***Act 539; HB 724***

This Act clarifies that standards for sewage management systems do not restrict the work of a plumber licensed by the State Construction Industry Licensing Board to access any on-site sewage management system for the purpose of servicing or repairing any plumbing system or connection to the on-site sewage management system.

The Act amends O.C.G.A. Section 31-2-7.

Effective July 1, 2006.

***Act 621; HB 1092***

This Act provides for the creation of the Suicide Prevention Program and its duties, powers, and staff.

The Act enacts O.C.G.A. Section 31-2-9.

Effective July 1, 2006.

**TITLE 31 (continued)**

***Act 939; HB 1008***

This Act changes the "Georgia Hospice Law" to provide that palliative care may be provided under hospice to patients with advanced and progressive diseases.

The Act amends O.C.G.A. Sections 31-7-172 and 31-7-176.

Effective when funds appropriated.

***Act 509; HB 1308***

This Act changes the maximum amount of aggregate nursing home provider fees which must be paid. The Act changes provisions relating to the assessment, calculating, and payment of quality assessment fees on care management organizations.

The Act amends O.C.G.A. Sections 31-8-164 and 31-8-173.

Effective April 19, 2006.

***Act 512; HB 1224***

This Act changes definitions of the terms "low-income" and "volunteer" relative to the "'Health Share' Volunteers in Medicine Act."

The Act amends O.C.G.A. Section 31-8-192.

Effective July 1, 2006.

***Act 667; HB 1257***

This Act changes definitions of "emergency medical provider" and "emergency services." The Act expands evaluation of a person with an emergency condition and intervention without prospective authorization to licensed ambulance service personnel under the medical direction of an ambulance service medical director.

The Act expands the definition of an emergency health care provider to a licensed ambulance service providing 9-1-1 emergency medical transportation.

The Act changes the provision relating to payments to nonparticipating or nonpreferred providers to add emergency medical services. The Act provides that when a request for emergency care is made through the emergency 9-1-1 system and the ambulance service dispatched in response to the request is not a preferred provider, for purposes of payment, it will be presumed the covered person could not reasonably reach a preferred provider.

The Act exempts on-line change of address filings by agents, subagents, counselors, and adjusters from a fee. The Act provides for changes to qualifications for a counselor's license. The Act further provides for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters.

The Act amends O.C.G.A. Sections 31-11-81, 31-11-82, 33-8-1, 33-20A-9, 33-24-54, 33-30-24, 33-23-5, and 33-23-25.

Effective July 1, 2006.

***Act 573; HB 1066***

This Act changes certain provisions relating to a system for screening newborns for certain metabolic and genetic disorders. The Act also changes the provision relating to rules and regulations regarding tests for phenylketonuria, sickle cell anemia, and sickle cell trait.

**TITLE 31 (continued)**

The Act amends O.C.G.A. Sections 31-12-6 and 31-12-7.  
Effective January 1, 2007.

***Act 478; SB 208***

This Act creates a state-wide central registry for traumatic brain and spinal cord injuries and requires that certain information relating to brain or spinal cord injured persons be reported to the Brain and Spinal Injury Trust Fund Commission.

The Act amends O.C.G.A. Sections 31-18-1 through 31-18-4.  
Effective July 1, 2006.

***Veto No. 16; SB 533***

This Act revises the statutory living will form.  
The Act amends O.C.G.A. Section 31-32-3.

**TITLE 32  
HIGHWAYS, BRIDGES, AND FERRIES**

***Act 686; HB 1177***

This Act amends provisions regarding Department of Transportation construction contracts to provide for bonding amounts for certain projects.

The Act amends O.C.G.A. 32-2-60.  
Effective May 1, 2006.

***Act 540; HB 1106***

This Act amends provisions regarding vehicle weight load so as to include the hauling of construction aggregates.

The Act amends O.C.G.A. Section 32-6-26.  
Effective July 1, 2006.

***Act 727; HB 1097***

This Act limits regulation of campaign signs and posters on private property and prohibits outdoor advertising containing depictions of nudity or sexual conduct which are visible to motor vehicle drivers on certain public roads. The Act changes some restrictions on outdoor advertising signs and multiple message signs on the interstate system and other highways. The Act also repeals provisions of the law regulating outdoor advertising which were declared unconstitutional by the Georgia Supreme Court.

The Act amends O.C.G.A. Sections 21-2-3 and 32-6-75 and enacts O.C.G.A. Section 32-6-52.  
Effective May 3, 2006.

***Act 543; HB 1190***

This Act modifies and clarifies the processes by which collection of unpaid tolls may be



**TITLE 32 (continued)**

accomplished and changes the fees and penalties which may be assessed for failure to pay the proper toll. The Act provides for the suspension of an offender's motor vehicle registration for multiple violations of toll provisions.

The Act amends O.C.G.A. Section 32-10-64 and enacts O.C.G.A. Section 40-2-135.1.  
Effective January 1, 2007.

***Act 609; SB 150***

This Act provides that the State Road and Tollway Authority shall implement a program to provide for the development and expansion of streetcar transportation and attendant economic and community development opportunities. The Act prohibits the issuance of state bonds for funding these programs.

The Act specifically repeals Ga. L. 2004, p. 898, Section 2.  
The Act enacts O.C.G.A. Sections 32-10-76 and 32-10-77.  
Effective April 27, 2006.

**TITLE 33  
INSURANCE**

***Act 873; HB 1444***

This Act revises the applicability of the Act approved May 2, 2005 (Ga. L. 2005, p. 563), as to Section 12 of that Act as it relates to insolvencies of insurers that occur on or after the effective date of this Act.

The Act amends an Act approved May 2, 2005 (Ga. L. 2005, p. 563).  
Effective May 5, 2006.

***Act 584; HB 425***

This Act permits insurers to provide food or refreshments under certain circumstances to current or prospective clients during group sales presentations and seminars provided that no insurance or annuity applications or contracts are offered or accepted at such presentations or seminars.

The Act amends O.C.G.A. Section 33-6-4.  
Effective July 1, 2006.

***Act 768; SB 531***

This Act clarifies types of uninsured motorist coverage under motor vehicle liability policies. The Act expands the term "insured" to mean a foster child or ward residing in the named insured's household.

The Act provides for the obligation of the plaintiff to exercise diligence in attempting to locate the owner or driver against whom the claim exists for a period not to exceed 12 months following such service upon the owner or driver by publication of the summons.

The Act amends O.C.G.A. Section 33-7-11.  
Effective date July 1, 2006, except as specifically detailed in the Act.

**TITLE 33 (continued)**

***Act 756; SB 385***

This Act provides that insurers may invest in the obligations of certain Canadian cities.

The Act provides for definition of "actual charge" and "actual fee" when used in an individual or group specified disease insurance policy and provides for legislative intent as to these defined terms when not otherwise defined by the insurance policy.

The Act amends O.C.G.A. Section 33-11-13 and enacts O.C.G.A. 33-24-16.1.

Effective May 3, 2006.

***Act 834; HB 1484***

This Act clarifies the circumstances under which an insurable interest exists with respect to personal insurance as it relates to the trustee of a trust or corporation. The Act states the insurable interests set forth by this Act are not exclusive but are cumulative of insurable interests existing in common law.

The Act amends O.C.G.A. Sections 33-24-3, 33-24-6.1, 33-27-1, and 33-27-3.

Effective July 1, 2006.

***Act 868; HB 1304***

This Act provides that neither cash surrender values nor the proceeds of life insurance policies and annuity contracts shall be liable to attachment, garnishment, or legal process in favor of any creditor of the person for whose use or benefit the policy or contract was executed.

The Act provides that the proceeds of life insurance policies that are payable to the insured's estate or executor, administrator, or assign become part of the insured's estate to be administered as all other estate assets.

The Act provides for the discharge of liability for any insurer for payments in accordance to such provisions.

The Act amends O.C.G.A. Sections 33-25-11 and 33-28-7.

Effective May 5, 2006.

***Act 504; HB 1456***

This Act provides that an insurer operating in the major medical or comprehensive, guaranteed renewable business in Georgia shall permit an insured to change his or her medical or comprehensive coverage, upon election at any renewal, to a comparable product offered by that insurer or a product by that insurer with more limited products benefits or higher deductibles within 60 days of renewal and not be subject to any new preexisting conditions. The Act provides the Commissioner shall adopt rules and regulations for administration of this provision.

The Act provides every policy that contains a provision for termination of coverage of a dependent upon reaching a certain age shall contain a provision providing availability of an accident and sickness policy.

The Act amends O.C.G.A. Section 33-29-9 and enacts O.C.G.A. Section 33-29-21.1.

Effective July 1, 2006.

***Act 934; SB 384***

This Act provides for the Interstate Insurance Product Regulation Compact to help states join

**TITLE 33 (continued)**

together to establish an interstate compact to regulate designated insurance products.

The Act authorizes the Commissioner of Insurance to serve as representative of the State of Georgia to the Interstate Insurance Product Regulation Commission.

The Act enacts O.C.G.A. Sections 33-59-1 and 33-59-2.

Effective date July 1, 2006.

***Act 546; HB 1291***

This Act defines automobile club and automobile club services not subject to laws respecting insurance companies.

The Act enacts O.C.G.A. Section 33-61-1.

Effective April 21, 2006.

**TITLE 34  
LABOR**

***Act 814; SB 486***

This Act exempts direct sellers from the definition of employment as such definition pertains to the employment security law.

The Act amends O.C.G.A. Section 34-8-35.

Effective July 1, 2006.

***Act 863; HB 1326***

This Act changes certain provisions regarding adjustment in contribution rates relating to the State-wide Reserve Ratio for unemployment compensation.

The Act amends O.C.G.A. Section 34-8-156.

Effective July 1, 2006.

***Act 696; HB 1240***

This Act provides that in a worker's compensation case the employer is required to provide the employee with certain notice requirements prior to a release to return to work with certain restrictions. The Act also provides for certain time restrictions for claiming mileage expenses. The Act increases the maximum death benefit for a surviving spouse who is the sole dependent at the time of the employee's death. The Act also provides for certain provisions protecting against physician self-referral.

The Act amends O.C.G.A. Sections 34-9-104, 34-9-203, and 34-9-265; enacts O.C.G.A. Section 34-9-25; and repeals O.C.G.A. Section 43-1B-7.

Effective July 1, 2006.

***Act 883; HB 1405***

This Act requires that a party filing a worker's compensation claim prove or document such claim within 36 months after the notice of claim is filed.

The Act amends O.C.G.A. Section 34-9-362.

**TITLE 34 (continued)**

Effective July 1, 2006.

**TITLE 35  
LAW ENFORCEMENT**

***Act 936; SB 520***

This Act authorizes the Board of Public Safety to provide a badge and duty weapon to sworn officers as compensation under certain circumstances. The Act also authorizes the commissioner of public safety to provide certain uniforms and equipment to all sworn members of the department. The Act also changes certain provisions relating to the retention of weapons and badges upon retirement by certain members of the department.

The Act amends O.C.G.A. Sections 35-2-42 and 35-2-49.  
Effective May 5, 2006.

***Act 473; HB 1335***

This Act authorizes state and local law enforcement units and the Georgia Peace Officer Standards and Training Council to review first offender record information and permits the consideration of first offender probation discharges when hiring a law enforcement officer for a certified position. The Act also changes certain provisions relating to the disqualification of individuals from employment based on first offender probation discharge information and the disclosure of exonerated first offender records.

The Act amends O.C.G.A. Sections 35-3-34.1 and 42-8-63.1.  
Effective April 18, 2006.

***Act 940; SB 581***

This Act authorizes the Georgia Public Safety Center to provide training for emergency medical personnel.

The Act amends O.C.G.A. Sections 35-5-2, 35-5-5, and 35-5-6.  
Effective July 1, 2006.

***Act 692; HB 1019***

This Act requires training and certification for peace officers authorized to use TASERs or other similar electronic weapons or devices. The Act also requires the adoption of written policies for those law enforcement agencies utilizing TASERs and other similar electrical weapons and devices.

The Act enacts O.C.G.A. Section 35-8-26.

The Act shall become effective on January 1, 2007, excepting that provisions applying to council certification and provisions for training offered by the Georgia Public Safety Center shall become effective six months after the effective date of an appropriations Act containing specific appropriation to fund certification by the council and training by the center.

**TITLE 36  
LOCAL GOVERNMENT**

***Act 449; SB 399***

This Act provides that as it relates to special services districts a noncontiguous area within ten miles of another noncontiguous area may be treated as the same noncontiguous area.

The Act amends O.C.G.A. Section 36-31-12.

Effective April 6, 2006.

***Act 672; HB 1288***

This Act provides for required training for municipal court clerks.

The Act enacts O.C.G.A. Section 36-32-13.

Effective July 1, 2006.

***Act 831; HB 1361***

This Act provides for substantial changes to redevelopment powers under O.C.G.A. Titles 36 and 48 as they pertain to the use and determination of ad valorem property taxes.

This Act amends O.C.G.A. Sections 36-44-3, 36-44-8 through 36-44-11, 36-44-15, 36-44-17, and 48-5-32.1.

Effective May 5, 2006, except that the new definition of "ad valorem taxes" shall not be effective as to the calculation of the tax allocation increment base of any tax allocation district for which a political subdivision has issued tax allocation bonds, notes, or certificates prior to May 5, 2006, and the definition of such term effective prior to May 5, 2006, shall remain effective as to any such tax allocation district.

***Act 740; SB 202***

This Act provides for additional grant certification requirements with respect to subrecipients and units of a local government.

The Act amends O.C.G.A. Section 36-81-8.1.

Effective July 1, 2006.

***Act 923; HB 1012***

This Act changes certain provisions relating to how a political subdivision reports to the Department of Community Affairs regarding bonds. The Act also provides certain definitions as well as the power, duties, and authority of the inspector general.

The Act amends O.C.G.A. Section 36-82-10 and enacts Article 4 of O.C.G.A. Chapter 36-82.

Effective May 5, 2006.

**TITLE 37  
MENTAL HEALTH**

***Act 544; HB 1223***

This Act changes certain provisions which authorize a county governing authority to provide for the county board of health to enter into contracts for mental health, developmental

## **TITLE 37 (continued)**

disabilities, and addictive disease services. The Act also authorizes the membership of a county board of health to serve as the membership of a community mental health, developmental disabilities, and addictive diseases service board, also referred to as a community service board. The Act also provides additional membership requirements for community service boards. The Act authorizes community service boards to arrange for the provision of disability services and to contract with the Department of Community Health to provide services to Medicaid beneficiaries. The Act provides that upon certain deficiencies in services by a community service board, the director of the Division of Mental Health, Mental Retardation, and Substance Abuse of the Department of Human Resources may appoint an oversight manager or management team over the community service board for the purpose of correcting such deficiencies. The division is further authorized to establish a sliding fee scale for the payment for state provided nonemergency disability services.

The Act amends O.C.G.A. Sections 31-3-12.1, 37-1-1, 37-2-2, 37-2-3, 37-2-6, 37-2-6.1, 37-2-10, and 37-2-11 and enacts O.C.G.A. Section 37-2-6.5.

Effective July 1, 2006, except that provisions authorizing community service boards to amend their bylaws and provisions authorizing county governing authorities to appoint no sooner than May 1, 2006, any community service board members to take office on July 1, 2006, shall become effective on April 21, 2006.

## **TITLE 38 MILITARY**

### ***Act 638; HB 728***

This Act, known as the "Mattie's Call Act," provides for a state-wide alert system for missing disabled adults which shall be implemented and operated by the director of the Georgia Emergency Management Agency. A request for activation of the alert system shall come from a law enforcement agency. In addition, the Act establishes the state-wide alert system known as "Kimberly's Call" for the purpose of disseminating information where a suspect for the crime of murder or rape has not been apprehended and may present a serious threat to the public. The information shall be disseminated to warn the public and also to assist in the apprehension of the suspect. The Kimberly's Call alert system shall be developed and implemented by the director of GEMA, and a request for activation shall come from a law enforcement agency.

The Act enacts O.C.G.A. Sections 38-3-110 through 38-3-120.

Effective July 1, 2006.

## **TITLE 40 MOTOR VEHICLES**

### ***Act 579; HB 654***

This Act provides definitions for "Class I all-terrain vehicle" and "Class II all-terrain vehicle" as these terms may be used in provisions relating to motor vehicles and traffic.

The Act amends O.C.G.A. Section 40-1-1.

Effective July 1, 2006.

**TITLE 40 (continued)**

***Veto No. 13; SB 27***

This Act provides for the registration of a privately owned historical military vehicle. The Act enacts O.C.G.A. Section 40-2-41.2.

***Act 522; SB 64***

This Act provides for uniformed law enforcement officers routinely or primarily assigned to traffic law enforcement on roadways or highways to use vehicles in traffic enforcement without exterior mounted roof blue lights under certain limited circumstances. The Act also clarifies that the imposition of a fine for a violation of O.C.G.A. Section 40-6-16, improperly passing a stationary emergency vehicle, may be for less than \$500.00. The Act also permits motorists directed to stop by a law enforcement officer in a marked vehicle to continue to drive until a reasonably safe location for stopping is reached provided that the motorist observes the posted maximum speed limit and displays the vehicle's flashing lights or turn signal.

The Act amends O.C.G.A. Sections 40-1-7, 40-6-16, and 40-8-91.  
Effective April 20, 2006.

***Act 583; HB 363***

This Act provides that license plates for motorcycles may be shorter in length than plates for other motor vehicles. The Act also eliminates the requirement that plates must be reissued every five years and provides the state revenue commissioner the discretion to determine when new metal license plates should be issued. The Act also increases the license fee for governmental vehicles and changes certain provisions relating to the destruction of tags from governmental vehicles.

The Act amends O.C.G.A. Sections 40-2-31 and 40-2-37.  
Effective July 1, 2006.

***Act 947; HB 1053***

This Act changes certain provisions relating to funds derived from motor vehicle registrations or the sale of license plates and provides for special license plates promoting beneficial projects and supporting designated agencies, funds, or nonprofit corporations.

The Act amends O.C.G.A. Sections 40-2-32.1 and 40-2-34; enacts O.C.G.A. Section 40-2-86.18; and repeals O.C.G.A. Sections 40-2-48, 40-2-49, 40-2-49.1, 40-2-86.3, 40-2-86.6, 40-2-86.13, 40-2-86.15, 40-2-86.16, and 40-2-86.17.

Effective January 1, 2007; provided, however, if an amendment to the Constitution of the State of Georgia authorizing the dedication of revenue from sales of special license plates to agencies, funds, or nonprofit corporations designated by the General Assembly is not ratified at the general election in 2006, then this Act shall be repealed in its entirety on January 1, 2007.

***Act 592; HB 1052***

This Act provides that a dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a motor vehicle wholesaler. The Act also establishes a distinguishable transporter license plate for persons engaged in the business of the limited operation of a motor vehicle for designated purposes. The Act also provides a definition of

**TITLE 40 (continued)**

"wholesaler" as this term may be used in provisions relating to the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act.

The Act amends O.C.G.A. Sections 40-2-38 and 43-47-2 and enacts O.C.G.A. Section 40-2-38.1.

Effective April 27, 2006.

***Act 674; HB 1217***

This Act changes provisions relating to parking permits for disabled persons issued by the Department of Revenue by replacing O.C.G.A. Section 40-6-222 with 40-2-74.1. The Act requires that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used. The Act provides for the issuance of permits to last a minimum of four years.

The Act amends O.C.G.A. Sections 40-2-74.1, 40-6-225, and 40-6-226 and repeals O.C.G.A. Sections 40-6-222 and 40-6-223.

Effective May 1, 2006.

***Act 691; HB 1006***

This Act provides that renewal registration fees for breast cancer program prestige license plates are to be distributed in the same manner as the initial fees.

The Act amends O.C.G.A. Section 40-2-86.8.

Effective July 1, 2006.

***Act 946; SB 619***

This Act provides for a special vehicle license plate supporting programs for persons with brain related disorders and disabilities and provides that a portion of the revenue collected go to Pilot International.

The Act enacts O.C.G.A. Section 40-2-86.18.

Effective January 1, 2007; provided, however, that if an amendment to the Constitution of the State of Georgia authorizing the donation of revenue from sales of special license plates to organizations specified by the General Assembly is not ratified at the general election in 2006, then this Act shall be repealed in its entirety on January 1, 2007.

***Act 764; SB 539***

This Act provides for a special vehicle license plate supporting the Global War on Terrorism and Operation Enduring Freedom.

The Act enacts O.C.G.A. Section 40-2-86.18.

Effective July 1, 2006.

***Act 765; SB 538***

This Act provides for a special vehicle license plate supporting the Global War on Terrorism and Iraqi freedom. The Act also provides that the spouse of a member of the active reserve of the United States military or the National Guard who is killed while serving in combat shall continue to be eligible to receive such distinctive license plate until such spouse remarries.



**TITLE 40 (continued)**

The Act amends O.C.G.A. Sections 40-2-65 and 40-2-66 and enacts O.C.G.A. Section 40-2-86.18.

Effective July 1, 2006.

***Act 746; SB 523***

This Act requires a special vehicle license plate honoring the family members of service members who have been killed in action while serving in the armed forces of the United States to be provided upon request without charge to eligible family members.

The Act enacts O.C.G.A. Section 40-2-86.18.

Effective January 1, 2007.

***Act 576; HB 710***

This Act provides for special vehicle license plates identifying persons with diabetes, honoring veterans who have served in the armed services of the United States, and honoring the Georgia Association of Realtors. All funds received from the issuance of such license plates shall be deposited in the general fund.

The Act enacts O.C.G.A. Section 40-2-86.19.

Effective July 1, 2006.

***Act 752; SB 481***

This Act permits military personnel whose vehicles are registered in Georgia who are stationed in other states due to military assignments and duties to meet minimum motor vehicle liability insurance requirements through the purchase of insurance in such other states.

The Act amends O.C.G.A. Section 40-2-137.

Effective July 1, 2006.

***Act 583; HB 513***

This Act authorizes the Department of Driver Services to provide the Georgia Bureau of Investigation with a copy of a driver's history for dissemination to fire and law enforcement departments. The Act also clarifies that a driver's history may be released with the signed written consent of the driver and such consent is not required to be notarized.

The Act amends O.C.G.A. Section 40-5-2.

Effective July 1, 2006.

***Act 590; HB 1253***

This Act removes certain restrictions on sharing driver's license information with judges, prosecuting officials, or law enforcement agencies of other states. The Act provides for reinstatement of a minor's driver's license or permit suspended due to failure to attend school or other school related violations where the minor has obtained a high school diploma or its equivalent or is enrolled in a postsecondary school. The Act prohibits the use of a social security number on a driver's license or permit issued on or after January 1, 2007. The Act authorizes the suspension of a driver's license for violation of restrictions placed on the license. The Act requires courts to submit uniform traffic citations to the Department of Driver Services

**TITLE 40 (continued)**

electronically. The Act removes the opportunity to request an administrative hearing where a driver's license is suspended for failure to appear in court to respond to a traffic citation. The Act clarifies that a habitual violator shall not be eligible for a driving permit if he or she has been convicted or pled nolo contendere to a charge of violating any provision of O.C.G.A. Chapter 40-6 within the preceding two years. The Act also clarifies that reports used for the purpose of determining qualifications of a person to drive shall be confidential. The Act also clarifies that each conviction obtained shall be treated as a separate transaction for purposes of imposing certain license suspensions. The Act changes certain provisions relating to times for restoring full driving privileges upon the issuance of limited driving permits. The Act clarifies that a driver's license suspension shall occur by operation of law for any violation of the Georgia Controlled Substances Act including trafficking. The Act removes the requirement that arresting officers verify a service date and place the date on the citation for a charge of driving with a suspended license where the suspension was based on an insurance violation or the failure to appear to respond to a citation. The Act also changes definitions of "commercial motor vehicle," "conviction," and "serious traffic violation" as these terms are used in provisions relating to commercial vehicles. The Act provides a penalty for a person driving a commercial motor vehicle in violation of an out of service order and requires that before being issued a commercial driver's license, a person must complete the Highway Watch safety and security training program or other similar requirement. Upon satisfying certain conditions, the Act provides for the issuance of a nonresident commercial driver's license. The Act requires the Department of Driver Services to obtain a security risk clearance from the Transportation Security Administration prior to the issuance of a commercial driver's license with a hazardous materials endorsement and permits the department to cancel such a license previously issued upon notification that the holder thereof poses a security risk. The Act provides for the suspension of a commercial vehicle driver's license for a violation of O.C.G.A. Section 40-5-29 committed in a commercial vehicle. The Act clarifies the license suspension requirements for a racing conviction. The Act requires a sentencing court to specify the amount by which the person convicted exceeded the speed limit.

The Act amends O.C.G.A. Sections 40-5-2, 40-5-22, 40-5-28.1, 40-5-30, 40-5-53, 40-5-56, 40-5-58, 40-5-59, 40-5-63, 40-5-64, 40-5-75, 40-5-121, 40-5-142, 40-5-146, 40-5-147, 40-5-150, 40-5-151, 40-5-159, 40-6-186, and 40-6-187 and enacts O.C.G.A. Section 40-5-148.2. Effective July 1, 2006.

***Act 614; HB 1392***

This Act modifies the definition of a Class C license for noncommercial drivers' licenses so as to permit a farmer under certain circumstances to operate any combination of vehicles with a gross vehicle weight rating not in excess of 26,000 pounds. The Act also creates a new misdemeanor offense of causing serious injury to another as a result of committing a right of way violation that causes a collision with a motorcyclist, bicyclist, pedestrian, or a farmer operating certain farm vehicles.

The Act amends O.C.G.A. Section 40-5-23 and enacts O.C.G.A. Section 40-6-77. Effective July 1, 2006.

***Act 761; SB 570***

This Act authorizes an optometrist to provide an attestation in support of an application for a medical exemption to limitations on materials which reduce light transmission or increase light

**TITLE 40 (continued)**

reflectance through vehicle windows or windshields.

The Act amends O.C.G.A. Section 40-8-73.1.

Effective July 1, 2006.

***Act 529; SB 454***

This Act clarifies that only those vehicles utilized by the Georgia State Patrol and not all of the Department of Public Safety's vehicles shall be required to be painted in a two-toned uniform color with other specified requirements. The Act also increases the number of solid color vehicles per patrol post which may be utilized by the State Patrol in traffic enforcement.

The Act amends O.C.G.A. Section 40-8-91.

Effective July 1, 2006.

***Act 695; HB 1216***

This Act authorizes law enforcement officers to operate on public roads all-terrain vehicles meeting certain equipment specifications.

The Act enacts O.C.G.A. Section 40-8-91.1.

Effective July 1, 2006.

***Act 627; HB 959***

This Act, known as "Mallory's Act," provides for disabled parking permits to be issued by the Department of Revenue to permanently disabled minors.

This Act amends O.C.G.A. Section 40-6-222.

Effective July 1, 2006.

**TITLE 42**

**PENAL INSTITUTIONS**

***Act 743; SB 44***

This Act authorizes the Board of Corrections to enter into contracts for the operation of private probation detention and diversion centers and to provide for rules and regulations for the operation of such centers. The Act changes the provisions concerning the transfer of probation supervision such that a defendant placed on probation by a county or municipal court for a misdemeanor may have the probation supervision transferred to the county or municipality in which he or she resides. The Act provides that the County and Municipal Probation Advisory Council shall promulgate rules and regulations regarding agreements for local governments establishing probation systems and regarding uniform professional standards for probation officers employed by local governments, including initial orientation and continuing education requirements. The Act specifies certain minimum terms for any agreement entered into by a local government with a judge to provide probation services. The Act changes provisions relating to criminal record checks of probation officers. The Act changes the content requirement of the reports which must be provided to the judge with whom an agreement to provide probation services is made to include the number of warrants issued during the quarter. The Act prohibits certain activities by probation officers, probation employees, and other employees of

**TITLE 42 (continued)**

local governments. The Act changes the provisions concerning the confidentiality of certain records relative to the supervision of probationers so as to include those records of certain entities such as local governments providing probation services. The Act requires local governments to register with the council before entering into an agreement with the court to provide probation services. The Act removes the requirement for general liability insurance for private corporations, enterprises, and entities providing probation services.

The Act amends O.C.G.A. Sections 42-2-11 and 42-8-100 through 42-8-108.

Effective May 3, 2006, for purposes of promulgating rules and regulations, and effective July 1, 2006, for all other purposes.

***Act 547; HB 1318***

This Act authorizes the placement of certain vending machines under certain conditions on the premises of the Department of Corrections' facilities for the benefit of employees. The Act provides that any profits generated from these vending services are to be maintained by the facility in an interest-bearing account designated as the "employee benefit fund" to be administered by a committee of five representatives of the facility to be spent as determined by a majority vote of the committee with certain limitations. The Act does not prohibit a facility from purchasing machines or providing or maintaining vending services which do not generate a profit, provided that such services are of no cost to the department. The Act also does not prohibit a private provider of vending services from making or retaining a profit pursuant to any agreement for such services.

The Act enacts O.C.G.A. Section 42-2-15.

Effective July 1, 2006.

***Act 577; HB 692***

This Act establishes that any area within the state to which a court banishes a probationer as a part of the terms and conditions of probation must meet certain criteria. The Act changes the repeal date of the "Probation Management Act of 2004" from July 1, 2006, to June 30, 2008.

The Act amends O.C.G.A. Sections 42-8-35 and 42-8-160.

Effective April 27, 2006, and applies to any terms and conditions of probation imposed on or after such date. The change in repeal date of the "Probation Management Act of 2004" is effective June 15, 2006.

**TITLE 43  
PROFESSIONS**

***Act 905; SB 145***

This Act provides for broad changes to O.C.G.A. Chapter 43-10, relating to the regulation of cosmetologists and hair designers.

The Act amends O.C.G.A. Sections 43-10-1, 43-10-2, 43-10-6, 43-10-8 through 43-10-14, 43-10-17, and 43-10-19.

Effective May 5, 2006.

**TITLE 43 (continued)**

***Act 906; HB 1170***

This Act provides that members of the State Board of Cosmetology may attend and observe all written and practical examinations held for certificates of registration pursuant to O.C.G.A. Chapter 43-10. The Act also changes certain provisions relating to examination fees for application for certificate of registration.

The Act amends O.C.G.A. Sections 43-10-2 and 43-10-9.  
Effective May 5, 2006.

***Act 587; HB 276***

This Act provides for the licensing of ignition interlock device provider centers.  
The Act enacts O.C.G.A. Chapter 43-12A.  
Effective January 1, 2007.

***Act 591; HB 1252***

This Act provides for qualifications for limited and temporary driver school permits and commercial driver training school operators. The Act also provides standards for business names of driver training schools.

The Act amends O.C.G.A. Sections 43-13-2, 43-13-3, 43-13-4, 43-13-4.1, and 43-13-5.  
Effective July 1, 2006.

***Act 463; SB 480***

This Act provides for the general regulation of the delegation of certain activities performed by registered professional nurses and licensed practical nurses to persons certified as qualified medication aides. The Act also provides for broad changes to provisions relating to nurses including providing that a physician may delegate certain medical arts to an advanced practice registered nurse.

The Act amends O.C.G.A. Sections 16-13-21, 43-26-3, 43-26-5, 43-26-6, 43-26-10, and 43-34-26.1. The Act enacts Article 3 of O.C.G.A. Chapter 43-26 and O.C.G.A. Sections 43-26-13 and 43-34-26.3.  
Effective July 1, 2006.

***Act 610; HB 801***

This Act allows physical therapists under certain circumstances to provide services without referrals from appropriate licensed practitioners of the healing arts.

The Act amends O.C.G.A. Section 43-33-18.  
Effective July 1, 2006.

***Act 597; HB 873***

The Act allows physician's assistants to render care during a state of emergency or public health emergency.

The Act amends O.C.G.A. Section 43-34-103  
Effective April 27, 2006.

**TITLE 43 (continued)**

***Act 598; HB 832***

The Act allows physician's assistants to request, receive, require, and sign for professional samples and to distribute professional samples to patients pursuant to authority delegated by the assistant's supervising physician.

The Act amends O.C.G.A. Section 43-34-103.

Effective July 1, 2006.

***Veto No. 6; HB 1259***

This Act revises the definition of "private detective business" and revises the process and requirements for licensing private detectives and private security officers. The Act also provides the board the authority to promulgate rules ensuring that individuals are capable of assuming full responsibility for operations of a particular individual or entity. The Act also makes O.C.G.A. Chapter 43-38 applicable to persons engaged in the business of furnishing information in connection with credit or marketing or engaged as a consumer reporting agency.

The Act amends O.C.G.A. Sections 43-38-3, 43-38-6, 43-38-10, 43-38-10.1, 43-38-14, and 43-38-16.

***Act 763; SB 547***

This Act provides for the recusal of members of the Georgia Real Estate Appraisers Board as well as the circumstances for the removal of members of such board. The Act also provides for the recusal of members of the Georgia Real Estate Commission as well as the circumstances for the removal of members of such commission. The Act also provides for certain requirements for licensing a real estate school. The Act also provides for sanctions and investigating complaints reported to the Georgia Real Estate Commission.

This Act amends O.C.G.A. Sections 43-39A-3, 43-39A-8, 43-39A-22, 43-40-2, 43-40-8, 43-40-10, 43-40-25, and 43-40-27.

Effective July 1, 2006.

***Act 536; HB 1542***

This Act changes the effective date provision relating to residential and general contractors licensure involving reciprocal agreements with other states. The Act extends the date by which persons must meet and apply to be licensed as a residential and general contractor without an examination.

The Act amends O.C.G.A. Sections 43-41-8 and 43-41-17.

Effective April 20, 2006.

***Veto No. 14; SB 95***

This Act provides that evaluations and reports of licensed soil scientists shall be accepted by the Department of Natural Resources and county boards of health for certain purposes. The Act also provides for certain requirements and certifications for conducting soil evaluations for on-site sewage management systems. The Act also provides for the regulation of the practice of soil science as well as the necessary board, powers, and duties to regulate such activity.

The Act amends O.C.G.A. Section 31-3-5 and enacts O.C.G.A. Section 12-2-10 and O.C.G.A.

**TITLE 43 (continued)**

Chapter 43-43B.

***Act 943; HB 1112***

This Act makes broad changes to O.C.G.A. Chapter 43-44, relating to licensing speech language pathologists and audiologists.

The Act amends O.C.G.A. Chapter 43-44.

Effective January 1, 2007.

***Act 707; HB 1075***

This Act increases the amount of the bond for used vehicle dealers.

The Act amends O.C.G.A. Section 43-47-8.

Effective January 1, 2007.

***Act 443; HB 999***

This Act authorizes the practice of veterinary technology by veterinary technicians and assistants under certain circumstances. The Act also changes certain provisions relating to the supervision required and prohibited activities of such technicians and assistants while practicing. The Act also redesignates certain O.C.G.A. sections and creates an Article 3A of O.C.G.A. Chapter 43-50.

The Act amends O.C.G.A. Sections 43-50-3, 43-50-44, and 43-50-50 through 43-50-56; redesignates O.C.G.A. Sections 43-50-60 as 43-50-80, 43-50-70 as 43-50-90, and 43-50-71 as 43-50-91; and enacts Article 3A of O.C.G.A. Chapter 43-50.

Effective March 30, 2006.

**TITLE 44  
PROPERTY**

***Act 548; SB 306***

This Act changes provisions relating to the duty of the clerk of superior court to record certain transactions to omit the exception of hospital liens. The Act changes the lien perfection process by an operator of a hospital, nursing home, physician practice, or provider of traumatic burn care medical facility by changing the written notice requirement from 30 to 15 days to patients and other parties known to be liable for damages.

The Act changes the effect of release or covenant not to sue on hospitals and other medical provider liens.

The Act changes the effect on a settlement or release entered into before entry into a hospital, nursing home, or traumatic burn care medical facility.

The Act amends O.C.G.A. Sections 44-2-2, 44-14-471 through 44-14-473, and 44-14-475.

Effective July 1, 2006.

***Act 661; HB 1282***

This Act provides for the filing of a notice of settlement which conveys legal or equitable title

**TITLE 44 (continued)**

to real estate or any interest in real estate that creates any lien. The Act provides for indexing, filing fee, form, effect, and duration of the notice of settlement.

The Act enacts O.C.G.A. Section 44-2-30.

Effective January 1, 2007.

***Act 669; HB 1273***

This Act changes provisions relating to security deposits by providing that a landlord's agent may hold a security deposit in escrow. The Act removes the requirement that the tenant be provided the account number of the escrow account.

The Act provides that a landlord may initiate dispossessory proceedings immediately after refusal by a tenant of a demand of possession.

The Act provides that service by posting the summons to the premises and mailing a copy to the defendant shall be sufficient for entry of a default judgment for possession in the absence of an answer filed.

The Act provides if the judgment of a trial court is against the tenant and the tenant appeals the judgment, the tenant is required to pay into the registry of the court all sums found by the trial court to be due for rent in order to remain in possession of the premises.

The Act amends O.C.G.A. Sections 44-7-31, 44-7-50, 44-7-51, and 44-7-56.

Effective July 1, 2006.

***Act 744; SB 530***

This Act amends provisions relating to liens in favor of mechanics and materialmen by providing that each special lien may attach to the real property of the owner for which the labor, services, or materials are furnished and shall include the value of the work done and material furnished in any easement or public right of way adjoining the real estate if the work done or materials provided are for the benefit of the real estate and within the scope of the owner's contract for the improvements.

The Act amends O.C.G.A. Section 44-14-361.

Effective July 1, 2006.

**TITLE 45  
PUBLIC OFFICERS**

***Veto No. 3; HB 1164***

This Act requires information to be provided to the legislative branch regarding the impact of judicial decrees and settlements on the budgetary and appropriations process and requires each budget unit under O.C.G.A. Section 45-12-78 to identify any funds included in the budget estimate which are necessary in order to comply with a judicial decree or settlement or an anticipated expenditure attributable to a judicial decree or settlement.

The Act enacts O.C.G.A. Section 45-12-96.

***Act 532; HB 941***

This Act authorizes the display of certain historical documents in judicial facilities as part of



**TITLE 45 (continued)**

the foundation of American law and government.

The Act enacts O.C.G.A. Section 45-13-51.

Effective July 1, 2006.

***Act 467; HB 978***

This Act creates the Capitol Art Standards Commission which is assigned to the Office of the Secretary of State for administrative purposes. The commission shall be responsible for developing a process for the selection, placement, installation, and rotation of artwork in the capitol, capitol museum, and on capitol grounds.

The Act enacts O.C.G.A. Sections 45-13-70, 45-13-71, 45-13-72, 45-13-73, and 45-13-74 and repeals O.C.G.A. Section 50-16-5.2.

Effective July 1, 2006.

***Act 506; HB 1372***

This Act authorizes the Board of Community Health to terminate health insurance coverage with the following entities for failure to remit funds for such coverage: a county, the County Officers Association of Georgia, the Georgia Cooperative Services for the Blind, Inc., certain nonprofit sheltered employment centers, the Georgia Development Authority, the Agrirama Development Authority, the Peace Officers' Annuity and Benefit Fund, the Georgia Firefighters' Pension Fund, the Sheriffs' Retirement Fund of Georgia, the Georgia Housing and Finance Authority, the Georgia-Federal State Inspection Service, certain critical access hospitals, and certain federally qualified health centers. The Act also provides for individual members of a local board of education to enroll in state insurance coverage where the local board of education has failed to remit payment for group coverage. The Act also permits a correctional officer disabled due to an injury caused by an inmate and who is five years or less from becoming eligible for medicare medical coverage to qualify for the state health insurance plan. The Act also requires any bill which would impact the state employees' health insurance plan to have a fiscal note. The Act also creates the House Asthma Strategic Planning Study Committee which shall undertake a study of the current prevalence of asthma in Georgia and determine a state-wide strategy for reducing the prevalence of the disease as well as improving the health status of Georgians with asthma.

The Act amends O.C.G.A. Sections 45-18-5, 45-18-5.1, 45-18-5.2, 45-18-7.1, 45-18-7.2, 45-18-7.3, 45-18-7.5, 45-18-7.6, 45-18-7.7, 45-18-10, and 45-18-16 and enacts O.C.G.A. Sections 45-18-20 and 45-18-21.

Effective July 1, 2006.

***Veto No. 15; SB 236***

This Act provides that a spouse or dependent children of a state employee killed while acting in the scope of his or her employment may elect to continue health insurance coverage upon agreeing to pay contributions at the same rate as required for state employees. The Act also clarifies that government entities may receive a fee for the time and expense of administering an optional employee benefit plan in operation on January 1, 1986.

The Act amends O.C.G.A. Sections 45-18-9 and 45-18-54.

**TITLE 45 (continued)**

***Act 913; HB 1126***

This Act provides an exemption from the eight-year service requirement for a correctional officer injured by inmate violence when the officer is five years or less from becoming eligible for medicare, and the officer shall be entitled to continue full medical coverage upon payment of monthly premiums.

The Act amends O.C.G.A. Section 45-18-10.  
Effective May 5, 2006.

***Act 514; HB 1151***

This Act provides that the Board of Trustees of the Employees' Retirement System of Georgia shall be the successor to the Employee Benefit Council for the purpose of administering certain deferred compensation plans provided to state employees.

The Act amends O.C.G.A. Section 45-18-38.  
Effective April 19, 2006.

***Act 732; SB 286***

This Act repeals provisions relating to optional coverage of legislative branch employees under the classified service of the state merit system.

The Act repeals O.C.G.A. Section 45-20-7.  
Effective July 1, 2006.

***Act 753; SB 472***

This Act modifies the state personnel board's employees' suggestion and award program and provides for the meritorious award program and incentive pay for goal based plans.

The Act amends O.C.G.A. Sections 45-21-1, 45-21-2, 45-21-3, 45-21-5, 45-21-7, 45-21-8, and 45-21-9.  
Effective May 3, 2006.

**TITLE 46  
PUBLIC UTILITIES**

***Act 738; SB 209***

This Act changes the time period for issuance of a commission order after a hearing regarding a gas supply plan and adjustment factors filed by a gas utility.

The Act amends O.C.G.A. Section 46-2-26.5.  
Effective July 1, 2006.

***Act 737; SB 210***

This Act provides for superior court filing of certain commission orders. The Act provides for venue, judgment, and effect of the judgment.

The Act amends O.C.G.A. Section 46-2-91.

**TITLE 46 (continued)**

Effective July 1, 2006.

***Act 653; SB 120***

This Act enacts the "Competitive Emerging Communications Technologies Act of 2006." The Act provides for legislative findings and defines the terms "broadband service," VoIP," and "wireless service." The Act provides that the Public Service Commission shall not have any jurisdiction, right, power, authority, or duty to impose any requirement or regulation relating to the setting of rates or terms and conditions for the offering of broadband service, VoIP, or wireless service.

The Act enacts O.C.G.A. Sections 46-5-200 through 46-5-202.  
Effective April 28, 2006.

***Act 700; HB 1290***

This Act enacts the "Georgia Telephone Records Protection Act." The Act provides that the unauthorized sale or use of telephone records of customers is unlawful and constitutes a felony. The Act provides for a penalty and certain exemptions including the actions of law enforcement agencies. The Act defines the terms "procure," "telephone," "telephone record," and "voice service provider."

The Act enacts O.C.G.A. Sections 46-5-200 through 46-5-205.  
Effective May 1, 2006.

***Act 648; SB 455***

This Act enacts the "Telephone Records Privacy Protection Act." The Act defines the terms "end user," "telephone record," and "telephone records broker." The Act provides that it is illegal for a telephone records broker to obtain or release certain customer information, provides for penalties, and provides for exceptions. The Act provides for the Georgia Board of Private Detective and Security Agencies to deny or revoke a license if the applicant has obtained certain customer information.

The Act enacts provisions that no telecommunications company may release certain customer information. The Act outlines annual certification to the Attorney General, exceptions, action in the event of a breach of security, and customer notification; and a violation of such provisions is an unfair or deceptive practice in consumer transactions.

The Act enacts O.C.G.A. Sections 16-11-70 and 46-5-210 through 46-5-214 and amends O.C.G.A. Section 43-38-11.  
Effective April 28, 2006.

***Act 733; SB 285***

This Act removes certain provisions relating to general provisions regarding railroad companies and their powers and relating to construction, improvement, and repair of rail lines, depots, and roads. The Act removes provisions regarding employees engaged in the operation of trains generally and provisions relating to signal whistles and lights on trains. The Act removes provisions regarding the erection of blowposts to warn of crossings and the duty of locomotive engineers to blow the whistle. The Act removes provisions regarding the erection of blowposts within city limits and exercise of due care by locomotive engineers. The Act

**TITLE 46 (continued)**

removes provisions regarding the effect of title on duties or liabilities of railroad companies under other laws. The Act removes provisions regarding to the duty of enginemen and conductors to stop trains at railroad crossings and removes provisions regarding the erection and placement of signboards to warn of drawbridges, grade crossings, and stations at which there is a switch. The Act removes provisions regarding injury to livestock and other property. The Act removes provisions regarding liens against the railroad companies. The Act removes provisions relating to acts or attempts resulting in insolvency or judicial seizure of a company.

The Act amends O.C.G.A. Chapter 46-8.  
Effective July 1, 2006.

**TITLE 47  
RETIREMENT**

***Act 454; SB 466***

This Act corrects typographical, stylistic, and other errors and omissions in Title 47.  
The Act amends O.C.G.A. Title 47.  
Effective April 14, 2006.

***Act 580; HB 644***

This Act provides that members of the Employees' Retirement System of Georgia may obtain creditable service for certain prior temporary full-time service while employed by the legislative branch of government.  
The Act amends O.C.G.A. Section 47-2-96.1.  
Effective July 1, 2006.

***Act 915; HB 1020***

This Act provides that the retirement of members of several public retirement systems shall not become effective prior to the month following the member's final month of employment. The Act provides that the trustees of the Georgia Defined Contribution Plan may establish the minimum amount a departing member must have accumulated in order not to be required to withdraw his or her contributions.  
The Act amends O.C.G.A. Sections 47-2-110, 47-4-101, 47-22-9, 47-23-103, and 47-24-100.  
Effective July 1, 2006.

***Act 519; HB 379***

This Act establishes procedures for providing alternative employment for members of the Employees' Retirement System of Georgia who apply to retire on a disability benefit. The Act provides that such member may not be so retired if appropriate alternate employment is available.  
The Act amends O.C.G.A. Section 47-2-123.  
Effective July 1, 2006.

**TITLE 47 (continued)**

***Act 477; SB 177***

This Act provides that current and future employees of the State Road and Tollway Authority shall be members of the Employees' Retirement System of Georgia. The Act provides for employer contributions.

The Act enacts O.C.G.A. Section 47-2-327.

Effective July 1, 2006.

***Act 729; HB 400***

This Act provides for a postretirement benefit increase for certain retired members of the Teachers Retirement System of Georgia. The amount of such increase is determined by the length of time the member has been retired. The Act authorizes, but does not require, local school systems to provide for postretirement benefit increases for the members of such retirement systems.

The Act enacts O.C.G.A. Section 47-3-126.4.

Effective July 1, 2006.

***Act 460; HB 749***

This Act provides for the merger of the Georgia Class Nine Firefighters' Pension Fund into the Georgia Firefighters' Pension Fund. The Act provides for a transfer of membership and assets.

The Act amends O.C.G.A. Section 47-7-1, 47-7-40, and 47-7-61 and repeals O.C.G.A. Section 47-7-86.

Effective July 1, 2006.

***Act 461; HB 344***

This Act changes the requirements for membership in the Georgia Firefighters' Pension Fund. The Act eliminates certain positions which would qualify persons for membership. The Act makes provisions for current members.

The Act amends O.C.G.A. Sections 47-7-1, 47-7-40, and 47-7-81.

Effective July 1, 2006.

***Act 578; HB 660***

This Act provides for creditable service in the Georgia Firefighters' Pension Fund and the Georgia Class Nine Firefighters' Pension Fund for certain military service. The Act provides for the calculation of creditable service on a monthly basis.

The Act enacts O.C.G.A. Sections 47-7-88, 47-7-89, 47-7A-83, and 47-7A-84.

Effective July 1, 2006.

***Act 521; HB 251***

This Act provides that a member of the Judges of the Probate Courts Retirement Fund of Georgia may designate a person other than his or her spouse as his or her designated survivor. The Act provides that if the member is married at the time of such election, his or her spouse must consent to such designation. The Act provides that a designated survivor must be a person

**TITLE 47 (continued)**

with whom the member has a familial relationship through blood, marriage, or adoption.

The Act amends O.C.G.A. Section 47-11-71.

Effective July 1, 2006.

***Veto No. 2; HB 809***

This Act provides that a retired member of the Superior Court Clerks' Retirement Fund who elected a surviving spouse's option and whose spouse predeceased the member shall receive the full benefit allowable as if he or she had not made such option.

The Act amends O.C.G.A. Section 47-14-70.

Effective July 1, 2006.

***Act 458; HB 101***

This Act provides that any active peace officer who offers proof that he or she was prevented or discouraged from joining the Peace Officers' Annuity and Benefit Fund prior to January 1, 1976, may make application for creditable service for such time. The Act provides that after such applications are received, the board of trustees of the fund shall have an actuary determine the amount necessary to fund such benefits in full. The Act apportions the cost between the state and the members applying for the creditable service. The Act provides that such creditable service shall be granted only at such time as a future General Assembly provides all of the funds necessary to fund concurrently the benefit granted.

The Act enacts O.C.G.A. Section 47-17-71.

Effective July 1, 2006.

***Act 527; SB 244***

This Act creates the Magistrates Retirement Fund. The Act provides that any person serving as a full-time chief magistrate may elect membership in such fund. The Act provides for a board of trustees and for the administration of the fund. The Act provides for an additional fee charged for all civil proceedings in the magistrate courts. The Act provides for member contributions and retirement benefits.

The Act enacts O.C.G.A. Chapter 47-25.

Effective July 1, 2006.

**TITLE 48  
REVENUE AND TAXATION**

***Act 508; HB 1310***

This Act provides for the definition of "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporates certain provisions of federal law into Georgia law. The Act changes provisions relating to confidential information, forms of payment, and extensions of time for certain returns. The Act also changes provisions regarding sales and use tax return allowances.

The Act amends O.C.G.A. Sections 48-1-2, 48-2-15, 48-2-32, 48-2-36, and 48-8-58.

Effective April 19, 2006. The provisions relative to the definition revision shall be applicable

**TITLE 48 (continued)**

to all taxable years beginning on or after January 1, 2006, and provisions of the Internal Revenue Code of 1986 shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal taxation purposes.

***Act 745; SB 525***

This Act changes provisions regarding the issuance of tax executions by tax collectors and tax commissioners.

The Act amends O.C.G.A. Section 48-3-3.

Effective May 3, 2006.

***Act 759; SB 585***

This Act provides for the revision of provisions regarding tax executions and redemption of property and contains procedures, conditions, and limitations in respect to transfers of tax executions. The Act changes procedures for sales under tax levies and executions and payment of excess proceeds from the sale. The Act also provides for additional circumstances under which the real estate transfer tax is not due and payable.

The Act amends O.C.G.A. Sections 9-13-36, 48-4-1, 48-4-5, 48-4-44, and 48-6-2 and enacts O.C.G.A. Section 48-3-19.

Effective July 1, 2006, and applicable to all executions transferred on or after that date.

***Act 701; HB 1293***

This Act amends the provisions relating to bona fide conservation property to provide for additional acts which constitute a breach of a conservation use covenant but incur a reduced penalty.

The Act amends O.C.G.A. Section 48-5-7.4.

Effective July 1, 2006.

***Act 813; HB 1502***

This Act provides for additional powers and duties of the state revenue commissioner with respect to property appraisal and assessment for ad valorem taxation. The Act changes certain provisions relating to bona fide conservation use covenants and to qualifications and appointment of members of county boards of tax assessors. The Act also changes provisions regarding eligibility and terms of office of members of county boards of tax assessors.

The Act amends O.C.G.A. Sections 48-5-7.4, 48-5-290, 48-5-291, and 48-5-295.

Effective May 5, 2006.

***Act 948; HB 81***

This Act provides a homestead exemption for the full value of the homestead with respect to all ad valorem taxes for the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty. The Act provides procedures for obtaining the exemption and for the taxes to which the homestead exemption is applicable. The Act also provides for applicability of the provisions relating to applications for and granting homestead exemptions in cases of property transfer from an administrator or executor with respect to certain base year

**TITLE 48 (continued)**

assessed value homestead exemptions and for referenda.

The Act amends O.C.G.A. Sections 48-5-40 and 48-5-54 and enacts O.C.G.A. Section 48-5-48.3.

Effective May 8, 2006, except as otherwise provided in the Act.

***Act 524; HB 173***

This Act expands the ad valorem tax exemption for veterans organizations to include certain additional nonprofit veterans organizations which refurbish and operate historic military aircraft for educational purposes. The Act provides for a referendum.

The Act amends O.C.G.A. Section 48-5-41.

Effective April 20, 2006, except as otherwise provided in the Act.

***Act 570; HB 848***

This Act provides an ad valorem tax exemption for certain charitable institutions and provides a homestead exemption to certain residents who are senior citizens with respect to state ad valorem taxes. The Act provides for qualifications, procedures for obtaining such exemption, and referenda.

The Act amends O.C.G.A. Section 48-5-41 and enacts O.C.G.A. Section 48-5-48.3.

Effective April 25, 2006, except as otherwise provided in the Act.

***Act 582; HB 560***

This Act changes certain provisions regarding the circumstances under which county boards of tax assessors can change the valuation of real property established on appeal.

The Act amends O.C.G.A. Section 48-5-299.

Effective July 1, 2006.

***Act 757; SB 597***

This Act changes provisions regarding recovery of certain appeal costs after a tax appeal by a taxpayer.

The Act amends O.C.G.A. 48-5-311.

Effective May 3, 2006, and applicable to all tax appeals filed with the county boards of tax assessors on or after that date.

***Act 922; HB 1236***

This Act provides for the registration of certain motor vehicles in the county where such vehicles are functionally located. The Act provides a definition of the term "functionally located."

The Act amends O.C.G.A. Section 48-5-444.

Effective July 1, 2006.

***Act 694; HB 1249***

This Act provides that watercraft held for resale shall be exempt from ad valorem taxation for



**TITLE 48 (continued)**

a limited period of time.

The Act enacts O.C.G.A. Section 48-5-504.40.

Effective January 1, 2007.

***Act 619; HB 1160***

This Act changes certain provisions relating to computation of taxable net income to provide for additional adjustments with respect to Subchapter "S" corporations, partnerships, or limited liability companies. The Act provides for procedures, conditions, and limitations.

The Act amends O.C.G.A. 48-7-27.

Effective April 28, 2006, and applicable to all taxable years beginning on or after January 1, 2006.

***Act 526; HB 194***

This Act provides for income tax credits with respect to teleworking for a limited period of time. The Act provides for the powers, duties, and authority of the state revenue commissioner and changes the provisions regarding calculation of the entertainment industry income tax credit in the event a tier designation is changed.

The Act enacts O.C.G.A. Section 48-7-29.10 and amends O.C.G.A. Section 48-7-40.26.

Effective July 1, 2006, except for the enactment of O.C.G.A. Section 48-7-29.10, which is effective July 1, 2007.

***Act 448; HB 1080***

This Act provides for an income tax credit with respect to qualified child and dependent care expenses. The Act provides for powers, duties, and authority of the state revenue commissioner with respect to the foregoing.

The Act enacts O.C.G.A. Section 48-7-29.10.

Effective April 6, 2006, and applicable to all taxable years beginning on or after January 1, 2006.

***Act 554; HB 1107***

This Act provides for income tax credits with respect to qualified donations of real property for conservation purposes. The Act provides for conditions, limitations, and exclusions, and for the authority of the state revenue commissioner and the Department of Natural Resources.

The Act enacts O.C.G.A. Section 48-7-29.10.

Effective April 21, 2006, and applicable to all taxable years beginning on or after January 1, 2006.

***Act 517; HB 1042***

This Act changes certain provisions relating to annual accounting periods to provide for treatment of 52-53 week taxable years. The Act provides for powers, duties, and authority of the state revenue commissioner with respect to the foregoing.

The Act amends O.C.G.A. Section 48-7-33.

Effective April 19, 2006, and applicable to all taxable years beginning on or after January 1,

**TITLE 48 (continued)**

2006, and to all taxable years which pursuant to Section 1 of the Act would be considered as beginning on January 1, 2006.

***Act 447; HB 111***

This Act changes the definition of the term "dealer" for purposes of sales and use taxation. The Act changes certain provisions regarding payment of sales and use tax by contractors furnishing tangible personal property and services and provides for the powers, duties, and authority of the state revenue commissioner.

The Act amends O.C.G.A. Sections 48-8-2 and 48-8-63.

Effective July 1, 2006.

***Act 574; HB 834***

This Act provides for an exemption from state sales and use tax for a limited period of time with respect to the sale or use of liquefied petroleum gas or other fuel used for certain swine raising purposes.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2006.

***Act 629; HB 841***

This Act provides for an exemption from state sales and use tax for a limited period of time with respect to certain sales to qualified job training organizations. The Act contains conditions and limitations.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2006.

***Act 518; HB 1014***

This Act extends the automatic repeal date for an exemption from sales and use tax for overhead materials of a government contractor.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2006.

***Act 533; HB 1018***

This Act provides for an exemption from sales and use tax with respect to sale or use of biomass material utilized in the production of electrical power or the coproduction or cogeneration of electrical and steam power which is subsequently sold.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2006.

***Act 620; HB 1121***

This Act provides for an exemption from sales and use tax for a limited period of time with respect to sales of certain tangible personal property used in direct connection with the construction of a national infantry museum and heritage park facility. The Act provides for

**TITLE 48 (continued)**

procedures, conditions, and limitations.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2006.

***Veto No. 5; HB 1182***

This Act provides for an exemption from sales and use tax for a limited period of time with respect to certain eligible hall of fame attractions. The Act provides for procedures and for the powers and duties of the state revenue commissioner.

The Act amends O.C.G.A. Section 48-8-3.

***Act 618; HB 1219***

This Act provides for an exemption from sales and use tax for a limited period of time with respect to sales of certain school supplies, clothing, footwear, computers, and computer related accessories and with respect to certain sales of energy efficient products.

The Act amends O.C.G.A. Section 48-8-3.

Effective April 28, 2006.

***Veto No. 7; HB 1272***

This Act provides for an exemption from sales and use tax for a limited period of time with respect to sales to nonprofit volunteer health clinics.

The Act amends O.C.G.A. Section 48-8-3.

***Act 595; HB 1301***

This Act provides for an exemption from sales and use tax for a limited period of time with respect to sales of eligible food and beverages to a qualified food bank. The Act provides for procedures and for the powers and duties of the state revenue commissioner.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2006.

***Act 503; HB 1506***

This Act provides for increased criminal penalties for violations of the general provisions relating to the state sales and use tax. The Act increases the penalties for filing false or fraudulent returns and for failure to furnish certain returns or records.

The Act amends O.C.G.A. Sections 48-8-7, 48-8-8, 48-8-9, and 48-8-10.

Effective July 1, 2006, and applicable to offenses committed on or after that date.

***Act 431; HB 970***

This Act provides for a partial exemption for a limited period of time with respect to state sales and use taxes applicable to the liquid propane gas commodity sold and delivered primarily for residential heating purposes and to charges billed for the natural gas commodity billed for residential use. The Act also ratifies an executive order of the Governor suspending the collection of such taxes.

**TITLE 48 (continued)**

The Act enacts O.C.G.A. Section 48-8-15.  
Effective January 25, 2006.

***Act 594; HB 1040***

This Act defines the total raw material cost of carpet samples for certain fair market valuation purposes.

The Act amends O.C.G.A. Section 48-8-39.  
Effective April 27, 2006.

***Act 622; HB 1120***

This Act changes provisions relating to the threshold amount of a dealers' estimated tax liability.

The Act amends O.C.G.A. Section 48-8-49.  
Effective July 1, 2006.

***Act 885; HB 1403***

This Act amends provisions relating to distribution of local option sales tax proceeds after certification of additional qualified municipalities in order to change provisions relating to newly qualified municipalities chartered by local Act. The Act makes provisions for newly expanded qualified municipalities which have expanded through annexation and provides for distribution certificates and distribution formulas.

The Act amends O.C.G.A. Section 48-8-89.1.  
Effective May 5, 2006.

***Act 617; HB 1244***

This Act changes certain provisions relating to the levy of the motor fuel tax to update provisions regarding exemptions of sales by duly licensed bulk distributors with respect to public mass transit buses and to provide an additional exemption for a limited period of time with respect to certain vehicles operated by a public campus transportation system.

The Act amends O.C.G.A. Section 48-9-3.  
Effective July 1, 2006.

***Act 641; HB 304***

This Act prohibits local governments from regulating the sale of certain lawful products or services and provides for exceptions. The Act changes the provisions relating to the imposition and determination of the amount of regulatory fees by local governments and provides for the timing of payment of regulatory fees.

The Act amends O.C.G.A. Sections 48-13-9 and 48-13-20 and enacts O.C.G.A. Section 36-60-24.

Effective July 1, 2006.

**TITLE 48 (continued)**

***Act 693; HB 1030***

This Act changes certain provisions regarding the levy and collection of the excise tax on rooms, lodging, and accommodations and provides authorization with certain conditions for counties and municipalities to levy the tax.

The Act amends O.C.G.A. Section 48-13-51.

Effective May 1, 2006.

**TITLE 49  
SOCIAL SERVICES**

***Act 760; SB 572***

This Act requires legislative notification where any representative of the state submits a request to the United States Department of Health and Human Services Centers for Medicare and Medicaid Services for certain waivers pursuant to Section 1115 of the federal Social Security Act. The Act also changes definitions relating to unlawful acts regarding Medicaid. The Act also modifies provisions relating to claims by the Department of Community Health against the estate of a Medicaid recipient so as to provide for certain limitations on such claims. The Act also changes certain procedural requirements relating to administrative hearings and appeals of contested cases for the denial of medical assistance by the Department of Community Health.

The Act amends O.C.G.A. Sections 49-4-146.1, 49-4-147.1, and 49-4-153 and enacts O.C.G.A. Section 49-4-142.1.

Effective May 3, 2006.

***Act 505; HB 1451***

This Act changes the definition of "Asset disregard" as this term relates to Medicaid benefits so as to provide for the disregard of assets equal to insurance benefit payments under a qualified long-term care insurance partnership policy. The Act also changes the definition of Georgia Long-term Care Partnership Program to mean a program which meets the model regulations and requirements of the National Association of Insurance Commissioners' long-term care insurance model regulation and long-term care insurance model act and renames the program the Georgia Qualified Long-term Care Partnership Program. The Act also requires that a person who sells a qualified long-term care insurance partnership policy receive specified training.

The Act amends O.C.G.A. Sections 49-4-161 through 49-4-166.

Effective April 19, 2006.

**TITLE 50  
STATE GOVERNMENT**

***Act 949; HB 1026***

This Act amends the 2005-2006 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2005-2006.

**TITLE 50 (continued)**

Effective May 8, 2006.

***Act 950; HB 1027***

This Act, the "General Appropriations Act," provides for the operation of state government for State Fiscal Year 2006-2007.

Effective May 8, 2006.

***Act 511; HB 1246***

This Act provides that the Secretary of State shall provide a state flag to honor any deceased elected state official.

The Act enacts O.C.G.A. Section 50-3-12.

Effective July 1, 2006.

***Act 651; SB 381***

This Act provides that the Secretary of State shall provide a state flag to honor any deceased qualifying Georgia public safety officer who is killed in the line of duty or who has served at least five years in such position.

The Act enacts O.C.G.A. Section 50-3-12.

Effective April 28, 2006.

***Act 586; HB 343***

This Act designates Valdosta State University's Peach State Summer Theatre as Georgia's Official Musical Theatre.

The Act amends O.C.G.A. Section 50-3-69.

Effective July 1, 2006.

***Act 815; SB 484***

This Act declares the City of Colquitt as Georgia's First Mural City.

The Act enacts O.C.G.A. Section 50-3-82.

Effective May 5, 2006.

***Act 552; SB 592***

This Act authorizes the Department of Administrative Services to sell for a fixed price surplus property which was originally purchased for \$5,000.00 or less. The Act authorizes the department to dispose of surplus property whose maintenance is greater than its value. The Act prohibits any employee of the department or a member of his or her family from purchasing surplus property sold for a fixed price or for a negotiated price. The Act authorizes the department to transfer surplus property to a charitable institution for a negotiated price.

The Act amends O.C.G.A. Sections 50-5-141, 50-5-142, 50-5-144, and 50-5-146.

Effective April 21, 2006.

**TITLE 50 (continued)**

***Act 455; SB 445***

This Act changes the administrative assignment of the Civil War Commission from the Department of Natural Resources to the Department of Economic Development. The Act codifies certain provisions relating to such commission.

The Act amends O.C.G.A. Chapter 50-7.

Effective July 1, 2006.

***Act 728; HB 1162***

This Act provides that the Department of Community Affairs shall investigate and refer for prosecution cases involving fraud and abuse in the federal Section 8 Housing Choice Voucher Program. The Act authorizes the department to settle cases which are not criminal in nature or in which a prosecutor has declined to prosecute. The Act provides for pretrial diversion in certain circumstances.

The Act enacts O.C.G.A. Section 50-8-3.1.

Effective May 3, 2006.

***Act 697; HB 1211***

This Act designates the Southern Appalachian brook trout as the official state cold water game fish. The Act designates the red drum as the official Georgia salt-water fish.

The Act enacts O.C.G.A. Sections 50-2-82 and 50-3-83.

Effective July 1, 2006.

***Act 628; HB 955***

This Act exempts from public disclosure requirements records of the Metropolitan Atlanta Rapid Transit Authority relating to the personal information of persons who purchase cards under the TransCard or SmartCard fare payment system.

The Act amends O.C.G.A. Section 50-18-72.

Effective April 28, 2006.

***Act 2EX; SB 1EX***

This Act changed the rate of mileage reimbursement to state officers and employees traveling on state business in their personal motor vehicles.

The Act amended O.C.G.A. Section 50-19-7.

Effective September 10, 2005.

***Act 472; HB 1307***

This Act provides that the Georgia Technology Authority shall publish the *Georgia Register* electronically.

The Act amends O.C.G.A. Section 50-25-6.

Effective April 18, 2006.

**TITLE 50 (continued)**

***Act 535; HB 1319***

This Act changes provisions relating to the authority of the Georgia Environmental Facilities Authority to make loans to a local government and the repayment of such loans. The Act changes provisions relating to lease agreements between the state or such authority and local governments. The Act provides that such authority shall not enter into a contract with a local government or the Department of Natural Resources unless such agreement has been approved by the Georgia Land Conservation Council.

The Act amends O.C.G.A. Sections 50-23-4, 50-23-5, 50-23-6, 50-23-7, and 50-23-9 and repeals O.C.G.A. Sections 50-23-33 and 50-23-34.

Effective July 1, 2006.

***Act 818; SB 419***

This Act provides a method for recovering delinquent child support payments as a setoff against lottery winnings.

The Act amends O.C.G.A. Section 50-27-55.

Effective July 1, 2006.

***Act 457; SB 529***

This Act provides for the comprehensive regulation of persons in this state who are not lawfully present in the United States. The Act provides for duties and authority of the Department of Labor relative to such purpose. The Act proscribes certain related activities. The Act provides criminal and civil penalties for related proscribed activities.

The Act enacts O.C.G.A. Sections 13-10-90, 13-10-91, 16-5-46, 35-2-14, 42-4-14, Chapter 43-20A, 48-7-21.1, and Chapter 50-36.

Effective July 1, 2007.

**TITLE 52  
WATERS**

***Act 456; HB 1490***

This Act changes provisions relating to lakes upon which it is unlawful to operate a privately owned boat. The Act includes vessels within the applicability of criminal sanctions for the use of an article with an altered identification mark. The Act exempts certain homemade vessels from vessel numbering requirements. The Act provides for the seizure of vessels with missing or altered identification numbers.

The Act amends O.C.G.A. Sections 12-3-10, 16-9-70, 52-7-3, 52-7-6, and 52-7-13 and enacts O.C.G.A. Sections 52-7-7.1, 52-7-7.2, 52-7-7.3, 52-7-7.4, 52-7-7.5, and 52-7-7.6.

Effective April 14, 2006.



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