

TITLE 1 -- GENERAL PROVISIONS

HB 95 ..... 1  
SB 168 ..... 1

TITLE 2 -- AGRICULTURE

SB 87 ..... 1  
SB 88 ..... 1  
SB 254 ..... 2

TITLE 3 -- ALCOHOLIC BEVERAGES

HB 501 ..... 2  
HB 558 ..... 2

TITLE 4 -- ANIMALS

HB 452 ..... 2

TITLE 5 -- APPEAL AND ERROR

HB 170 ..... 3  
HB 221 ..... 3

TITLE 7 -- BANKING AND FINANCE

SB 82 ..... 3  
SB 55 ..... 4  
HB 221 ..... 4

TITLE 8 -- BUILDINGS AND HOUSING

HB 501 ..... 4  
SB 49 ..... 5  
HB 307 ..... 5  
SB 254 ..... 5

TITLE 9 -- CIVIL PRACTICE

SB 3 ..... 6  
HB 172 ..... 6  
SB 19 ..... 6

TITLE 10 -- COMMERCE AND TRADE

HB 501 ..... 7  
SB 49 ..... 7  
SB 13 ..... 7  
SB 287 ..... 7  
SB 155 ..... 7  
SB 230 ..... 8  
SB 290 ..... 8  
HB 293 ..... 8

TITLE 12 -- CONSERVATION AND NATURAL RESOURCES

SB 49 ..... 9  
SB 190 ..... 9  
HB 293 ..... 9  
SB 283 ..... 9  
SB 125 ..... 10  
HB 496 ..... 10  
SB 122 ..... 10  
HB 54 ..... 10  
SB 277 ..... 10

TITLE 15 -- COURTS

HB 501 ..... 11  
SB 49 ..... 11

HB 254	11
HB 97	11
SB 254	12
SB 226	12
HB 406	12
HB 170	13
HB 378	13
HB 212	13
HB 334	13
SB 134	13
SB 97	14
HB 195	14
HB 197	14
SB 258	14
HB 521	14
HB 293	15

TITLE 16 -- CRIMES AND OFFENSES

HB 501	15
HB 10	15
HB 188	16
HB 236	16
SB 100	16
SB 62	16
SB 127	17
HB 470	17
SB 269	17
SB 175	18
SB 90	18
SB 55	18
SB 141	19
SB 106	19
SB 129	19
HB 197	19
SB 89	20
HB 216	20

TITLE 17 -- CRIMINAL PROCEDURE

HB 501	20
HB 170	20
HB 172	21
HB 366	21
SB 254	21
HB 222	21

TITLE 19 -- DOMESTIC RELATIONS

HB 501	22
HB 378	22
HB 221	22
SB 53	23
SB 52	23
HB 470	23
HB 293	23

TITLE 20 -- EDUCATION

HB 501	24
SB 49	24
SB 254	24
SB 98	25
SB 33	25
SB 35	25

SB 34 .....	<a href="#">26</a>
HB 678 .....	<a href="#">27</a>
SB 272 .....	<a href="#">27</a>
HB 372 .....	<a href="#">27</a>
HB 27 .....	<a href="#">28</a>
HB 26 .....	<a href="#">28</a>
SB 284 .....	<a href="#">28</a>
HB 293 .....	<a href="#">28</a>
HB 25 .....	<a href="#">29</a>
HB 553 .....	<a href="#">29</a>
HB 298 .....	<a href="#">29</a>
SB 43 .....	<a href="#">30</a>
HB 272 .....	<a href="#">30</a>
<u><a href="#">TITLE 21 -- ELECTIONS</a></u>	
HB 501 .....	<a href="#">30</a>
HB 499 .....	<a href="#">31</a>
HB 199 .....	<a href="#">31</a>
HB 244 .....	<a href="#">31</a>
HB 48 .....	<a href="#">31</a>
<u><a href="#">TITLE 24 -- EVIDENCE</a></u>	
HB 501 .....	<a href="#">31</a>
SB 3 .....	<a href="#">32</a>
HB 170 .....	<a href="#">32</a>
<u><a href="#">TITLE 25 -- FIRE PROTECTION AND SAFETY</a></u>	
SB 49 .....	<a href="#">33</a>
SB 146 .....	<a href="#">33</a>
SB 308 .....	<a href="#">33</a>
SB 274 .....	<a href="#">33</a>
SB 133 .....	<a href="#">34</a>
<u><a href="#">TITLE 26 -- FOOD, DRUGS, AND COSMETICS</a></u>	
HB 196 .....	<a href="#">34</a>
SB 254 .....	<a href="#">34</a>
SB 258 .....	<a href="#">35</a>
<u><a href="#">TITLE 27 -- GAME AND FISH</a></u>	
HB 501 .....	<a href="#">35</a>
SB 206 .....	<a href="#">35</a>
SB 258 .....	<a href="#">35</a>
HB 662 .....	<a href="#">36</a>
HB 292 .....	<a href="#">36</a>
HB 301 .....	<a href="#">36</a>
SB 119 .....	<a href="#">36</a>
<u><a href="#">TITLE 28 -- GENERAL ASSEMBLY</a></u>	
SB 49 .....	<a href="#">36</a>
HB 293 .....	<a href="#">37</a>
SB 254 .....	<a href="#">37</a>
HB 264 .....	<a href="#">37</a>
<u><a href="#">TITLE 29 -- GUARDIAN AND WARD</a></u>	
HB 394 .....	<a href="#">38</a>
<u><a href="#">TITLE 30 -- HANDICAPPED PERSONS</a></u>	
HB 394 .....	<a href="#">38</a>
<u><a href="#">TITLE 31 -- HEALTH</a></u>	
SB 49 .....	<a href="#">38</a>

SB 81 .....	<a href="#">39</a>
HB 309 .....	<a href="#">39</a>
HB 390 .....	<a href="#">39</a>
HB 394 .....	<a href="#">39</a>
HB 392 .....	<a href="#">40</a>
HB 166 .....	<a href="#">40</a>
HB 197 .....	<a href="#">40</a>
HB 470 .....	<a href="#">41</a>
SB 90 .....	<a href="#">42</a>
SB 56 .....	<a href="#">42</a>
SB 51 .....	<a href="#">42</a>
SB 204 .....	<a href="#">42</a>
SB 48 .....	<a href="#">43</a>

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

HB 501 .....	<a href="#">43</a>
SB 160 .....	<a href="#">43</a>
HB 312 .....	<a href="#">43</a>
SB 270 .....	<a href="#">44</a>
HB 530 .....	<a href="#">44</a>
SB 107 .....	<a href="#">44</a>
SB 4 .....	<a href="#">44</a>
HB 279 .....	<a href="#">44</a>
HB 273 .....	<a href="#">45</a>

**TITLE 33 -- INSURANCE**

HB 501 .....	<a href="#">45</a>
SB 3 .....	<a href="#">45</a>
SB 49 .....	<a href="#">46</a>
HB 407 .....	<a href="#">46</a>
HB 291 .....	<a href="#">46</a>
HB 428 .....	<a href="#">47</a>
HB 470 .....	<a href="#">47</a>
HB 327 .....	<a href="#">47</a>
SB 225 .....	<a href="#">48</a>
SB 140 .....	<a href="#">48</a>
HB 418 .....	<a href="#">48</a>
SB 81 .....	<a href="#">48</a>
HB 320 .....	<a href="#">49</a>
SB 166 .....	<a href="#">49</a>
SB 167 .....	<a href="#">49</a>
SB 174 .....	<a href="#">49</a>
SB 217 .....	<a href="#">49</a>

**TITLE 34 -- LABOR**

HB 293 .....	<a href="#">50</a>
HB 59 .....	<a href="#">50</a>
HB 520 .....	<a href="#">50</a>
SB 158 .....	<a href="#">50</a>
HB 404 .....	<a href="#">51</a>
HB 327 .....	<a href="#">51</a>
HB 200 .....	<a href="#">51</a>

**TITLE 35 -- LAW ENFORCEMENT**

HB 501 .....	<a href="#">52</a>
SB 254 .....	<a href="#">52</a>
SB 146 .....	<a href="#">52</a>
SB 175 .....	<a href="#">52</a>
SB 6 .....	<a href="#">53</a>
HB 50 .....	<a href="#">53</a>
HB 347 .....	<a href="#">53</a>

TITLE 36 -- LOCAL GOVERNMENT

HB 557	<a href="#">53</a>
HB 98	<a href="#">53</a>
HB 36	<a href="#">54</a>
HB 470	<a href="#">54</a>
HB 48	<a href="#">55</a>
HB 570	<a href="#">55</a>
SB 227	<a href="#">55</a>
HB 186	<a href="#">55</a>
HB 116	<a href="#">55</a>

TITLE 37 -- MENTAL HEALTH

SB 49	<a href="#">56</a>
-------	--------------------

TITLE 38 -- MILITARY, EMERGENCY MANAGEMENT, AND  
VETERANS AFFAIRS

SB 49	<a href="#">56</a>
SB 258	<a href="#">56</a>
HB 470	<a href="#">57</a>
HB 438	<a href="#">57</a>
HB 440	<a href="#">57</a>

TITLE 40 -- MOTOR VEHICLES AND TRAFFIC

HB 501	<a href="#">58</a>
SB 93	<a href="#">58</a>
HB 455	<a href="#">58</a>
HB 367	<a href="#">58</a>
SB 117	<a href="#">59</a>
SB 168	<a href="#">59</a>
SB 255	<a href="#">59</a>
SB 257	<a href="#">59</a>
HB 364	<a href="#">59</a>
HB 151	<a href="#">60</a>
HB 577	<a href="#">60</a>
SB 35	<a href="#">60</a>
SB 226	<a href="#">61</a>
SB 273	<a href="#">61</a>
HB 613	<a href="#">61</a>
SB 258	<a href="#">61</a>
HB 273	<a href="#">62</a>
SB 267	<a href="#">62</a>
HB 20	<a href="#">62</a>
SB 178	<a href="#">62</a>
SB 254	<a href="#">62</a>
HB 458	<a href="#">63</a>

TITLE 42 -- PENAL INSTITUTIONS

HB 501	<a href="#">63</a>
HB 58	<a href="#">63</a>
HB 106	<a href="#">64</a>
HB 289	<a href="#">64</a>

TITLE 43 -- PROFESSIONS AND BUSINESSES

HB 501	<a href="#">64</a>
SB 3	<a href="#">64</a>
SB 254	<a href="#">65</a>
HB 166	<a href="#">65</a>
SB 258	<a href="#">66</a>
SB 55	<a href="#">66</a>
SB 224	<a href="#">66</a>

HB 217	66
HB 266	67
HB 442	67
HB 367	67
HB 207	67
HB 444	68
HB 353	68
SB 110	68
HB 608	68
SB 173	69
HB 17	69
SB 68	69
SB 124	70
HB 455	70

TITLE 44 -- PROPERTY

HB 501	70
HB 309	71
SB 258	71
HB 431	71
HB 201	71

TITLE 45 -- PUBLIC OFFICERS

HB 501	72
SB 49	72
HB 665	72
SB 254	72
SB 146	73
HB 293	73
HB 183	73
HB 240	73
HB 48	74
HB 509	74
HB 312	74
SB 284	74
HB 275	75

TITLE 46 -- PUBLIC UTILITIES AND PUBLIC TRANSPORTATION

HB 501	75
SB 258	75
SB 46	76
HB 669	76
HB 470	76
HB 622	77

TITLE 47 -- RETIREMENT

HB 460	77
HB 178	77
SB 49	77
HB 293	77
SB 161	78
HB 381	78
HB 459	78
HB 373	78
HB 495	78
HB 355	79
HB 319	79
HB 492	79

TITLE 48 -- REVENUE AND TAXATION

HB 501	79
--------	----

SB 49	79
HB 488	80
HB 116	80
HB 293	81
HB 1	81
HB 203	81
HB 556	81
HB 211	81
HB 538	82
HB 282	82
HB 263	82
HB 191	82
HB 389	82
HB 539	83
HB 172	83
HB 22	83
HB 5	83
HB 341	83
HB 487	84
HB 559	84
HB 306	84
HB 36	84
HB 384	84
HB 374	84
HB 505	85

TITLE 49 -- SOCIAL SERVICES

SB 49	85
HB 180	85
HB 309	85
SB 140	86
HB 643	86
SB 254	86

TITLE 50 -- STATE GOVERNMENT

HB 84	86
HB 85	87
HB 501	87
SB 49	87
HB 67	87
HB 420	87
SB 41	88
SB 144	88
HB 312	88
HB 293	88
SB 125	88
HB 98	89
SB 190	89
SB 227	89
HB 470	89
SB 158	90
SB 254	90
SB 121	91
HB 437	91
HB 340	91
HB 166	91
HB 155	92
HB 281	92

TITLE 51 -- TORTS

SB 139	92
--------	----

HB 416 .....	<a href="#">92</a>
SB 3 .....	<a href="#">92</a>

TITLE 52 -- WATERS OF THE STATE

HB 501 .....	<a href="#">93</a>
--------------	--------------------

TITLE 53 -- WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES

HB 406 .....	<a href="#">93</a>
--------------	--------------------



2005 SUMMARY OF GENERAL STATUTES ENACTED

TITLE 1 -- GENERAL PROVISIONS

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

HB 95

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

Effective April 7, 2005, except that certain provisions become effective at later dates.

SB 168

This Act designates an annual Bill Elliott Day in Georgia and refines the method for administrative issuance of special license plates. The Act allows surviving spouses of Medal of Honor winners to retain the special license plates and provides a motorcycle license plate for Purple Heart recipients. The Act also creates license plates honoring police officers wounded in the line of duty, commemorating the Benevolent and Protective Order of the Elks, honoring emergency medical services personnel, promoting historic preservation efforts, identifying licensed Georgia physicians, bearing the NASCAR logo, promoting "Share the Road" messages for motorists and bicyclists, and supporting the Governor's Highway Safety Program.

The Act amends O.C.G.A. Sections 40-2-60.1, 40-2-68, 40-2-74, and 40-2-84 and enacts O.C.G.A. Sections 1-4-15, 40-2-74.1, and 40-2-86.10 through 40-2-86.15.

Effective January 1, 2006.

TITLE 2 -- AGRICULTURE

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

SB 87

This Act preempts certain local ordinances relating to seeds and provides certain exemptions.

The Act amends O.C.G.A. Section 2-11-35.

Effective July 1, 2005.

SB 88

This Act preempts certain local ordinances relating to fertilizer and provides certain exemptions.

The Act amends O.C.G.A. Section 2-12-22.

Effective July 1, 2005.

SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

TITLE 3 -- ALCOHOLIC BEVERAGES

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

HB 558

This Act repeals an obsolete provision regarding reusing, counterfeiting, or forging of tax stamps.

The Act amends O.C.G.A. Section 3-3-28.

Effective July 1, 2005.

TITLE 4 -- ANIMALS

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

HB 452

This Act provides for donations to the Dog and Cat Sterilization Fund through voluntary contributions on the state income tax return.

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

Effective July 1, 2005.

#### TITLE 5 -- APPEAL AND ERROR

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 170

This Act, the "Criminal Justice Act of 2005," changes and equalizes the number of peremptory strikes the state and defendant have in misdemeanor, felony, and death penalty trials. The Act allows the state to always have the final concluding argument except in death penalty cases; and if a defendant elects to have discovery apply in criminal cases, discovery also applies to sentencing hearings in all except for death penalty cases. The Act changes the rape shield doctrine by adding other offenses to which the doctrine shall apply. The Act allows a testifying defendant to be impeached like any other witness with certain limitations on character evidence. The Act also allows direct appeal by the state and defendant on motions to recuse.

The Act amends O.C.G.A. Sections 5-6-34, 5-7-1, 15-12-125, 15-12-160, 15-12-164, 15-12-165, 15-12-169, 17-8-4, 17-8-71, 17-10-2, 17-16-2, 17-16-4, 24-2-3, 24-9-20, 24-9-81, and 24-9-84 and enacts O.C.G.A. Section 24-9-84.1.

Effective July 1, 2005, and applicable to all trials which commence on or after July 1, 2005.

#### HB 221

This Act changes provisions relating to the calculation of child support and provides for direct appeal in certain domestic relations cases. The Act also changes the amount of interest chargeable on arrearages in child support and provides new guidelines for determining the amount of child support to be paid. In addition, the Act creates the Georgia Child Support Commission and provides 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, 19-6-19, 19-6-20, 19-6-21, 19-6-22, 19-6-24, and 19-7-2.

The Act enacts O.C.G.A. Sections 19-6-50 through 19-6-53.

Effective July 1, 2006, except for the provisions relating to the Georgia Child Support Commission, which shall become effective on April 22, 2005.

#### TITLE 7 -- BANKING AND FINANCE

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 82

This Act supplements definitions relating to financial institutions and defines parameters for meeting notices. The Act prohibits certain persons from participating in financial institutions and enumerates the Department of Banking and Finance's powers as a receiver. The Act also allows Georgia and federal courts access to financial information and lengthens the time for closure of stock transfer books. The Act establishes protections for shareholders during bank conversions, mergers, and consolidations and enumerates the filings required to form a credit union. In addition, the Act provides for conversions of credit unions, updates the powers of central credit unions, and authorizes third-party payment services.

The Act amends O.C.G.A. Sections 7-1-4, 7-1-6, 7-1-35, 7-1-61, 7-1-71, 7-1-151, 7-1-288, 7-1-360, 7-1-433, 7-1-550, 7-1-630, 7-1-631, 7-1-632, 7-1-634, 7-1-635, 7-1-635.1, 7-1-650, 7-1-653, 7-1-656, 7-1-660, 7-1-663, 7-1-665, 7-1-667, 7-1-668, 7-1-669, 7-1-670, 7-1-680, 7-1-683, 7-1-1000, 7-1-1003, 7-1-1003.2, 7-1-1004, 7-1-1005, 7-1-1006, 7-1-1013, 7-1-1017, and 7-1-1018.

Effective May 5, 2005.

#### SB 55

This Act changes the composition of the state board of accountancy and eliminates the designation of registered public accountant, transforming registered public accountants in good standing into certified public accountants and deleting references to and provisions relating to registered public accountants. The Act deletes references to public accountants.

The Act amends O.C.G.A. Sections 43-3-3, 43-3-13, 43-3-14, 43-3-16, 43-3-18, 43-3-19, 43-3-21, 43-3-24, 43-3-25, 43-3-28, 43-3-35, 43-40-29, 7-1-1000, 16-12-22.1, and 16-12-59.

Effective July 1, 2005.

#### HB 221

This Act changes provisions relating to the calculation of child support and provides for direct appeal in certain domestic relations cases. The Act also changes the amount of interest chargeable on arrearages in child support and provides new guidelines for determining the amount of child support to be paid. In addition, the Act creates the Georgia Child Support Commission and provides 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, 19-6-19, 19-6-20, 19-6-21, 19-6-22, 19-6-24, and 19-7-2.

The Act enacts O.C.G.A. Sections 19-6-50 through 19-6-53.

Effective July 1, 2006, except for the provisions relating to the Georgia Child Support Commission, which shall become effective on April 22, 2005.

#### TITLE 8 -- BUILDINGS AND HOUSING

#### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 307

This Act provides that a contractor's performance of repairs or payment of money to a claimant pursuant to an accepted offer for settlement in relation to a construction defect claim does not create insurance coverage or affect the parties' rights and obligations under a contractor's liability insurance policy.

The Act amends O.C.G.A. Section 8-2-40.

Effective July 1, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### TITLE 9 -- CIVIL PRACTICE

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**SB 3**

This Act provides for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular. The Act also provides for legislative findings, venue in actions with joint defendants, and courts declining to follow the doctrine of forum non conveniens in certain cases. The Act changes provisions relating to affidavits accompanying charges of professional malpractice and provides defendants access to plaintiff's health information in medical malpractice cases. The Act provides new procedures for damages for frivolous claims and defenses and establishes that certain apologies or similar statements by health care providers shall not be admitted as evidence in civil actions. The Act also changes provisions regarding expert opinions in certain malpractice civil actions and regarding establishment of liability and standard of care in certain actions relating to emergency health care. The Act changes provisions relating to apportionment of award according to degree of fault and relating to agency liability of hospitals. The Act also limits noneconomic damages in certain actions relating to health care.

The Act amends O.C.G.A. Titles 9, 24, 33, 43, and 51.

Effective February 16, 2005, except as specifically detailed in the Act.

**HB 172**

This Act, the "Crime Victims Restitution Act of 2005," substantially revises procedures relating to restitution and allows civil collection of fines and restitution. The Act tolls the statute of limitations for certain crime victims and changes how and when victim impact forms are completed and provided to the defendant. The Act allows juvenile courts to order restitution against a parent under certain circumstances, outlines how restitution should be paid, changes some of the considerations for determining the amount of restitution, and provides how a restitution order is enforceable as a civil judgment. The Act also allows restitution when a defendant is sentenced to imprisonment.

The Act enacts O.C.G.A. Sections 9-3-99, 17-10-20, 17-14-18, and 17-14-19 and amends O.C.G.A. Sections 17-10-1.1, 17-14-1 through 17-14-17, 17-15-5, and 48-7-161.

Effective July 1, 2005.

**SB 19**

This Act provides for procedures, conditions, and limitations on certification of class actions and provides for appellate procedures relating to class action certification.

The Act amends O.C.G.A. Section 9-11-23.

Effective April 22, 2005, and applicable to all cases pending on April 22, 2005, in which the trial court has not yet certified the case as a class action and to all cases filed after April 22, 2005.

**TITLE 10 -- COMMERCE AND TRADE**

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 501**

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

**SB 49**

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

**SB 13**

This Act enacts the "Gift Card Integrity Act of 2005," making it unlawful to issue a gift certificate, store gift card, or general use gift card without including the terms of use in the packaging and conspicuously printing the expiration date and nonuse fees on the certificate or card.

The Act amends O.C.G.A. Section 10-1-393.

Effective October 1, 2005.

**SB 287**

This Act repeals Article 19 of O.C.G.A. Chapter 10-1, relating to local government permits for certain Sunday events and the manner of permitting of operation of movie theaters and athletic events to be held on Sundays.

The Act repeals O.C.G.A. Sections 10-1-550 through 10-1-555.

Effective July 1, 2005.

**SB 155**

This Act exempts recreational vehicles from the definition of "motor vehicle" for purposes of motor vehicle franchises. The Act enacts Article 22B of O.C.G.A. Chapter 10-1 to govern franchise agreements between grantors and recreational vehicle dealerships. The Act requires that grantors designate in writing a sales area for a recreational vehicle dealership which may not be changed without good cause; provide at least 120 days' written notice prior to termination, cancellation, nonrenewal, or substantial change in competitive circumstances; provide ability to cure any deficiencies by the dealership; repurchase inventory upon termination of a dealership at the option of the dealership; allow sale of a dealership to creditworthy licensed new owner; and allow designation of a family member as successor to a franchise agreement in the event of death. The Act also provides that it is unlawful for recreational vehicles to be sold by a dealer without a franchise agreement.

The Act amends O.C.G.A. Section 10-1-622 and enacts O.C.G.A. Sections 10-1-679 through 10-1-679.15.

Effective July 1, 2005.

#### SB 230

This Act requires that any information broker that maintains computerized data that includes personal information of individuals give notice of any breach of security of the system to an individual whose unencrypted personal information has been acquired by an unauthorized person. The Act requires notification of all consumer reporting agencies if the breach affected more than 10,000 individuals in Georgia.

The Act enacts O.C.G.A. Sections 10-1-910 through 10-1-912.

Effective May 5, 2005.

#### SB 290

This Act repeals Code Section 10-4-114.1, eliminating the requirement that all tobacco purchased or sold in Georgia must be graded by the Agriculture Marketing Service of the United States Department of Agriculture.

The Act repeals O.C.G.A. Section 10-4-114.1.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).



Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

TITLE 12 -- CONSERVATION AND NATURAL RESOURCES

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

SB 190

This Act changes certain provisions relating to the Environmental Protection Division and the Environmental Advisory Council. The Act provides that the filing of a petition in certain instances shall result in a limited stay of an order or action of the director and provides time limits for administrative judicial decision making. The Act also changes certain provisions relating to hearing and judicial review relative to air quality.

The Act amends O.C.G.A. Sections 12-2-2, 12-9-15, and 50-13-19.

Effective July 1, 2005.

HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

SB 283

This Act changes certain provisions relating to permits and authorization to contract for

investigation, survey, or recovery operations and renewal and revocation of permits. The Act also provides that the Department of Natural Resources shall establish a program to authorize deadhead logging operations in certain locations and under certain conditions.

The Act amends O.C.G.A. Section 12-3-82 and enacts O.C.G.A. Section 12-3-82.1. Effective July 1, 2005.

#### SB 125

This Act provides for a State-wide Tourism Marketing Program to be established by the Department of Economic Development. The Act provides for coordination with other state agencies. The Act provides for the Georgia Tourism Foundation and provides for membership, administration, and powers. The Act provides for the assignment for administrative purposes of several authorities to the Department of Economic Development. The Act provides for the transfer of certain functions relating to the Music Hall of Fame Authority and the Sports Hall of Fame Authority to the department.

The Act amends O.C.G.A. Sections 12-3-522, 12-3-524, 12-3-534, 12-3-536, 12-3-562, 12-3-574, 12-3-582, 50-7-17, 50-7-8, 50-8-3, 50-8-9, 50-12-64, and 50-12-70.

Effective April 26, 2005.

#### HB 496

This Act provides that the director of the Environmental Protection Division of the Department of Natural Resources shall provide the clerk of the superior court of each county with information regarding dams and that the clerk shall maintain such information.

The Act amends O.C.G.A. Section 12-5-375.

Effective July 1, 2005.

#### SB 122

This Act changes certain provisions relating to solid waste management and permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators. The Act also changes provisions relating to state grants and tire disposal restrictions.

The Act amends O.C.G.A. Sections 12-8-21, 12-8-22, 12-8-24, 12-8-37.1, 12-8-40.1, and 12-8-40.2.

Effective May 10, 2005.

#### HB 54

This Act provides an exception to the permitting process for land disposal of septic tank waste for sites in operation as of July 1, 2002.

The Act amends O.C.G.A. Section 12-8-41.

Effective May 10, 2005.

#### SB 277

This Act changes certain provisions relating to criteria for property to qualify for limitation of liability and relating to exceptions to limitation of liability. The Act also provides that certain persons who purchased property after July 1, 2002, and before July 1, 2005, shall be treated as prospective purchasers.

The Act amends O.C.G.A. Sections 12-8-202, 12-8-205, and 12-8-208 and enacts O.C.G.A. Section 12-8-210.

Effective July 1, 2005.

## TITLE 15 -- COURTS

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 254

This Act creates an alternative system for storing copies of court records; allows the establishment of drug court divisions within certain courts and other matters relevant to creating drug court divisions; and authorizes the Family Court Division of the Superior Court of Fulton County in the Atlanta Judicial Circuit as a pilot project of limited duration and provides for all matters relative to the creation of that court.

The Act amends O.C.G.A. Section 15-1-10 and enacts O.C.G.A. Sections 15-1-15 and 15-11A-1 through 15-11A-9.

Effective July 1, 2005.

#### HB 97

This Act provides for an additional judge of the superior court for the Appalachian, Cherokee, Flint, Gwinnett, and Southern Judicial Circuits.

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

Effective January 1, 2006, except that all provisions relating to the appointment of the additional judges are effective May 9, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### SB 226

This Act, known in part as "Joshua's Law," creates the Georgia Driver's Education Commission which will recommend changes in state programs, statutes, policies, budgets, and standards relating to driver education and training. The Act prioritizes the collection of the new 5 percent fine over other fines, changes the issuance of certain classes of driver's license eligibility to 17 year-old drivers, and increases the amount of supervised driving experience required for initial Class D drivers' licenses with certain exceptions. The Act also allows for application for revocation of an instruction permit or driver's license under certain circumstances.

The Act amends O.C.G.A. Sections 15-6-95, 40-5-22, 40-5-24, and 40-5-26 and enacts O.C.G.A. Sections 15-21-170 through 15-21-181.

Effective May 10, 2005, with regard to the creation of the Georgia Driver's Education Commission and applicable to all traffic offenses committed on and after May 10, 2005. The balance of the Act is effective on January 1, 2007, subject to funds' availability. The Act does not affect any valid license or instructional permit which was in effect on the applicable effective date of the Act.

#### HB 406

This Act changes provisions relating to the duty of the trustee as to receipts and expenditures and provides for general principles relating to the allocation of principal and income. The Act provides for the discretionary power of a trustee to adjust the trust

receipts between principal and income and outlines the procedure for conversion to a unitrust. The Act also provides for concurrent jurisdiction for probate courts and superior courts on certain matters.

The Act amends O.C.G.A. Sections 15-9-127, 53-12-192, 53-12-193, 53-12-211, and 53-12-218 and enacts O.C.G.A. Sections 53-12-220 through 53-12-222.

Effective July 1, 2005.

#### HB 170

This Act, the "Criminal Justice Act of 2005," changes and equalizes the number of peremptory strikes the state and defendant have in misdemeanor, felony, and death penalty trials. The Act allows the state to always have the final concluding argument except in death penalty cases; and if a defendant elects to have discovery apply in criminal cases, discovery also applies to sentencing hearings in all except for death penalty cases. The Act changes the rape shield doctrine by adding other offenses to which the doctrine shall apply. The Act allows a testifying defendant to be impeached like any other witness with certain limitations on character evidence. The Act also allows direct appeal by the state and defendant on motions to recuse.

The Act amends O.C.G.A. Sections 5-6-34, 5-7-1, 15-12-125, 15-12-160, 15-12-164, 15-12-165, 15-12-169, 17-8-4, 17-8-71, 17-10-2, 17-16-2, 17-16-4, 24-2-3, 24-9-20, 24-9-81, and 24-9-84 and enacts O.C.G.A. Section 24-9-84.1.

Effective July 1, 2005, and applicable to all trials which commence on or after July 1, 2005.

#### HB 378

This Act provides for premarital education and the elements of such programs and reduces the marriage application fee for premarital education participants.

The Act amends O.C.G.A. Sections 15-9-60 and 19-3-33 and enacts O.C.G.A. Section 19-3-30.1.

Effective July 1, 2005.

#### HB 212

This Act requires a child's guardian ad litem appointed in a deprivation case to have certain training.

The Act amends O.C.G.A. Section 15-11-9.

Effective May 4, 2005.

#### HB 334

This Act allows juvenile court judges to have a salary increase under certain circumstances.

The Act amends O.C.G.A. Section 15-11-18.

Effective July 1, 2005; part of the salary raise increase is effective for the calendar year 2006 and part of the salary raise increase is effective for the calendar year 2007.

SB 134

This Act changes when a child may be ordered to serve time in a youth development center and the length of stay at such center. The Act also provides for the establishment of graduated alternative sanctions for children on probation.

The Act amends O.C.G.A. Section 15-11-66.

Effective July 1, 2005.

SB 97

This Act allows court supervision fees to be used for truancy intervention services.

The Act amends O.C.G.A. Section 15-11-71.

Effective July 1, 2005.

HB 195

This Act establishes time frames for hearing and orders on a petition to terminate parental rights.

The Act amends O.C.G.A. Section 15-11-106.

Effective May 2, 2005.

HB 197

This Act enacts the "Woman's Right to Know Act," to require that a female give her informed consent prior to an abortion. The Act requires that certain information be provided or made available to the female at least 24 hours prior to an abortion and that the female sign a written acknowledgment of receipt of such information. The Act provides for an exception to the 24 hour notice for medical emergencies. The Act provides for reporting requirements for physicians relating to the required distribution of information and penalties for noncompliance. The Act eliminates the ability of a person standing in loco parentis from receiving notice of a pending abortion on a minor. The Act provides for the waiver by a court order of the notice requirements for abortions on minors.

The Act requires that an abortion shall only be performed by a licensed physician. The Act requires certain reports by physicians and the Department of Human Resources regarding abortions performed.

The Act amends O.C.G.A. Sections 15-11-111, 15-11-112, 15-11-114, 16-12-141, and 16-12-141.1.

The Act enacts O.C.G.A. Sections 31-9A-1 through 31-9A-8.

Effective May 10, 2005.

SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right

to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

#### HB 521

This Act provides that the office of sheriff shall be deemed vacant if the sheriff's certification as a peace officer is revoked.

The Act amends O.C.G.A. Section 15-16-8.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### TITLE 16 -- CRIMES AND OFFENSES

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members

of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### HB 10

This Act creates the offense of female genital mutilation, provides for exceptions, and provides for felony punishment of five to 20 years. The Act also provides that certain statutory witness privileges are not available.

The Act enacts O.C.G.A. Section 16-5-27.

Effective July 1, 2005, and applies to all offenses committed on and after July 1, 2005.

#### HB 188

This Act requires the sheriff to publish in the legal organ of the county the photo of any person convicted of a crime that requires him or her to register on the state sexual offender registry soon after the person is released from confinement.

The Act enacts O.C.G.A. Section 16-5-110.

Effective July 1, 2005.

#### HB 236

This Act creates an inference that a person intends to avoid payment for the rental or lease of personal property if a person knowingly does certain acts, including using false identification, providing false information on the contract, issuing a bad check for the service, or abandoning or returning the property in a manner that has not been agreed upon by the parties.

The Act enacts O.C.G.A. Section 16-8-5.1.

Effective July 1, 2005.

#### SB 100

This Act, the "Georgia Residential Mortgage Fraud Act," creates the offense of residential mortgage fraud and provides for definitions, venue, and the authority to investigate and prosecute cases. The Act provides for felony punishment and RICO forfeiture and adds this crime to the list of crimes which may constitute racketeering activity under the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act."

The Act enacts O.C.G.A. Sections 16-8-100 through 16-8-106 and amends O.C.G.A. Section 16-14-3.

Effective May 5, 2005.

#### SB 62

This Act, the "Georgia Slam Spam E-mail Act," creates the offense of initiating deceptive commercial e-mail by initiating commercial e-mail that the person knew or should have known was false or misleading that is sent from or passes through a protected computer. The Act provides for definitions, venue, and the authority to investigate and prosecute cases. The Act provides for misdemeanor and felony



punishment depending on the nature of the offense and for a civil action for damages. The Act provides for subpoenas and search warrants under certain circumstances and admissibility of certain records into evidence. The Act also adds this crime to the list of crimes which may constitute racketeering activity under the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act."

The Act enacts O.C.G.A. Sections 16-9-100 through 16-9-109 and amends O.C.G.A. Sections 16-9-92 and 16-14-3.

Effective July 1, 2005.

#### SB 127

This Act, the "Georgia Computer Security Act of 2005," prohibits certain conduct with regard to computers and computer software and provides for exceptions. The Act provides for definitions and preempts local laws on this issue. The Act provides for felony punishment and civil remedies for violations.

The Act enacts O.C.G.A. Sections 16-9-150 through 16-9-157.

Effective May 10, 2005.

#### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

#### SB 269

This Act provides that the district attorney having jurisdiction over the prosecution of the crime under investigation may apply for or extend an order authorizing the installation and use of a pen register or trap and trace device and provides that certain superior court judges may authorize such use.

The Act amends O.C.G.A. Section 16-11-64.1.

Effective May 2, 2005.

#### SB 259

This Act repeals the statute making it a crime to discharge a firearm on Sunday.

The Act repeals O.C.G.A. Section 16-11-105.

Effective May 2, 2005.

#### SB 175

This Act makes comprehensive changes to the Brady Law regulations. The Act requires certain gun manufacturers and dealers to conduct National Instant Criminal Background Checks, requires the Georgia Crime Information Center at the GBI to forward involuntary hospitalization information to the FBI, and provides for penalties for noncompliance. The Act also changes certain provisions relating to disclosure and dissemination of criminal records.

The Act amends O.C.G.A. Sections 16-11-171, 16-11-172, 16-11-173, and 35-3-34 and repeals O.C.G.A. Sections 16-11-170 and 16-11-174 through 16-11-184.

Effective July 1, 2005.

#### SB 90

This Act enacts the "Georgia Smokefree Air Act of 2005." The Act prohibits smoking in enclosed public places, places of employment, and facilities of the state or of local governments. The Act provides exceptions to the prohibition on smoking for private residences, certain hotel rooms, retail tobacco stores, long-term care facilities, outdoor areas of places of employment, smoking areas in international airports, tobacco wholesalers and manufacturers, private and semiprivate rooms in health care facilities, private rooms in bars and restaurants, bars and restaurants that do not admit individuals under 18 years of age, convention meeting rooms, smoking areas designated by an employer, common work areas and private offices, and private and military clubs under certain conditions. The Act provides that ashtrays must be removed from any area where smoking is prohibited. The Act directs and authorizes the Department of Human Resources and county boards of health to provide public information and to enforce the Act. The Act provides that local governments can enact more restrictive ordinances which are not in conflict with the Act. The Act provides that a smoking violation shall be a misdemeanor punishable by a fine of not less than \$100.00 and not more than \$500.00.

The Act amends O.C.G.A. Section 16-12-2.  
The Act enacts O.C.G.A. Sections 31-12A-1 through 31-12A-13.  
Effective May 9, 2005, for purposes of promulgating rules and regulations; effective on July 1, 2005, for all other purposes.

#### SB 55

This Act changes the composition of the state board of accountancy and eliminates the designation of registered public accountant, transforming registered public accountants in good standing into certified public accountants and deleting references to and provisions relating to registered public accountants. The Act deletes references to public accountants.

The Act amends O.C.G.A. Sections 43-3-3, 43-3-13, 43-3-14, 43-3-16, 43-3-18, 43-3-19, 43-3-21, 43-3-24, 43-3-25, 43-3-28, 43-3-35, 43-40-29, 7-1-1000, 16-12-22.1, and 16-12-59.

Effective July 1, 2005.

#### SB 141

This Act prohibits pyramid promotional schemes and includes high and aggravated misdemeanor punishment and felony punishment under certain circumstances.

The Act amends O.C.G.A. Section 16-12-38.

Effective July 1, 2005.

#### SB 106

This Act requires video game retailers to display signs explaining each rating system which appears on video games offered by the retailer; not complying with the provisions of this Code section is punishable by a civil fine.

The Act amends O.C.G.A. Section 16-12-103.

Effective July 1, 2005.

#### SB 129

This Act prohibits the solicitation of money, sale of goods or services for a fee, or distribution of handbills or flyers to the operator or passengers of public transit or rapid rail cars under certain circumstances, punishable as a misdemeanor.

The Act amends O.C.G.A. Section 16-12-120.

Effective July 1, 2005.

#### HB 197

This Act enacts the "Woman's Right to Know Act," to require that a female give her informed consent prior to an abortion. The Act requires that certain information be provided or made available to the female at least 24 hours prior to an abortion and that the female sign a written acknowledgment of receipt of such information. The Act provides for an exception to the 24 hour notice for medical emergencies. The Act

provides for reporting requirements for physicians relating to the required distribution of information and penalties for noncompliance. The Act eliminates the ability of a person standing in loco parentis from receiving notice of a pending abortion on a minor. The Act provides for the waiver by a court order of the notice requirements for abortions on minors.

The Act requires that an abortion shall only be performed by a licensed physician. The Act requires certain reports by physicians and the Department of Human Resources regarding abortions performed.

The Act amends O.C.G.A. Sections 15-11-111, 15-11-112, 15-11-114, 16-12-141, and 16-12-141.1.

The Act enacts O.C.G.A. Sections 31-9A-1 through 31-9A-8.  
Effective May 10, 2005.

#### SB 89

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

The Act amends O.C.G.A. Sections 16-13-25 and 16-13-71.  
Effective May 9, 2005.

#### HB 216

This Act limits the sale and manner of sale of products containing pseudoephedrine and provides for exceptions, punishment, and preemption of local law. This Act also authorizes the State Board of Pharmacy to promulgate rules and regulations for licensing and permitting persons to sell or otherwise furnish or possess certain chemicals.

The Act amends O.C.G.A. Section 16-13-30.3 and enacts O.C.G.A. Sections 16-13-30.4 and 16-13-30.5.

Effective July 1, 2005.

#### TITLE 17 -- CRIMINAL PROCEDURE

#### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### HB 170

This Act, the "Criminal Justice Act of 2005," changes and equalizes the number of peremptory strikes the state and defendant have in misdemeanor, felony, and death penalty trials. The Act allows the state to always have the final concluding argument except in death penalty cases; and if a defendant elects to have discovery apply in criminal cases, discovery also applies to sentencing hearings in all except for death penalty cases. The Act changes the rape shield doctrine by adding other offenses to which the doctrine shall apply. The Act allows a testifying defendant to be impeached like any other witness with certain limitations on character evidence. The Act also allows direct appeal by the state and defendant on motions to recuse.

The Act amends O.C.G.A. Sections 5-6-34, 5-7-1, 15-12-125, 15-12-160, 15-12-164, 15-12-165, 15-12-169, 17-8-4, 17-8-71, 17-10-2, 17-16-2, 17-16-4, 24-2-3, 24-9-20, 24-9-81, and 24-9-84 and enacts O.C.G.A. Section 24-9-84.1.

Effective July 1, 2005, and applicable to all trials which commence on or after July 1, 2005.

#### HB 172

This Act, the "Crime Victims Restitution Act of 2005," substantially revises procedures relating to restitution and allows civil collection of fines and restitution. The Act tolls the statute of limitations for certain crime victims and changes how and when victim impact forms are completed and provided to the defendant. The Act allows juvenile courts to order restitution against a parent under certain circumstances, outlines how restitution should be paid, changes some of the considerations for determining the amount of restitution, and provides how a restitution order is enforceable as a civil judgment. The Act also allows restitution when a defendant is sentenced to imprisonment.

The Act enacts O.C.G.A. Sections 9-3-99, 17-10-20, 17-14-18, and 17-14-19 and amends O.C.G.A. Sections 17-10-1.1, 17-14-1 through 17-14-17, 17-15-5, and 48-7-161.

Effective July 1, 2005.

#### HB 366

This Act allows alternative delivery systems to opt out from having a public defender system under certain circumstances, provides for appeal of certain decisions by the Georgia Public Defender Standards Council, and changes certain provisions relating to standards of the Georgia Public Defender Standards Council.

The Act amends O.C.G.A. Sections 17-12-8 and 17-12-36.

Effective May 6, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the

Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### HB 222

This Act allows the criminal discovery procedures in Article 1 of O.C.G.A. Chapter 17-16 to be automatically invoked under certain circumstances.

The Act amends O.C.G.A. Section 17-16-2.

Effective July 1, 2005.

#### TITLE 19 -- DOMESTIC RELATIONS

#### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### HB 378

This Act provides for premarital education and the elements of such programs and reduces the marriage application fee for premarital education participants.

The Act amends O.C.G.A. Sections 15-9-60 and 19-3-33 and enacts O.C.G.A. Section 19-3-30.1.

Effective July 1, 2005.

#### HB 221

This Act changes provisions relating to the calculation of child support and provides for direct appeal in certain domestic relations cases. The Act also changes the amount of interest chargeable on arrearages in child support and provides new guidelines for determining the amount of child support to be paid. In addition, the Act creates the Georgia Child Support Commission and provides 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, 19-6-19, 19-6-20, 19-6-21, 19-6-22, 19-6-24, and 19-7-2.

The Act enacts O.C.G.A. Sections 19-6-50 through 19-6-53.

Effective July 1, 2006, except for the provisions relating to the Georgia Child Support Commission, which shall become effective on April 22, 2005.

### SB 53

This Act provides for a father to legitimate his child by establishing paternity and establishes where petitions of legitimation shall be filed and served. The Act also provides that issues of custody and visitation may be addressed in certain legitimation actions and permits a voluntary acknowledgment of paternity in certain circumstances.

The Act amends O.C.G.A. Section 19-7-22.

Effective July 1, 2005.

### SB 52

This Act provides for the waiver, reduction, or negotiation of the payment of unreimbursed public assistance under certain circumstances.

The Act amends O.C.G.A. Section 19-11-5.

Effective July 1, 2005.

### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1

authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### TITLE 20 -- EDUCATION

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.



## SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

## SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

## SB 98

This Act authorizes local boards of education to pay employer contributions for group life, disability, and liability insurance and retirement or pension coverage, social security and employment security coverage, and similar or related employment benefits for members who choose to participate, in addition to group medical and dental insurance previously authorized.

The Act amends O.C.G.A. Section 20-2-55.

## SB 33

This Act authorizes the State Board of Education to establish the Georgia Virtual School to allow Georgia students age 21 or younger to enroll in state funded courses via the Internet. Public school students are to be given priority, but other students are eligible to enroll at no cost to the student. Teachers for the virtual school are to be certified. The Act authorizes the state board to promulgate rules and regulations for the virtual school, including provisions allowing students to participate in such courses in excess of any maximum number of courses allowed per year upon payment of tuition. The Act provides that the virtual school will be funded by moneys that would otherwise have been paid to local school systems if the students participating in the virtual school had been in equivalent programs in a local school system for the portion of the day in which the students are enrolled in a virtual school course. The Act provides that the virtual school is not subject to the accountability assessment provisions of O.C.G.A. Chapter 20-14.

The Act amends O.C.G.A. Section 20-2-160 and enacts O.C.G.A. Section 20-2-319. Effective May 4, 2005.

#### SB 35

This Act changes program weights for QBE funding and directs the State Board of Education to develop rules requiring each local board of education to provide information to school councils and the public regarding school site budgets and expenditures and site average class size by grade. The Act extends special expenditure controls in place for 2003-2004 and 2004-2005 to the 2005-2006 school year. The Act directs the state board to provide for a system average maximum class size for each instructional program and provides that the maximum number of students who may be taught by a teacher in an instructional period shall not exceed the system average maximum class for the program by more than two students. The Act provides that the maximum class sizes set by the state board for the 2002-2003 school year shall apply for grades four through 12 for the 2005-2006 and 2006-2007 school years. The Act amends provisions relating to the Education Information Steering Committee and deletes a requirement for completion of the state-wide comprehensive educational information system by a specific date.

The Act extensively amends charter school provisions, revising the statement of intent to that of encouraging local school systems to use charters, revising provisions for calculating funding for local charter schools, providing more discretion for the state board in determining the contents of a charter petition, providing for charter petitions from a group of two or more local schools as a single charter petitioner to convert to charter schools, providing for charter petitions from two or more local school systems to jointly authorize a local charter school, restoring the "blanket waiver" that was part of the statute originally, providing for a charter attendance zone and enrollment preferences to be specified in the charter, increasing the length of the initial terms and renewal terms of charters, revising provisions for annual reports of charter schools, and revising provisions relating to the use of moneys from the facilities fund.

The Act revises the duties of the office of student achievement, extends certain provisions relating to accountability for individual schools to school systems, and changes a provision for transportation costs for students relocated from schools with unacceptable ratings.

The Act revises provisions relating to instruction permits and drivers' licenses for minors, allowing a license for a minor pursuing a general educational development diploma, and changes provisions relating to suspension of a license for unexcused absences or disciplinary offenses.

The Act amends O.C.G.A. Sections 20-2-161, 20-2-167, 20-2-167.1, 20-2-182, 20-2-320, 20-2-2061, 20-2-2062, 20-2-2063, 20-2-2064.1, 20-2-2065, 20-2-2066, 20-2-2067.1, 20-2-2068.1, 20-2-2068.2, 20-2-2070, 20-14-26, 20-14-33, 20-14-34, 20-14-41, and 40-5-22 and repeals O.C.G.A. Section 20-2-2063.1.

Effective July 1, 2005.

#### SB 34

This Act changes program weights for QBE funding and directs the State Board of Education to develop rules requiring each local board of education to provide information

to school councils and the public regarding school site budgets and expenditures and site average class size by grade. The Act extends special expenditure controls in place for 2003-2004 and 2004-2005 to the 2005-2006 school year. The Act directs the state board to provide for a system average maximum class size for each instructional program and provides that the maximum number of students who may be taught by a teacher in an instructional period shall not exceed the system average maximum class for the program by more than two students. The Act provides that the maximum class sizes set by the state board for the 2002-2003 school year shall apply for grades four through 12 for the 2005-2006 and 2006-2007 school years. The Act amends provisions relating to the Education Information Steering Committee and deletes a requirement for completion of the state-wide comprehensive educational information system by a specific date.

The Act extensively amends charter school provisions, revising the statement of intent to that of encouraging local school systems to use charters, revising provisions for calculating funding for local charter schools, providing more discretion for the state board in determining the contents of a charter petition, providing for charter petitions from a group of two or more local schools as a single charter petitioner to convert to charter schools, providing for charter petitions from two or more local school systems to jointly authorize a local charter school, restoring the "blanket waiver" that was part of the statute originally, providing for a charter attendance zone and enrollment preferences to be specified in the charter, increasing the length of the initial terms and renewal terms of charters, revising provisions for annual reports of charter schools, and revising provisions relating to the use of moneys from the facilities fund.

The Act revises the duties of the office of student achievement, extends certain provisions relating to accountability for individual schools to school systems, and changes a provision for transportation costs for students relocated from schools with unacceptable ratings.

The Act revises provisions relating to instruction permits and drivers' licenses for minors, allowing a license for a minor pursuing a general educational development diploma, and changes provisions relating to suspension of a license for unexcused absences or disciplinary offenses.

The Act amends O.C.G.A. Sections 20-2-161, 20-2-167, 20-2-167.1, 20-2-182, 20-2-320, 20-2-2061, 20-2-2062, 20-2-2063, 20-2-2064.1, 20-2-2065, 20-2-2066, 20-2-2067.1, 20-2-2068.1, 20-2-2068.2, 20-2-2070, 20-14-26, 20-14-33, 20-14-34, 20-14-41, and 40-5-22 and repeals O.C.G.A. Section 20-2-2063.1.

Effective July 1, 2005.

## HB 678

This Act provides that state law and regulations shall not prohibit or discourage a private school from conducting a prayer prior to an athletic event held on the campus of the private school and shall not prohibit an athletic team from any public school from participating in an event held on the campus of a private school because the private school conducts a prayer before the athletic event. The Act prohibits public schools receiving funding under the QBE Act from participating in, sponsoring, or providing coaching staff for sports events conducted under the authority of an athletic association that prohibits a private school from conducting a prayer prior to an athletic event held on the campus of the private school.

The Act enacts O.C.G.A. Section 20-2-319.  
Effective May 3, 2005

#### SB 272

This Act requires the State Board of Education to develop a school interscholastic extracurricular athletic policy providing for the use of a single, comprehensive, preparticipation physical examination form. The Act provides that a committee appointed by the State Board of Education shall make recommendations regarding the physical examination form, giving due consideration to the recommendations of the American Academy of Pediatrics. The Act provides that local boards of education may include additional elements in a physical examination form.

The Act enacts O.C.G.A. Section 20-2-319.  
Effective July 1, 2005.

#### HB 372

This Act deletes a provision allowing political subdivisions, departments, institutions, agencies, local boards of education, or governing bodies of independent school systems to sublease any structure, building, or facility owned by the Georgia Education Authority (Schools) for use as a private school.

The Act amends O.C.G.A. Section 20-2-553.  
Effective July 1, 2005.

#### HB 27

This Act repeals provisions for education grants for tuition at nonsectarian private schools or public schools located in another state for students between six and 19 who are eligible to attend public schools in Georgia, if the need for such grants is determined by the local board of education and the governing authority of the county or the governing authority of the municipality, in the case of a municipal school system.

The Act repeals O.C.G.A. Sections 20-2-640 through 20-2-650.  
Effective July 1, 2005.

#### HB 26

This Act repeals a provision authorizing the Governor to suspend compulsory attendance laws in the entire state or any part of the state whenever in the Governor's opinion such a suspension is necessary because of any riot, public disorder, disturbance of the peace, or natural disaster in order to protect persons and property, preserve the health and welfare of the citizens, or preserve the state's general welfare.

The Act repeals O.C.G.A. Section 20-2-702.  
Effective July 1, 2005.

#### SB 284

This Act provides that the commissioner of community health may combine the health

insurance funds for public school teachers and public school employees with other health insurance funds for public employees. The Act also changes the method of determining the local employer's contribution to the health insurance fund. The Act authorizes the State Board of Education to withhold all appropriations allotted to a local school system that fails to contribute the full amount of such local employer's portion of the cost of health insurance benefits. The Act creates the Georgia Retiree Health Benefit Fund to provide for the employer costs of retiree postemployment health insurance benefits.

The Act amends O.C.G.A. Sections 20-2-891, 20-2-892, 20-2-915, 20-2-918, 20-2-920, 45-18-12, and 45-18-14 and enacts O.C.G.A. Sections 45-18-100 through 45-18-105.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### HB 25

This Act repeals a provision which granted the Governor the authority to close any school or institution under the control of the board of regents when the Governor finds that continued operation of the school or institution is likely to result in violence or public disorder.

The Act repeals O.C.G.A. Section 20-3-70.

Effective July 1, 2005.

#### HB 553

This Act prohibits requiring a student to join a professional association as a condition of enrollment in a degree program in the University System of Georgia.

The Act enacts O.C.G.A. Section 20-3-87.

Effective July 1, 2005.

#### HB 298

This Act empowers the Georgia Higher Education Finance Assistance Corporation and the Georgia Student Finance Authority to retain accounting and other financial services,

purchase insurance, indemnify parties contracting with the corporation or authority from damage to persons or property, and act as self-insurer. The Act increases the aggregate principal amount of bonds outstanding for the Georgia Student Finance Authority to \$300 million and provides that students receiving loans from the service cancelable loan fund who fail to fulfill the terms and conditions for cash repayment may be subject to garnishment of pay, loss of a professional license, offset of lottery winnings, and offset of a state tax refund without judicial action. The Act authorizes the Georgia Student Finance Commission to enter into agreements with students to repay HOPE scholarship and HOPE grant amounts paid to or on behalf of students subsequently determined to be ineligible for such scholarships or grants; individuals who fail to enter repayment agreements are subject to the remedies listed in the previous sentence without judicial action.

The Act revises the composition of the Georgia Medical Center Authority to seven members serving staggered terms of four years, with five members appointed by the Governor and one member each appointed by the Senate Committee on Assignments and the Speaker of the House of Representatives. The Act removes the residency and minimum age requirements for members of the authority and requires a quorum and a vote by a majority of members present for action.

The Act amends O.C.G.A. Sections 20-3-266, 20-3-316, 20-3-344, 20-3-374, 20-3-519.11, and 20-15-3.

Effective July 1, 2005.

#### SB 43

This Act creates Georgia HERO Scholarships for students who are members of the Georgia National Guard or members of a reserve component of the armed forces of the United States who have completed at least one qualifying term of service and children of such members who were born prior to the member's qualifying term of service or within nine months of the beginning of a qualifying term of service and who are age 25 or younger. The Act provides that the scholarship grants are for \$2,000.00 annually for a maximum of four years and that grants shall be payable on a pro rata basis depending on whether the student is full time or part time and the number of semesters or quarters of enrollment.

The Act enacts O.C.G.A. Sections 20-3-486 and 20-3-487.

Effective May 3, 2005.

#### HB 272

This Act provides for a program of grants for paying postsecondary tuition, fees, and living expenses for certain Georgia foster children and adopted children at any undergraduate program of any Georgia public postsecondary institution. A student is eligible if the student meets entrance requirements, maintains academic eligibility, and if the student's family receives state funded adoption assistance, the student is committed to the Department of Family and Children Services as a deprived child, the student is in an independent living program and the placement is funded by the Department of Family and Children Services, or the student is an adopted child who was in the permanent legal custody of and placed for adoption by the Department of Family and Children Services

after the child's fourteenth birthday.

The Act enacts O.C.G.A. Section 20-3-660.

Effective July 1, 2005.

## TITLE 21 -- ELECTIONS

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### HB 499

This Act provides for the composition and number of Georgia's congressional districts and provides for the election of members. The Act provides for the continuation of present congressional districts until a certain date.

The Act amends O.C.G.A. Section 21-1-2.

Effective May 3, 2005.

#### HB 199

This Act changes the designation of Article 8.1 of O.C.G.A. Chapter 21-2 to Article 8A.

The Act amends O.C.G.A. Chapter 21-2.

Effective April 7, 2005.

#### HB 244

This Act makes extensive changes to O.C.G.A. Chapter 21-2, relating to primaries and general elections. The Act eliminates certain forms of identification permissible for voting. The Act provides for absentee voting by mail without a reason. The Act provides that nonpartisan elections shall be held in conjunction with the general election. The Act provides that a candidate must receive a majority of votes to be elected.

The Act amends O.C.G.A. Chapter 21-2.

Section 13 of the Act, relating to the qualifying period for municipal offices, becomes

effective on January 1, 2006. The remaining provisions of the Act become effective on July 1, 2005.

#### HB 48

This Act provides for the comprehensive revision of provisions regarding ethics and conflicts of interests relative to public officials and officers. The Act makes changes to provisions relating to the State Ethics Commission. The Act also makes changes to provisions relating to lobbyists.

The Act amends O.C.G.A. Sections 21-5-2 through 21-5-7, 21-5-12, 21-5-30, 21-5-31, 21-5-34, 21-5-34.1, 21-5-35, 21-5-40, 21-5-41, 21-5-43, 21-5-50, 21-5-52, 21-5-70, 21-5-71, 21-5-73, and 36-67A-1 and enacts O.C.G.A. Sections 21-5-7.1, 21-5-13, 21-5-74, 21-5-75, 21-5-76, 45-10-80, 45-10-90 through 45-10-94, and 45-12-61.

Effective January 9, 2006.

#### TITLE 24 -- EVIDENCE

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 3

This Act provides for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular. The Act also provides for legislative findings, venue in actions with joint defendants, and courts declining to follow the doctrine of forum non conveniens in certain cases. The Act changes provisions relating to affidavits accompanying charges of professional malpractice and provides defendants access to plaintiff's health information in medical malpractice cases. The Act provides new procedures for damages for frivolous claims and defenses and establishes that certain apologies or similar statements by health care providers shall not be admitted as evidence in civil actions. The Act also changes provisions regarding expert opinions in certain



malpractice civil actions and regarding establishment of liability and standard of care in certain actions relating to emergency health care. The Act changes provisions relating to apportionment of award according to degree of fault and relating to agency liability of hospitals. The Act also limits noneconomic damages in certain actions relating to health care.

The Act amends O.C.G.A. Titles 9, 24, 33, 43, and 51.

Effective February 16, 2005, except as specifically detailed in the Act.

#### HB 170

This Act, the "Criminal Justice Act of 2005," changes and equalizes the number of peremptory strikes the state and defendant have in misdemeanor, felony, and death penalty trials. The Act allows the state to always have the final concluding argument except in death penalty cases; and if a defendant elects to have discovery apply in criminal cases, discovery also applies to sentencing hearings in all except for death penalty cases. The Act changes the rape shield doctrine by adding other offenses to which the doctrine shall apply. The Act allows a testifying defendant to be impeached like any other witness with certain limitations on character evidence. The Act also allows direct appeal by the state and defendant on motions to recuse.

The Act amends O.C.G.A. Sections 5-6-34, 5-7-1, 15-12-125, 15-12-160, 15-12-164, 15-12-165, 15-12-169, 17-8-4, 17-8-71, 17-10-2, 17-16-2, 17-16-4, 24-2-3, 24-9-20, 24-9-81, and 24-9-84 and enacts O.C.G.A. Section 24-9-84.1.

Effective July 1, 2005, and applicable to all trials which commence on or after July 1, 2005.

#### TITLE 25 -- FIRE PROTECTION AND SAFETY

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### SB 146

This Act provides for the title "director of the Georgia Bureau of Investigation" and changes certain provisions relating to the director's powers relating to the Antiterrorism Task Force.

The Act amends O.C.G.A. Sections 35-3-1, 35-3-5, 35-3-7, 35-3-9.2, 35-3-64, 35-3-65, 25-2-33, and 45-7-7.

Effective July 1, 2005.

#### SB 308

This Act revises the "Georgia Firefighter Standards and Training Act" to include airport firefighters. The Act provides that the Georgia Firefighter Standards and Training Council shall establish minimum standards for the employment and training of airport firefighters and requires airport firefighters to complete a basic training course. The Act repeals Article 2 of O.C.G.A Chapter 25-4 relating to airport firefighters and eliminates the Article 1 designation.

The Act amends O.C.G.A. Sections 25-4-2, 25-4-7, and 25-4-9 and repeals O.C.G.A. Sections 25-4-30 and 25-4-31.

Effective July 1, 2005.

#### SB 274

This Act provides for the comprehensive revision of the "Georgia Utility Facility Protection Act." The Act extensively revises and adds definitions and requires that sewer laterals in addition to utility facilities be located prior to conducting any excavation or blasting. The Act provides that persons who install water and sewer facilities are not required to participate as members in the utilities protection center. The Act revises provisions relating to notice requirements prior to excavation or blasting and for emergency situations, provides for costs associated with re-marking, revises marking requirements, provides requirements for designating and marking the location of sewer laterals, provides for requirements for sewer laterals installed on or after January 1, 2006, provides for the establishment of rules and regulations relating to the locating of large projects, and provides requirements relating to unlocatable utility facilities. The Act establishes a standard of care for conducting trenchless excavation, provides for bond requirement authority by local governing authorities on persons performing excavation or blasting within the public right of way, revises the composition of the advisory committee, and revises the authority of the Public Service Commission in imposing penalties for violations.

The Act amends O.C.G.A. Sections 25-9-2 through 25-9-9, 25-9-12, and 25-9-13.

Effective July 1, 2005.

#### SB 133

This Act revises the definition of "fireworks" so as to allow for the sale or use of sparklers in this state. The Act prohibits sparklers to be sold to any person under age 18 and requires proper identification prior to sale and prohibits the use of sparklers indoors. The Act provides for a fine of \$100.00 for the sale of sparklers to any person under age 18.

The Act amends O.C.G.A. Sections 25-10-1 and 25-10-2 and enacts O.C.G.A. Section 25-10-9.

Effective May 2, 2005.

TITLE 26 -- FOOD, DRUGS, AND COSMETICS

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 196**

This Act makes editorial changes to the "Common-sense Consumption Act." The Act clarifies the standard of proof for the limitation of liability to be an intent to deceive or injure consumers or actual knowledge that such violation was injurious to consumers.

The Act amends O.C.G.A. Sections 26-2-430 through 26-2-436.

Effective July 1, 2005.

**SB 254**

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

**SB 258**

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

**TITLE 27 -- GAME AND FISH**

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 501**

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the

Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 206

This Act provides that lands managed by the Department of Natural Resources shall be open to access and use for recreational hunting and trapping except as limited by the department for reasons of public safety or homeland security. The Act provides for the issuance of a permit to hunt deer with dogs to the licensee of deer hunting rights on tracts of 1,000 acres or more and to the owner of a tract of property that is on 250 contiguous acres or more.

The Act amends O.C.G.A. Section 27-3-17 and enacts O.C.G.A. Section 27-1-3.1.  
Effective July 1, 2005.

#### SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

#### HB 662

This Act changes fees and conditions relative to game and fish license, permit, tag, and stamp fees.

The Act amends O.C.G.A. Section 27-2-23.

Section 1 of the Act becomes effective on July 1, 2005. Section 2 of the Act becomes effective on March 31, 2012.

#### HB 292

This Act provides for an extended archery-only deer season in certain counties. The Act changes provisions relating to deer season in counties having an extended archery-only open season.

The Act amends O.C.G.A. Section 27-3-15.

Effective July 1, 2005.

#### HB 301

This Act provides restrictions on taking fish by spears. The Act authorizes the taking of certain fish by grabbing, noodling, or by hand.

The Act amends O.C.G.A. Sections 27-4-5 and 27-4-33 and enacts O.C.G.A. Section 27-4-37.

Effective July 1, 2005.

#### SB 119

This Act extends the expiration date of certain provisions relating to the taking of sponge crabs.

The Act amends O.C.G.A. Section 27-4-150.

Effective May 2, 2005.

#### TITLE 28 -- GENERAL ASSEMBLY

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

## SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

## HB 264

This Act changes provisions relating to the creation and membership of the Georgia Commission on Interstate Cooperation. The Act also declares certain organizations are joint governmental agencies of this state and of the other states which cooperate through it.

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

## TITLE 29 -- GUARDIAN AND WARD

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

## HB 394

This Act changes certain provisions relating to the Department of Human Resources and changes certain provisions relating to the qualifications of guardians of adults. The Act changes provisions regarding the order of preference in selection of guardians of adults and provides for the appointment of a public guardian or the Department of Human Resources as a guardian of an adult in certain circumstances. The Act also changes certain provisions relating to the role of the director of a county department of family and children services and enacts a new chapter relating to public guardians. The Act provides for an oath of guardianship and the registration, qualifications, and requirements for a public guardian. The Act also provides for letters of guardianship, record keeping and reporting, additional security on bonds, and revocation of letters of guardianship. The Act also revises the notification to the Department of Human Resources relating to involuntary transfer of residents from a facility.

The Act amends O.C.G.A. Sections 29-1-1, 29-4-2, 29-4-3, 29-9-10, 30-5-3, 30-5-5, and 31-8-116 and enacts O.C.G.A. Sections 29-10-1 through 29-10-11.

Effective July 1, 2005.

## TITLE 30 -- HANDICAPPED PERSONS

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 394**

This Act changes certain provisions relating to the Department of Human Resources and changes certain provisions relating to the qualifications of guardians of adults. The Act changes provisions regarding the order of preference in selection of guardians of adults and provides for the appointment of a public guardian or the Department of Human Resources as a guardian of an adult in certain circumstances. The Act also changes certain provisions relating to the role of the director of a county department of family and children services and enacts a new chapter relating to public guardians. The Act provides for an oath of guardianship and the registration, qualifications, and requirements for a public guardian. The Act also provides for letters of guardianship, record keeping and reporting, additional security on bonds, and revocation of letters of guardianship. The Act also revises the notification to the Department of Human Resources relating to involuntary transfer of residents from a facility.

The Act amends O.C.G.A. Sections 29-1-1, 29-4-2, 29-4-3, 29-9-10, 30-5-3, 30-5-5, and 31-8-116 and enacts O.C.G.A. Sections 29-10-1 through 29-10-11.

Effective July 1, 2005.

**TITLE 31 -- HEALTH**

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**SB 49**

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

**SB 81**

This Act recodifies the "Patient Access to Eye Care Act" as a portion of Title 33, the "Georgia Insurance Code," and provides for enforcement of such Act by the Commissioner of Insurance.

The Act repeals and reserves O.C.G.A. Sections 31-1-20 through 31-1-22 and enacts O.C.G.A. Section 33-24-59.12.

Effective July 1, 2005.

**HB 309**

This Act corrects the names of the House Committee on Health and Human Services and the Senate Health and Human Services Committee of the General Assembly to conform to changes to committee names.

The Act amends O.C.G.A. Sections 31-6-21.1, 31-6-46, 31-43-4, 44-5-150, 49-4-149.1, 49-5-224, 49-5-227, and 49-6-62.

Effective April 7, 2005.

#### HB 390

This Act creates the State Commission on the Efficacy of the Certificate of Need Program. The Act provides for the legislative intent of the commission, establishes the composition, powers, and duties of the commission, and provides for the compensation of commission members. The Act provides for officers of the commission and requires a quorum to transact business. The Act requires the commission to submit a final report and provides for the automatic repeal of the Act and abolishment of the commission on June 30, 2007.

The Act enacts O.C.G.A. Sections 31-6-90 through 31-6-95.

Effective April 7, 2005.

#### HB 394

This Act changes certain provisions relating to the Department of Human Resources and changes certain provisions relating to the qualifications of guardians of adults. The Act changes provisions regarding the order of preference in selection of guardians of adults and provides for the appointment of a public guardian or the Department of Human Resources as a guardian of an adult in certain circumstances. The Act also changes certain provisions relating to the role of the director of a county department of family and children services and enacts a new chapter relating to public guardians. The Act provides for an oath of guardianship and the registration, qualifications, and requirements for a public guardian. The Act also provides for letters of guardianship, record keeping and reporting, additional security on bonds, and revocation of letters of guardianship. The Act also revises the notification to the Department of Human Resources relating to involuntary transfer of residents from a facility.

The Act amends O.C.G.A. Sections 29-1-1, 29-4-2, 29-4-3, 29-9-10, 30-5-3, 30-5-5, and 31-8-116 and enacts O.C.G.A. Sections 29-10-1 through 29-10-11.

Effective July 1, 2005.

#### HB 392

This Act provides for the imposition of a quality assessment fee on care management organizations to be used to obtain federal financial participation for medical assistance payments to providers that serve the medically indigent. The Act provides definitions, establishes a segregated account within the Indigent Care Trust Fund for the deposit of assessment fees, provides for a method for calculating and collecting the assessment fees, authorizes the Department of Community Health to inspect records of care management organizations, provides for penalties for failure to pay an assessment fee, authorizes the department to withhold Medicaid payments equal to amounts owed as an assessment fee



and penalty, and provides for the collection of assessment fees by civil action and tax liens. The Act further provides for the appropriation of funds into the segregated account for payment of medical assistance to providers.

The Act enacts O.C.G.A. Sections 31-8-170 through 31-8-177.  
Effective July 1, 2005.

#### HB 166

This Act enacts the "'Health Share' Volunteers in Medicine Act," to provide for the establishment of a program for health care services to low-income recipients. The Act provides that a health care provider that enters into a contract with the Department of Community Health or its designee to provide health care under Health Share will be immune from liability. The Act requires notice to any patient receiving health care services under Health Share that he or she will not be able to sue the health care provider and that his or her exclusive remedy will be against the state up to certain monetary limits. The Act provides for an annual report of claims against the state for health care services provided pursuant to the Health Share program. The Act provides for payment of insurance premiums for liability coverage for the Health Share program. The Act provides that health care providers that enter into contracts with the Department of Community Health to provide health care under Health Share will be considered to be state employees for purposes of the State Tort Claims Act.

The Act enacts O.C.G.A. Sections 31-8-190 through 31-8-201.

The Act amends O.C.G.A. Sections 43-1-28, 43-11-52, 43-34-45.1, 50-21-22, and 50-21-29.

Effective only if funds are specifically appropriated for purposes of this Act in an appropriations Act. If such funds are appropriated, this Act shall become effective when funds as appropriated become available for expenditure.

#### HB 197

This Act enacts the "Woman's Right to Know Act," to require that a female give her informed consent prior to an abortion. The Act requires that certain information be provided or made available to the female at least 24 hours prior to an abortion and that the female sign a written acknowledgment of receipt of such information. The Act provides for an exception to the 24 hour notice for medical emergencies. The Act provides for reporting requirements for physicians relating to the required distribution of information and penalties for noncompliance. The Act eliminates the ability of a person standing in loco parentis from receiving notice of a pending abortion on a minor. The Act provides for the waiver by a court order of the notice requirements for abortions on minors.

The Act requires that an abortion shall only be performed by a licensed physician. The Act requires certain reports by physicians and the Department of Human Resources regarding abortions performed.

The Act amends O.C.G.A. Sections 15-11-111, 15-11-112, 15-11-114, 16-12-141, and 16-12-141.1.

The Act enacts O.C.G.A. Sections 31-9A-1 through 31-9A-8.  
Effective May 10, 2005.

## HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

## SB 90

This Act enacts the "Georgia Smokefree Air Act of 2005." The Act prohibits smoking in enclosed public places, places of employment, and facilities of the state or of local governments. The Act provides exceptions to the prohibition on smoking for private residences, certain hotel rooms, retail tobacco stores, long-term care facilities, outdoor areas of places of employment, smoking areas in international airports, tobacco wholesalers and manufacturers, private and semiprivate rooms in health care facilities, private rooms in bars and restaurants, bars and restaurants that do not admit individuals under 18 years of age, convention meeting rooms, smoking areas designated by an employer, common work areas and private offices, and private and military clubs under certain conditions. The Act provides that ashtrays must be removed from any area where smoking is prohibited. The Act directs and authorizes the Department of Human Resources and county boards of health to provide public information and to enforce the Act. The Act provides that local governments can enact more restrictive ordinances which are not in conflict with the Act. The Act provides that a smoking violation shall

be a misdemeanor punishable by a fine of not less than \$100.00 and not more than \$500.00.

The Act amends O.C.G.A. Section 16-12-2.

The Act enacts O.C.G.A. Sections 31-12A-1 through 31-12A-13.

Effective May 9, 2005, for purposes of promulgating rules and regulations; effective on July 1, 2005, for all other purposes.

#### SB 56

This Act revises certain provisions relative to confinement of patients committed for tuberculosis treatment based on proceedings instituted by the Department of Human Resources of a county board of health. The Act changes the term "contagious tuberculosis" to "active tuberculosis" and revises the definition. The Act changes the initial maximum time period that an individual can be committed by court order for care and treatment of active tuberculosis from six months to two years.

The Act amends O.C.G.A. Sections 31-14-1 through 31-14-14.

Effective July 1, 2005.

#### SB 51

This Act provides requirements for the degree of supervision of technicians in clinical laboratories for the performance of certain testing procedures.

The Act amends O.C.G.A. Section 31-22-1.

Effective July 1, 2005.

#### SB 204

This Act provides that hospitals and other designated health care providers may create, maintain, transmit, receive, and store patients' health records in an electronic format. The Act provides that a provider shall not be required to maintain separate tangible copies of electronically stored records and that a tangible copy reproduced from an electronic record shall be considered an original for purposes of providing records to patients and of court proceedings.

The Act enacts O.C.G.A. Section 31-33-8.

Effective July 1, 2005.

#### SB 48

This Act repeals the future "sunset" of O.C.G.A. Chapter 31-44 relating to renal disease facilities, which would have automatically repealed the entire chapter effective January 1, 2007. The Act revises references to an association and a profession in the provisions relating to the composition of the Renal Dialysis Advisory Council to provide conformity to current terminology.

The Act amends O.C.G.A. Sections 31-44-1 through 31-44-15.

Effective July 1, 2005.

### TITLE 32 -- HIGHWAYS, BRIDGES, AND FERRIES

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 501**

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

**SB 160**

This Act amends provisions throughout O.C.G.A. Title 32 to remove all references to national highways and federal-aid primary roads. The Act also defines the scope of the Department of Transportation's control over junkyards and changes the areas of authorization for junkyard control.

The Act amends O.C.G.A. Sections 32-1-3, 32-6-26, 32-6-51, 32-6-71, 32-6-240 through 32-6-245, and 32-10-1.

Effective July 1, 2005.

**HB 312**

This Act provides for the substantial revision and transfer of powers, duties, and authority of the Department of Administrative Services, the Georgia Technology Authority, the Office of Planning and Budget, the Board of Regents of the University System of Georgia, the Department of Agriculture, the Department of Veteran Services, and the state accounting officer relating to purchase and procurement.

The Act amends O.C.G.A. Sections 32-2-61, 45-12-73, 50-5-17, 50-5-51, 50-5-52, 50-5-53, 50-5-67, 50-5-69, 50-5-71, 50-5-80, 50-16-144, 50-16-160, 50-16-162, 50-19-1, 50-19-6, 50-19-8, 50-19-9, 50-25-1, 50-25-4, and 50-25-7.2, enacts O.C.G.A. Section 50-16-163, and repeals O.C.G.A. Sections 50-16-161, 50-19-3, 50-19-4, 50-19-5, 50-25-7.3, 50-25-7.4, 50-25-7.5, 50-25-7.6, 50-25-7.8, and 50-25-7.9.

Section 28 of the Act effective is June 30, 2006. The remaining sections of the Act are effective July 1, 2005.

**SB 270**

This Act permits the acceptance of solicited as well as unsolicited proposals for public-private initiatives and allows for the disclosure of nonproprietary matters from

solicited and unsolicited proposals in order to encourage competition. The Act also provides for a payment and performance bond sufficient to protect the interest of the public and extends the time for submitting competing proposals.

The Act amends O.C.G.A. Sections 32-2-78, 32-2-79, 32-10-1, and 32-10-4.  
Effective May 2, 2005.

#### HB 530

This Act revises the criteria for design-build contracts entered into by the Department of Transportation.

The Act amends O.C.G.A. Section 32-2-81.  
Effective July 1, 2005.

#### SB 107

This Act adds an additional route to the Developmental Highway System.

The Act amends O.C.G.A. Section 32-4-22.  
Effective April 29, 2005.

#### SB 4

This Act removes certain projects that were exempt from allocation provisions relative to state and federal funds and provides for budgeting periods. The Act also changes the percentage to be divided equally among the congressional districts.

The Act amends O.C.G.A. Section 32-5-30.  
Effective July 1, 2005.

#### HB 279

This Act changes the weight limitations for certain types of vehicles hauling agricultural products.

The Act amends O.C.G.A. Sections 32-6-26 and 32-6-27.  
Effective July 1, 2005.

#### HB 273

This Act authorizes the Department of Transportation to implement FlexAuto lanes, areas designated as special lanes of travel created by converting emergency lanes and hard shoulder areas into rush hour traffic lanes.

This Act amends O.C.G.A. Section 40-6-50 and enacts O.C.G.A. Section 32-9-4.1.  
Effective May 5, 2005.

#### TITLE 33 -- INSURANCE

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL  
ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

## HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

## SB 3

This Act provides for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular. The Act also provides for legislative findings, venue in actions with joint defendants, and courts declining to follow the doctrine of forum non conveniens in certain cases. The Act changes provisions relating to affidavits accompanying charges of professional malpractice and provides defendants access to plaintiff's health information in medical malpractice cases. The Act provides new procedures for damages for frivolous claims and defenses and establishes that certain apologies or similar statements by health care providers shall not be admitted as evidence in civil actions. The Act also changes provisions regarding expert opinions in certain malpractice civil actions and regarding establishment of liability and standard of care in certain actions relating to emergency health care. The Act changes provisions relating to apportionment of award according to degree of fault and relating to agency liability of hospitals. The Act also limits noneconomic damages in certain actions relating to health care.

The Act amends O.C.G.A. Titles 9, 24, 33, 43, and 51.

Effective February 16, 2005, except as specifically detailed in the Act.

## SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

## HB 407

This Act authorizes the Commissioner of Insurance to place administrators on probation and to provide penalties against administrators for certain violations. The Act permits insurers to provide food or refreshments to current or prospective clients during sales presentations and seminars under certain circumstances. The Act revises and provides additional grounds for refusal, suspension, or revocation of licenses of agents, subagents, counselors, and adjusters.

The Act makes various changes relating to the licensing of administrators. The Act makes extensive changes relating to the "Georgia Insurers Insolvency Pool Act."

The Act amends O.C.G.A. Sections 33-2-24, 33-6-4, 33-9-36, 33-23-17, 33-23-21, 33-23-46, 33-23-100, 33-23-101, 33-23-102, 33-23-103, 33-36-2, 33-36-3, 33-36-4, 33-36-6, 33-36-7, 33-36-7.1, 33-36-9, 33-36-11, 33-36-13, 33-36-14, 33-36-14.1, 33-36-15, and 33-36-16.1.

Effective July 1, 2005.

#### HB 291

This Act provides an exception to the requirement that major medical insurance policies or plans provide for carry-over deductibles. The Act removes the requirement that managed care plans obtain signed acknowledgments from enrollees regarding participating providers, limitations on choices of health care providers, and summaries of agreements with health care providers.

The Act enacts the "Georgia Telemedicine Act," requiring that health benefit policies provide coverage for health care services provided through telemedicine in accordance with generally accepted health care practices and standards.

The Act provides for group life insurance policies to insure mortgagors of a creditor to reduce or extinguish an unpaid mortgage and increases the maximum amount of coverage on an agricultural loan group policy to \$75,000.00. The Act provides that certain required provisions in group life insurance policies shall not apply to policies issued to a creditor to insure mortgagors. The Act requires that certain individual and blanket accident and sickness policies insure certain dependent children of the insured up to and including age 25.

The Act revises the definitions of "group accident and sickness insurance" and "blanket accident and sickness insurance." The Act provides an exception for intentional misrepresentation of material fact in applying for or procuring insurance as to treatment of certain statements made by a policyholder or insured person. The Act revises the definition of "emergency services" relating to preferred provider arrangements.

The Act amends O.C.G.A. Sections 33-6-5, 33-20A-5, 33-27-1, 33-27-3, 33-29-2, 33-29-7, 33-29-8, 33-30-1, 33-30-3, 33-30-4, 33-30-6, 33-30-9, 33-30-15, and 33-30-22.

The Act enacts O.C.G.A. Section 33-24-56.4.

Effective July 1, 2005.

#### HB 428

This Act provides an exception to the category of property insurance for warranty service agreements for major appliances, utility systems, and roofing of certain residential structures if such agreement is guaranteed by a surety bond of at least \$100,000.00.

The Act amends O.C.G.A. Section 33-7-6.

Effective July 1, 2005.

#### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

#### HB 327

This Act removes the existing eight-year limitation on the application of the workers' compensation insurance premium discount for insureds with drug-free workplace programs and provides that such discount shall continue as long as the insured maintains the certification as having a drug-free workplace. The Act also authorizes the Board of Workers' Compensation to promulgate policies, rules, and regulations concerning the electronic submission to and transmission from the board of documents and filings. The Act provides for a schedule of hearings with regard to a request for a determination of noncatastrophic status. The Act creates a rebuttable presumption in determining whether an employee's injury is catastrophic. The Act also changes the compensation payable for temporary total disability and for temporary partial disability.

The Act amends O.C.G.A. Sections 33-9-40.2, 34-9-40, 34-9-60, 34-9-10.2, 34-9-200.1, 34-9-261, and 34-9-262.



Effective July 1, 2005.

#### SB 225

This Act repeals the provisions relating to required reserves for employers' liability insurance and workers' compensation for outstanding losses from accident to or injuries suffered by an employee or other person.

The Act repeals O.C.G.A. Section 33-10-9.

Effective May 2, 2005.

#### SB 140

This Act creates the Joint Committee to Study Prescription Costs in State Funded Health Care Plans. The Act amends the "Patient's Right to Independent Review Act," providing that such Act shall not apply to recipients of Medicaid or PeachCare. The Act provides that recipients of Medicaid or PeachCare shall be afforded fair hearing rights after first exhausting the grievance procedure of the managed care plan.

The Act provides that health maintenance organizations that enter into contracts with the Department of Community Health to provide health care to Medicaid recipients shall not be subject to certain fees and taxes. The Act eliminates the requirement for a separate budget unit and separate appropriation for purposes of implementing Medicaid.

The Act enacts O.C.G.A. Sections 33-20A-42 and 33-20A-70.

The Act amends O.C.G.A. Sections 33-20A-30 through 33-20A-41, 49-4-156, 49-5-272, and 49-5-273.

Effective May 10, 2005.

#### HB 418

This Act provides for electronic notice of cancellation of insurance policies to lienholders.

The Act amends O.C.G.A. Section 33-24-44.

Effective May 2, 2005.

#### SB 81

This Act recodifies the "Patient Access to Eye Care Act" as a portion of Title 33, the "Georgia Insurance Code," and provides for enforcement of such Act by the Commissioner of Insurance.

The Act repeals and reserves O.C.G.A. Sections 31-1-20 through 31-1-22 and enacts O.C.G.A. Section 33-24-59.12.

Effective July 1, 2005.

#### HB 320

This Act creates the Commission on the Georgia Health Insurance Risk Pool to conduct a feasibility study and provide recommendations for establishment of the Georgia Health Insurance Risk Pool for coverage for uninsurable individuals and persons eligible for

federal Health Coverage Tax Credits.

The Act enacts O.C.G.A. Sections 33-29A-20 through 33-29A-22.  
Effective May 10, 2005.

SB 166

This Act provides an insurer shall deliver a policy or certificate of credit life insurance to an insured within 60 days after the indebtedness is incurred.

The Act amends O.C.G.A. Section 33-31-7.  
Effective May 2, 2005.

SB 167

This Act requires an insured to notify the credit life insurer upon the early payoff of the indebtedness and requires the insurer to provide a notice on the face of the policy of the obligation of the insured to provide such notice.

The Act amends O.C.G.A. Section 33-31-9.  
Effective May 2, 2005.

SB 174

This Act enacts the "Small Business Employee Choice of Benefits Health Insurance Plan Act." The Act provides that insurers must offer to individuals and to employees in small businesses, defined as 15 or fewer employees, both a health benefit plan that contains all state mandated health benefits and one that does not contain all state mandated health benefits.

The Act enacts O.C.G.A. Sections 33-59-1 through 33-59-6.  
Effective May 10, 2005.

SB 217

This Act enacts the "Life Settlements Act," which provides for the protection of contractual and property rights of a life insurance policy owner to seek a life settlement. The Act provides for the regulation of life settlement transactions and provides for the licensing and regulation of life settlement providers and others involved in life settlement transactions. The Act provides for antifraud measures and for penalties for certain violations.

The Act enacts O.C.G.A. Sections 33-59-1 through 33-59-18.  
Effective May 9, 2005.

TITLE 34 -- LABOR

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL  
ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### HB 59

This Act provides that no local government entity may through its purchasing or contracting procedures seek to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the local government entity.

The Act amends O.C.G.A. Section 34-4-3.1.

Effective July 1, 2005.

#### HB 520

This Act makes comprehensive changes to the provisions relating to the Employment Security Law, including redefining the term "employment," extending certain employer contribution rates and credits, extending suspension of adjustments based upon the State-wide Reserve Ratio for the calendar year 2006, and providing for a reduced adjustment in contribution rates through December 31, 2006. The Act also continues certain provisions relating to administrative assessments and provides for a change in the weekly unemployment benefit amount over a two-year period. Finally, the Act provides for the Department of Labor a supplemental appropriation from the Unemployment Trust Fund by the Secretary of the Treasury of the United States.

The Act amends O.C.G.A. Sections 34-8-35, 34-8-151, 34-8-153, 34-8-155, 34-8-156, 34-8-180, 34-8-181, 34-8-185, 34-8-193, and 34-8-194.

Effective May 10, 2005.

#### SB 158

This Act repeals the "State Space Management Act of 1976" and transfers powers and duties regarding space management from the Department of Administrative Services to the State Properties Commission. The Act provides for the transfer of certain assets, contracts, leases, agreements, obligations, funds, and personnel from the Department of Administrative Services to the State Properties Commission. The Act repeals certain provisions relating to the inventory of state buildings. The Act repeals provisions relating to the authority of the Commissioner of Labor regarding the lease of property.

The Act amends O.C.G.A. Sections 50-9-2, 50-9-3, 50-9-4, 50-9-5, 50-16-31, 50-16-32, 50-16-34, 50-16-35, 50-16-38, 50-16-41, 50-16-43, 50-16-120, 50-16-121, 50-16-122, 50-16-123, and 50-16-124, enacts O.C.G.A. Section 50-16-125, and repeals O.C.G.A. Sections 34-8-90 and 50-16-33 and O.C.G.A. Article 2 of Chapter 5 and Article 6 of Chapter 9 of Title 50.

Effective April 12, 2005.

#### HB 404

This Act provides that a person who leaves an employer to accompany a spouse who has been reassigned from one military assignment to another shall not be disqualified from receiving unemployment benefits for that reason.

The Act amends O.C.G.A. Section 34-8-194.

Effective July 1, 2005.

#### HB 327

This Act removes the existing eight-year limitation on the application of the workers' compensation insurance premium discount for insureds with drug-free workplace programs and provides that such discount shall continue as long as the insured maintains the certification as having a drug-free workplace. The Act also authorizes the Board of Workers' Compensation to promulgate policies, rules, and regulations concerning the electronic submission to and transmission from the board of documents and filings. The Act provides for a schedule of hearings with regard to a request for a determination of noncatastrophic status. The Act creates a rebuttable presumption in determining whether an employee's injury is catastrophic. The Act also changes the compensation payable for temporary total disability and for temporary partial disability.

The Act amends O.C.G.A. Sections 33-9-40.2, 34-9-40, 34-9-60, 34-9-10.2, 34-9-200.1, 34-9-261, and 34-9-262.

Effective July 1, 2005.

#### HB 200

This Act provides that the Subsequent Injury Trust Fund shall not reimburse a self-insured employer or an insurer for an injury occurring after June 30, 2006, for which a claim is made after June 30, 2006. The Act provides that the fund shall continue to reimburse self-insured employers and insurers for claims made prior to June 30, 2006.

The Act amends O.C.G.A. Section 34-9-368.

Effective May 10, 2005.

#### TITLE 35 -- LAW ENFORCEMENT

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### SB 146

This Act provides for the title "director of the Georgia Bureau of Investigation" and changes certain provisions relating to the director's powers relating to the Antiterrorism Task Force.

The Act amends O.C.G.A. Sections 35-3-1, 35-3-5, 35-3-7, 35-3-9.2, 35-3-64, 35-3-65, 25-2-33, and 45-7-7.

Effective July 1, 2005.

#### SB 175

This Act makes comprehensive changes to the Brady Law regulations. The Act requires certain gun manufacturers and dealers to conduct National Instant Criminal Background Checks, requires the Georgia Crime Information Center at the GBI to forward involuntary hospitalization information to the FBI, and provides for penalties for noncompliance. The Act also changes certain provisions relating to disclosure and dissemination of criminal records.

The Act amends O.C.G.A. Sections 16-11-171, 16-11-172, 16-11-173, and 35-3-34 and repeals O.C.G.A. Sections 16-11-170 and 16-11-174 through 16-11-184.

Effective July 1, 2005.

## SB 6

This Act authorizes and facilitates, but does not require, the exchange of national criminal history background checks with authorized agencies on providers of care to children, the elderly, and persons with disabilities, including volunteers with youth sports organizations and other youth activities. The Act also provides that no person, agency, or entity shall disseminate any criminal history except the determination of fitness which such person obtains.

The Act enacts O.C.G.A. Section 35-3-34.2.

Effective May 10, 2005.

## HB 50

This Act authorizes and facilitates, but does not require, the exchange of national criminal history background checks with authorized agencies on providers of care to children, the elderly, and persons with disabilities, including but not limited to volunteers with youth sports organizations and other youth activities.

The Act enacts O.C.G.A. Section 35-3-35.1.

Effective May 9, 2005.

## HB 347

This Act amends an Act relating to the admission of reports from the state crime laboratory into evidence in court proceedings so as to include reports from certain private laboratories under contract to the state crime laboratory.

The Act amends O.C.G.A. Section 35-3-154.1.

Effective May 2, 2005.

## TITLE 36 -- LOCAL GOVERNMENT

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

## HB 557

This Act repeals O.C.G.A. Section 36-8-6, relating to the duties of county police with respect to the inspection of roads and bridges.

Effective July 1, 2005.

## HB 98

This Act enacts the "Georgia Land Conservation Act." The Act creates the Georgia Land Conservation Council and establishes the Georgia Land Conservation Trust Fund and the Georgia Land Conservation Revolving Loan Fund, which loan fund shall consist of any moneys paid to the Georgia Environmental Facilities Authority under intergovernmental contract. In other ways, the Act makes changes to the process intended to promote partnerships for the conservation of land resources that are identified by cities

or counties as locally valuable or identified by the Department of Natural Resources as having state-wide significance.

The Act amends O.C.G.A. Sections 36-22-1 through 36-22-12 and 50-13-2 and enacts O.C.G.A. Sections 36-22-13 through 36-22-15.

Effective April 14, 2005.

#### HB 36

This Act makes several changes to the provisions relating to incorporation of municipal corporations, including the elimination of the three-mile minimum distance requirements applicable to new incorporations. Among other changes, the Act also provides that the Attorney General shall seek all preclearances required under the federal Voting Rights Act of 1965 when a new municipal corporation is created by local Act.

The Act amends O.C.G.A. Sections 36-31-2, 36-31-4, and 48-8-89.1 and enacts O.C.G.A. Sections 36-31-6 through 36-31-12.

The Act is applicable to any local Act enacted at the 2005 regular session of the General Assembly.

Effective April 15, 2005.

#### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and

50-18-72 and repeals O.C.G.A. Section 46-5-139.  
Effective July 1, 2005.

#### HB 48

This Act provides for the comprehensive revision of provisions regarding ethics and conflicts of interests relative to public officials and officers. The Act makes changes to provisions relating to the State Ethics Commission. The Act also makes changes to provisions relating to lobbyists.

The Act amends O.C.G.A. Sections 21-5-2 through 21-5-7, 21-5-12, 21-5-30, 21-5-31, 21-5-34, 21-5-34.1, 21-5-35, 21-5-40, 21-5-41, 21-5-43, 21-5-50, 21-5-52, 21-5-70, 21-5-71, 21-5-73, and 36-67A-1 and enacts O.C.G.A. Sections 21-5-7.1, 21-5-13, 21-5-74, 21-5-75, 21-5-76, 45-10-80, 45-10-90 through 45-10-94, and 45-12-61.

Effective January 9, 2006.

#### HB 570

This Act enacts the "Interlocal Cooperation Act." The Act provides that any public agency in this state may enter into agreements with a public agency in another state for joint or cooperative action. The Act provides for the comprehensive regulation of such interlocal agreements and for procedures, conditions, and limitations with respect to such agreements.

The Act enacts O.C.G.A. Sections 36-69A-1 through 36-69A-9.

Effective May 3, 2005.

#### SB 227

This Act provides for the entering into of cap, collar, swap, and other derivative transactions regarding interest rates that manage interest rate risk or cost with respect to the issuance of certain bonds.

The Act enacts O.C.G.A. Sections 36-82-250 through 36-82-256 and 50-17-100 through 50-17-105 and amends O.C.G.A. Section 50-17-22.

Effective May 2, 2005.

#### HB 186

This Act removes a limitation on the purposes for which federal funds may be used by a county or municipal corporation.

The Act amends O.C.G.A. Section 36-87-2.

Effective July 1, 2005.

#### HB 116

This Act changes the definitions of the terms "county millage rate" and "municipal millage rate" as they relate to homeowner tax relief grants so that they include any millage levied for those special districts reported on the 2004 City and Independent School Millage Rate Certification certified to and received by the commissioner on or



before December 31, 2004. The Act also provides that no tax collector or tax commissioner shall issue an execution against any person who is not the record owner of the property on the day the property became delinquent.

The Act amends O.C.G.A. Sections 36-89-1 and 48-3-3.  
Effective April 12, 2005.

#### TITLE 37 -- MENTAL HEALTH

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### TITLE 38 -- MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

#### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

#### HB 438

This Act provides that the executive directors of the Georgia War Veterans Nursing Home in Augusta and the Georgia State War Veterans' Home in Milledgeville be appointed by the commissioner of veterans service.

The Act amends O.C.G.A. Section 38-4-2.

Effective July 1, 2005.

#### HB 440

This Act eliminates the requirement that a veteran must have been a legal resident of Georgia for two years immediately prior to his or her death to be eligible for interment in a veterans cemetery in Georgia.

The Act amends O.C.G.A. Section 38-4-70.

Effective July 1, 2005.

TITLE 40 -- MOTOR VEHICLES AND TRAFFIC

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

SB 93

This Act prohibits the use of plastic, other types of material, or body parts to cover license plates.

The Act enacts O.C.G.A. Section 40-2-6.1.

Effective July 1, 2005.

HB 455

This Act amends provisions of the O.C.G.A. relating to new and used cars. The Act provides for the use of the vehicle identification number on temporary license plates and requires all temporary plates have a holographic security image and a write-resistant overlay. The Act also requires all sellers and distributors of the holographic strips to register with the Department of Motor Vehicle Safety and provides for dealer's plates. The Act establishes standards for granting temporary site permits to new and used motor vehicle dealers.

The Act amends O.C.G.A. Sections 40-2-8, 40-2-38, 40-2-39, 40-2-153, 43-47-2, and 43-47-8.2.

Effective July 1, 2005, except for Section 2 relating to dealer's plates, which shall become effective on January 1, 2006.

HB 367

This Act changes the requirements regarding replacement of license plates on private and governmental motor vehicles and increases the license fee on governmental vehicles.

The Act provides that driver training schools must be licensed and in business for two years before being authorized to conduct on-the-road driving tests. The Act also mandates approval of a driver improvement clinic's curriculum and provides for certificates of completion. The Act requires applicants for a hazardous materials endorsement to successfully complete a security threat assessment and provides for nonresident commercial driver's licenses. The Act also enacts provisions establishing requirements for licensing of ignition interlock device provider centers and regulating driver training schools.

The Act amends O.C.G.A. Sections 40-2-31, 40-2-37, 40-5-27, 40-5-83, 40-5-84, 40-5-142, 40-5-147, 40-5-149, 40-5-150, 40-5-151, 43-13-2, 43-13-3, 43-13-4, 43-13-4.1, and 43-13-10 and enacts O.C.G.A. Sections 40-5-148.2 and 43-12A-1 through 43-12A-9.

#### SB 117

This Act provides that any Georgia license plate issued in the year 1970 or before shall be an authentic historical Georgia license plate and authorizes the display of such license plates on certain motor vehicles.

The Act amends O.C.G.A. Section 40-2-41.1.

Effective July 1, 2005.

#### SB 168

This Act designates an annual Bill Elliott Day in Georgia and refines the method for administrative issuance of special license plates. The Act allows surviving spouses of Medal of Honor winners to retain the special license plates and provides a motorcycle license plate for Purple Heart recipients. The Act also creates license plates honoring police officers wounded in the line of duty, commemorating the Benevolent and Protective Order of the Elks, honoring emergency medical services personnel, promoting historic preservation efforts, identifying licensed Georgia physicians, bearing the NASCAR logo, promoting "Share the Road" messages for motorists and bicyclists, and supporting the Governor's Highway Safety Program.

The Act amends O.C.G.A. Sections 40-2-60.1, 40-2-68, 40-2-74, and 40-2-84 and enacts O.C.G.A. Sections 1-4-15, 40-2-74.1, and 40-2-86.10 through 40-2-86.15.

Effective January 1, 2006.

#### SB 255

This Act provides for a special license plate for families with a member serving in the military.

The Act enacts O.C.G.A. Section 40-2-86.10.

Effective July 1, 2005.

#### SB 257

This Act provides for a special license plate supporting Georgia troops.

The Act enacts O.C.G.A. Section 40-2-86.10.

Effective July 1, 2005.

### HB 364

This Act requires proof of the payment of sales and use tax as a precondition to titling certain vehicles.

The Act amends O.C.G.A. Section 40-3-20.

Effective January 1, 2006.

### HB 151

This Act extends the pilot program to determine the revenue feasibility of supplying limited rating information to agents, insurers, and insurance support organizations.

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

Effective May 2, 2005.

### HB 577

This Act provides for the destruction of certain fingerprint records and prohibits fingerprinting and similar identification of applicants for drivers' licenses and identification cards. The Act also describes the type of identification necessary to obtain a temporary driver's license or permit or identification card.

The Act amends O.C.G.A. Sections 40-5-2, 40-5-28, 40-5-100, and 40-5-171 and enacts O.C.G.A. Section 40-5-21.1.

Effective July 1, 2006.

### SB 35

This Act changes program weights for QBE funding and directs the State Board of Education to develop rules requiring each local board of education to provide information to school councils and the public regarding school site budgets and expenditures and site average class size by grade. The Act extends special expenditure controls in place for 2003-2004 and 2004-2005 to the 2005-2006 school year. The Act directs the state board to provide for a system average maximum class size for each instructional program and provides that the maximum number of students who may be taught by a teacher in an instructional period shall not exceed the system average maximum class for the program by more than two students. The Act provides that the maximum class sizes set by the state board for the 2002-2003 school year shall apply for grades four through 12 for the 2005-2006 and 2006-2007 school years. The Act amends provisions relating to the Education Information Steering Committee and deletes a requirement for completion of the state-wide comprehensive educational information system by a specific date.

The Act extensively amends charter school provisions, revising the statement of intent to that of encouraging local school systems to use charters, revising provisions for calculating funding for local charter schools, providing more discretion for the state board in determining the contents of a charter petition, providing for charter petitions from a group of two or more local schools as a single charter petitioner to convert to charter schools, providing for charter petitions from two or more local school systems to jointly authorize a local charter school, restoring the "blanket waiver" that was part of the statute originally, providing for a charter attendance zone and enrollment preferences to be

specified in the charter, increasing the length of the initial terms and renewal terms of charters, revising provisions for annual reports of charter schools, and revising provisions relating to the use of moneys from the facilities fund.

The Act revises the duties of the office of student achievement, extends certain provisions relating to accountability for individual schools to school systems, and changes a provision for transportation costs for students relocated from schools with unacceptable ratings.

The Act revises provisions relating to instruction permits and drivers' licenses for minors, allowing a license for a minor pursuing a general educational development diploma, and changes provisions relating to suspension of a license for unexcused absences or disciplinary offenses.

The Act amends O.C.G.A. Sections 20-2-161, 20-2-167, 20-2-167.1, 20-2-182, 20-2-320, 20-2-2061, 20-2-2062, 20-2-2063, 20-2-2064.1, 20-2-2065, 20-2-2066, 20-2-2067.1, 20-2-2068.1, 20-2-2068.2, 20-2-2070, 20-14-26, 20-14-33, 20-14-34, 20-14-41, and 40-5-22 and repeals O.C.G.A. Section 20-2-2063.1.

Effective July 1, 2005.

#### SB 226

This Act, known in part as "Joshua's Law," creates the Georgia Driver's Education Commission which will recommend changes in state programs, statutes, policies, budgets, and standards relating to driver education and training. The Act prioritizes the collection of the new 5 percent fine over other fines, changes the issuance of certain classes of driver's license eligibility to 17 year-old drivers, and increases the amount of supervised driving experience required for initial Class D drivers' licenses with certain exceptions. The Act also allows for application for revocation of an instruction permit or driver's license under certain circumstances.

The Act amends O.C.G.A. Sections 15-6-95, 40-5-22, 40-5-24, and 40-5-26 and enacts O.C.G.A. Sections 15-21-170 through 15-21-181.

Effective May 10, 2005, with regard to the creation of the Georgia Driver's Education Commission and applicable to all traffic offenses committed on and after May 10, 2005. The balance of the Act is effective on January 1, 2007, subject to funds' availability. The Act does not affect any valid license or instructional permit which was in effect on the applicable effective date of the Act.

#### SB 273

This Act changes the definition of a Class C license for commercial and noncommercial drivers' licenses.

The Act amends O.C.G.A. Sections 40-5-23 and 40-5-150.

Effective July 1, 2005.

#### HB 613

This Act changes the renewal period of licenses for bioptic drivers from two to four years and eliminates the need for a road test upon renewal.

The Act amends O.C.G.A. Section 40-5-27.

Effective July 1, 2005.

SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

HB 273

This Act authorizes the Department of Transportation to implement FlexAuto lanes, areas designated as special lanes of travel created by converting emergency lanes and hard shoulder areas into rush hour traffic lanes.

This Act amends O.C.G.A. Section 40-6-50 and enacts O.C.G.A. Section 32-9-4.1.

Effective May 5, 2005.

SB 267

This Act provides for annual renewal of certain parking permits for disabled persons and outlines certain specifications for such permits. The Act also 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 amends O.C.G.A. Sections 40-6-222 and 40-6-226.

Effective July 1, 2005.

HB 20

This Act repeals and reenacts provisions regarding window tint restrictions and provides criminal penalties for violations of the provisions.

The Act repeals and reenacts O.C.G.A. Section 40-8-73.1.

Effective May 2, 2005.

SB 178

This Act provides for restrictions with respect to the use of blue lights on motor vehicles and provides for exceptions and criminal penalties.

The Act amends O.C.G.A. Section 40-8-90.

Effective July 1, 2005.

SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### HB 458

This Act creates the Commercial Transportation Advisory Committee and provides for its purposes, duties, membership, meetings, and agendas.

The Act enacts O.C.G.A. Section 40-16-8.

Effective May 2, 2005.

#### TITLE 42 -- PENAL INSTITUTIONS

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### HB 58

This Act, the "Working Against Recidivism Act," authorizes the Board of Corrections to establish work programs which employ inmates as voluntary, paid labor for privately owned profit-making employers producing goods or services for sale to public or private customers under certain circumstances and in compliance with federal law. The Act provides for determinations by the Georgia Department of Labor as to whether inmates would be displacing other workers, whether labor shortages exist, and the prevailing local



wage for work to be done by inmates. The Act also authorizes the Georgia Correctional Industries Administration to use inmate labor to provide services.

The Act amends O.C.G.A. Sections 42-1-5 and 42-10-4 and enacts O.C.G.A. Sections 42-5-120 through 42-5-125.

Effective July 1, 2005.

#### HB 106

This Act changes provisions relating to the state sexual offender registry, including defining the term "address" so as not to include a post office box and defining the term "minor" to mean any person under the age of 18 years and any person that the offender believed at the time of the offense was under 18 years old if such person was the victim of an offense. The Act also provides that a person changing residence from another state to Georgia who is required to register under federal law or the laws of another state shall register in this state.

The Act amends O.C.G.A. Section 42-1-12.

Effective July 1, 2005.

#### HB 289

This Act authorizes the Board of Pardons and Paroles to confer all powers of a law enforcement officer of this state, including arrest powers, upon any person who is employed by the board and who is otherwise certified as a peace officer under the provisions of O.C.G.A. Chapter 35-8. The Act provides that the board must find that extraordinary circumstances exist and such powers shall not be bestowed for longer than 30 days.

The Act enacts O.C.G.A. Section 42-9-9.1.

Effective May 10, 2005.

#### TITLE 43 -- PROFESSIONS AND BUSINESSES

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members

of the Board of Motor Vehicle Safety are effective May 2, 2005.

### SB 3

This Act provides for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular. The Act also provides for legislative findings, venue in actions with joint defendants, and courts declining to follow the doctrine of forum non conveniens in certain cases. The Act changes provisions relating to affidavits accompanying charges of professional malpractice and provides defendants access to plaintiff's health information in medical malpractice cases. The Act provides new procedures for damages for frivolous claims and defenses and establishes that certain apologies or similar statements by health care providers shall not be admitted as evidence in civil actions. The Act also changes provisions regarding expert opinions in certain malpractice civil actions and regarding establishment of liability and standard of care in certain actions relating to emergency health care. The Act changes provisions relating to apportionment of award according to degree of fault and relating to agency liability of hospitals. The Act also limits noneconomic damages in certain actions relating to health care.

The Act amends O.C.G.A. Titles 9, 24, 33, 43, and 51.

Effective February 16, 2005, except as specifically detailed in the Act.

### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

### HB 166

This Act enacts the "'Health Share' Volunteers in Medicine Act," to provide for the establishment of a program for health care services to low-income recipients. The Act provides that a health care provider that enters into a contract with the Department of Community Health or its designee to provide health care under Health Share will be immune from liability. The Act requires notice to any patient receiving health care services under Health Share that he or she will not be able to sue the health care provider and that his or her exclusive remedy will be against the state up to certain monetary limits. The Act provides for an annual report of claims against the state for health care services provided pursuant to the Health Share program. The Act provides for payment

of insurance premiums for liability coverage for the Health Share program. The Act provides that health care providers that enter into contracts with the Department of Community Health to provide health care under Health Share will be considered to be state employees for purposes of the State Tort Claims Act.

The Act enacts O.C.G.A. Sections 31-8-190 through 31-8-201.

The Act amends O.C.G.A. Sections 43-1-28, 43-11-52, 43-34-45.1, 50-21-22, and 50-21-29.

Effective only if funds are specifically appropriated for purposes of this Act in an appropriations Act. If such funds are appropriated, this Act shall become effective when funds as appropriated become available for expenditure.

#### SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

#### SB 55

This Act changes the composition of the state board of accountancy and eliminates the designation of registered public accountant, transforming registered public accountants in good standing into certified public accountants and deleting references to and provisions relating to registered public accountants. The Act deletes references to public accountants.

The Act amends O.C.G.A. Sections 43-3-3, 43-3-13, 43-3-14, 43-3-16, 43-3-18, 43-3-19, 43-3-21, 43-3-24, 43-3-25, 43-3-28, 43-3-35, 43-40-29, 7-1-1000, 16-12-22.1, and 16-12-59.

Effective July 1, 2005.

#### SB 224

This Act revises provisions relating to the Georgia Athletic and Entertainment Commission, including definitions, exemptions from regulation by the commission, and the term of office for members of the commission. The Act changes provisions relating to taxes for matches. The Act defines the offense of promotion of unarmed combat and provides for penalties. The Act provides for regulation of martial arts and wrestling and promoters of martial arts matches by the commission. The Act revises requirements for ticket brokers, sale of tickets within a specified distance of venues that seat 15,000 or more persons, and sale of tickets within a zone authorized by the contest organizer and the venue owner or operator. The Act deletes a provision authorizing municipal corporations and counties to require a local permit to resell tickets.

The Act amends O.C.G.A. Sections 43-4B-1, 43-4B-2, 43-4B-3, 43-4B-8, 43-4B-20, 43-4B-21, 43-4B-26, 43-4B-28, 43-4B-29, and 43-4B-30 and enacts O.C.G.A. Sections 43-4B-29.1 and 43-4B-50 through 43-4B-55.

Effective July 1, 2005.

#### HB 217

This Act rewrites provisions relating to whether elementary and secondary school teachers, coaches, and authorized volunteers who do not hold themselves out to the public as athletic trainers are required to be licensed as athletic trainers if they perform the services of athletic trainers.

The Act amends O.C.G.A. Sections 43-5-1 and 43-5-7.

Effective July 1, 2005.

#### HB 266

This Act authorizes the Georgia Board of Chiropractic Examiners to delete from the disciplinary record of a licensed chiropractor licensing violations not defined by the rules of the board as immoral and unprofessional conduct or relating to reasonable care and skill in the treatment of a patient. The Act authorizes the board to refuse to grant a license or to revoke a license upon a finding that the licensee or applicant has become unable to practice chiropractic with reasonable skill and safety to patients because of illness or the use of alcohol, drugs, narcotics, chemicals, or other substances or as a result of any mental or physical condition.

The Act amends O.C.G.A. Sections 43-9-6.1 and 43-9-12.

Effective July 1, 2005.

#### HB 442

This Act provides for a letter from the Department of Veterans Service as proof of a veteran's disability for purposes of exemption from occupation taxes, administrative fees, or regulatory fees otherwise required to peddle, conduct business, or practice a profession.

The Act amends O.C.G.A. Section 43-12-2.

Effective July 1, 2005.

#### HB 367

This Act changes the requirements regarding replacement of license plates on private and governmental motor vehicles and increases the license fee on governmental vehicles. The Act provides that driver training schools must be licensed and in business for two years before being authorized to conduct on-the-road driving tests. The Act also mandates approval of a driver improvement clinic's curriculum and provides for certificates of completion. The Act requires applicants for a hazardous materials endorsement to successfully complete a security threat assessment and provides for nonresident commercial driver's licenses. The Act also enacts provisions establishing requirements for licensing of ignition interlock device provider centers and regulating driver training

schools.

The Act amends O.C.G.A. Sections 40-2-31, 40-2-37, 40-5-27, 40-5-83, 40-5-84, 40-5-142, 40-5-147, 40-5-149, 40-5-150, 40-5-151, 43-13-2, 43-13-3, 43-13-4, 43-13-4.1, and 43-13-10 and enacts O.C.G.A. Sections 40-5-148.2 and 43-12A-1 through 43-12A-9.

#### HB 207

This Act provides that licensure as a plumber is not required for a contractor certified by the Department of Human Resources to make the connection to any on-site waste-water management system from the stub out exiting the structure to the on-site waste-water management system.

The Act amends O.C.G.A. Section 43-14-2.

Effective July 1, 2005.

#### HB 444

This Act revises qualifications required for persons applying on or after July 1, 2010, for certification as an engineer-in-training or a land surveyor-in-training. The Act revises qualifications required for persons applying on or after July 1, 2013, for a certificate of registration as a professional engineer. The Act revises qualifications required for persons applying for a certificate of registration as a land surveyor.

The Act amends O.C.G.A. Sections 43-15-8, 43-15-9, 43-15-12, and 43-15-13.

#### HB 353

This Act, the "Industrial Hygiene, Health Physics, and Safety Profession Recognition and Title Protection Act," regulates the use of specified titles relating to the practice of industrial hygiene, health physics, and safety; provides for qualifications for practitioners; restricts claims that business entities provide such services to those entities that provide services by persons meeting such qualifications or under the direct supervision of persons meeting such qualifications; provides that misrepresentations are unfair business practices; prohibits local governments from restricting or prohibiting the practice of industrial hygiene, health physics, or safety by qualified individuals; and provides for exemptions. The Act prohibits misleading persons by the unauthorized use of certification marks awarded by the U.S. Patent and Trademark Office and provides for a fine for violation of the chapter.

The Act enacts O.C.G.A. Title Chapter 43-21A.

Effective July 1, 2005.

#### SB 110

This Act, the "Georgia Massage Therapy Practice Act," provides for the regulation of massage therapy; creates the Georgia Board of Massage Therapy with the power to license persons to practice massage therapy; requires a license or provisional permit to practice massage therapy; specifies qualifications for a license or permit; and provides for examinations, licensing by reciprocity, licensing by endorsement, renewal of licenses, and restriction of use of certain terms to licensed persons. The Act provides for actions

for injunctions against unlicensed practice of massage therapy. The Act provides for exemptions, continuing education requirements, and penalties for violation of the chapter. The Act prohibits local governments from regulating licensed persons and imposing taxation not also imposed on other professional health care activities.

The Act enacts O.C.G.A. Chapter 43-21A.

Effective when funds appropriated.

#### HB 608

This Act provides that persons who graduated from medical or osteopathic colleges that are not approved by the Composite State Board of Medical Examiners must complete three years of postgraduate medical training approved by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or the board to be eligible for a license to practice medicine.

The Act amends the "Orthotics and Prosthetics Act" by revising provisions relating to the scope of practice for pedorthists and activities permitted for employees or representatives of an orthotic manufacturer under the order of a physician. The Act allows technicians to work under the direction of a licensed person without requiring direct supervision of the technicians.

The Act amends O.C.G.A. Sections 43-34-27, 43-34-193, and 43-34-197.

Effective July 1, 2005, for provisions relating to postgraduate medical training. For purposes of promulgating rules and regulations relating to the "Orthotics and Prosthetics Act," effective July 1 of the fiscal year in which the Act becomes effective (upon adoption of funds); and for other purposes relating to the "Orthotics and Prosthetics Act," effective July 1 of the fiscal year following such year.

#### SB 173

This Act provides for temporary practice agreements between a physician and a physician's assistant to provide services gratuitously to low-income persons at no cost to the patient or at a cost based on the patient's ability to pay at facilities operated by nonprofit organizations under specified circumstances. The Act provides that such temporary practice agreements are exempt from any filing fees of the Composite State Board of Medical Examiners.

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

Effective July 1, 2005.

#### HB 17

This Act authorizes the Georgia Board of Private Detective and Security Agencies to require continuing education as a condition of renewal of registration for certain employees of businesses licensed to engage in the private detective or private security business.

The Act amends O.C.G.A. Section 43-38-7.

Effective July 1, 2005.

#### SB 68

This Act amends provisions relating to regulation of real estate appraisers and real estate brokers and salespersons, deletes a provision relating to terms for members of the Georgia Real Estate Appraisers Board, provides for recusal of members of the Real Estate Appraisers Board and the Georgia Real Estate Commission in the event of a conflict of interest, provides for removal from membership on the board or commission for having a disciplinary sanction on the member's right to practice a trade or profession, provides for regulation and standards of approval for schools and instructors, provides that the board may decline to investigate an appraiser when the appraiser's report varies from the sales price or tax assessor's value by 20 percent or less, changes the period of time for initiating an investigation, and changes provisions relating to release of results of investigations.

The Act amends O.C.G.A. Sections 43-39A-2, 43-39A-3, 43-39A-8, 43-39A-13, 43-39A-14, 43-39A-15, 43-39A-22, 43-40-1, 43-40-2, 43-40-8, 43-40-10, 43-40-14, 43-40-15, 43-40-16, and 43-40-27.

#### SB 124

This Act provides that all members of the State Licensing Board for Residential and General Contractors shall be appointed by the Governor and provides that initial members shall be appointed no later than July 1, 2005. The Act changes the starting dates for submission of applications for licensure for residential and general contractors and provides that O.C.G.A. Chapter 43-41, relating to such licensure, becomes effective for all purposes on July 1, 2005.

The Act amends O.C.G.A. Sections 43-41-3, 43-41-4, and 43-41-17 and the effective date provision in Section 2 of an Act approved May 14, 2004 (Ga. L. 2004, p. 786) enacting O.C.G.A. Chapter 43-41.

Effective May 9, 2005 for purposes of appointing members to the board and July 1, 2005, for all purposes.

#### HB 455

This Act amends provisions of the O.C.G.A. relating to new and used cars. The Act provides for the use of the vehicle identification number on temporary license plates and requires all temporary plates have a holographic security image and a write-resistant overlay. The Act also requires all sellers and distributors of the holographic strips to register with the Department of Motor Vehicle Safety and provides for dealer's plates. The Act establishes standards for granting temporary site permits to new and used motor vehicle dealers.

The Act amends O.C.G.A. Sections 40-2-8, 40-2-38, 40-2-39, 40-2-153, 43-47-2, and 43-47-8.2.

Effective July 1, 2005, except for Section 2 relating to dealer's plates, which shall become effective on January 1, 2006.

#### TITLE 44 -- PROPERTY

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

## HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

## HB 309

This Act corrects the names of the House Committee on Health and Human Services and the Senate Health and Human Services Committee of the General Assembly to conform to changes to committee names.

The Act amends O.C.G.A. Sections 31-6-21.1, 31-6-46, 31-43-4, 44-5-150, 49-4-149.1, 49-5-224, 49-5-227, and 49-6-62.

Effective April 7, 2005.

## SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

## HB 431

This Act amends the "Disposition of Unclaimed Property Act" by providing that an electric membership corporation may donate to certain approved uses patronage dividends or capital credits presumed abandoned after following certain procedures. The approved uses include donation to a 501(c)(3) organization, support of education, or for economic development purposes in the electric membership corporation's service area.

The Act enacts O.C.G.A. Section 44-12-236.

Effective May 4, 2005.

## HB 201



This Act provides that every operator of a facility that boards animals or pets shall have a lien on each animal or pet in his or her care for payment of charges, which include charges for board, care, services, treatment, farrier, and veterinary fees incurred on behalf of the animal or pet, transportation expenses, late fees, collection fees, and costs associated with litigation. The Act provides that a lien under this Code section may be waived.

The Act amends O.C.G.A. Section 44-14-490.

Effective July 1, 2005.

## TITLE 45 -- PUBLIC OFFICERS

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 665

This Act changes certain provisions relating to complaints or information regarding fraud, waste, and abuse in state programs and operations, particularly by providing that no public employer shall take any action to prevent an employee from disclosing a violation of the law to a supervisor or a government agency and that no retaliation shall be taken against a public employee who makes such a disclosure. The Act also provides for civil relief for a public employee who has been the object of retaliation in violation

of this Act.

The Act amends O.C.G.A. Section 45-1-4.  
Effective July 1, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### SB 146

This Act provides for the title "director of the Georgia Bureau of Investigation" and changes certain provisions relating to the director's powers relating to the Antiterrorism Task Force.

The Act amends O.C.G.A. Sections 35-3-1, 35-3-5, 35-3-7, 35-3-9.2, 35-3-64, 35-3-65, 25-2-33, and 45-7-7.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### HB 183

This Act adds corrections officers to those government employees for whom certain payroll deductions to not for profit organizations are authorized. The Act also provides

that such payroll deductions may be provided to a not for profit association providing assistance to or on behalf of persons who are killed, injured, or otherwise in need of assistance while engaged in such employment or as a result of such employment.

The Act amends O.C.G.A. Section 45-7-54.

Effective July 1, 2005.

#### HB 240

This Act provides that claims for temporary disability of a law enforcement officer or firefighter shall be submitted within 60 days of the incident resulting in the disability.

The Act amends O.C.G.A. Section 45-9-104.

Effective May 3, 2005.

#### HB 48

This Act provides for the comprehensive revision of provisions regarding ethics and conflicts of interests relative to public officials and officers. The Act makes changes to provisions relating to the State Ethics Commission. The Act also makes changes to provisions relating to lobbyists.

The Act amends O.C.G.A. Sections 21-5-2 through 21-5-7, 21-5-12, 21-5-30, 21-5-31, 21-5-34, 21-5-34.1, 21-5-35, 21-5-40, 21-5-41, 21-5-43, 21-5-50, 21-5-52, 21-5-70, 21-5-71, 21-5-73, and 36-67A-1 and enacts O.C.G.A. Sections 21-5-7.1, 21-5-13, 21-5-74, 21-5-75, 21-5-76, 45-10-80, 45-10-90 through 45-10-94, and 45-12-61.

Effective January 9, 2006.

#### HB 509

This Act provides that the Office of Planning and Budget is empowered to develop and implement a program budgeting system and defines the term "program" as a discrete set of activities undertaken to carry out an agency's core businesses. The term "core businesses" is also defined by the Act. The Act authorizes the Governor to withhold a percentage of agency allotment requests as necessary to maintain spending within actual revenues. The Act also revises provisions relating to a reserve of state funds known as the "Revenue Shortfall Reserve." Finally, the Act provides that a program budget report shall satisfy certain requirements relating to the promotion of state development.

The Act amends O.C.G.A. Sections 45-12-71, 45-12-73, 45-12-78, 45-12-86, 45-12-93, 45-12-173, and 45-12-177.

Effective May 9, 2005.

#### HB 312

This Act provides for the substantial revision and transfer of powers, duties, and authority of the Department of Administrative Services, the Georgia Technology Authority, the Office of Planning and Budget, the Board of Regents of the University System of Georgia, the Department of Agriculture, the Department of Veteran Services, and the state accounting officer relating to purchase and procurement.

The Act amends O.C.G.A. Sections 32-2-61, 45-12-73, 50-5-17, 50-5-51, 50-5-52,

50-5-53, 50-5-67, 50-5-69, 50-5-71, 50-5-80, 50-16-144, 50-16-160, 50-16-162, 50-19-1, 50-19-6, 50-19-8, 50-19-9, 50-25-1, 50-25-4, and 50-25-7.2, enacts O.C.G.A. Section 50-16-163, and repeals O.C.G.A. Sections 50-16-161, 50-19-3, 50-19-4, 50-19-5, 50-25-7.3, 50-25-7.4, 50-25-7.5, 50-25-7.6, 50-25-7.8, and 50-25-7.9.

Section 28 of the Act effective is June 30, 2006. The remaining sections of the Act are effective July 1, 2005.

#### SB 284

This Act provides that the commissioner of community health may combine the health insurance funds for public school teachers and public school employees with other health insurance funds for public employees. The Act also changes the method of determining the local employer's contribution to the health insurance fund. The Act authorizes the State Board of Education to withhold all appropriations allotted to a local school system that fails to contribute the full amount of such local employer's portion of the cost of health insurance benefits. The Act creates the Georgia Retiree Health Benefit Fund to provide for the employer costs of retiree postemployment health insurance benefits.

The Act amends O.C.G.A. Sections 20-2-891, 20-2-892, 20-2-915, 20-2-918, 20-2-920, 45-18-12, and 45-18-14 and enacts O.C.G.A. Sections 45-18-100 through 45-18-105.

Effective July 1, 2005.

#### HB 275

This Act authorizes the transfer of certain deferred compensation plans from the State Personnel Board to the Board of Trustees of the Employees' Retirement System of Georgia.

The Act amends O.C.G.A. Sections 45-18-32, 45-18-33, 45-18-35, and 45-18-37 and enacts O.C.G.A. Section 45-18-38.

Effective July 1, 2005.

### TITLE 46 -- PUBLIC UTILITIES AND PUBLIC TRANSPORTATION

#### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 258

This Act allows several exemptions from current law for certain members of the United States military, including excusal from jury duty, practicing pharmacy or other Title 43 professions without a valid license, the ability to have an honorary hunting and fishing license, age of retirement from the military, expiration of a driver's license, and the right to terminate a residential rental or lease agreement or wireless telecommunications service contract under certain circumstances.

The Act amends O.C.G.A. Sections 15-12-1, 27-2-4, and 38-2-9 and enacts O.C.G.A. Sections 26-4-44.2, 40-5-37, 43-1-31, 44-7-22, and 46-5-8.

Effective July 1, 2005.

#### SB 46

This Act prohibits including any wireless dialing number in any publicly available data base without the express, unambiguous, recorded consent of the subscriber.

The Act enacts O.C.G.A. Section 46-5-28.

Effective July 1, 2005.

#### HB 669

This Act provides for a state-wide telecommunication system to provide audible universal information access services to blind and print disabled persons, funded by not more than \$.01 of the monthly surcharge on residential and business local exchange access facilities, to be operational no later than July 1, 2006. The Act provides that the Public Service Commission shall select the service provider and establish eligibility guidelines for participation, taking into account a person's certified medical need.

The Act amends O.C.G.A. Section 46-5-30.

Effective July 1, 2005.

#### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and

provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

#### HB 622

This Act repeals a requirement that telegraph companies deliver all messages to persons that reside within the city where the station is located.

The Act repeals O.C.G.A. Section 46-5-148.

Effective July 1, 2005.

#### TITLE 47 -- RETIREMENT

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 460

This Act makes numerous technical changes throughout Title 47 to ensure that Georgia's public retirement systems are in compliance with the federal Internal Revenue Code.

The Act amends O.C.G.A. Title 47.

Effective July 1, 2005.

#### HB 178

This Act corrects typographical, stylistic, and other clerical errors and omissions throughout Title 47.

The Act amends O.C.G.A. Title 47.

Effective April 27, 2005.

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that

various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### SB 161

This Act is applicable to a member of the Employees' Retirement System of Georgia who has received creditable service for some, but not all, of his or her prior service as an officer of the Georgia Housing and Finance Authority through a transfer of funds from his or her retirement account operated by such authority. The Act shifts from the authority to the member the ability to supplement the amount so transferred and thereby obtain credit for up to the full amount of prior service.

The Act amends O.C.G.A. Section 47-2-98.

Effective July 1, 2005.

#### HB 381

This Act makes a technical change to the designation of a retirement option under the Employees' Retirement System of Georgia and clarifies the designation of a designated beneficiary.

The Act amends O.C.G.A. Section 47-2-121.

Effective July 1, 2005.

#### HB 459

This Act provides that a member of the Employees' Retirement System of Georgia seeking a disability retirement shall make written application to the board of trustees of such retirement system. The Act provides that the board of trustees may request relevant

information regarding such disability and provides for a penalty for not responding. The Act provides for a reduction in disability benefits under certain conditions.

The Act amends O.C.G.A. Sections 47-2-125 and 47-2-221.

Effective July 1, 2005.

#### HB 373

This Act repeals an obsolete provision of law providing for membership in the Teachers Retirement System of Georgia for public school teachers who were covered by a local retirement system and who accepted employment in a private nonsectarian school.

The Act repeals O.C.G.A. Section 47-3-64.

Effective July 1, 2005.

#### HB 495

This Act provides that public school systems and regional educational service agencies may employ teachers who retired prior to January 1, 2004, in certain positions in a full-time capacity and such retirement members' benefits shall not be affected.

The Act amends O.C.G.A. Section 47-3-127.1.

Effective July 1, 2005.

#### HB 355

This Act changes the designation of the position of secretary-treasurer of the Georgia Firefighters' Pension Fund and the Georgia Class Nine Fire Department Pension Fund to the position of executive director.

The Act amends O.C.G.A. Sections 47-7-21, 47-7-61, 47-7-101, 47-7A-101, 47-7A-102, and 47-7A-124.

Effective July 1, 2005.

#### HB 319

This Act provides that certain large public retirement systems may invest funds in securities issued by a unit investment trust or an open-end company under certain conditions.

The Act amends O.C.G.A. Section 47-20-84.

Effective July 1, 2005.

#### HB 492

This Act terminates membership of persons employed by the Department of Law or the Office of Legislative Counsel after June 30, 2005, in the Georgia Judicial Retirement System.

The Act amends O.C.G.A. Section 47-23-43.

Effective July 1, 2005.

### TITLE 48 -- REVENUE AND TAXATION



**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 501**

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

**SB 49**

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

**HB 488**

This Act, known as the "State and Local Tax Revision Act of 2005," provides for applicability and defines terms used in the Act. The Act provides for the authority to establish fees for offers in compromise and clarifies that electronic funds transfer applies to use tax. The Act clarifies that no interest shall be paid when a taxpayer fails to claim certain credits and provides for performance review of county boards of tax assessors. The Act also clarifies the requirements with respect to the subtraction from taxable income of interest or dividends on obligations of the United States and amends the requirements with respect to the sale or exchange of real or tangible personal property when the gain or loss is not recognized due to the purchase of similar property. The Act further clarifies the requirements with respect to the filing of consolidated returns for Georgia income tax purposes and provides for the treatment of Georgia net operating losses for corporations. The Act also clarifies the treatment of the distributive share received by a nonresident member of a resident limited partnership or other similar nontaxable entity which derives income exclusively from buying, selling, dealing in, and holding securities on its own behalf and clarifies the requirements with respect to the subtraction from taxable income of interest or dividends on obligations of the United States. The Act clarifies the limitations with respect to base year port traffic increases

and clarifies the commissioner's authority with respect to adjustments which may be made when the taxpayer's activities distort true net income or the taxpayer engages in improper activities. Certain definitions are clarified in the Act and new requirements with respect to credit or refund of estimated tax overpayments are included. The Act also extends the sunset provisions for distribution of unidentifiable sales and use tax proceeds to December 31, 2007.

The Act amends O.C.G.A. Sections 48-1-2, 48-2-18.1, 48-2-32, 48-2-35, 48-5-295.1, 48-7-1, 48-7-21, 48-7-24, 48-7-27, 48-7-31, 48-7-40.15, 48-7-42, 48-7-58, 48-7-100, 48-7-121, 48-8-50, 48-8-67, and 48-9-8.

The Act enacts O.C.G.A. Sections 48-8-14 and 48-12-1.1.

Effective April 12, 2005; however, numerous provisions become effective at different times and the Act itself should be consulted to determine the effective dates of specific provisions.

#### HB 116

This Act changes the definitions of the terms "county millage rate" and "municipal millage rate" as they relate to homeowner tax relief grants so that they include any millage levied for those special districts reported on the 2004 City and Independent School Millage Rate Certification certified to and received by the commissioner on or before December 31, 2004. The Act also provides that no tax collector or tax commissioner shall issue an execution against any person who is not the record owner of the property on the day the property became delinquent.

The Act amends O.C.G.A. Sections 36-89-1 and 48-3-3.

Effective April 12, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### HB 1

This Act changes certain provisions regarding qualification of conservation use property for current use assessment and provides for additional acts which shall not constitute a breach of a conservation use covenant.

The Act amends O.C.G.A. Section 48-5-7.4.  
Effective July 1, 2005.

#### HB 203

This Act expands the ad valorem tax exemption for farm equipment to include certain equipment held under a lease purchase agreement. The Act also calls for a referendum to approve the exemption.

The Act amends O.C.G.A. Section 48-5-41.1.  
Effective January 1, 2007, if approved by referendum.

#### HB 556

This Act repeals certain obsolete statutes relating to taxation and revenue, including provisions regarding bound tax digests, separate assessment and appeal of property for school property tax purposes, and required questions about intangible taxes on income tax returns.

The Act repeals O.C.G.A. Sections 48-5-107, 48-5-403, 48-7-27, and 48-7-55.  
Effective July 1, 2005.

#### HB 211

This Act provides that aircraft held in inventory for resale shall be exempt from ad valorem taxation.

The Act enacts O.C.G.A. Section 48-5-504.20.  
Effective January 1, 2006.

#### HB 538

This Act provides certain benefits for members of the national guard or reserve components of the armed services of the United States. The Act grants certain automatic license or registration extensions and exemptions from continuing education requirements. The Act also provides income tax credit for certain qualified life insurance premiums.

The Act enacts O.C.G.A. Sections 48-7-6 and 48-7-29.9.  
Effective April 21, 2005.

#### HB 282

This Act provides income tax deductions in determining individual and corporate taxable net income for certain purchases which may be treated as expenses under federal law. The Act also authorizes taxpayers to make certain contributions through the income tax payment and refund process.

The Act amends O.C.G.A. Sections 48-7-21 and 48-7-27 and enacts O.C.G.A. Section 48-7-62.

Effective April 12, 2005.

#### HB 263

This Act provides an income tax deduction for the cost of certain classroom supplies, equipment, and materials paid by certain educators.

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

Effective March 28, 2005.

#### HB 191

This Act provides for adjustments to taxable net income with respect to certain direct or indirect interest expenses and costs and intangible expenses and costs. The Act also changes the manner and method of allocating and apportioning income with respect to corporations.

The Act amends O.C.G.A. Sections 48-7-27, 48-7-21, and 48-7-31 and enacts O.C.G.A. Section 48-7-28.3.

Effective January 1, 2006, except that the provision in Section 5 relating to the allocation and apportionment formula for corporate income shall become effective on January 1, 2007, and the provision in Section 6 relating to the allocation and apportionment formula for corporate income shall become effective on January 1, 2008.

#### HB 389

This Act provides for an additional tax credit for certain existing business enterprises in counties designated as less developed areas.

The Act amends O.C.G.A. Section 48-7-40.

Effective April 21, 2005.

#### HB 539

This Act revises and changes provisions regarding state income tax credits and repeals certain business enterprise income tax credits based upon business growth. The Act also provides for income tax credits for certain entertainment industry production investments.

The Act amends O.C.G.A. Section 48-7-40.13 and enacts O.C.G.A. Section 48-7-40.26.

Effective May 9, 2005.

#### HB 172

This Act, the "Crime Victims Restitution Act of 2005," substantially revises procedures relating to restitution and allows civil collection of fines and restitution. The Act tolls the statute of limitations for certain crime victims and changes how and when victim impact forms are completed and provided to the defendant. The Act allows juvenile courts to order restitution against a parent under certain circumstances, outlines how restitution should be paid, changes some of the considerations for determining the amount of restitution, and provides how a restitution order is enforceable as a civil judgment. The Act also allows restitution when a defendant is sentenced to imprisonment.

The Act enacts O.C.G.A. Sections 9-3-99, 17-10-20, 17-14-18, and 17-14-19 and amends O.C.G.A. Sections 17-10-1.1, 17-14-1 through 17-14-17, 17-15-5, and 48-7-161.

Effective July 1, 2005.

#### HB 22

This Act changes the tax situs of certain motor vehicle transactions.  
The Act amends O.C.G.A. Section 48-8-2.  
Effective July 1, 2005.

#### HB 5

This Act provides for an exemption from state sales and use tax with respect to the sale of certain school supplies, clothing, footwear, computers, and computer related accessories for a limited period of time.  
The Act amends O.C.G.A. Section 48-8-3.  
Effective May 9, 2005.

#### HB 341

This Act provides for the sales and use tax treatment of certain airline industry transactions and creates a limited period of time for a partial exemption of jet fuel sold to certain qualifying airlines. The Act also provides that certain sales of food and beverages for consumption by airline passengers and crew shall be exempt from sales and use taxes under certain circumstances.  
The Act amends O.C.G.A. Section 48-8-3.  
Effective July 1, 2005, except that the provisions in Section 2 relating to jet fuel are effective July 1, 2007.

#### HB 487

This Act clarifies the sales and use tax exemption for a qualified child-caring institution, child-placing agency, or maternity home. The Act also changes the sales and use tax exemption regarding electricity sales for irrigation of certain crops.  
The Act amends O.C.G.A. Section 48-8-3.  
Effective July 1, 2005.

#### HB 559

This Act provides for an exemption from state sales and use tax with respect to certain sales of certain energy efficient products for a limited period of time.  
The Act amends O.C.G.A. Section 48-8-3.  
Effective July 1, 2005.

#### HB 306

This Act changes certain provisions regarding payment of sales and use taxes with respect to certain tangible personal property.  
The Act amends O.C.G.A. Section 48-8-63.

Effective July 1, 2005.

#### HB 36

This Act makes several changes to the provisions relating to incorporation of municipal corporations, including the elimination of the three-mile minimum distance requirements applicable to new incorporations. Among other changes, the Act also provides that the Attorney General shall seek all preclearances required under the federal Voting Rights Act of 1965 when a new municipal corporation is created by local Act.

The Act amends O.C.G.A. Sections 36-31-2, 36-31-4, and 48-8-89.1 and enacts O.C.G.A. Sections 36-31-6 through 36-31-12.

The Act is applicable to any local Act enacted at the 2005 regular session of the General Assembly.

Effective April 15, 2005.

#### HB 384

This Act provides an additional exemption from the motor fuel tax and the second motor fuel tax for public mass transit buses which are owned by state or local government or an entity created by local or general law of the General Assembly.

The Act amends O.C.G.A. Section 48-9-3.

Effective July 1, 2005.

#### HB 374

This Act extends the time for the levy and collection of a tax for the purpose of construction and expansion of a system of bicycle or pedestrian greenways, trails, walkways, or any other combination thereof connecting a downtown historic district or business district and surrounding areas. The Act also provides that certain counties may levy and collect such a tax at the rate of 5 percent.

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

Effective May 10, 2005.

#### HB 505

This Act changes certain provisions regarding county and municipal levies on public accommodations and changes certain provisions regarding the Hotel Motel Tax Performance Review Board.

The Act amends O.C.G.A. Sections 48-13-51 and 48-13-56.1.

Effective July 1, 2005.

#### TITLE 49 -- SOCIAL SERVICES

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 180

This Act permits the Department of Human Resources to obtain criminal history information from adult persons who reside in a home where a child in the custody of the department has been or may be placed or who provide care to a child who is the subject of a child protective services referral, complaint, or investigation.

The Act amends O.C.G.A. Section 49-2-14.

Effective May 4, 2005.

#### HB 309

This Act corrects the names of the House Committee on Health and Human Services and the Senate Health and Human Services Committee of the General Assembly to conform to changes to committee names.

The Act amends O.C.G.A. Sections 31-6-21.1, 31-6-46, 31-43-4, 44-5-150, 49-4-149.1, 49-5-224, 49-5-227, and 49-6-62.

Effective April 7, 2005.

#### SB 140

This Act creates the Joint Committee to Study Prescription Costs in State Funded Health Care Plans. The Act amends the "Patient's Right to Independent Review Act," providing that such Act shall not apply to recipients of Medicaid or PeachCare. The Act provides that recipients of Medicaid or PeachCare shall be afforded fair hearing rights after first exhausting the grievance procedure of the managed care plan.

The Act provides that health maintenance organizations that enter into contracts with the Department of Community Health to provide health care to Medicaid recipients shall not be subject to certain fees and taxes. The Act eliminates the requirement for a separate budget unit and separate appropriation for purposes of implementing Medicaid.

The Act enacts O.C.G.A. Sections 33-20A-42 and 33-20A-70.

The Act amends O.C.G.A. Sections 33-20A-30 through 33-20A-41, 49-4-156, 49-5-272, and 49-5-273.

Effective May 10, 2005.

#### HB 643

This Act establishes the Georgia Long-Term Care Partnership Program and provides for administration of the program. The Act provides that certain assets of persons shall not be considered when certain determinations concerning eligibility for Medicaid assistance are

made and provides the criteria for asset disregard.

The Act enacts O.C.G.A. Sections 49-4-160 through 49-4-166.  
Effective May 5, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### TITLE 50 -- STATE GOVERNMENT

#### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### HB 84

This Act amends the 2004-2005 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2004-2005.  
Effective May 10, 2005.

#### HB 85

This Act, the "General Appropriations Act," provides for the operation of state government for State Fiscal Year 2005-2006.  
Effective May 10, 2005.

#### HB 501

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42,



43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

#### SB 49

This Act changes provisions found throughout the O.C.G.A. to make it sufficient that various agencies notify members of the General Assembly of the availability of annual reports, budgets, and audits. The Act relieves the agencies from the requirement of distributing the document to all members of the General Assembly.

The Act amends O.C.G.A. Titles 8, 10, 12, 15, 20, 25, 28, 31, 33, 37, 38, 45, 47, 48, 49 and 50.

Effective July 1, 2005.

#### HB 67

This Act provides that state and local governments shall not penalize a person or organization for providing or failing to provide the same benefits, rights, or privileges to married and unmarried members.

The Act enacts O.C.G.A. Section 50-1-8.

Effective July 1, 2005.

#### HB 420

This Act cedes to the federal government jurisdiction over lands within the state used for the National Infantry Museum.

The Act enacts O.C.G.A. Section 50-2-23.2.

Effective July 1, 2005.

#### SB 41

This Act designates the green tree frog as the official state amphibian.

The Act enacts O.C.G.A. Section 50-3-81.

Effective July 1, 2005.

#### SB 144

This Act changes the description of State Service Delivery regions 7 and 12. The Act repeals the State Advisory Committee on Rural Development and creates the Georgia Rural Development Council. The Act provides for the composition of the council, for membership, officers, and terms of office, for bylaws, and for related matters.

The Act amends O.C.G.A. Sections 50-4-7 and 50-8-150.

Effective July 1, 2005.

#### HB 312

This Act provides for the substantial revision and transfer of powers, duties, and authority

of the Department of Administrative Services, the Georgia Technology Authority, the Office of Planning and Budget, the Board of Regents of the University System of Georgia, the Department of Agriculture, the Department of Veteran Services, and the state accounting officer relating to purchase and procurement.

The Act amends O.C.G.A. Sections 32-2-61, 45-12-73, 50-5-17, 50-5-51, 50-5-52, 50-5-53, 50-5-67, 50-5-69, 50-5-71, 50-5-80, 50-16-144, 50-16-160, 50-16-162, 50-19-1, 50-19-6, 50-19-8, 50-19-9, 50-25-1, 50-25-4, and 50-25-7.2, enacts O.C.G.A. Section 50-16-163, and repeals O.C.G.A. Sections 50-16-161, 50-19-3, 50-19-4, 50-19-5, 50-25-7.3, 50-25-7.4, 50-25-7.5, 50-25-7.6, 50-25-7.8, and 50-25-7.9.

Section 28 of the Act effective is June 30, 2006. The remaining sections of the Act are effective July 1, 2005.

#### HB 293

This Act creates the State Accounting Office and provides for a state accounting officer to be appointed by the Governor and delineates his or her duties and responsibilities. The Act transfers numerous duties and responsibilities from the State Auditor to the State Accounting Office.

The Act enacts O.C.G.A. Chapter 50-5B and amends O.C.G.A. Sections 10-9-22, 12-3-22, 12-3-502, 12-3-552, 15-21-145, 19-14-5, 20-2-896, 20-2-924, 20-4-12, 20-15-15, 28-1-8, 28-10-4, 34-2-6, 34-8-166, 34-8-173, 45-10-20, 45-18-18, 45-18-51, 47-1-14, 48-3-23.1, 50-5-196, 50-5A-7, 50-5A-11, 50-6-7, 50-6-24, 50-9-81, 50-12-77, 50-16-18, 50-16-32, 50-17-23, 50-17-50, 50-25-7.10, 50-25-7.12, 50-27-11, 50-27-13, and 50-27-33 and repeals O.C.G.A. Sections 50-6-26 and 45-7-28.1 and Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365).

Section 11 of the Act is effective June 30, 2006. Remaining sections of the Act are effective July 1, 2005.

#### SB 125

This Act provides for a State-wide Tourism Marketing Program to be established by the Department of Economic Development. The Act provides for coordination with other state agencies. The Act provides for the Georgia Tourism Foundation and provides for membership, administration, and powers. The Act provides for the assignment for administrative purposes of several authorities to the Department of Economic Development. The Act provides for the transfer of certain functions relating to the Music Hall of Fame Authority and the Sports Hall of Fame Authority to the department.

The Act amends O.C.G.A. Sections 12-3-522, 12-3-524, 12-3-534, 12-3-536, 12-3-562, 12-3-574, 12-3-582, 50-7-17, 50-7-8, 50-8-3, 50-8-9, 50-12-64, and 50-12-70.

Effective April 26, 2005.

#### HB 98

This Act enacts the "Georgia Land Conservation Act." The Act creates the Georgia Land Conservation Council and establishes the Georgia Land Conservation Trust Fund and the Georgia Land Conservation Revolving Loan Fund, which loan fund shall consist of any moneys paid to the Georgia Environmental Facilities Authority under intergovernmental

contract. In other ways, the Act makes changes to the process intended to promote partnerships for the conservation of land resources that are identified by cities or counties as locally valuable or identified by the Department of Natural Resources as having state-wide significance.

The Act amends O.C.G.A. Sections 36-22-1 through 36-22-12 and 50-13-2 and enacts O.C.G.A. Sections 36-22-13 through 36-22-15.

Effective April 14, 2005.

#### SB 190

This Act changes certain provisions relating to the Environmental Protection Division and the Environmental Advisory Council. The Act provides that the filing of a petition in certain instances shall result in a limited stay of an order or action of the director and provides time limits for administrative judicial decision making. The Act also changes certain provisions relating to hearing and judicial review relative to air quality.

The Act amends O.C.G.A. Sections 12-2-2, 12-9-15, and 50-13-19.

Effective July 1, 2005.

#### SB 227

This Act provides for the entering into of cap, collar, swap, and other derivative transactions regarding interest rates that manage interest rate risk or cost with respect to the issuance of certain bonds.

The Act enacts O.C.G.A. Sections 36-82-250 through 36-82-256 and 50-17-100 through 50-17-105 and amends O.C.G.A. Section 50-17-22.

Effective May 2, 2005.

#### HB 470

This Act amends the "Georgia Emergency Telephone Number 911 Service Act of 1977." The Act changes each occurrence of "911" to "9-1-1"; changes the composition of the 9-1-1 Advisory Committee; changes provisions relating to information required from service providers; and provides that the local government encompassing a wireless subscriber's place of primary use (rather than the local government encompassing a wireless subscriber's billing address) may impose a monthly wireless enhanced 9-1-1 charge. The Act eliminates Wireless Phase I Reserve Accounts and requires that funds in such accounts be transferred to the Emergency Telephone System Fund. The Act provides that a wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers from the Emergency Telephone System Fund, restricts such recovery to \$.30 of each 9-1-1 charge collected from a place of primary use encompassed by the local government, and provides that such recovery may be increased to \$.45 upon implementation of step two of the state plan. The Act describes step one and step two of the state plan for 9-1-1 enhanced communications. The Act requires local governments to file annual reports of 9-1-1 collections and expenditures and provides that a local government that makes unauthorized expenditures of 9-1-1 funds may be held liable for pro rata reimbursement to subscribers of the amounts improperly expended. The Act provides that joint 9-1-1 authorities shall not be required to pay sales and use tax or taxes on property and income. The Act

requires home service providers to provide quarterly reports to the Georgia Emergency Management Agency regarding the number of customers and customers' places of primary use, requires such providers to provide information to local governments regarding fee collections, and requires such providers to state information regarding fees and taxing jurisdictions on each customer bill.

The Act amends O.C.G.A. Sections 16-10-24.3, 19-13-51, 31-11-1, 31-11-53.1, 33-9-39, 36-60-19, 38-3-20, 38-3-27, 46-5-120 through 46-5-136, 46-5-138, and 50-18-72 and repeals O.C.G.A. Section 46-5-139.

Effective July 1, 2005.

#### SB 158

This Act repeals the "State Space Management Act of 1976" and transfers powers and duties regarding space management from the Department of Administrative Services to the State Properties Commission. The Act provides for the transfer of certain assets, contracts, leases, agreements, obligations, funds, and personnel from the Department of Administrative Services to the State Properties Commission. The Act repeals certain provisions relating to the inventory of state buildings. The Act repeals provisions relating to the authority of the Commissioner of Labor regarding the lease of property.

The Act amends O.C.G.A. Sections 50-9-2, 50-9-3, 50-9-4, 50-9-5, 50-16-31, 50-16-32, 50-16-34, 50-16-35, 50-16-38, 50-16-41, 50-16-43, 50-16-120, 50-16-121, 50-16-122, 50-16-123, and 50-16-124, enacts O.C.G.A. Section 50-16-125, and repeals O.C.G.A. Sections 34-8-90 and 50-16-33 and O.C.G.A. Article 2 of Chapter 5 and Article 6 of Chapter 9 of Title 50.

Effective April 12, 2005.

#### SB 254

This Act provides for a comprehensive revision of provisions relating to state budgeting. The Act provides for the transfer of the duties and responsibilities of the Legislative Budget Office. The Act provides for the powers and duties of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 2-18-4, 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-1A-1, 20-2-320, 20-3-82, 20-3-133, 20-3-231, 20-3-233, 20-3-250.5, 26-4-29, 28-4-2, 28-4-6, 28-4-7, 28-5-5, 28-5-6, 28-5-25, 28-5-42, 35-2-41.1, 35-6A-9, 40-16-7, 43-1-2, 43-40-2, 45-5-7, 45-12-71, 45-12-72, 45-12-75, 45-12-75.1, 45-12-78, 45-12-80, 45-12-82, 45-12-85, 45-12-88, 45-12-90, 45-12-95, 45-12-110, 45-12-175, 45-12-178, 45-13-22, 45-20-7, 49-5-135, 49-5-273, 50-5A-11, 50-17-22, 50-25-7.1, 50-27-13, and 50-34-17.

#### SB 121

This Act exempts certain public records of the State Road and Tollway Authority relating to financial accounts and travel history from public disclosure.

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

Effective May 2, 2005.

#### HB 437

This Act exempts from public disclosure certain personal information about public employees.

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

Effective May 2, 2005.

#### HB 340

This Act exempts from public disclosure information concerning donors to postsecondary educational institutions and associated foundations.

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

Effective May 9, 2005.

#### HB 166

This Act enacts the "'Health Share' Volunteers in Medicine Act," to provide for the establishment of a program for health care services to low-income recipients. The Act provides that a health care provider that enters into a contract with the Department of Community Health or its designee to provide health care under Health Share will be immune from liability. The Act requires notice to any patient receiving health care services under Health Share that he or she will not be able to sue the health care provider and that his or her exclusive remedy will be against the state up to certain monetary limits. The Act provides for an annual report of claims against the state for health care services provided pursuant to the Health Share program. The Act provides for payment of insurance premiums for liability coverage for the Health Share program. The Act provides that health care providers that enter into contracts with the Department of Community Health to provide health care under Health Share will be considered to be state employees for purposes of the State Tort Claims Act.

The Act enacts O.C.G.A. Sections 31-8-190 through 31-8-201.

The Act amends O.C.G.A. Sections 43-1-28, 43-11-52, 43-34-45.1, 50-21-22, and 50-21-29.

Effective only if funds are specifically appropriated for purposes of this Act in an appropriations Act. If such funds are appropriated, this Act shall become effective when funds as appropriated become available for expenditure.

#### HB 155

This Act provides for the managerial control by the state over the acquisition of the professional services provided by interior designers. The Act repeals certain provisions relating to the selection of professional services by other than contract negotiations.

The Act amends O.C.G.A. Sections 50-22-1, 50-22-2, 50-22-4, and 50-22-6 and repeals O.C.G.A. Section 50-22-5.

Effective May 9, 2005.

#### HB 281

This Act provides for a sales and use tax exemption with respect to property purchased by or used by the Georgia Regional Transportation Authority.

The Act amends O.C.G.A. Sections 50-32-37 and 50-32-71.  
Effective April 1, 2005.

## TITLE 51 -- TORTS

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

#### SB 139

This Act provides for limited liability for certain liquefied petroleum gas providers in certain circumstances.

The Act enacts O.C.G.A. Section 51-1-51.  
Effective July 1, 2005.

#### HB 416

This Act provides that a physical impairment shall be an essential element of an asbestos or silica claim and provides for a limitations period for filing such a claim. The Act provides for dismissal of pending claims under certain conditions and establishes general rules applicable to new filings. The Act also provides for forum non conveniens, venue, and joinder and consolidation of claims in asbestos and silica cases.

The Act enacts O.C.G.A. Sections 51-14-1 through 51-14-10.  
Effective April 12, 2005.

#### SB 3

This Act provides for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular. The Act also provides for legislative findings, venue in actions with joint defendants, and courts declining to follow the doctrine of forum non conveniens in certain cases. The Act changes provisions relating to affidavits accompanying charges of professional malpractice and provides defendants access to plaintiff's health information in medical malpractice cases. The Act provides new procedures for damages for frivolous claims and defenses and establishes that certain apologies or similar statements by health care providers shall not be admitted as evidence in civil actions. The Act also changes provisions regarding expert opinions in certain malpractice civil actions and regarding establishment of liability and standard of care in certain actions relating to emergency health care. The Act changes provisions relating to apportionment of award according to degree of fault and relating to agency liability of hospitals. The Act also limits noneconomic damages in certain actions relating to health care.

The Act amends O.C.G.A. Titles 9, 24, 33, 43, and 51.  
Effective February 16, 2005, except as specifically detailed in the Act.

## TITLE 52 -- WATERS OF THE STATE

### **THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL**

**ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 501**

This Act amends numerous provisions of the Official Code of Georgia Annotated so as to substantially amend laws relating to the operation and regulation of motor vehicles and substantially revise the state administration of such laws. The Act creates the Department of Driver Services as a successor agency to the Department of Motor Vehicle Safety and provides for the new department to assume responsibility for driver's licensing services. The Act also substantially amends the provisions relating to drivers' licenses by changing the fees therefor, changing the licensing period, and changing the procedure for issuance, renewal, and suspension thereof.

The Act amends O.C.G.A. Titles 3, 8, 10, 15, 16, 17, 19, 20, 21, 24, 27, 32, 33, 35, 40, 42, 43, 44, 45, 46, 48, 50, and 52.

Effective July 1, 2005, except that the provisions regarding the terms of the members of the Board of Motor Vehicle Safety are effective May 2, 2005.

**TITLE 53 -- WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES**

**THE FOLLOWING BILLS WERE PASSED BY THE 2005 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

**HB 406**

This Act changes provisions relating to the duty of the trustee as to receipts and expenditures and provides for general principles relating to the allocation of principal and income. The Act provides for the discretionary power of a trustee to adjust the trust receipts between principal and income and outlines the procedure for conversion to a unitrust. The Act also provides for concurrent jurisdiction for probate courts and superior courts on certain matters.

The Act amends O.C.G.A. Sections 15-9-127, 53-12-192, 53-12-193, 53-12-211, and 53-12-218 and enacts O.C.G.A. Sections 53-12-220 through 53-12-222.

Effective July 1, 2005.