

Senate Bill 258

By: Senators Douglas of the 17th, Staton of the 18th, Johnson of the 1st, Shafer of the 48th,  
Balfour of the 9th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to  
2 exemptions from jury duty, so as to provide that any service member on ordered military  
3 duty and his or her spouse may be exempt from jury duty; to amend Article 3 of Chapter 4  
4 of Title 26 of the Official Code of Georgia Annotated, relating to the practice of pharmacy,  
5 so as to provide that a service member whose license expired while he or she was on duty  
6 outside the state may practice pharmacy on such expired license; to amend Code Section  
7 27-2-4 of the Official Code of Georgia Annotated, relating to honorary hunting and fishing  
8 licenses, so as to provide for an honorary license for returning veterans; to amend Article 2  
9 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance,  
10 expiration, and renewal of drivers' licenses, so as to provide that a service member whose  
11 driver's license expires while he or she is on military duty outside the state may drive on  
12 such expired license for six months; to amend Chapter 1 of Title 43 of the Official Code of  
13 Georgia Annotated, relating to general provisions relative to professions and businesses, so  
14 as to provide that a service member whose professional license expires while he or she is on  
15 military duty outside the state may use such expired license for six months; to amend Article  
16 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to general  
17 provisions relative to landlord and tenant, so as to provide that under certain circumstances  
18 a service member may terminate a residential rental agreement; to amend Article 1 of  
19 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to general  
20 provisions relative to telephone and telegraph service, so as to provide that a service member  
21 who is transferred may, under certain conditions, terminate a wireless telecommunications  
22 contract; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, is amended by inserting at the end thereof a new subsection to read as follows:

"(c)(1) As used in this subsection, the term 'ordered military duty' means any military duty performed in the service of the state or of the United States including but not limited to attendance at any service school or schools conducted by the armed forces of the United States by a public officer or employee as a voluntary member of the Georgia National Guard or the Georgia Air National Guard pursuant to orders issued by competent state and or federal authority which require a service member to be at least 50 miles from his or her home.

(2) Any service member on ordered military duty and the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of either a copy of the official military orders or a written verification signed by the service member's commanding officer of such duty."

**SECTION 2.**

Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the practice of pharmacy, is amended by inserting immediately following Code Section 26-4-44.1 a new Code section to read as follows:

"26-4-44.2.

(a) As used in this Code section, the term 'service member' means an active duty member of the Georgia National Guard or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(b) Any service member whose license issued pursuant to this article expired while such service member was serving on active duty outside the state shall be permitted to practice pharmacy in accordance with such expired license and shall not be charged with a violation of this chapter related to practicing pharmacy with an expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six months after the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the board either a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges."

**SECTION 3.**

Code Section 27-2-4 of the Official Code of Georgia Annotated, relating to honorary hunting and fishing licenses, is amended by inserting at the end thereof a new subsection to read as follows:

"(g)(1) As used in this subsection, the term 'returning veteran' means a person who is discharged from active duty as a member of the Georgia National Guard or the Georgia Air National Guard and who was on ordered federal duty for a period of 90 days or longer.

(2) The department shall issue an honorary hunting and fishing license to any returning veteran which shall entitle him or her to hunt and fish in this state without the payment of fees described in Code Section 27-2-23 for a period of one year following issuance. A returning veteran requesting such an honorary license shall provide proof of his or her discharge."

**SECTION 4.**

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of drivers' licenses, is amended by inserting at the end thereof the following:

"40-5-37.

(a) As used in this Code section, the term 'service member' means an active duty member of the Georgia National Guard or the Georgia Air National Guard who is on ordered federal duty for a period of 90 days or longer.

(b) Any service member whose Georgia driver's license expired while such service member was serving on active duty outside the state shall be permitted to operate a motor vehicle in accordance with such expired license and shall not be charged with a violation of Code Section 40-5-20 for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the department either a copy of the official military orders or a written verification signed by the service member's commanding officer to waive charges."

**SECTION 5.**

Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to professions and businesses, is amended by inserting at the end thereof the following:

1 "43-1-31.

2 (a) As used in this Code section, the term 'service member' means an active duty member  
3 of the Georgia National Guard or the Georgia Air National Guard on ordered federal duty  
4 for a period of 90 days or longer.

5 (b) Any service member whose license to practice a profession issued pursuant to any  
6 provision of this title expired while such service member was serving on active duty  
7 outside the state shall be permitted to practice such profession in accordance with such  
8 expired license and shall not be charged with a violation of this title related to practicing  
9 a profession with an expired license for a period of six months from the date of his or her  
10 discharge from active duty or reassignment to a location within the state. Any such service  
11 member shall be entitled to renew such expired license without penalty within six months  
12 after the date of his or her discharge from active duty or reassignment to a location within  
13 the state. The service member must present to the applicable professional licensing board  
14 either a copy of the official military orders or a written verification signed by the service  
15 member's commanding officer to waive any charges."

16 **SECTION 6.**

17 Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to  
18 general provisions relative to landlord and tenant, is amended by inserting at the end thereof  
19 a new Code section to read as follows:

20 "44-7-22.

21 (a) As used in this Code section, the term 'service member' means an active duty member  
22 of the Georgia National Guard or the Georgia Air National Guard on ordered federal duty  
23 for a period of 90 days or longer.

24 (b) Any service member may terminate his or her residential rental or lease agreement by  
25 providing the landlord with a written notice of termination to be effective on the date stated  
26 in the notice that is at least 30 days after the landlord's receipt of the notice if any of the  
27 following criteria are met:

28 (1) The service member is required, pursuant to a permanent change of station orders,  
29 to move 35 miles or more from the location of the rental premises;

30 (2) The service member is released from active duty or state active duty after having  
31 leased the rental premises while on active duty status and the rental premises is 35 miles  
32 or more from the service member's home of record prior to entering active;

33 (3) After entering into a rental agreement, the service member receives military orders  
34 requiring him or her to move into government quarters or the service member becomes  
35 eligible to live in and opts to move into government quarters;

1 (4) The service member receives temporary duty orders, temporary change of station  
2 orders, or state active duty orders to an area 35 miles or more from the location of the  
3 rental premises, provided such orders are for a period exceeding 60 days; or

4 (5) The service member has leased the property but prior to taking possession of the  
5 rental premises receives a change of orders to an area that is 35 miles or more from the  
6 location of the rental premises.

7 (c) The notice to the landlord pursuant to subsection (b) of this Code section must be  
8 accompanied by either a copy of the official military orders or a written verification signed  
9 by the service member's commanding officer.

10 (d) In the event a service member dies during active duty, an adult member of his or her  
11 immediate family may terminate the service member's residential rental or lease agreement  
12 by providing the landlord with a written notice of termination to be effective on the date  
13 stated in the notice that is at least 30 days after the landlord's receipt of the notice. The  
14 notice to the landlord must be accompanied by either a copy of the official military orders  
15 showing the service member was on active duty or a written verification signed by the  
16 service member's commanding officer and a copy of the service member's death  
17 certificate.

18 (e) Upon termination of a rental agreement under this Code section, the service member  
19 is liable for the rent due under the rental agreement prorated to the effective date of the  
20 termination payable at such time as would have otherwise been required by the terms of  
21 the rental agreement. The service member is not liable for any other rent or damages due  
22 to the early termination of the tenancy as provided for in this subpart. Notwithstanding any  
23 provision of law to the contrary, if a service member terminates the rental agreement  
24 pursuant to this Code section 14 or more days prior to occupancy, no damages or penalties  
25 of any kind will be assessable.

26 (f) The provisions of this Code section shall apply to all residential rental or lease  
27 agreements entered into on or after July 1, 2005, and to any renewals, modifications, or  
28 extensions of such agreements in effect on such date. The provisions of this Code section  
29 may not be waived or modified by the agreement of the parties under any circumstances."

### 30 SECTION 7.

31 Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to  
32 general provisions relative to telephone and telegraph service, is amended by inserting at the  
33 end thereof the following:

1 "46-5-8.

2 (a) As used in this Code section, the term 'service member' means an active duty member  
3 of the Georgia National Guard or the Georgia Air National Guard on ordered federal duty  
4 for a period of 90 days or longer.

5 (b) Any service member may terminate his or her wireless telecommunications service  
6 contract by providing the wireless telecommunications provider with a written notice of  
7 termination, effective on the date specified in the notice, which date shall be at least 30  
8 days after receipt of the notice by the wireless telecommunications provider, if any of the  
9 following criteria are met:

10 (1) The service member is required, pursuant to a permanent change of station orders,  
11 to move outside the area served by the wireless telecommunications provider or to an area  
12 where the type of wireless telecommunications service being provided to the service  
13 member is not available from the wireless telecommunications provider;

14 (2) The service member is discharged or released from active duty or state active duty  
15 and will return from such duty to an area not served by the wireless telecommunications  
16 provider or where the type of telecommunications service contracted for is not available  
17 from the wireless telecommunications provider;

18 (3) The service member is released from active duty after having entered into a contract  
19 for wireless telecommunications service while on active duty status and the wireless  
20 telecommunications provider does not provide telecommunications service or the same  
21 type of wireless telecommunications service contracted for in the region of the service  
22 member's home of record prior to entering active duty;

23 (4) The service member receives military orders requiring him or her to move outside  
24 the continental United States; or

25 (5) The service member receives temporary duty orders, temporary change of station  
26 orders, or active duty or state active duty orders to an area not served by the wireless  
27 telecommunications provider or where the type of wireless telecommunications service  
28 contracted for is not available from the wireless telecommunications provider, provided  
29 such orders are for a period exceeding 60 days.

30 (c) The written notice to the wireless telecommunications provider must be accompanied  
31 by either a copy of the official military orders or a written verification signed by the service  
32 member's commanding officer.

33 (d) Upon termination of a contract under this Code section, the service member is liable  
34 for the amount due under the contract prorated to the effective date of the termination  
35 payable at such time as would have otherwise been required by the terms of the contract.  
36 The service member is not liable for any other fees due to the early termination of the  
37 contract as provided for in this Code section.

1 (e) The provisions of this Code section shall apply to any contract for wireless  
2 telecommunications service entered into on or after July 1, 2005, and to any renewals,  
3 modifications, or extensions of any such contract in effect on such date and may not be  
4 waived or modified by the agreement of the parties under any circumstances."

5 **SECTION 8.**

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