

House Bill 922

By: Representatives Jacobs of the 80th, Millar of the 79th, Chambers of the 81st, Levitas of the 82nd, Ralston of the 7th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to fraud and related offenses, so as to provide for additional methods of committing
3 the offense of deceptive business practices; to prohibit certain violations of a county's or
4 municipality's competitive bidding procedures; to increase penalties for second and
5 subsequent offenses; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud
10 and related offenses, is amended by revising Code Section 16-9-50, relating to deceptive
11 business practices, as follows:

12 "16-9-50.

13 (a) A person commits the offense of using a deceptive business practice when in the
14 regular course of business ~~he~~ such person knowingly:

15 (1) Uses or possesses for use a false weight or measure or any other device for falsely
16 determining or recording any quality or quantity;

17 (2) Sells, offers, or exposes for sale or delivers less than the represented quality or
18 quantity of any commodity; ~~or~~

19 (3) Takes or attempts to take more than the represented quantity of any commodity when
20 as buyer he or she furnishes the weight or measure; or

21 (4) Violates a county's or municipality's competitive bidding or contract approval policy
22 or procedure by:

23 (A) Soliciting, authorizing, or awarding a contact within one year after the county or
24 municipality authorized or awarded one or more other contracts to the same vendor for
25 the same or similar goods or services, where the value of each contract is less than a
26 monetary threshold which would trigger a requirement for competitive bidding, but

1 which contracts together have a value greater than such competitive bidding threshold;
2 or
3 (B) Soliciting, authorizing, or awarding a contract within one year after the county or
4 municipality authorized or awarded one or more other contracts to the same vendor for
5 the same or similar goods or services, where the value of each contract is less than a
6 monetary threshold which would trigger a requirement for approval by vote of the
7 governing authority of the county or municipality, but which contracts together have
8 a value greater than such approval threshold.

9 (b) Any person who commits the offense of using a deceptive business practice shall, upon
10 the first offense, be guilty of a misdemeanor, and, upon the second and each subsequent
11 offense, such person shall be guilty of a misdemeanor of a high and aggravated nature.

12 **SECTION 2.**

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