

Senate Bill 368

By: Senators Jackson of the 24th, Murphy of the 27th, Williams of the 19th, Rogers of the 21st, Goggans of the 7th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to
2 unfair or deceptive practices under the "Fair Business Practices Act of 1975," so as to change
3 provisions relating to deceptive representations or designations of geographic origin; to
4 revise provisions relative to unlawful telephone directory listings of nonlocal businesses; to
5 require registration of assumed or fictitious trade names; to prohibit the use of assumed or
6 fictitious trade names to intentionally misrepresent geographic origin or location; to provide
7 for other related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or
11 deceptive practices under the "Fair Business Practices Act of 1975," is amended by revising
12 subparagraph (b)(4)(A) as follows:

13 "(4)(A) Using deceptive representations or designations of geographic origin in
14 connection with goods or services. Without limiting the generality of the foregoing, it
15 is specifically declared to be unlawful to violate the provisions of paragraph (4.1) of
16 this subsection or the following provisions of this paragraph:

17 (i) For any nonlocal business to publish in any local telephone classified advertising
18 directory any advertisement containing a local telephone number or a toll-free number
19 for the business unless the advertisement clearly states the nonlocal location of the
20 business; or

21 (ii) For any nonlocal business to cause to be listed in any nonclassified advertising
22 local telephone directory a local telephone number for the business if calls to the
23 number are routinely forwarded or otherwise transferred to the nonlocal business
24 location that is outside the calling area covered by such local telephone directory and
25 the listing fails to state clearly the principal place of business of the nonlocal
26 business."

27 **SECTION 2.**

28 Said Code section is further amended by adding a new paragraph to subsection (b) to read
29 as follows:

30 "(4.1) Failure to comply with the following provisions relating to assumed or fictitious
31 trade names:

32 (A) No person, partnership, limited liability company, or corporation shall conduct or
33 transact business in this state under any assumed or fictitious name unless such person,
34 partnership, limited liability company, or corporation shall sign and acknowledge a
35 certificate setting forth the name under which such business is to be conducted or
36 transacted and the names of each person, partnership, limited liability company, or
37 corporation owning the same, with their respective post office and residence addresses,
38 and:

39 (i) When the partnership or limited liability company is a foreign limited partnership
40 or limited liability company, the date of the certificate of registration to transact
41 business in this state issued to it by the Secretary of State; or

42 (ii) When the corporation is a foreign corporation, the date of the certificate of
43 authority to transact business in this state issued to it by the Secretary of State;

44 and shall file the same in the office of the clerk of the court in which deeds are recorded
45 in the county or city wherein the business is to be conducted; and

46 (B) No person, partnership, limited liability company, or corporation shall use an
47 assumed or fictitious name in the conduct of its business to intentionally misrepresent
48 the geographic origin or location of any such person or entity;"

49 **SECTION 3.**

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