

House Bill 1474

By: Representative Sellier of the 136th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and
2 trade, so as to require publishers and distributors of unsolicited newspapers to create and
3 maintain a Do Not Receive Registry; to prohibit the delivery of unsolicited newspapers to
4 residents who are on the registry; to provide for definitions; to provide for civil and criminal
5 penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
9 amended by adding a new chapter to read as follows:

10 "CHAPTER 16

11 10-16-1.

12 As used in this chapter, the term:

13 (1) 'Deliver' means to distribute, deposit, throw, cast, or place, or cause or permit to be
14 distributed, deposited, thrown, cast, or placed, directly or indirectly by an agent,
15 employee, or otherwise, but shall not include delivery by the United States Postal Service
16 or by a commercial courier or a commercial package delivery service that allows
17 customers to track the status of their shipments by destination, date, and time of delivery
18 or by handing directly to the owner or occupant then present on the property.

19 (2) 'Distributor' means a person, other than a publisher, who engages in the business of
20 circulating or delivering newspapers.

21 (3) 'Do Not Receive Registry' means a registry created and maintained by a publisher or
22 distributor that consists of those residents that do not wish to receive an unsolicited
23 newspaper from the business.

24 (4) 'Newspaper' means any publication issued yearly, monthly, or more frequently,
25 whether in broadsheet, tabloid, or other sheet or booklet form, containing information or
26 editorials on current events or news of general or local interest and commercial
27 advertising and information, irrespective of content, subject matter, or viewpoint, and
28 shall include without limitation a newspaper of general circulation or any newspaper duly
29 entered with the United States Postal Service.

30 (5) 'Person' means any individual, partnership, association, fiduciary, corporation, or
31 organized group of persons, whether or not incorporated.

32 (6) 'Publisher' means a person who engages in the business of printing and issuing for
33 circulation or causing to be printed and issued for circulation a newspaper.

34 (7) 'Resident' means an owner or occupant of a premises in this state having a mailing
35 address.

36 (8) 'Unsolicited newspaper' means a newspaper to which no resident of the premises to
37 which it is delivered currently subscribes.

38 10-16-2.

39 (a) Any publisher or distributor shall prominently and conspicuously print or cause to be
40 printed all of the following information on the front cover of any unsolicited newspaper to
41 be delivered to any resident:

42 (1) A statement in boldface type that reads, 'IF YOU NO LONGER WISH TO
43 RECEIVE THIS NEWSPAPER, PLEASE CALL THE FOLLOWING NUMBER,
44 WRITE TO THE FOLLOWING ADDRESS, OR E-MAIL THE FOLLOWING E-MAIL
45 ADDRESS:'; and

46 (2) A toll-free number, a mailing address, and an e-mail address and Internet website for
47 the business that the resident may use to provide verbal, written, or electronic notice to
48 the publisher or distributor that the resident no longer wishes to receive the unsolicited
49 newspaper and requests to be entered into the Do Not Receive Registry.

50 (b) Any publisher or distributor shall include on its Internet website its e-mail address
51 under subsection (a) of this Code section and information that is prominently and
52 conspicuously placed on how a resident may enter his or her name and mailing address and
53 verify that his or her name and mailing address has been entered into the Do Not Receive
54 Registry.

55 10-16-3.

56 (a) The publisher or distributor shall enter the name and mailing address of each resident
57 into its Do Not Receive Registry who notifies such publisher or distributor that the resident
58 no longer wishes to receive the unsolicited newspaper.

59 (b) The publisher or distributor shall not remove the name and mailing address of the
60 resident from its Do Not Receive Registry unless the publisher or distributor receives
61 notice from the resident to remove the resident's name and mailing address from such
62 registry.

63 10-16-4.

64 (a) A publisher or distributor shall not distribute an unsolicited newspaper to a resident
65 who notifies such publisher or distributor that the resident no longer wishes to receive the
66 newspaper.

67 10-16-5.

68 Any person convicted of a violation of this chapter shall be guilty of a misdemeanor.

69 10-16-6.

70 Any person aggrieved by a violation of this chapter may, in a civil action in any court of
71 competent jurisdiction, obtain appropriate relief, including preliminary and other equitable
72 or declaratory relief, compensatory and punitive damages, reasonable investigation
73 expenses, cost of suit, and reasonable attorney's fees."

74 **SECTION 2.**

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