

House Bill 267

By: Representatives Willard of the 49th and Wilkinson of the 52nd

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to clarify certain
3 provisions regarding confidentiality of certain information; to allow the administrator to
4 provide for disconnection of telephone service under certain circumstances; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
9 relating to the "Fair Business Practices Act of 1975," is amended by revising subsection (d)
10 of Code Section 10-1-393, relating to unfair or deceptive practices in consumer transactions
11 being unlawful, as follows:

12 "(d) Notwithstanding any other provision of the law to the contrary, the names, addresses,
13 telephone numbers, social security numbers, or any other information which could
14 reasonably serve to identify any person making a complaint about unfair or deceptive acts
15 or practices shall be confidential. However, the complaining party may consent to public
16 release of his or her identity by giving such consent expressly, affirmatively, and directly
17 to the administrator or administrator's employees. Nothing contained in this subsection
18 shall be construed: (1) to prevent the subject of the complaint, or any other person to whom
disclosure to the administrator from disclosing the complainant's identity may if the
administrator believes that disclosure will aid in resolution of the complaint, from being
informed of the identity of the complainant; (2) to prohibit any valid discovery under the
22 relevant discovery rules; or (3) to prohibit the lawful subpoena of such information."

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SECTION 2.

24 Said part is further amended in Code Section 10-1-397, relating to the authority of the
25 administrator to issue cease and desist orders or impose civil penalties, judicial relief, and
26 receivers, by adding a new subsection to read as follows:

27 "(f)(1) Whenever the administrator issues a cease and desist order to any person
28 regarding a violation of paragraph (4) of subsection (b) of Code Section 10-1-393, the
29 administrator may certify to the appropriate local or long distance carrier responsible for
30 billing such person to disconnect the telephone service furnished to such person and that
31 subsequent calls to that number shall not be referred by the carrier to any new telephone
32 number obtained by or any existing number registered to that person.

33 (2) If the carrier fails to comply with the certification for disconnection of such service
34 within 20 days after the order is final, the administrator shall inform the Public Service
35 Commission of such failure to comply, and the Public Service Commission shall require
36 the carrier furnishing services to that person to disconnect the telephone service to the
37 telephone number for such person and that subsequent calls to that number shall not be
38 referred by the carrier to any new telephone number obtained by or any existing number
39 registered to that person.

40 (3) The carrier shall not be made a party to any proceedings under this part for
41 complying with the requirement of this subsection but shall have a right to be heard as
42 a third party in any such proceedings.

43 (4) The suspension of telephone service under this subsection shall remain in effect in
44 perpetuity unless the administrator certifies to the carrier that the matter has been
45 resolved.

46 (5) Nothing contained in this subsection shall limit or restrict the right of the carrier to
47 place its own restrictions, guidelines, or criteria, by whatever name denominated, upon
48 the use of such telephone service, provided such restrictions, guidelines, or criteria do not
49 conflict with the provisions of this subsection."

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SECTION 3.

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